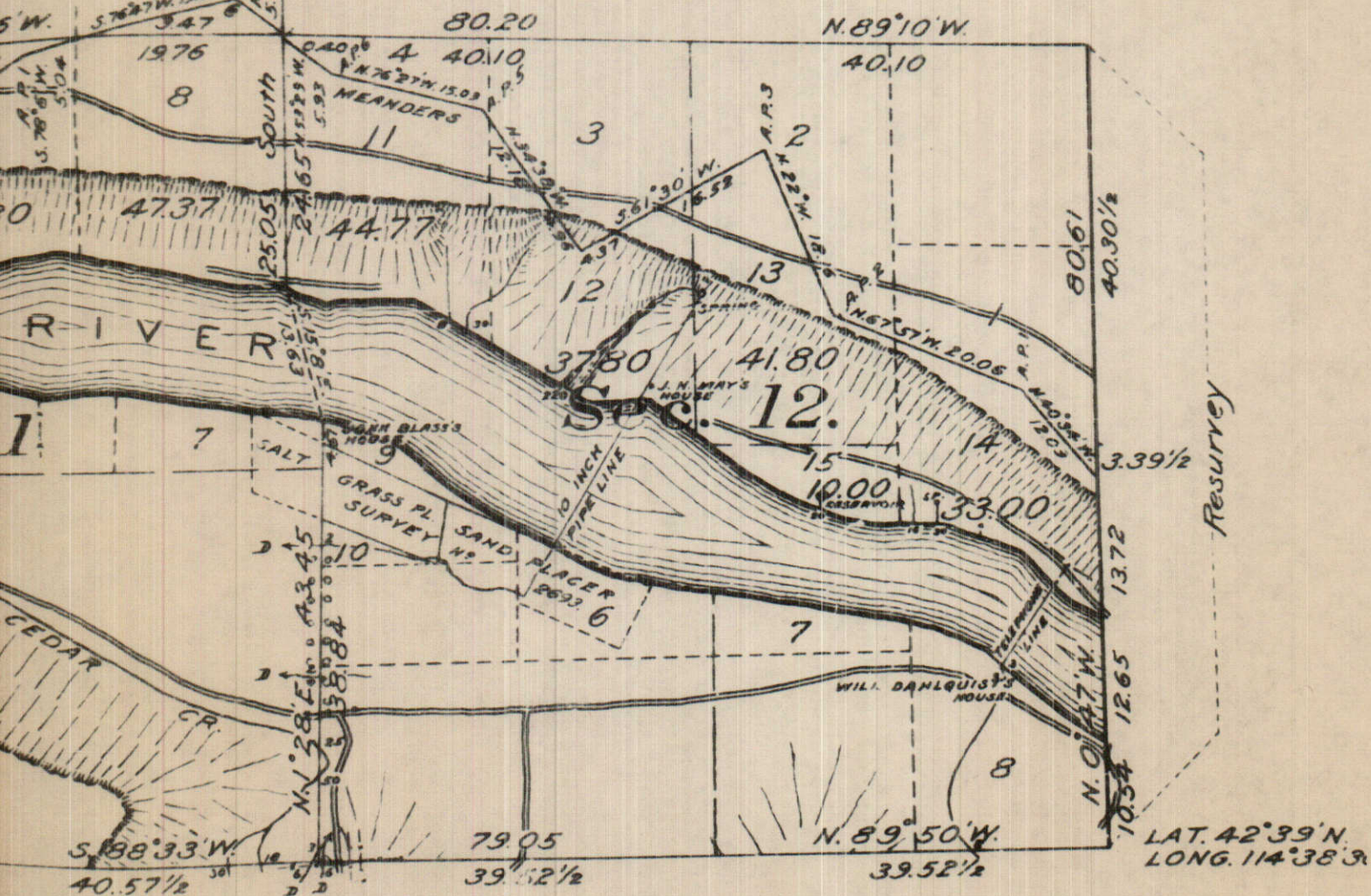
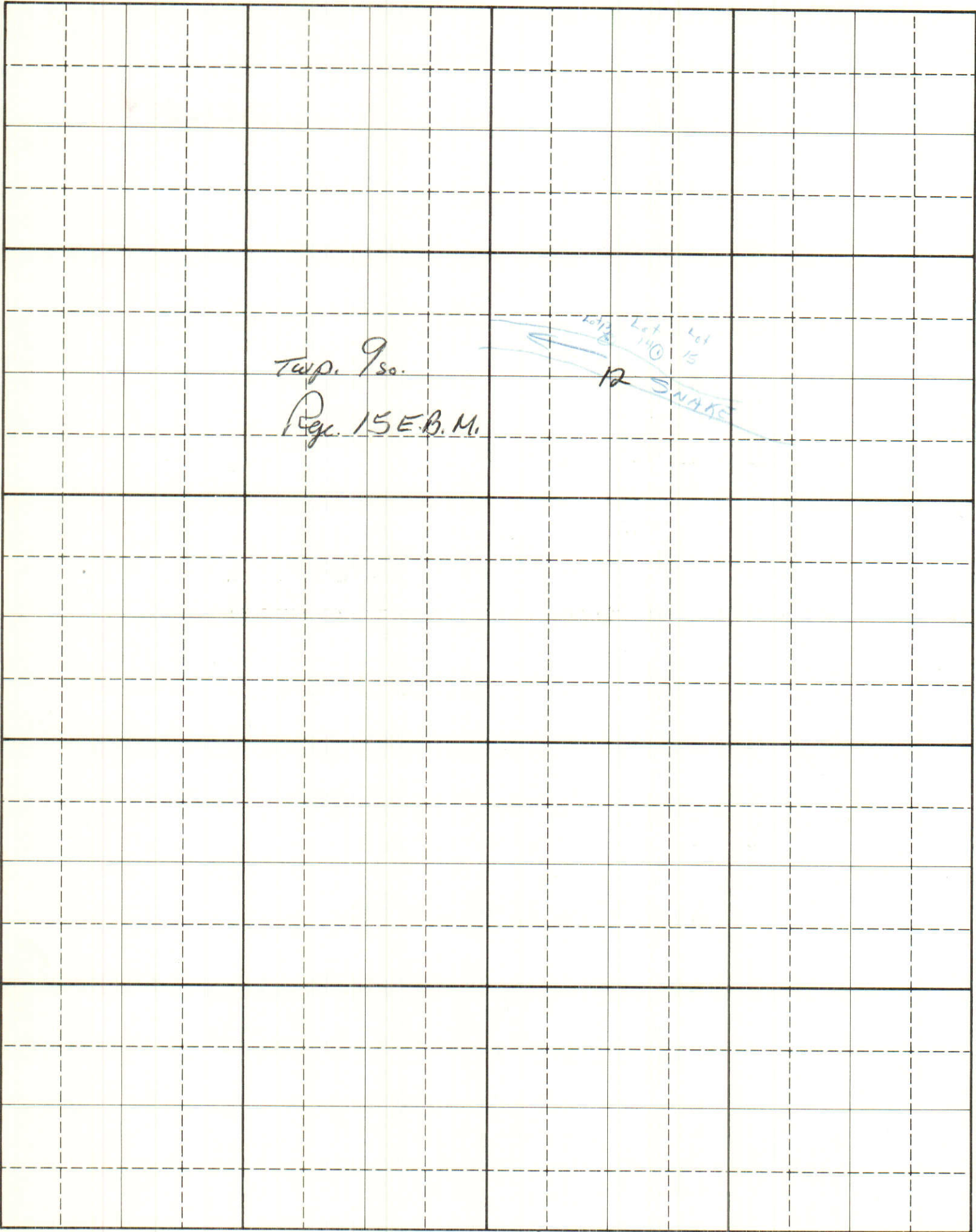


Hand-drawn map of a river section with survey data. The map shows a river flowing from left to right, with a section labeled "RIVER" and another labeled "CEDAR CR.". Survey lines are drawn across the river and land, with bearings and distances noted. Key bearings include S. 76° 27' W. 15.64, S. 70° 06' W. 5.04, S. 79° 18' W. 5.73, S. 52° 18' W. 79.68, S. 50° 28' W. 40.00, S. 58° 33' W. 40.57 1/2, and S. 20° 05' W. 25.05. Distances like 19.76, 47.37, and 43.45 are also marked. The map is divided into sections numbered 5, 7, and 8.



February 19, 1968
Stephen M. King
 Director

11. Map of proposed project:



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.

Clear Springs Trout Co.
Jess O. Eastman Jr.
(Applicant) President

Affidavit of Publication

RECEIVED

State of Idaho, }
County of Gooding } SS.

SEP 10 1969

Department of Reclamation

Thomas D. Miller, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the

first publication of said advertisement was on the 21 day

of August, 1969, and the date of the last publication

was on the 28 day of August, 1969.

Thomas D. Miller

Subscribed and sworn to before me this 9

day of September, 1969
(SEAL)

Andrew C. Belsher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

Lines at 14c

Lines at 10c

TOTAL COST

*Bill submitted
9-10-69 ds*

COPY OF NOTICE

Title of Notice

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Clear Springs Trout Company, Box 106, Buhl, Idaho has on July 8, 1969 applied for permit under application No. 47-7071 to divert 300 cubic feet per second of water from Crystal Springs tributary of the Snake River. Water will be diverted by diversion dams, headgate, pipe, ditches and concrete and dirt raceways within the Lot 13 (SW 1/4 NE 1/4 - three points), Lot 15 (NW 1/4 SE 1/4 - one point), Sec. 12 T. 9 S, R. 15 E, B.M., Gooding County and is to be used from January 1 to December 31 for fish propagation in the Lots 13, 14, and 15, Sec. 12, T. 9 S, R. 15 E, B. M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. Keith Higginson
State Reclamation
Engineer

8-12-2tc

*No. of
application after
changed advertising!*

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956	
7 pt. per line, straight	14c
7 pt. per line, tabular	20c
7 pt. per line, successive	
insertions	10c
6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive	
insertion	10c

Nº

576

36-7083

Clear Springs Trout Co.
Crystal Springs Unit
West Inlet Rating
April 1, 1977

Permit Nos. 36-7083, 36-7151

DISCHARGE - CFS

300

250

200

150

April 5, 1977

Sept. 4, 1974

Nov. 12, 1976

May 29, 1976

Measured Points

.5 .6 .7 .8 .9 1.0 1.1 1.2 1.3 1.4 1.5

46 1320

10 X 10 TO 1/2 INCH X 10 LINES
K & L KROFFEL & ESSER CO. MADE IN U.S.A.

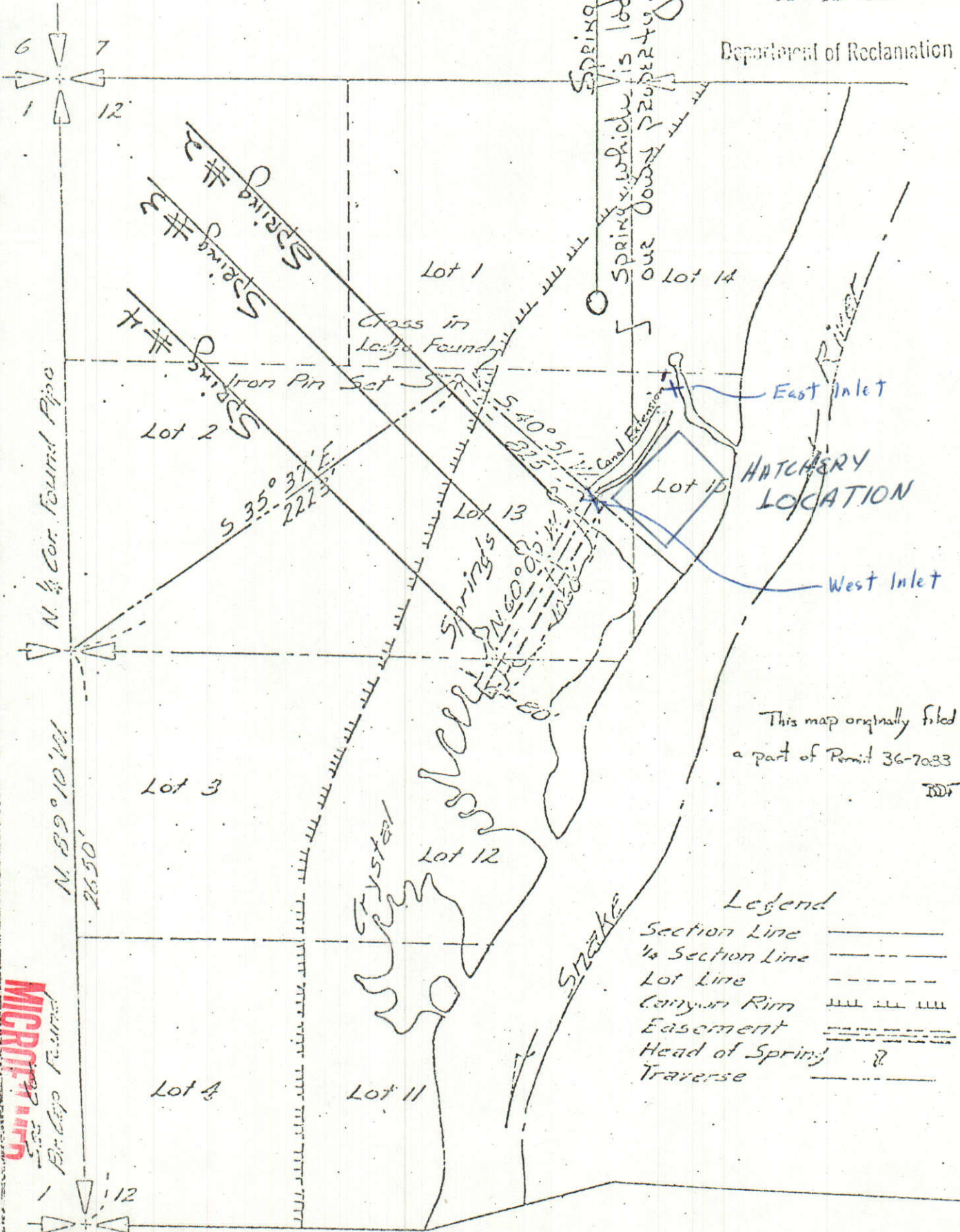
MAP-B

Department of Water Resources
Southern District Office

RECEIVED

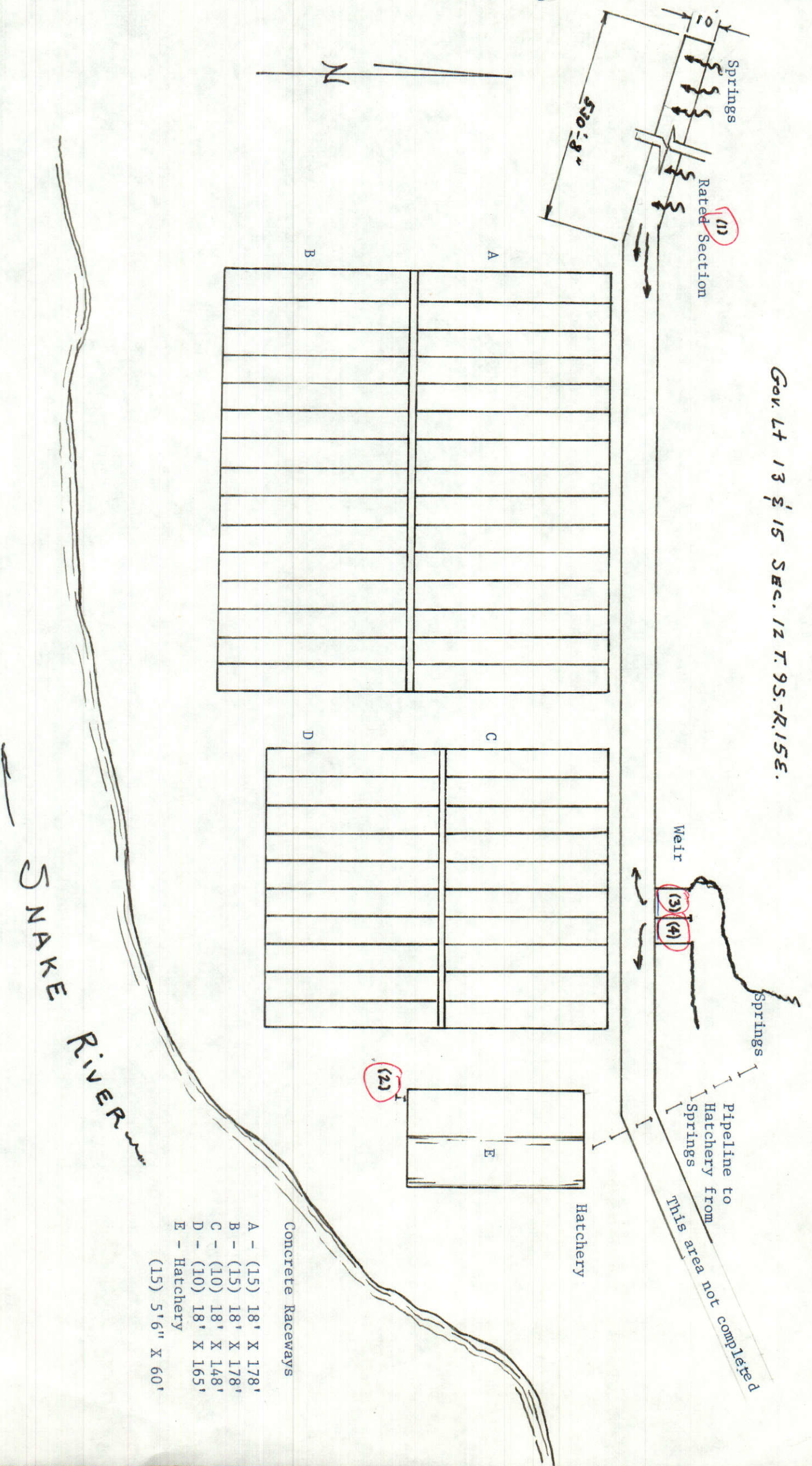
DEC 12 1969

Department of Reclamation



MAP-A

Gov. Lt 13 & 15 SEC. 12 T. 9S.-R. 15E.



Concrete Raceways

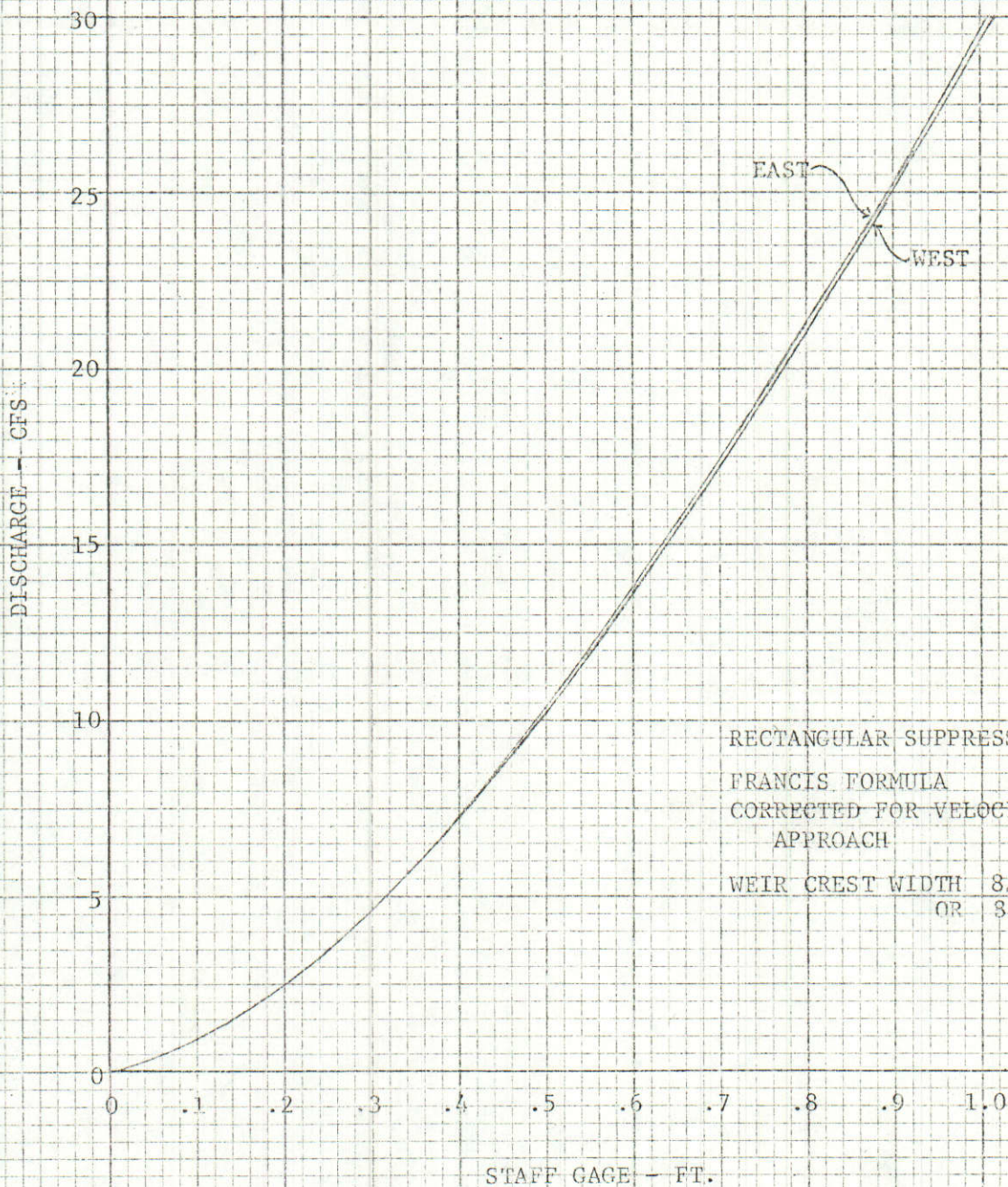
- A - (15) 18' X 178'
- B - (15) 18' X 178'
- C - (10) 18' X 148'
- D - (10) 18' X 165'
- E - Hatchery
- (15) 5'6" X 60'

MICROFILMED



CHART #1

CLEAR SPRINGS TROUT COMPANY
CRYSTAL SPRINGS
DOUBLE WEIR INLET
PERMIT NO. 36-7083
36-7151



CRYSTAL SPRINGS HATCHERY
CLEAR SPRINGS TROUT CO.

CHART #3

GAGE READING - FT.

DISCHARGE - CFS

MICROFILMED

Four foot rectangular suppressed
weir
For a gage reading of 1.0', head
equals 0.0'
Francis formula with velocity of
approach

C.E. Brockway P.E.
August 1977

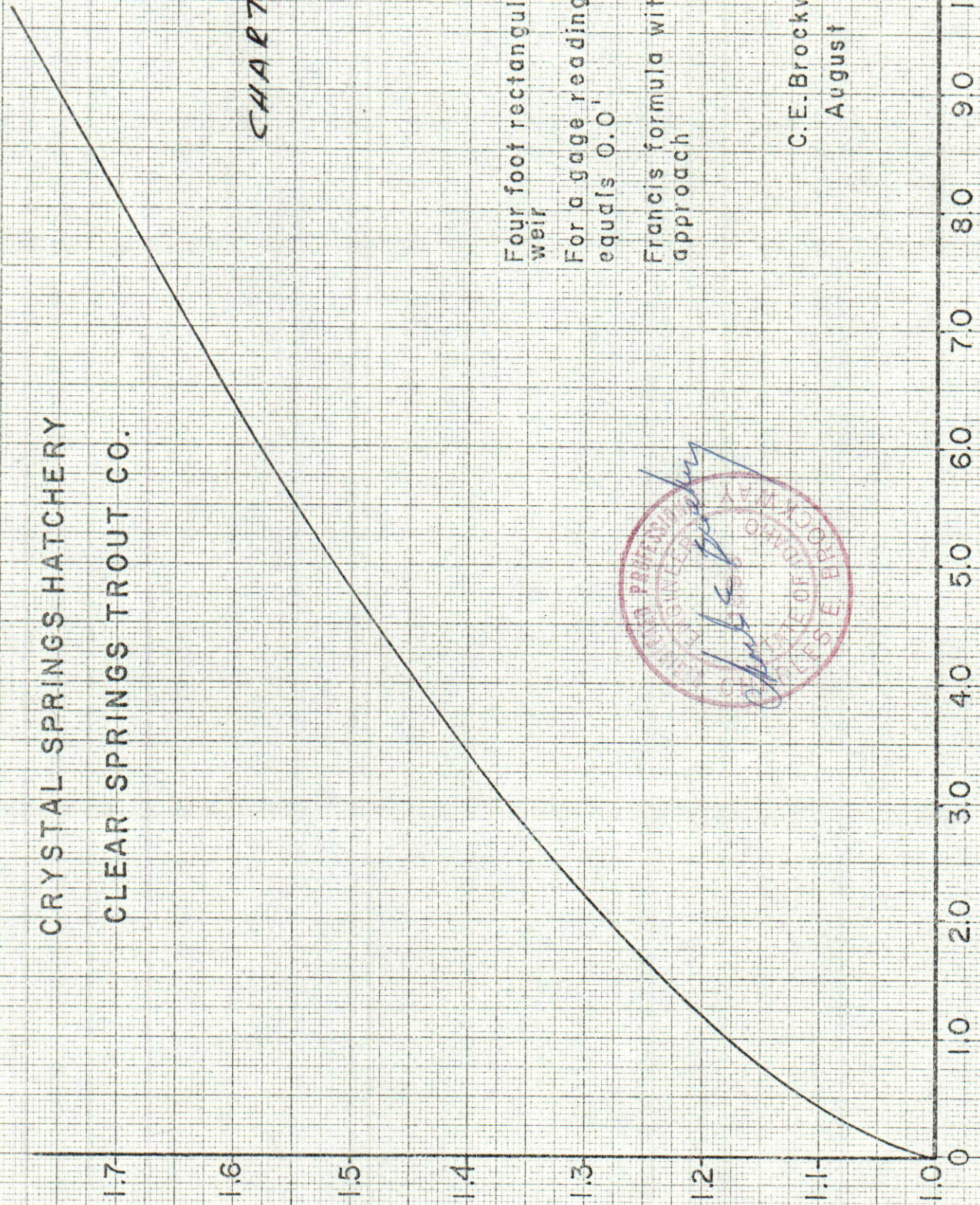
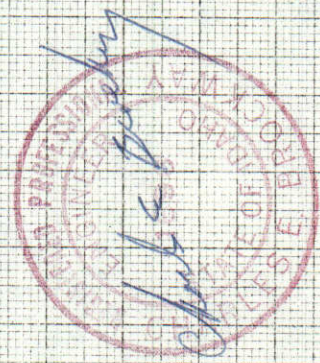


CHART #5

Clear Springs Trout Co.
Crystal Springs Unit
West Inlet Rating
April 5, 1977

Permit Nos. 36-7083, 36-7151

DISCHARGE - CFS

300

250

200

150

April 5, 1977

-Sept. 4, 1974

- Nov. 12, 1976

- May 29, 1976

Measured Points

STAFF GAGE- FT.



46 1320

10 X 10 TO 1/2 INCH 7 X 10 INCHES
KEU-FEL & ESSER CO. MADE IN U.S.A.

MICROFILMED

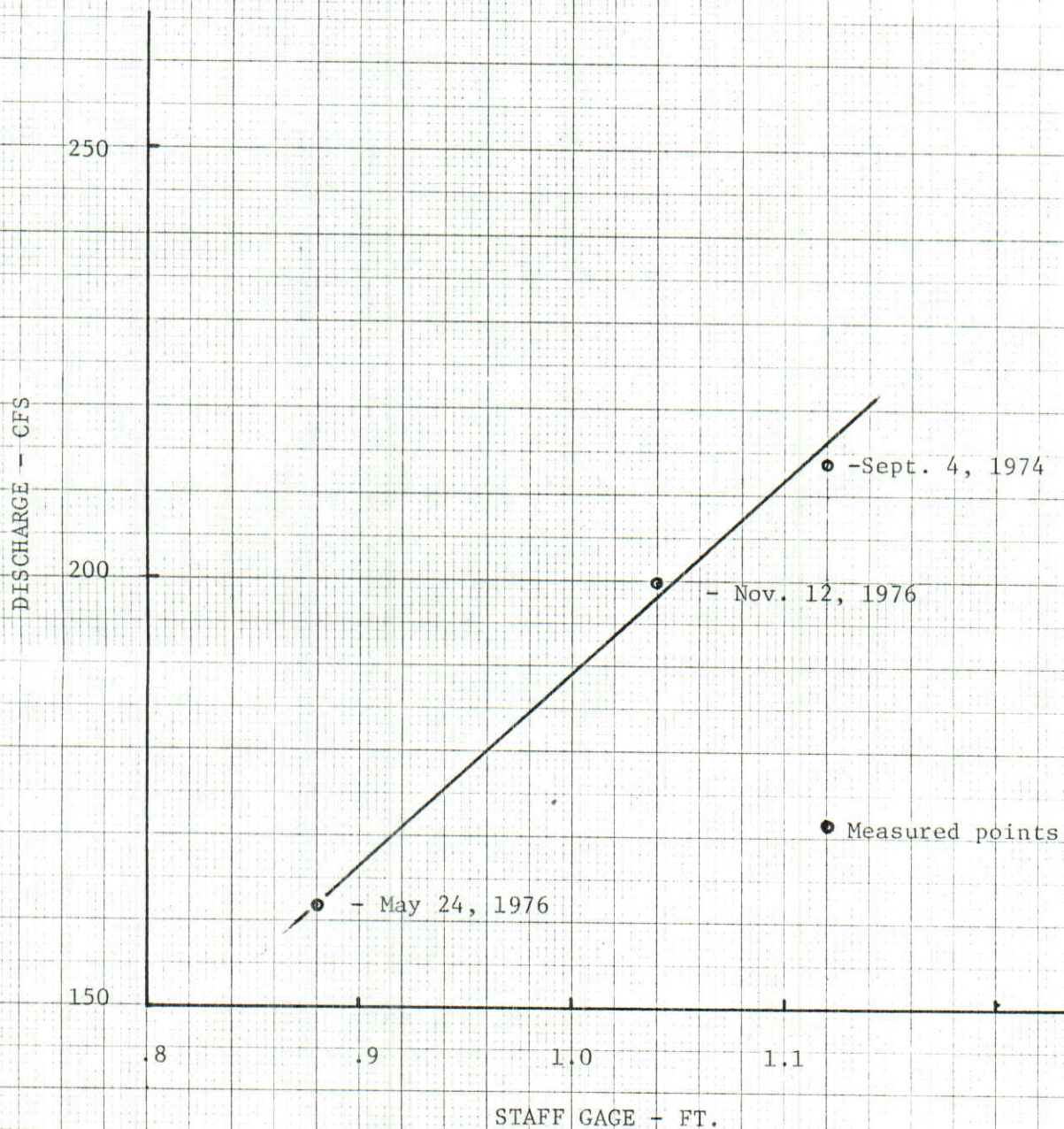
CLEAR SPRINGS TROUT COMPANY

CRYSTAL SPRINGS UNIT

WEST INLET RATING

November - 1976

Permit Nos. 36-7083, 36-7151

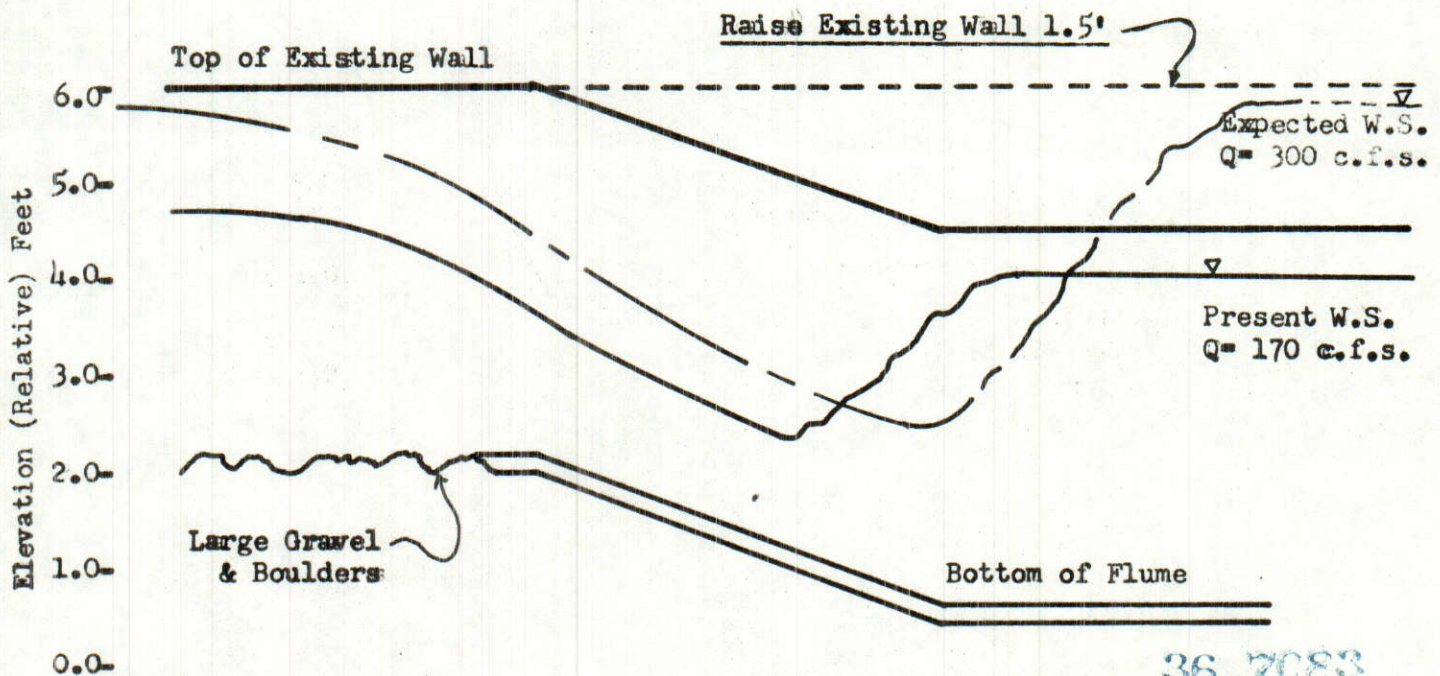
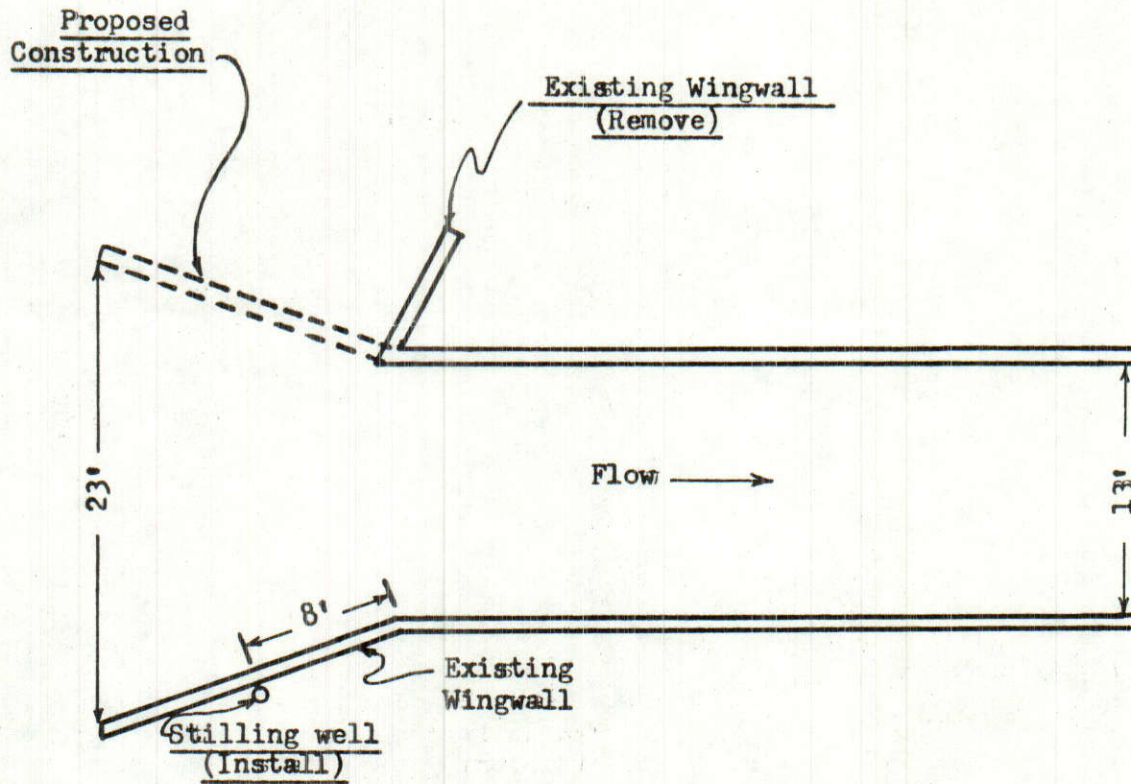


46 1320

10 X 10 TO 1/2 INCH
KEUFFEL & ESSER CO. MADE IN U.S.A.

UNPROCESSED

CLEAR SPRINGS TROUT CO.
UPPER UNIT
WEST INLET STRUCTURE



36 7083

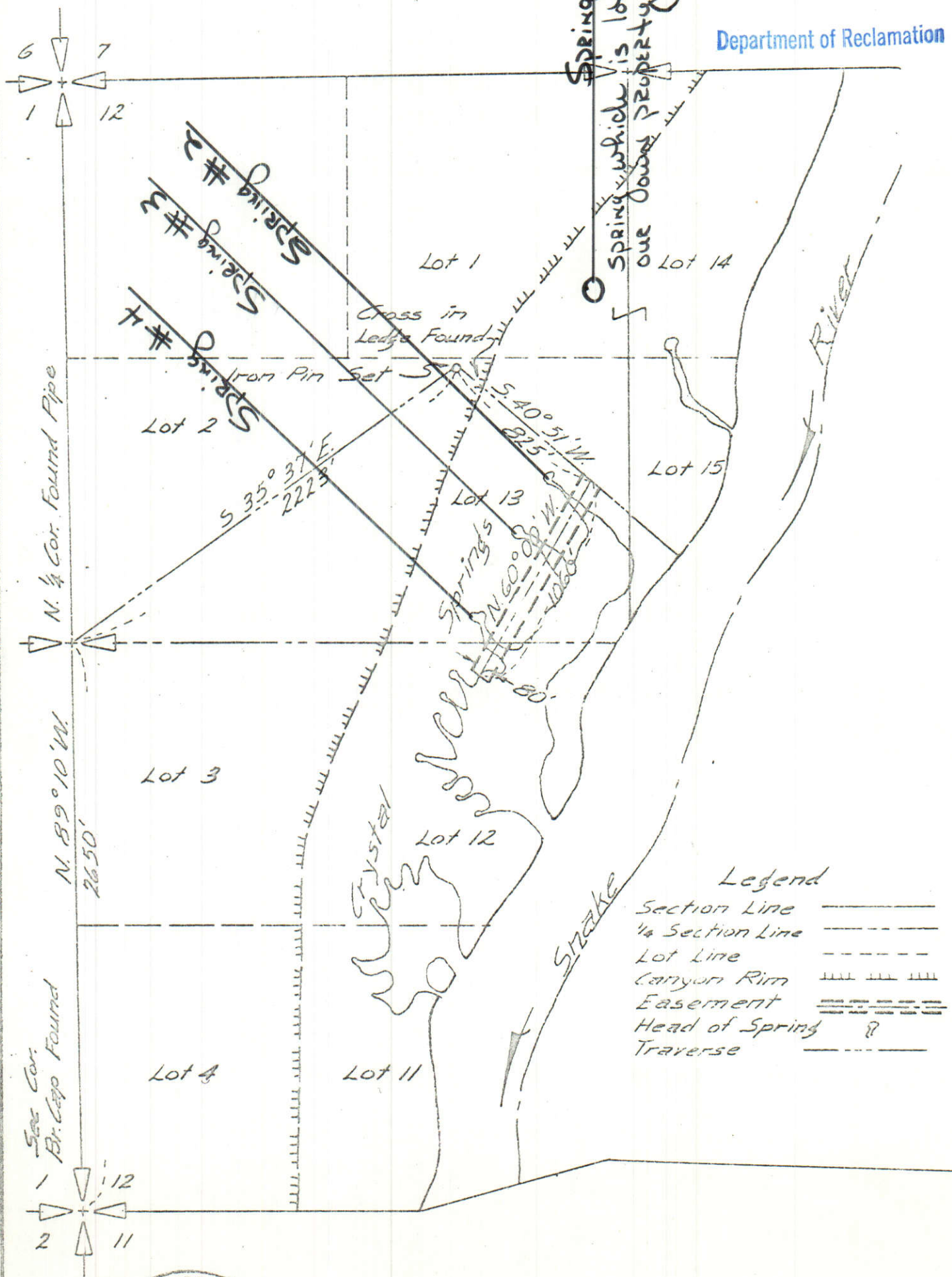
Property Survey
for Clear Springs Trout Co.
 in Lots 12 & 13, Sec. 12, T. 9 S., R. 15 E. B.M.

*File as
 Preliminary Application*

RECEIVED

DEC 12 1969

Department of Reclamation



THIS IS TO CERTIFY THAT THIS PLAT AND THE SURVEY UPON WHICH IT IS BASED ARE OF REASONABLE ACCURACY AND REPRESENT THE TRUE LOCATION OF THE TOPOGRAPHY SHOWN.

DATE July 15, 1969

SCALE: 1" = 600' DATE July 14, 1969 FILE NO. 146

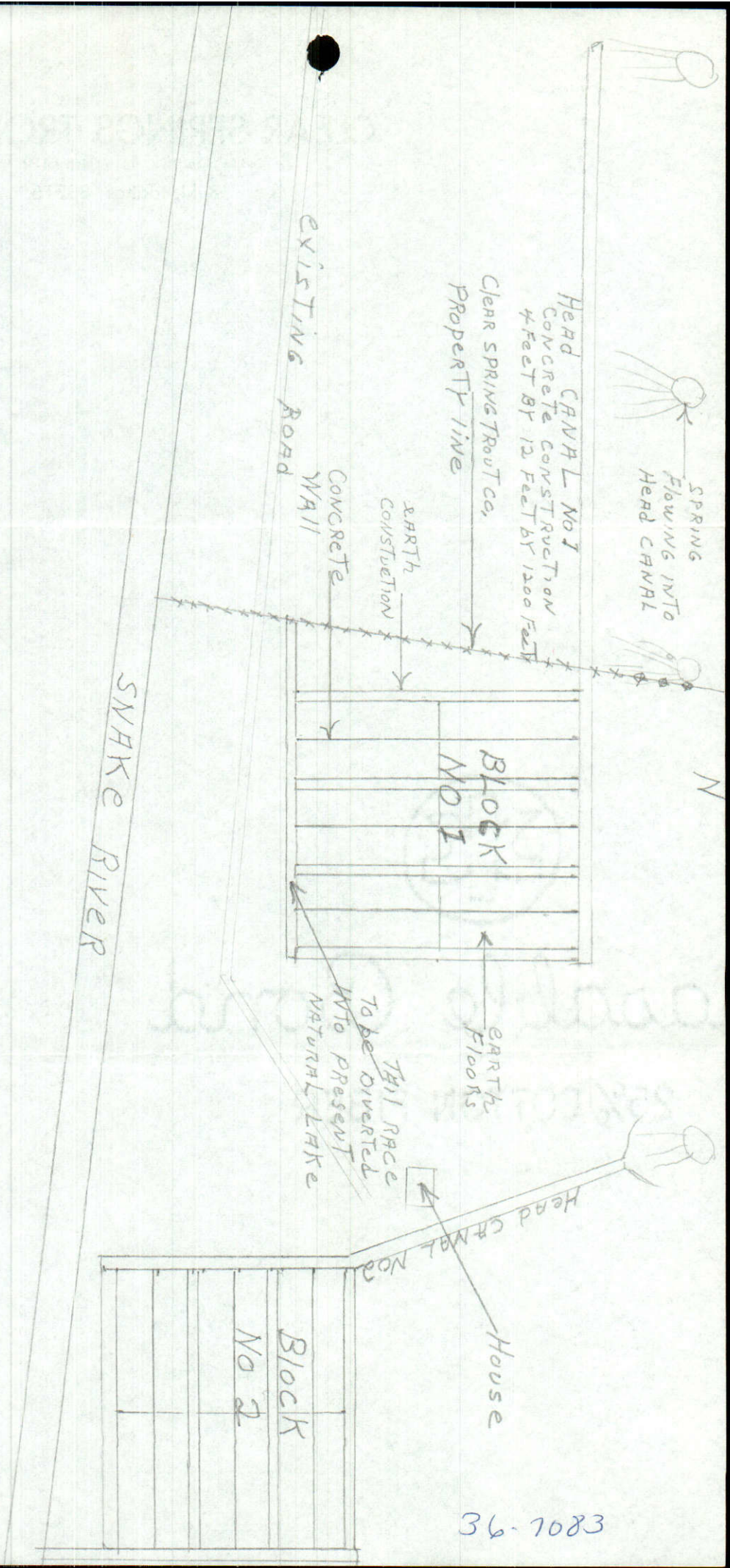
RIEDEL & STRAUBHAR
 CONSULTING ENGINEERS

1615 Addison Ave. E.

Twin Falls, Idaho

F.L.O.
 DRN.
 C.N.R.

36-7083



36-7083

CONSTRUCTION COST

\$ 63,000

RACEWAY DIMENSIONS

200 FEET LONG
60 FEET WIDE
4.5 FEET DEEP

EACH RACEWAY CAPABLE OF PRODUCING
125,000 POUNDS ANNUALLY.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 36-7083 Priority July 8, 1969 Amount 300.00 cfs

THIS IS TO CERTIFY, that CLEAR SPRINGS TROUT CO.

of Buhl, Idaho, has complied with the terms and conditions of Permit
No. 36-7083 issued pursuant to Application for Permit dated July 8, 1969,
and has submitted proof to the Department of Water Resources on February 24, 1977,
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 335.1 cfs of water from Crystal Springs,
tributary to the Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Fish Propagation	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>300.00</u> cfs and	<u>N/A</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 300.00 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
N/A acre feet per year, said waters to be diverted within the Gov't. Lots 12, 13, 14 &
15, Sec. 12, Twp. 9S, Rge. 15E in the County of Gooding

Description and location of place of use:

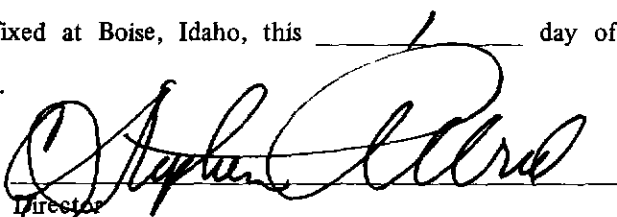
Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	15E	12			L. 15					L. 13									

Total number of acres irrigated _____

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this _____ day of
FEBRUARY, 19 78.


Director

RECEIVED

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

25 1978

Department of Water Resources

I, Farmers National Bank, hereby assign to Clear Springs Trout Co.
of Box 548, Buhl, Idaho 83316
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 36-7083
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 20th day of January, 19 78.

By The Farmers National Bank
Permit Holder James C. Benckert Attorney-in-fact

Spouse of Permit Holder _____

State of Idaho)
County of Twin Falls) ss.

On this 20th day of January, 19 78, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same, by subscribing the name of Farmers
National Bank thereto as principal, and his own name as attorney in
fact.

seal

Louis Benckert
Notary Public residing at
Buhl, Idaho

My commission expires:
2-12-80

NOTARY PUBLIC

1/25/78 mls

RECEIVED

JAN 25 1978

STATE OF IDAHO JAN 25 1978
DEPARTMENT OF WATER RESOURCES Department of Water Resources

APPLICATION FOR AMENDMENT

Permit No. 36-7083

Comes now Clear Springs Trout Co. of (address) _____

Box 548, Buhl, Idaho 83316, and represents to the Director of
the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 36-7083, and requests that the permit and permit map be changed as follows:

1. Point of diversion: Gov. Lots 12, 13, 14, 15
1/4 1/4, Sec. 12 Twp. 9S
 Rge. 15E, B.M., County of Gooding. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

Amount for purposes from to (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount for purposes from to (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

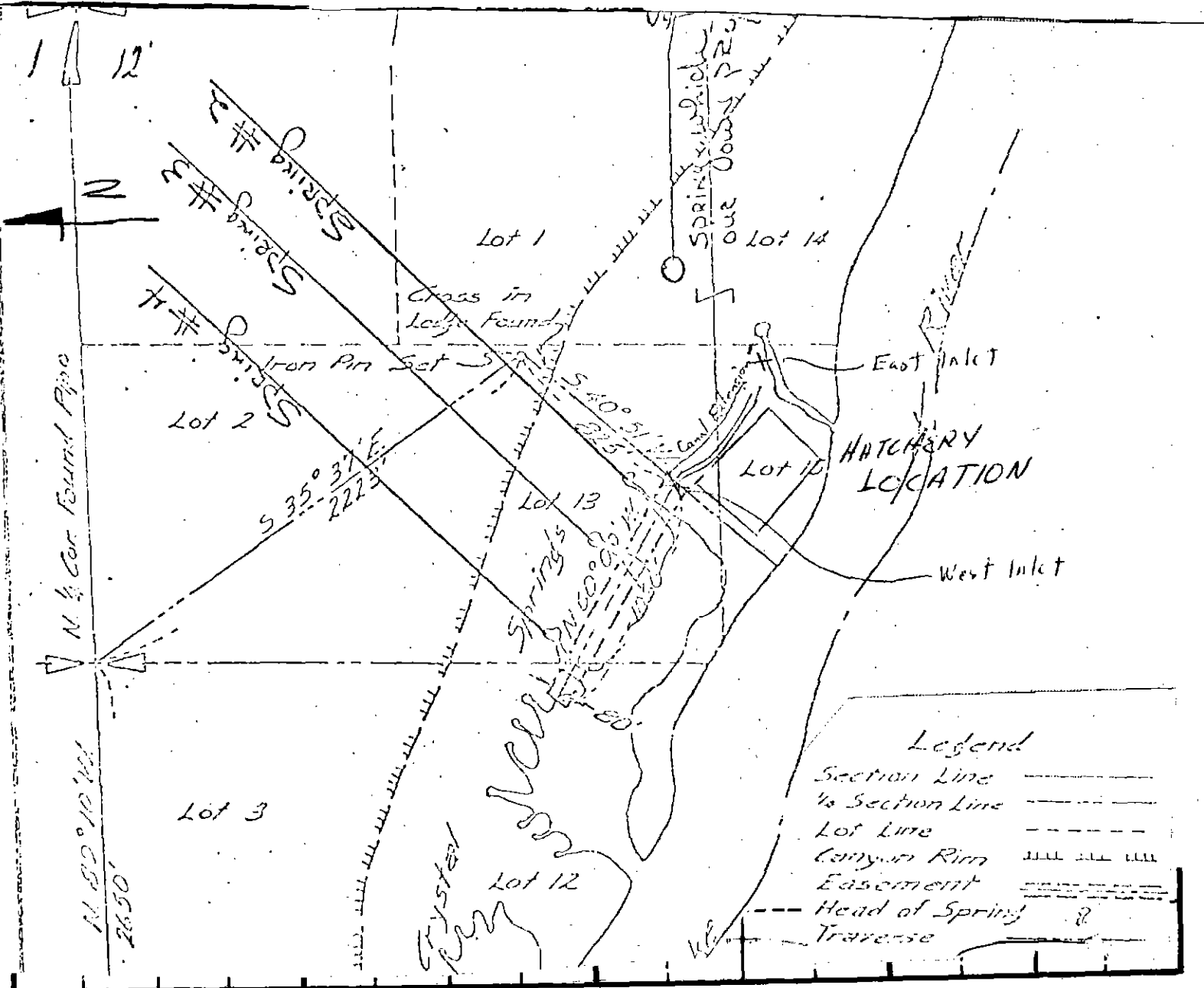
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

SECRET



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Boyle, Idaho, this 20th day of January, 19 78.

By Joe C. Hensworth
Secretary (signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources hereby APPROVE the above application for amendment on Permit No. 36-7083.

Witness my hand this 1 day of February, 19 78.

C. Stephen Allred
Director

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

RECEIVED

APPLICATION FOR EXTENSION OF TIME

JAN 26 1972

Department of Water Administration
State of Idaho)

County of Twin Falls)

APPROVED

Department of Water Administration

Permit No. 36-7083

John C. Hepworth

(name)

of 1020 Main Street, Buhl, Idaho, 83316

(address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to appropriate the Public Waters of the State of Idaho No. 36-7083.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before February 25, 19 72.

That he has heretofore performed the following work described under said permit:

Completed all diversion works; constructed raceways capable of

producing approximately two million pounds of trout annually.

Additional construction remains to be done which would raise
the production capacity to approximately four million pounds.

Costing \$ 100,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Our work schedule, financing and marketing conditions
dictate an orderly construction schedule. We estimated five to seven years
at the time application was made. We still need that additional time to
orderly complete the project.

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to February 25, 19 77.

FARMERS NATIONAL BANK

BY

John C. Hepworth
(signature) * Power of Attorney

Subscribed and sworn before me this 25th day of January, 1972.

seal

Alta Lannon

(notary public)

My commission expires Sept. 2, 1973

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Idaho Department of Water Administration, State of Idaho, hereby APPROVE the above application for extension of time for Permit No. 36-7083 to February 25, 1977.

Witness my hand this 22nd day of February, 19 72.

R. Keith Higginson
Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

36 7083

RECEIVED
Department of State Reclamation

STATE OF IDAHO
OFFICE OF STATE RECLAMATION ENGINEER
POWER OF ATTORNEY

No. 36-2708

The undersigned owner (s) of Permit (Application) No. 36-7083
of the State Reclamation Engineer of the State of Idaho hereby nominates
and appoints John C. Hepworth, whose address is
1020 Main St., Buhl, Idaho, as attorney-in-fact, with full author-
ity to act for and on behalf of the undersigned in all matters pertaining
to Application or Permit. Such acts shall include, but not be limited
to the filing of applications, receiving of all notices, the signing and
filing of applications for extension of time and for amendment of said
Permit, and the submission of proofs of completion of works and beneficial
use of water.

Dated this 2nd day of February, 1972.

FARMERS NATIONAL BANK
By [Signature]
President

STATE OF IDAHO)
County Twin Falls) ss

On this 2nd day of February, 1972, personally
appeared before me the signer (s) of the above instrument, who duly
acknowledged to me that he ~~(she)~~ ~~(they)~~ executed the same.

[Signature]
Notary Public

My Commission expires:
Sept. 2, 1973

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 36-7083 in the)
name of CLEAR SPRINGS TROUT SALES, INC.)

ORDER APPROVING ASSIGNMENT

WHEREAS, on June 8, 1969, Clear Springs Trout Company submitted Application No. 36-7083 to appropriate 300 cubic feet per second of water from Crystal Springs for fish propagation purposes; and,

WHEREAS, on February 25, 1970, a Memorandum Decision was issued by the State Reclamation Engineer, approving the Application subject to conditions of approval, one of which required that the Permit not be assigned or sold without the written consent of the Department of Reclamation (Department of Water Administration); and,

WHEREAS, on May 21, 1970, the Department of Reclamation received an assignment of the Permit from Clear Springs Trout Company to Clear Springs Trout Sales, Inc.; and,

WHEREAS, the Clear Springs Trout Company demonstrated to the satisfaction of the Department of Reclamation (Department of Water Administration) the assignment was not made for speculation or delay; and,

WHEREAS, on July 1, 1970, the assignment was approved pursuant to the conditions of approval of Permit No. 36-7083; and,

WHEREAS, on August 13, 1970, the Department of Water Administration received an assignment of the Permit from the Clear Springs Trout Sales, Inc. to the Farmers National Bank of Buhl, Idaho; and,

WHEREAS, it appears that the Clear Springs Trout Sales, Inc. has demonstrated to the satisfaction of the Department that the assignment was made for security purposes only;

NOW, THEREFORE, IT IS HEREBY ORDERED that the assignment from the Clear Springs Trout Sales, Inc. to the Farmers National Bank of Buhl, Idaho, be APPROVED pursuant to the conditions of approval of Permit No. 36-7083.

Dated this 30th day of NOVEMBER, 1970.


R. KEITH HIGGINSON
Director

36 7083

RECEIVED

ASSIGNMENT OF WATER PERMIT

Department of Water Administration

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto THE FARMERS NATIONAL BANK OF BUHL, Idaho, the following:

Application Permit to Appropriate Public Waters of the State of Idaho, Permit 36-7083, dated Jul 6 8, 1969, such approval being given to Clear Springs Trout Co.

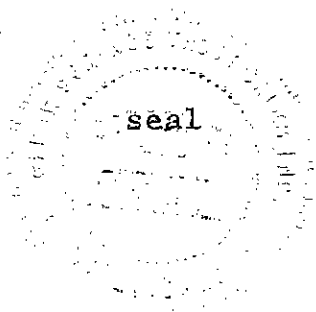
This permit was later assigned by Clear Springs Trout Co. to Clear Springs Trout Sales, Inc.

THIS ASSIGNMENT is for the purpose of securing a loan from The Farmers National Bank of Buhl, Idaho, to Clear Springs Trout Sales, Inc. A condition of this assignment is that upon full payment of the loan made, the assignment shall be null and void.

In the event of non-payment on maturity of said loan, this assignment shall remain in full force and effect. A copy of the promissory notes for which this assignment is security shall be attached to the assignment as executed as evidence of the obligation secured.

SIGNED AT BUHL, IDAHO THIS 28th day of May, 1970

CLEAR SPRINGS TROUT SALES, INC.



James C. Eastman
President

John C. Hewitt
Secretary

ACCEPTED:

Date: _____

We hereby acknowledge acceptance of the above assignment.

DEPT. OF RECLAMATION

By: _____

36 7083

N O T E

\$388,000.00

Buhl, Idaho

June 9, 1970

For value received, the undersigned promises to pay to the order of Buhl Economic Council, Inc. in the City of Buhl, State of Idaho, or at payee's option, at such other place as may be designated from time to time by the payee, Three Hundred Eighty Eight Thousand and no/100 Dollars (\$388,000) with interest on unpaid principal computed from the date of each advance to the undersigned at the rate of 9½ % per annum, payment to be made in installments as follows:

1. Installments, including principal and interest, each in the amount of \$4,185.00, payable monthly, beginning twelve months from date hereof;

2. Each said installment shall be applied first to interest accrued to the date of receipt of said installment, and the balance, if any, to principal;

3. Balance of principal and interest payable fifteen years from date hereof.

Payment of any installment of principal or interest owing on this note may be made prior to the maturity date thereof without penalty.

The term "Indebtedness" as used herein shall mean the indebtedness evidenced by this note, including principal, interest, and expenses, whether contingent, now due or hereafter to become due and whether heretofore or contemporaneously herewith or hereafter contracted. The term "Collateral" as used in this note shall mean any funds, guaranties, or other property or rights therein of any nature whatsoever or the proceeds thereof which may have been, are, or hereafter may be, hypothecated, directly or indirectly by the undersigned or others, in connection with, or as security for, the indebtedness or any part thereof. The Collateral, and each part thereof, shall secure the indebtedness and each part thereof. The covenants and conditions set forth or referred to in any and all instruments of hypothecation constituting the collateral are hereby incorporated in this note as covenants and conditions of the undersigned with the same force and effect as though such covenants and conditions were fully set forth herein.

The Indebtedness shall immediately become due and payable, without notice or demand, upon the appointment of a receiver or liquidator, whether voluntary or involuntary, for the undersigned or for any of its property, or upon the filing of a petition by or against the undersigned under the provisions of any State insolvency law or under the provisions of the Bankruptcy Act of 1898, as amended, or upon the making by the undersigned of an assignment for the benefit of its creditors. Payee is authorized to declare all or any part of the Indebtedness immediately due and payable upon the happening of any of the following events: (1) Failure to pay any part of the Indebtedness when due; (2) nonperformance by the undersigned of any agreement with, or any condition imposed by, Payee and Small Business Administration (hereinafter called "SBA"), or either of them, with respect to the Indebtedness; (3) Payee's discovery of the undersigned's failure in any application of the undersigned to Payee or SBA to disclose any fact deemed by Payee to be material or of the making therein or in any of the said agreements, or in any affidavit or other documents submitted in connection with said application or the Indebtedness, of any misrepresentation by, on behalf of, or for the benefit of the undersigned; (4) the reorganization (other than a reorganization pursuant to any of the provisions of the Bankruptcy Act of 1898, as amended) or merger or consolidation of the undersigned (or the making of any agreement therefor) without the prior written consent of Payee; (5) the undersigned's failure duly to account, to Payee's satisfaction, at such time or times as Payee may require, for any of the Collateral, or proceeds thereof, coming into the control of the undersigned; or (6) the institution of any suit affecting the undersigned deemed by Payee to affect adversely its interest hereunder in the Collateral or otherwise. Payee's failure to exercise its rights under this paragraph shall not constitute a waiver thereof.

Upon the nonpayment of the Indebtedness, or any part thereof, when due, whether by acceleration or otherwise, Payee is empowered to sell, assign, and deliver the whole or any part of the Collateral at public or private sale, without demand, advertisement or notice of the time or place of sale or of any adjournment thereof, which are hereby expressly waived. After deducting all expenses incidental to or arising from such sale or sales, Payee may apply the residue of the proceeds thereof to the payment of the Indebtedness, as it shall deem proper, returning the excess, if any, to the undersigned. The undersigned hereby waives to the full extent permitted by law all right of redemption or appraisal whether before or after sale. At any such sale Payee may become the purchaser of the whole or any part of the Collateral free from any right of redemption so far as permitted by law. Without limiting or affecting such power of sale, Payee is further empowered, upon the nonpayment of the Indebtedness, or any part thereof, when due, to collect or cause to be collected or otherwise to be converted into money all or any part of the Collateral, in the name of Payee or the undersigned or otherwise, by suit or otherwise, and to surrender, compromise, release, renew, extend, exchange, or substitute any item of the Collateral in transactions with the undersigned or any third party, irrespective of any assignment thereof by the undersigned, and without prior notice to or consent of the undersigned or any assignee. Whenever any item of the Collateral shall not be paid when due, or otherwise shall be in default, whether or not the Indebtedness, or any part thereof, has become due, Payee shall have the same rights and powers with respect to such item of the Collateral as are granted in respect thereof in this paragraph in case of nonpayment of the Indebtedness, or any part thereof, when due. None of the rights, remedies, privileges, or powers of Payee expressly provided for herein shall be exclusive, but each of them shall be cumulative with and in addition to every other right, remedy, privilege, and power now or hereafter existing in favor of Payee, whether at law or in equity, by statute or otherwise.

The undersigned agrees to take all necessary steps to administer, supervise, preserve, and protect the Collateral; and regardless of any action taken by Payee, there shall be no duty upon Payee in this respect. The undersigned shall pay all expenses of any nature, whether incurred in or out of court, and whether incurred before or after this Note shall become due at its maturity date or otherwise, including but not limited to reasonable attorney's fees and costs, which Payee may deem necessary or proper in connection with the satisfaction of the Indebtedness or the administration, supervision, preservation, protection (including, but not limited to, the maintenance of adequate insurance) of or the realization upon the Collateral. Payee is authorized to pay at any time and from time to time any or all of such expenses, add the amount of such payment to the amount of the Indebtedness, and charge interest thereon at the rate specified herein with respect to the principal amount of this Note.

The security rights of Payee and its assigns hereunder shall not be impaired by Payee's sale, hypothecation or rehypothecation of any note of the undersigned or any item of the Collateral, or by any indulgence, including but not limited to (a) any renewal, extension, or modification which Payee may grant with respect to the Indebtedness or any part thereof, or (b) any surrender, compromise, release, renewal, extension, exchange, or substitution which Payee may grant in respect of the Collateral, or (c) any indulgence granted in respect of any endorser, guarantor, or surety. The purchaser, assignee, transferee, or pledgee of this Note, the Collateral, any guaranty, and any other document (or any of them), sold, assigned, transferred, pledged, or repledged, shall forthwith become vested with and entitled to exercise all the powers and rights given by this Note and all applications of the undersigned to Payee or SBA, as if said purchaser, assignee, transferee, or pledgee were originally named as Payee in this Note and in said application or applications.

CLEAR SPRINGS TROUT SALES, INC.

ATTEST:

John C. Hager
Secretary

By John C. Hager

President

For Value received, Clear Springs Trout Co., hereby guarantees the payment of the within note at maturity or at any time thereafter, and agree to pay all costs and expenses paid or incurred in collecting the same, waiving protest, notice and demand of payment.

CLEAR SPRINGS TROUT CO.

ATTEST:

John C. Hager
Secretary

By John C. Hager

President

Identification No. 36-7083
Application No. _____

APPROVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

ASSIGNED TO:
Farmers National Bank
of Buhl

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Clear Springs Trout Company
post office address Box 106, Buhl, Idaho 83316
2. Source of water supply Crystal Springs which is a tributary of Snake River
3. a. Location of point of diversion is ~~Section 12~~ 1/4 67 of Section 12 Township 9 S
Range 15 E B.M. Gooding County; additional points of diversion if any: ~~Section 13, Sec. 12, T. 9 S, R. 15 E, B. M.~~

SEE REMARKS FOR CHANGES IN POINTS OF DIVERSION

- b. If water is not consumed, it will be discharged into Snake River at a point in Lot 14 and 15
1/4 67 of Section 12 Township 9 S Range 15 E B.M. Gooding County
4. Water will be used for the following purposes:
Amount 300cfs for fish propagation purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 300 c.f.s. cubic feet per second and/or
b. _____ acre feet per annum.

6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. concrete diversion dam, headgate, pipe, and ditches concrete and dirt raceways
- diversion dam ~~storage dam~~ other ~~storage dam~~ SEE REMARKS FOR CHANGES
- b. Height of ~~storage dam~~ _____ feet, active reservoir capacity none acre feet; total reservoir capacity none acre feet, materials used in storage dam: concrete
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 2-5 years.
b. Estimated construction cost is \$ 10,000.00

8. Description of proposed uses:
a. If water is **not** for irrigation: Lot 14 and 15 and Lot 13
- (1) Give the place of use of water: 1/4 67 of Section 12 Township 9 S
Range 15 E B.M.
- (2) Amount of power to be generated: _____ hp under _____ feet of head.
- (3) List number of each kind of livestock to be watered _____
- (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
- (5) If water is to be used for other purposes describe: fish propagation

36-7083

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	SW¼	SE¼	

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes_____None_____

Lot 12

9. a. Who owns the property at the point of diversion Lot 14 and 15-Self---Lot 13-Idaho Power Company

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

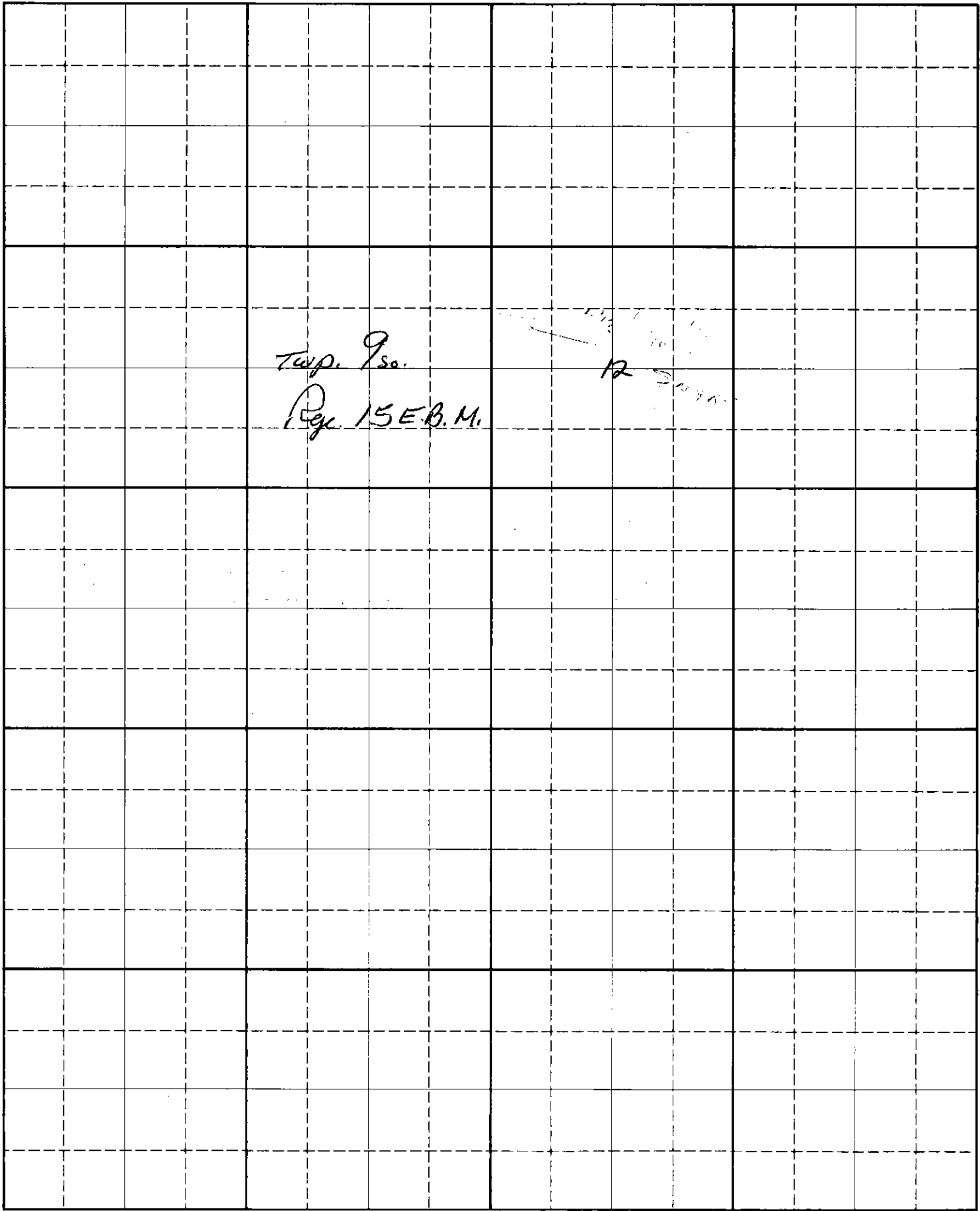
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing_____

10. Remarks POINTS OF DIVERSION--three in Lot 13 (SW¼NE¼), Sec. 12, T. 9 S, R. 15 E, B. M. owned by Idaho Power Company

one in Lot 15 (NW¼SE¼), Sec. 12, T. 9 S, R. 15 E, B. M., owned by the applicant

DIVERSION DAMS--one 20' x 4' high, two 10' x 4' high, and one 30' x 4' high
the first two listed above are located in Lot 13, Sec. 12, T. 9 S, R. 15 E, B. M.
the last listed one above is located in Lot 15, Sec. 12, T. 9 S, R. 15 E, B. M.

11. Map of proposed project:



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.

Clear Springs Trout Co.
Jess O. Eastman Jr.
(Applicant) President

Received by DMC Date 7-8-1969 Time 3:25 PM

Preliminary check by DMC Fee \$ 100⁰⁰

Received by ef Date 7-8-69 rec'd #3261 given

Publication prepared by ty Date 7-17-69

Published in Gooding Leader

Publication dates 8-21-28-69

Publication approved ds Date 9-10-69

Priority reduced to _____ Reason _____

Protests filed by: Norse

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DMC

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7083, 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 March 1, 19 72.

c. Other: Approved subject to the specific conditions listed in the
Memorandum Decision of February 25, 1970.

2. Denial of said application is for the following reasons: _____

Witness my hand this 26th day of February 19 70.

APPROVED

R. Keith Higgs
State Reclamation Engineer

BEFORE THE DIRECTOR
of the
DEPARTMENT OF WATER ADMINISTRATION
of the
STATE OF IDAHO

In the Matter of Permit No. 36-7083)
in the name of CLEAR SPRINGS TROUT)
COMPANY)
_____)

ORDER VACATING HEARING
AND APPROVING ASSIGNMENT

WHEREAS, on June 8, 1969, Clear Springs Trout Company submitted Application No. 36-7083 to appropriate 300 cubic feet per second of water from Crystal Springs for fish propagation purposes; and

WHEREAS, on June 25, 1970, a Memorandum Decision was issued by the State Reclamation Engineer, approving the Application subject to conditions of approval, one of which required that the Permit not be assigned or sold without the written consent of the Department of Reclamation (Department of Water Administration); and

WHEREAS, on May 21, 1970, the Department of Reclamation received an assignment of the Permit from the applicant to Clear Springs Trout Sales, Inc.; and

WHEREAS, on June 5, 1970, the applicant was ordered to show cause on Monday, July 6, 1970, as to why Permit No. 36-7083 should not be cancelled for failure to comply with the conditions of approval; and

WHEREAS, on June 9, 1970, Clear Springs Trout Company, through its attorney, John Hepworth, submitted an affidavit declaring that Clear Springs Trout Sales, Inc. was comprised of the same persons and was a wholly-owned subsidiary of Clear Springs Trout Company, and further declaring that the assignment was for the purpose of complying with regulations of the Small Business Administration to acquire financing through that organization, and requesting that the assignment for the Clear Springs Trout Company to Clear Springs Trout Sales, Inc. be approved; and

WHEREAS, it appears that the Clear Springs Trout Company has demonstrated to the satisfaction of the Department of Reclamation (Department of Water Administration) that the assignment was not made for speculative or delay purposes;

36-7083

NOW THEREFORE IT IS HEREBY ORDERED that the Order to show cause on or before July 6, 1970, is hereby VACATED. It is further ordered that the assignment from Clear Springs Trout Company to Clear Springs Trout Sales, Inc. be APPROVED pursuant to the conditions of approval of Permit No. 36-7083.

Dated this 1st day of July, 1970.


C. STEPHEN ALLRED
Deputy Director

36-7083

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 36-7083 in the name of)
CLEAR SPRINGS TROUT COMPANY)

ORDER TO SHOW
CAUSE

WHEREAS, on July 8, 1969, Clear Springs Trout Company submitted an application to appropriate 300 c.f.s. of water from Crystal Springs for fish propagation to be diverted and used within Section 12, Township 9 South, Range 15 East, Boise Meridian; and,

WHEREAS, on February 25, 1970, a Memorandum Decision was issued by the State Reclamation Engineer approving the application subject to the following conditions of approval:

" A. That the applicant be given a period of two years within which to construct the facility and apply the water to a beneficial use with the understanding that an extension of time could be granted, if requested, at the end of that period, if the permit holder has proceeded with reasonable diligence.

B. That the permit not be assigned or sold without written consent of the Department of Reclamation and that failure to receive such consent will be deemed by the Department to be an admission that the permit was obtained for speculative purposes and as such will be subject to cancellation.

C. That permanent measuring devices of a type approved by the Department of Reclamation be placed and maintained at such locations as to accurately measure the amount of water diverted to the project and the effluent from the project."; and,

WHEREAS, on February 26, 1970, Application for Permit No. 36-7083 was approved subject to the specific conditions listed in the said Memorandum Decision dated February 25, 1970, and with the requirement that Proof of Application of Water to Beneficial Use be submitted on or before March 1, 1972; and,

WHEREAS, on May 21, 1970, the Department of Reclamation received an assignment of Permit No. 36-7083 from Clear Springs Trout Company to Clear Springs Trout Sales, Inc.; and,

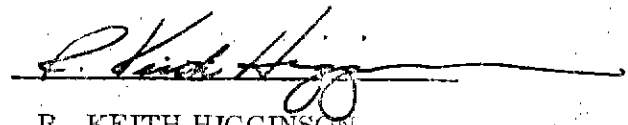
WHEREAS, prior written consent of the Department of Reclamation was not obtained before the assignment was made as required under the conditions of approval of the permit;

THEREFORE, pursuant to the provisions of Section 42-311 of the Idaho Code, Clear Springs Trout Company is hereby ORDERED to show cause before the State Reclamation Engineer (Director, Department of Water Administration) at 10:00 a.m. on Monday July 6, 1970, as to why Permit No. 36-7083 should not be cancelled and held null and void for failure

36-7083

of the permit holder to comply with the conditions of approval of the permit, and to satisfy the Department that the permit was not obtained for purposes of delay or speculation. The permit holder may choose to review this matter with the Department in an informal conference prior to the above date. If a satisfactory agreement can be reached between the permit holder and the Department, the hearing date will be vacated.

Dated this 5TH day of JUNE, 19 70.


R. KEITH HIGGINSON
State Reclamation Engineer

36-7083

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36-7083

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Affiant states:

(1) That he is the Secretary of both Clear Springs Trout Co., and Clear Springs Trout Sales, Inc. That both companies are corporations organized under the laws of the State of Idaho. That Clear Springs Trout Sales, Inc., is a wholly owned subsidiary corporation of Clear Springs Trout Co.

(2) That the officers, stockholders and directors of Clear Springs Trout Co., are the same now as constituted on the 8th day of July, 1969, when the application to appropriate the public waters, as evidenced by the above-numbered permit, was filed.

(3) That the Buhl Economic Council applied for a 502 S.B.A. loan, known as a local development company loan, for the purpose of loaning \$500,000 to Clear Springs Trout Co. That in order to comply with S.B.A. loan regulations, it was necessary to file a separate corporation and to transfer Permit No. 36-7083 from Clear Springs Trout Co., to Clear Springs Trout Sales, Inc., along with the real property on which the water is to be used for trout propagation.

(4) The officers of Clear Springs Trout Sales, Inc., are the same persons as the officers in Clear Springs Trout Co., and the same persons hold identical offices in both corporations.

(5) Inasmuch as all of the outstanding stock of Clear Springs Trout Sales, Inc., is held by Clear Springs Trout Co., the stockholders of Clear Springs Trout Co., have the same percentage of interest in Clear Springs Trout Sales, Inc. The ownership

36-7083

1 in Clear Springs Trout Co., is the same at this time as it was
2 on July 8, 1969, when the application for Permit No. 36-7083 was
3 filed.

4 (6) To comply with S.B.A. regulations and in order to
5 satisfy loan requirements, Permit No. 36-7083 will be assigned
6 to The Farmers National Bank of Buhl, Idaho, and to the Buhl
7 Economic Council as security for the loan applied for. That
8 assignment will be for security purposes only.

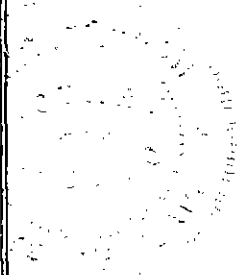
9 (7) I wish to call to the attention of the Department
10 the fact that I advised the Department personally of the pending
11 loan application and told the Department it would be necessary to
12 make the assignments referred to for the purposes of securing the
13 above-mentioned loan.

14 (8) While it is true that the water permit in question
15 has been assigned by Clear Springs Trout Co., to Clear Springs
16 Trout Sales, Inc., there is no practical change of ownership
17 inasmuch as all stock in Clear Springs Trout Sales, Inc., is
18 held by Clear Springs Trout Co.

19 (9) Affiant, as secretary of both Clear Springs Trout
20 Co., and Clear Springs Trout Sales, Inc., respectfully requests
21 that the Order to Show Cause be vacated; that the assignment from
22 Clear Springs Trout Co., to Clear Springs Trout Sales, Inc., be
23 approved and that approval be issued by the Department to an
24 assignment by Clear Springs Trout Sales, Inc., to The Farmers
25 National Bank of Buhl, Idaho and the Buhl Economic Council for
26 the purpose of securing the S.B.A. loan which has been approved.
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Subscribed and sworn to before me this 9th day of
June, 1970.



Allen Lannon

Notary Public for Idaho
Residing at Buhl, Idaho

36-7083

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT)
NO. 36-7083 in the name of CLEAR SPRINGS)
TROUT COMPANY)

MEMORANDUM DECISION

Application for Permit No. 36-7083 was received by the Department of Reclamation on July 8, 1969. The application requests a permit to divert 300 c.f.s. of water from Crystal Springs at three points of diversion within Lot 13, Sec. 12 and one point within Lot 15, Sec. 12, T. 9S, R. 15E, B.M. for fish propagation purposes. Diversion is to be by means of low concrete dams into pipelines and ditches. Notice of the application was published in the Gooding County Leader on the 21st and 28th of August, 1969.

On September 26, 1969, the Department of Reclamation requested additional information from the applicant to justify the amount of water requested, a construction schedule, and verification that the applicant had the financial resources to complete the project. The department received response to that inquiry on October 14, 1969, from Mr. John C. Hepworth, in behalf of Clear Springs Trout Company.

The Department of Reclamation must consider four points in either approving or denying an application for permit.

1. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
2. Would the granting of the permit decrease the supply to prior water rights?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources to complete the proposed project.

Based upon the information supplied by the applicant and from the records of the Department, the State Reclamation Engineer enters the following findings:

36-7083

1. The flow of the springs known as Crystal Springs average approximately 450 c.f.s. of water. Prior rights and permits include 2.0 c.f.s. for licensed rights and 250 c.f.s. currently under permit which, if developed, would be diverted away from the source of water and would not be available for reuse by the applicant. This would leave approximately 200 c.f.s. of water for this application. The applicant intends to produce 3 million pounds of trout annually at his facility. The 200 c.f.s. of water would make available approximately 1 c.f.s. of water for each 15,000 pounds of trout annual production. Information available to the department indicates that it is reasonable to anticipate that 15,000 pounds of trout could be produced annually in 1 c.f.s. of water.

2. The applicant states that he cannot provide a schedule of construction since it will be necessary for the company to negotiate or condemn a right-of-way to the point of diversion. The Clear Springs Trout Company owns the property at the point of use, but the diversions would be upon land owned by others. The applicant states that he feels that he can complete construction and be operating within five years; however, to insure that reasonable progress is made, time limits should be placed upon the completion schedule and the beginning date of operation of the facility.

3. The applicant estimates that the minimum construction costs will be in the neighborhood of \$63,000.00. He also states that the net worth of his company is \$300,000.00. In addition, Clear Springs Trout Company is an established company presently operating facilities at Clear Lakes Springs. It would appear that the applicant would have sufficient financial resources to complete the project as outlined.

Based on the above findings, the State Reclamation Engineer enters the following decision:

That the application be approved for 300 c.f.s. of water subject to all prior rights and permits and subject to the following specific conditions:

A. That the applicant be given a period of two years within which to construct the facility and apply the water to a beneficial use with the understanding that an extension of time could be granted, if requested, at the end of that period, if the permit holder has proceeded with reasonable diligence.

B. That the permit not be assigned or sold without written consent of the Department of Reclamation and that failure to receive such consent will be deemed by the department to be an admission that the permit was obtained for speculative purposes and as such will be subject to cancellation.

C. That permanent measuring devices of a type approved by the Department of Reclamation be placed and maintained at such location as to accurately measure the amount of water diverted to the project and the effluent from the project.

Dated this 25TH day of FEBRUARY, 1970.


R. KEITH HIGGINSON
State Reclamation Engineer

Affidavit of Publication

RECEIVED

State of Idaho, }
County of Gooding } SS.

SEP 10 1969

Department of Reclamation

Thomas D. Miller, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the

first publication of said advertisement was on the 21 day

of August, 1969, and the date of the last publication

was on the 28 day of August, 1969.

Thomas D. Miller

Subscribed and sworn to before me this 9

day of September, 1969.
(SEAL)

Andrew C. Belcher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

Lines at 14c

Lines at 10c

TOTAL COST

Bill submitted
9-10-69 ds

COPY OF NOTICE

Title of Notice

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Clear Springs Trout Company, Box 106, Buhl, Idaho has on July 8, 1969 applied for permit under application No. 47-7071 to divert 300 cubic feet per second of water from Crystal Springs tributary of the Snake River. Water will be diverted by diversion dams, headgate, pipe flumes and concrete and the water will be used for the lots 13, 14, 15 (NW 1/4 SE 1/4-one point), Sec. 12 T. 9 S, R. 15 E, B.M., Gooding County and is to be used from January 1 to December 31 for fish propagation in the Lots 13, 14, and 15, Sec. 12, T. 9 S, R. 15 E, B. M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. Keith Higginson
State Reclamation
Engineer

No. of application after changed advertising!

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956	
7 pt. per line, straight	14c
7 pt. per line, tabular	20c
7 pt. per line, successive	
Insertions	10c
6 pt. per line, straight	15c
6 pt. per line, tabular	20c
6 pt. per line, successive	
Insertion	10c

Nº 576

36-7083

February 14, 1978

Re: Permit No. 36-7083

Clear Springs Trout Co.
Box 548
Buhl, ID 83316

Gentlemen:

We acknowledge receipt of the assignment submitted assigning the above referenced permit to you.

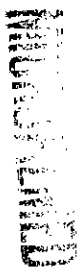
Enclosed is a copy of your Water Right License issued on this permit. Also enclosed is a copy of the approved Application for Amendment along with Receipt No. 10297, for the \$10.00 filing fee.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosures



RECEIVED

LAW OFFICES

HEPWORTH, NUNGESTER, AND FELTON
PROFESSIONAL CENTER — 1020 MAIN
POST OFFICE BOX 569
BUHL, IDAHO 83316

JAN 25 1978

Department of Water Resources

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON
D. BRENT MARTENS

TELEPHONE
(208) 543-4368

OUR FILE NUMBER

January 24, 1978

Department of Water Resources
State of Idaho
Statehouse
Boise, Idaho

ATTENTION: Bill MacAllister, Water Resource Agent

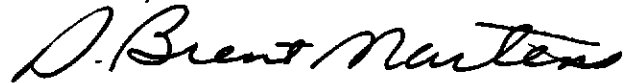
RE: Permit No. 36-7083

Dear Bill:

Enclosed are the executed Assignment of Permit
and Application For Amendment, together with our check
in the amount of \$10.00 to cover the filing fee.

Sincerely yours,

HEPWORTH, NUNGESTER & FELTON



D. Brent Martens

lb

Enclosures

January 18, 1978

Re: Permit No. 36-7083

John C. Hepworth
HEPWORTH, NUGESTER, FELTON and HART
Professional Center
1020 Main
Buhl, Idaho 83316

Dear Mr. Hepworth:

Enclosed are partially completed Application for Amendment and Assignment of Permit forms for Permit No. 36-7083 as per our conversation of January 16, 1978. The amendment will include all points of diversion currently being used by Clear Springs Trout Company from Crystal Springs in this permit. The assignment will allow us to issue this license in the name of the Clear Springs Trout Company.

To complete the filing just sign the amendment, sign the assignment before a notary, and return them to us along with the \$10.00 filing fee for the amendment. Note since this water right file shows you as holding Power of Attorney for Farmers National Bank only your signature is required on both documents.

If I can be of further assistance please contact me.

Sincerely,

Bill MacAllister
Water Resource Agent

BM/kw
Enclosure

INTER-DEPARTMENT MEMO — 1

DATE

1/10/78

Bob
FROM GARY Funderburg

TO Bobby Fleenor

SUBJECT

36-7083 Field Exam

Hear is the field exam for Clear Springs Trout Co.
I hope its complete. we hurried w/ it
So please check it over.

Bob -
Please give v file
amendment
to Bill

*Thanks
Gary*

SIGNATURE

MICROFILMED

May 16, 1977

File
Re: Permit No's. 36-7083 & 36-7151

C. E. Brockway, P.E.
Route 1, Box 186
Kimberly, Idaho 83341

Dear Chuck:

The rating curve you recently prepared for the flow in the west inlet structure of the Clear Springs Trout Company Crystal Springs Unit is adequate to satisfy the measuring device requirement on Permit No's. 36-7083 and 36-7151.

The April 5 measurement extended the curve considerably over that you submitted last November and the recent measurement compared very closely to the previous curve.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF:jfr

cc: Clear Springs Trout Co.

MAY 10 1977

C. E. BROCKWAY P. E.
ENGINEERING CONSULTANT

Groundwater, Hydrology, and Hydraulic Engineering

Route 1, Box 186
Kimberly, Idaho 8334

May 6, 1977

DIRECTOR	
DEPUTY DIR.	
ASST. DIR.:	
ADM. ASST.	
CHIEF CLERK	
IDENT. DIV.	
INTELL. DIV.	
LABORATORY	
LEGAL COUNSEL	
PLANNING & Insp. Div.	
TRAINING DIV.	
RECORDS MGMT.	
COMM. DIV.	
CRIM. DIV.	
FILED	

Mr. Bobbie D. Fleenor
Idaho Department of Water Resources
373 W. Franklin
Boise, ID 83720

Re: Permits Nos. 36-7083, 36-7151

Dear Mr. Fleenor:

The enclosed rating curve was completed on April 5, 1977 for the west inlet structure of the Clear Springs Trout Co. Crystal Springs Unit. Completion of the rating was delayed pending development upstream to increase the discharge and secure a more definitive curve.

The structure was built in 1973 and no changes in the inlet structure or upstream conditions have occurred since construction. The maximum staff gage reading was 1.42 on February 9, 1977; however, the channel was not current metered at that time. This reading corresponds to a discharge of 286 cfs according to the rating curve.

The rating curve is reasonably well defined even though current metering of the downstream channel is difficult at higher flows. All current metering was performed downstream of the inlet structure and wasteway. A one point check each year will be made to determine whether changes in entrance conditions have occurred.

Please advise if this rating is satisfactory.

Sincerely,

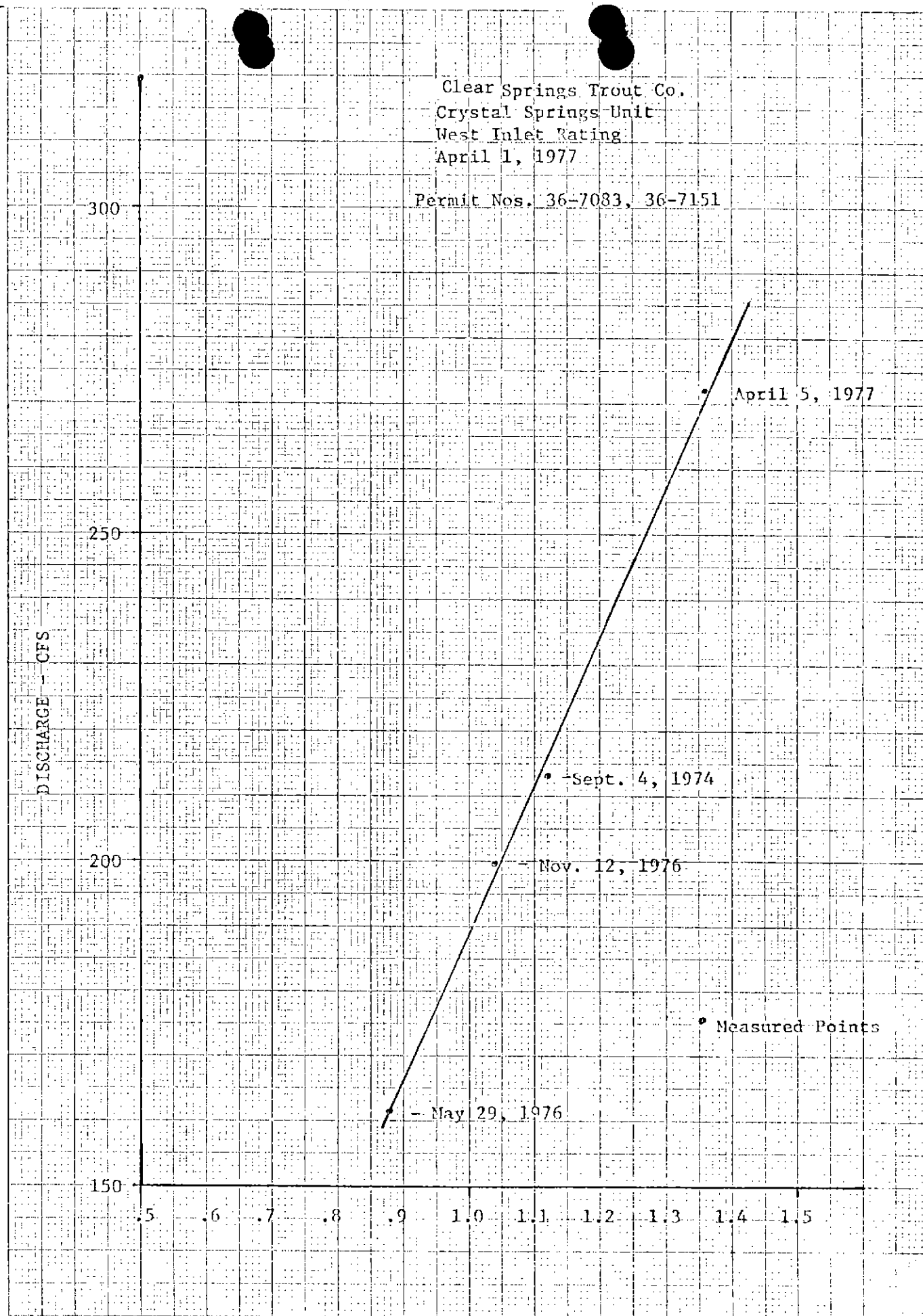
C. E. Brockway, P.E.

CEB:ld

cc: Mr. Mike Steele, Southern District
Mr. Ted Eastman, Clear Springs Trout Co.

46 1320

10 X 10 TO 1/2 INCH 1 X 10 LINES
K & E ROUFFEL & ESSER CO. MADE IN U.S.A.



March 10, 1977

Re: Permit No. 36-7083

Clear Springs Trout Co.
Box 548
Buhl, ID 83316

Gentlemen,

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Twin Falls.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr :ls

MICROFILMED

Identification No. _____

Permit No. 36-7083

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Clear Springs Trout Company
b) Post Office Address Box 548, Buhl, Idaho 83316
2. Permit Number 36-7083

3. Date of Priority that you are prepared to establish 7-8-69

4. a) Source from which water was appropriated Crystal Springs

b) Location of the point of diversion: ¼ ¼, Section 12

Township 9 South, Range 15 East Boise Meridian, Other points of diversion: _____

Sec. 12, Township 9 South, Range 15 E., B.M.

5. a) The amount of water and use to which the water has been applied:
Amount 300 c.f.s. for fish propagation purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

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

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

b) Total amount appropriated 300 cfs and/or acre-feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Flow is measured through a concrete section rated by current meter by C. E. Brockway, P.E.

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Water is diverted from a small pond which collects spring water from several scattered sources. Water enters fish facilities through a concrete inlet measuring structure into a 10 ft. wide concrete flume and thence to the fish raceways, which moves into a cement canal

b) Describe the type and size of measuring device which you have installed at your point of diversion: Rated concrete inlet to 10 ft. concrete flume with staff gauge

c) Give well driller's name and address and the date the well was completed: _____

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Commercial fish propagation

3/9/77 by [Signature]

MICROFILMED

If you are irrigating 15 or more acres, please submit an affidavit with this affidavit.

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

CLEAR SPRINGS TROUT CO.

February 24, 1977
(Date)

By [Signature]
(Signature) Secretary

State of IDAHO)
) ss.
County of Twin Falls)

On this 24th day of February, 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at [Address]

My commission expires July 3, 1978

for 1/2 Sec 12 & 13, T. 9 S., R. 15 E. B.M.

MAP-B

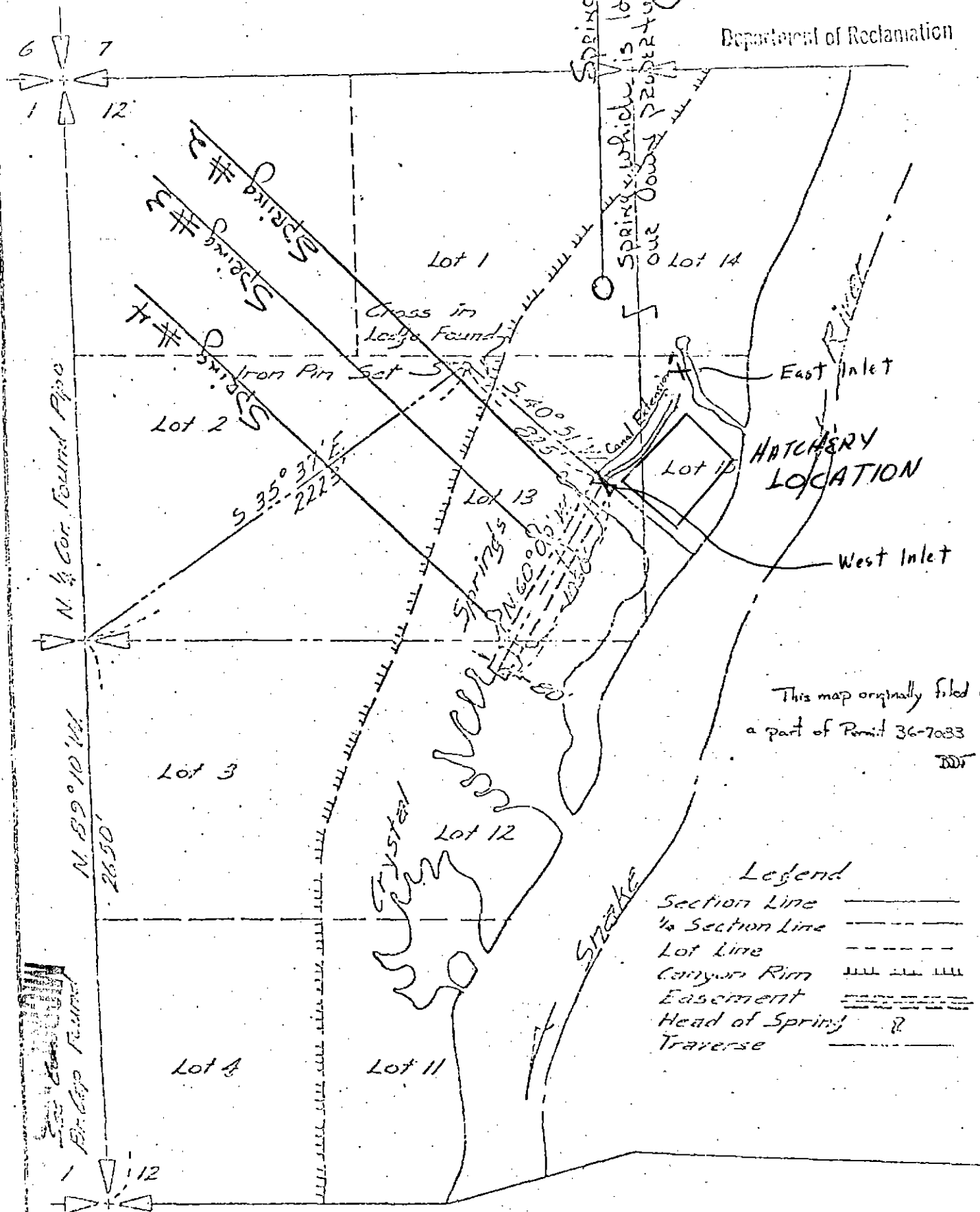
DEC 5 1969

Dept. of Interior Resources
Southern District Office

RECEIVED

DEC 12 1969

Department of Reclamation



**C. E. BROCKWAY P. E.
ENGINEERING CONSULTANT**

RECEIVED

DEC 2 1977

Department of Water Resources
Southern District Office

Mr. Gary Funderburg
Idaho Department of Water Resources
1041 Blue Lakes Blvd. N.
Twin Falls, ID 83301

Re: Permit No. 36-7083
Clear Springs Trout Co.
Crystal Springs Unit

Groundwater, Hydrology,
and Hydraulic Engineering

Route 1, Box 186
Kimberly, Idaho 83341

December 1, 1977

Dear Mr. Funderburg:

The diversion for this permit and license 36-7151 consists of three diversions from Springs on or adjacent to the Clear Springs facility. The following are the diversions and measuring devices currently in place:

<u>Location</u>	<u>Device</u>	<u>Remarks</u>
(1) West Inlet	C Rated Concrete Section	Rating curve completed 4-5-77
(2) Hatchery Pipe	4.0' Rectangular suppressed weir	Completed August 1977. Rating curve includes velocity of approach
(3) & (4) East Inlet	1,8.67' and 1,8.75' rectangular suppressed weir	Completed November 1977 Rating curve includes velocity of approach

The rating curves for all three diversions are enclosed. The maximum reading I have observed on the hatchery weir was 1.45' on August 17, 1977 corresponding to a discharge of 4.1 cfs.

The west inlet has been measured with a current meter four times to define the rating curve. The maximum gage reading which I have observed was 1.44' on September 19, 1977. This reading corresponds to a discharge of 289 cfs on the rating curve. A reading of 1.41' corresponding to a discharge of 282 cfs was observed on August 17, 1977 and a reading of 1.42' on February 9, 1977 was observed.

Mr. Gary Funderburg

-2-

December 1, 1977

The twin weirs on the east inlet were only recently completed. On November 29, 1977 the east weir read 0.80" and the west weir read 0.79 in. The corresponding discharges are 21.3 and 20.7 cfs for a total east inlet flow of 42.0 cfs.

I hope this information will be sufficient for the field exam for proof of beneficial use.

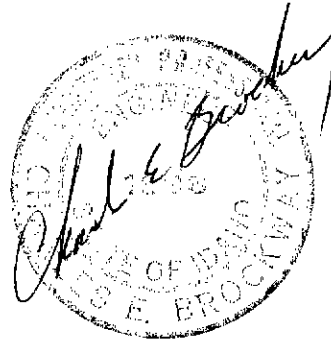
Sincerely,



C. E. Brockway, P.E.

CEB:ld

cc: John Hepworth
Nyal Hoffman



MEMORANDUM

The source of water for this permit is known as Crystal Springs which is a series of springs located within Gov. Lots 12, 13, 14, & 15 of Section 12, Twp. 9S, Rge. 15E,. (See diagram B)

The water from these springs are conveyed to the raceways through a concrete ditch 10 feet wide and approximately 530 feet long. (See attached map A).

At the location of the diversions there are four measuring devices.

1. rated section (see rating curve).
2. 4 ft. rectangular suppressed weir (see rating curve, curve includes correction for velocity of approach).
3. 8.67' rectangular suppressed weir (see rating curve, curve includes correction for velocity of approach).
4. 8.75' rectangular suppressed weir (see rating curve, curve includes correction for velocity of approach).

Measuring devices were designed and rated by C. E. Brockway, Professional Engineer.

Chart 1 & 2 represent the rating curve and table for the two rectangular suppressed weirs at the East inlet (weirs # (3)(4)) see diagram A.

Chart 3 & 4 represents the rating curve and table for the rectangular suppressed weir located at the hatchery pipe outlet, 14" steel pipe discharges into the Snake River. The weir is built ahead of the discharge pipe, below hatchery building. Weir #2 (see diagram).

Chart 5 & 6 represents the rating curve and table for the rated section located at the West inlet (rated section 1) (see diagram).

The water that is used in the hatchery building is diverted from the springs through a 14" steel pipe and conveyed to the hatchery hatching trays.

There are 60 concrete raceways and 15 concrete hatching ponds in the hatchery (see diagram A for these sizes).

At the time of the field exam, C. E. Brockway and Ted Eastham of Clear Springs Trout Co. were present. They informed me at this time of year the springs are at their low flow, therefore, the measurement made by C. E. Brockway, Professional Engineer should be excepted as the measurement made for the field report.

MICROFILMED

RECEIVED

TOTAL ACREAGE

DATE OF EXAM 11-29-77

ACREAGE

Found ✓
Recommended ✓

Irrigation Requirement ✓ Ac Ft/Ac

USE

Irrigation Q = c.f.s. V = AF/Ann. from to
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = c.f.s. V = AF/Ann. from to
Fish Propagation Q = 300 c.f.s. from Jan. 1 to Dec. 31

Is water co-mingled? yes no ✓

Name source:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no ✓

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured 335.1 c.f.s. Method of measurement SEE Discharge Notes
BY C.E. BROCKWAY

Total Q recommended 300.0 c.f.s. Meter No. ✓ Type ✓ Condition NEW

Total V recommended N/A

Recommended Amendments:

P.D. Gov. Lts 12, 13, 14, 15 Sec. 12 T.9S. R.15S.
Place of Use Gov. Lts 13, 15 Sec. 12 T.9S. R. 15S.
Other
None

MEASUREMENT CALCULATION:

4.1 c.f.s. Hatchery Weir
289.0 c.f.s. C. Rated Section
21.3 c.f.s. EAST WEIR
20.7 c.f.s. WEST WEIR
325.1 c.f.s. TOTAL MEASURED By C.E. BROCKWAY P.E. (See Engineering Report)
335.1

SYSTEM DESCRIPTION:

(SEE MEMO)

REMARKS:

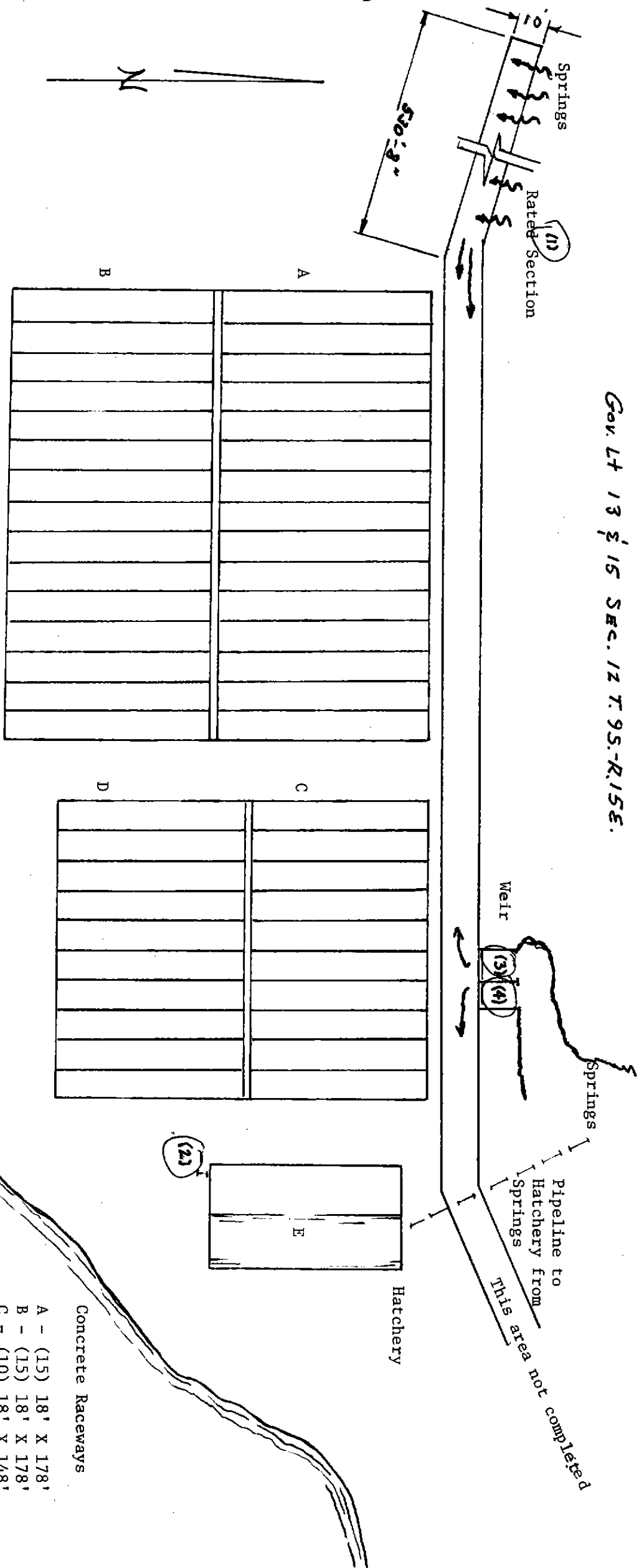
Examiner's Signature Gary Sundberg Date 12/16/77

Checked by Date

Approved by Michael P. Steele Date 1-10-78

MAP-A

Gov. Lt 13 & 15 SEC. 12 T. 9S. R. 15E.



Concrete Raceways

- A - (15) 18' X 178'
- B - (15) 18' X 178'
- C - (10) 18' X 148'
- D - (10) 18' X 165'
- E - Hatchery
- (15) 5'6" X 60'

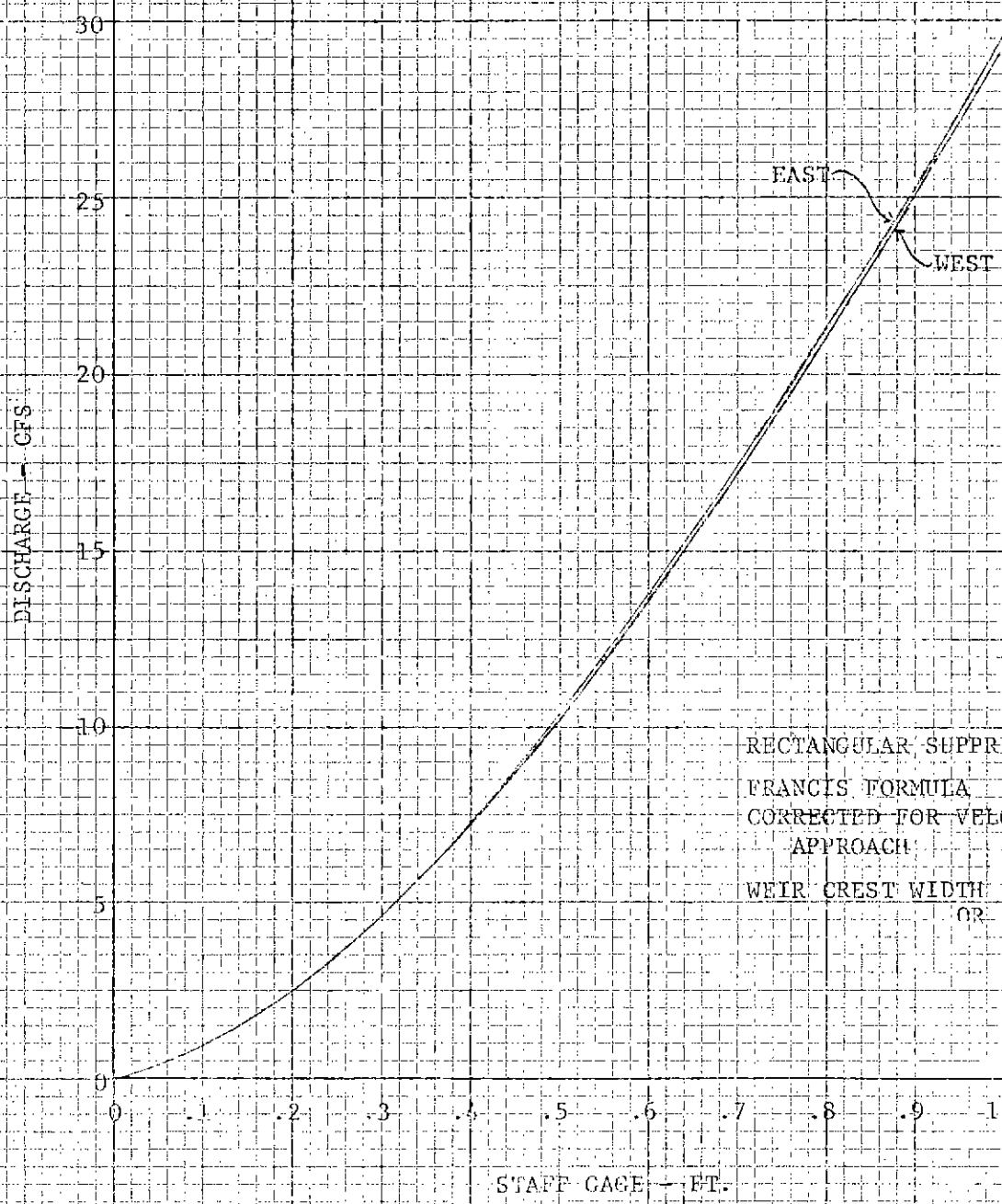
Snake River

RECORDED

Charles E. Grier
 CIVIL ENGINEER
 ST. LOUIS, MO.

CHART #1

CLEAR SPRINGS TROUT COMPANY
 CRYSTAL SPRINGS
 DOUBLE WEIR INLET
 PERMIT NO. 36-7083
 36-7151



RECTANGULAR SUPPRESSED WEIR
 FRANCIS FORMULA
 CORRECTED FOR VELOCITY OF
 APPROACH
 WEIR CREST WIDTH 8.67 FT.
 OR 8.75 FT.

SCALE 10 IN. TO 1 IN. 45 0732
 7 1/2 IN. HIGH
 MADE IN U.S.A.
 KEUFFEL & ESSER CO.

CHART #2

CLEAR SPRINGS TROUT CO. CRYSTAL SPRINGS UNIT
RECTANGULAR SUPPRESSED WEIR L= 3.67' (WEST)

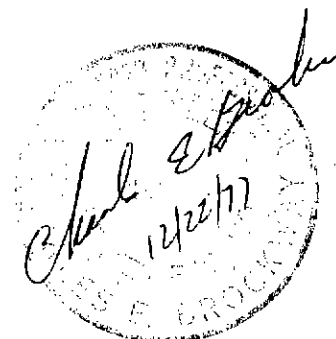
PERMIT NO. 36-708
36-715

STAFF GAGE	0.00	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0.0	0.0	0.0	0.1	0.1	0.2	0.3	0.4	0.5	0.7	0.8
0.1	0.9	1.1	1.2	1.4	1.5	1.7	1.8	2.0	2.2	2.4
0.2	2.6	2.8	3.0	3.2	3.4	3.6	3.8	4.1	4.3	4.5
0.3	4.8	5.0	5.2	5.5	5.8	6.0	6.3	6.5	6.8	7.1
0.4	7.4	7.6	7.9	8.2	8.5	8.8	9.1	9.4	9.7	10.0
0.5	10.3	10.6	10.9	11.3	11.6	11.9	12.2	12.6	12.9	13.2
0.6	13.6	13.9	14.3	14.6	15.0	15.3	15.7	16.1	16.4	16.8
0.7	17.2	17.6	17.9	18.3	18.7	19.1	19.5	19.9	20.3	20.7
0.8	21.1	21.5	21.9	22.3	22.7	23.1	23.5	24.0	24.4	24.8
0.9	25.2	25.7	26.1	26.5	27.0	27.4	27.9	28.3	28.7	29.2
1.0	29.7	30.1	30.6	31.0	31.5	32.0	32.4	32.9	33.4	33.9
1.1	34.3	34.8	35.3	35.8	36.3	36.8	37.3	37.8	38.3	38.8

RECTANGULAR SUPPRESSED WEIR L= 3.75' (EAST)

STAFF GAGE	0.00	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0.0	0.0	0.0	0.1	0.2	0.2	0.3	0.4	0.5	0.7	0.8
0.1	0.9	1.1	1.2	1.4	1.5	1.7	1.9	2.0	2.2	2.4
0.2	2.6	2.8	3.0	3.2	3.4	3.7	3.9	4.1	4.3	4.5
0.3	4.8	5.1	5.3	5.6	5.8	6.1	6.3	6.6	6.9	7.1
0.4	7.4	7.7	8.0	8.3	8.6	8.9	9.2	9.5	9.8	10.1
0.5	10.4	10.7	11.0	11.4	11.7	12.0	12.4	12.7	13.0	13.4
0.6	13.7	14.1	14.4	14.8	15.1	15.5	15.9	16.2	16.6	17.0
0.7	17.4	17.7	18.1	18.5	18.9	19.3	19.7	20.1	20.5	20.9
0.8	21.3	21.7	22.1	22.5	22.9	23.3	23.8	24.2	24.6	25.0
0.9	25.5	25.9	26.3	26.8	27.2	27.7	28.1	28.6	29.0	29.4
1.0	29.9	30.4	30.9	31.3	31.8	32.3	32.7	33.2	33.7	34.1
1.1	34.7	35.2	35.6	36.1	36.6	37.1	37.6	38.1	38.6	39.1

DISCHARGE IN CFS-CORRECTED FOR VELOCITY OF APPROACH



CRYSTAL SPRINGS HATCHERY
CLEAR SPRINGS TROUT CO.

CHART # 3

GAGE READING - FT.

1.0 1.1 1.2 1.3 1.4 1.5 1.6 1.7

0 10 20 30 40 50 60 70 80 90 100

DISCHARGE - CFS

Four foot rectangular suppressed
weir
For a gage reading of 1.0' head
equals 0.0'
Francis formula with velocity of
approach

C.E. Brockway P.E.
August 1977

MICROFILMED

CHART #4

PERMIT NO. 36-7083
36-7151

CLEAR SPRINGS TROUT CO.
CRYSTAL SPRINGS HATCHERY

4 FOOT RECTANGULAR WEIR WITH VELOCITY OF APPROACH - DISCHARGE IN CFS

HEAD	GAGE	0.00	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0.0	1.0	0.0	0.0	0.0	0.1	0.1	0.1	0.2	0.2	0.3	0.4
0.1	1.1	0.4	0.5	0.6	0.6	0.7	0.8	0.9	0.9	1.0	1.1
0.2	1.2	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1
0.3	1.3	2.2	2.3	2.4	2.5	2.7	2.8	2.9	3.0	3.2	3.3
0.4	1.4	3.4	3.5	3.7	3.8	3.9	4.1	4.2	4.4	4.5	4.6
0.5	1.5	4.8	4.9	5.1	5.2	5.4	5.5	5.7	5.9	6.0	6.2
0.6	1.6	6.3	6.5	6.7	6.8	7.0	7.2	7.3	7.5	7.7	7.9
0.7	1.7	8.0	8.2	8.4	8.6	8.8	8.9	9.1	9.3	9.5	9.7
0.8	1.8	9.9	10.1	10.3	10.5	10.7	10.8	11.0	11.2	11.5	11.7
0.9	1.9	11.9	12.1	12.3	12.5	12.7	12.9	13.1	13.3	13.5	13.8
1.0	2.0	14.0	14.2	14.4	14.6	14.9	15.1	15.3	15.5	15.8	16.0
1.1	2.1	16.2	16.5	16.7	16.9	17.2	17.4	17.6	17.9	18.1	18.4
1.2	2.2	18.6	18.9	19.1	19.4	19.6	19.9	20.1	20.4	20.6	20.9
1.3	2.3	21.1	21.4	21.6	21.9	22.2	22.4	22.7	23.0	23.2	23.5
1.4	2.4	23.8	24.0	24.3	24.6	24.8	25.1	25.4	25.7	26.0	26.2
1.5	2.5	26.5	26.8	27.1	27.4	27.7	27.9	28.2	28.5	28.8	29.1
1.6	2.6	29.4	29.7	30.0	30.3	30.6	30.9	31.2	31.5	31.8	32.1
1.7	2.7	32.4	32.7	33.0	33.3	33.6	33.9	34.3	34.6	34.9	35.2
1.8	2.8	35.5	35.8	36.1	36.5	36.8	37.1	37.4	37.8	38.1	38.4
1.9	2.9	38.7	39.1	39.4	39.7	40.1	40.4	40.7	41.1	41.4	41.7
2.0	3.0	42.1	42.4	42.8	43.1	43.5	43.8	44.1	44.5	44.8	45.2

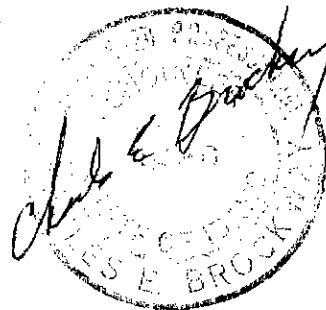


CHART #5

Clear Springs Trout Co.
Crystal Springs Unit
West Inlet Rating
April 5, 1977

Permit Nos. 36-7083, 36-7151

DISCHARGE - CFS

300

250

200

150

April 5, 1977

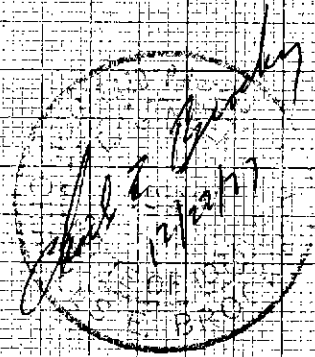
Sept. 4, 1974

Nov. 12, 1976

May 29, 1976

Measured Points

STAFF GAGE- FT.



46 1320

10 X 10 TO 1/4 INCH 7 X 10 INCHES
REDFILL & SENSE CO. MADE IN U.S.A.

RECEIVED

CLEAR SPRINGS TROUT CO. CRYSTAL SPRINGS UNIT
WEST INLET RATED STRUCTURE

PERMIT NO. 36-708
36-715

STAFF GAGE

	0.00	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0.8	143.9	146.2	148.4	150.7	152.9	155.2	157.5	159.7	162.0	164.2
0.9	166.5	168.8	171.0	173.3	175.5	177.8	180.1	182.3	184.6	186.8
1.0	189.1	191.4	193.6	195.9	198.1	200.4	202.7	204.9	207.2	209.4
1.1	211.7	214.0	216.2	218.5	220.7	223.0	225.3	227.5	229.8	232.0
1.2	234.3	236.6	238.8	241.1	243.3	245.6	247.9	250.1	252.4	254.6
1.3	256.9	259.2	261.4	263.7	265.9	268.2	270.5	272.7	275.0	277.2
1.4	279.5	281.8	284.0	286.3	288.5	290.8	293.1	295.3	297.6	299.8
1.5	302.1	304.4	306.6	308.9	311.1	313.4	315.7	317.9	320.2	322.4

DISCHARGE IN CFS



November 30, 1976

CERTIFIED MAIL

138139

Re: Permit No. 36-7083

Clear Springs Trout Company
Box 540
Cuhl, Idaho 83316

Gentlemen:

One of the conditions of approval of your water Permit No. 36-7083 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before February 25, 1977. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

UNRECORDED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

November 30, 1976

Re: Permit No's. 36-7218 and 36-7083
License No. 36-7151

C. E. Brockway
Route 1, Box 186
Kimberly, Idaho 83341

Dear Mr. Brockway:

You recently submitted the required periodic check of the rating curve on Permit No. 36-7218 and we agreed that this check indicates that the inlet conditions have remained stable and that the curve is still valid.

You also submitted a rating curve for the west inlet structure for Permit No. 36-7083 and License No. 36-7151. These measurements and the resulting curve are adequate to satisfy the measuring device requirements on the permit and license.

Periodic checks of at least annually should be made on this structure to determine if changes occur in the inlet conditions.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

cc: Clear Springs Trout Company

MICROFILMED

RECEIVED

NOV 22 1976

**C. E. BROCKWAY P. E.
ENGINEERING CONSULTANT**

Department of Water Resources
Groundwater, Hydrology,
and Hydraulic Engineering

Route 1, Box 186
Kimberly, Idaho 83341

November 17, 1976

Mr. Bob D. Fleenor
Idaho Department of Water Resources
373 W. Franklin
Boise, ID 83720

Re: Permits Nos. 36-7083, 36-7151

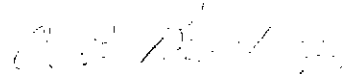
Dear Mr. Fleenor:

The enclosed rating curve is for the west inlet structure of the Upper or Crystal Springs Unit of the Clear Springs Trout Company. This structure was built in 1973 as approved in your letter of December 5, 1972.

No changes in the inlet structure or upstream conditions have been made since construction. The only fluctuation in discharge is the natural seasonal variation which, over the period of record, has been a maximum gage height of about 1.16 to a minimum of 0.80. Measurements have therefore had to be timed to coincide with the desired spread of points on the anticipated curve. The curve is reasonably well defined and a yearly check of the discharge will be made to determine whether changes in inlet conditions have occurred.

Please advise if this structure and rating meets the requirements of the permit.

Sincerely,



C. E. Brockway, P.E.

CEB:ld

enc.

cc: Mr. Dave Erickson, Clear Springs Trout Company
Idaho Department of Water Resources, Twin Falls

MICROFILMED

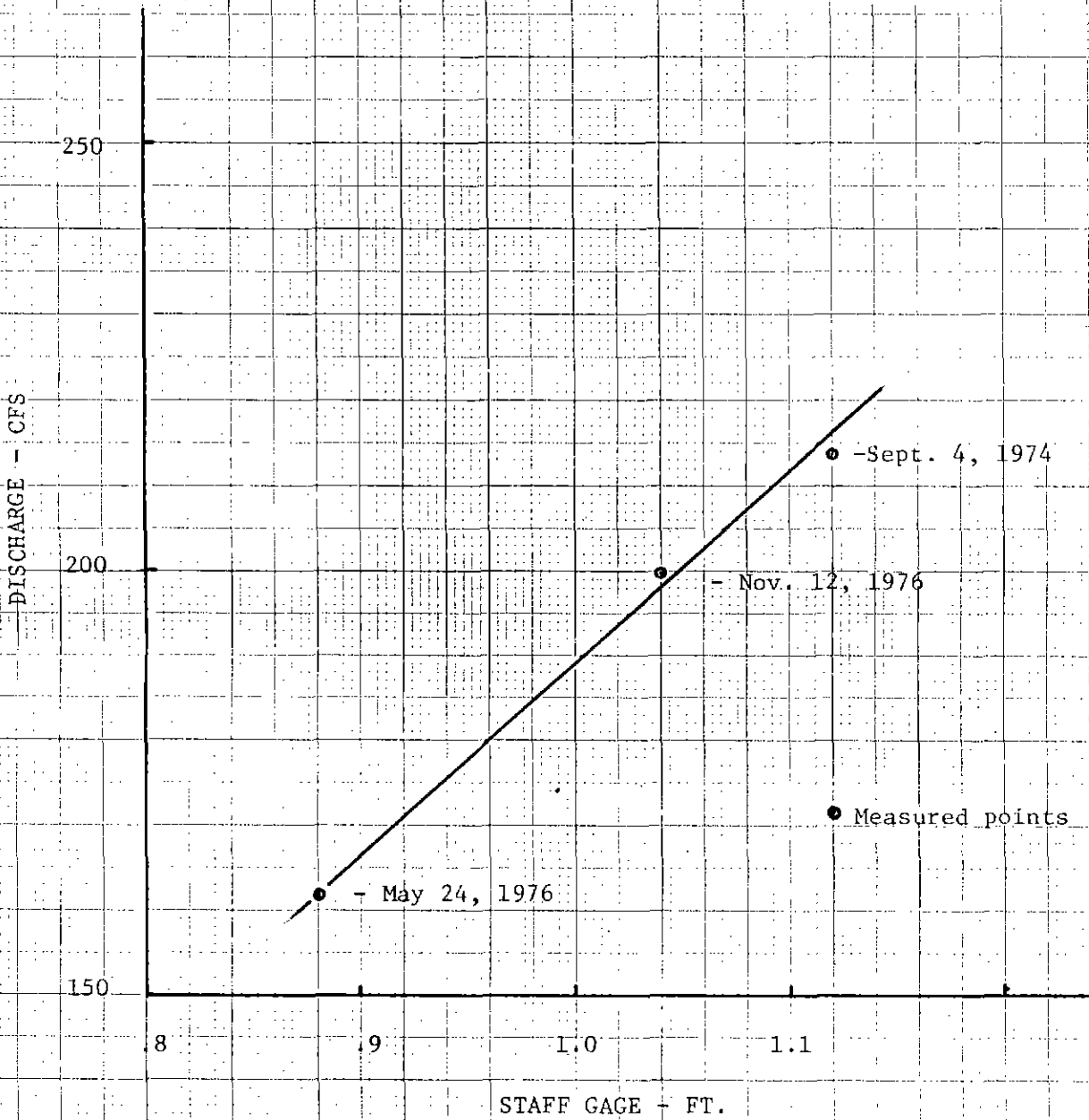
CLEAR SPRINGS TROUT COMPANY

CRYSTAL SPRINGS UNIT

WEST INLET RATING

November - 1976

Permit Nos. 36-7083, 36-7151



46 1320

10 X 10 TO 1 INCH 7 X 10 INCHES
KEUFFEL & ESSER CO. MADE IN U.S.A.

UNRECORDED

June 12, 1975

Mr. John C. Hepworth
Hepworth, Nungester, Felton & Hart
1020 Main
Buhl, Idaho 83316

Dear Mr. Hepworth:

In connection with Mr. Higginson's letter of June 11th, I failed to list Permit No. 36-7033 under the other rights on Crystal Springs.

Please add the permit to your records as follows:

36-7033...Crystal Springs Ranch, Inc., 50 cfs, fish prop. - Exam pending (7/10/68)

Sorry for the inconvenience.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

RECEIVED

June 11, 1975

Mr. John C. Hepworth
Hepworth, Nungester, Felton & Hart
1020 Main
Buhl, Idaho 83316

Re: Permit No. 36-7083
Farmers National Bank of Buhl

Dear Mr. Hepworth:

The Department received your request for extension of time to file proof of beneficial use. As you are aware, the permit in question was originally granted with two years to make proof. This time was extended for five years in 1972 to February 25, 1977.

The controlling statute is Idaho Code, Sec. 42-204(4) which provides:

"4. In all other situations not governed by these provisions the department may grant one (1) extension of time, not exceeding five (5) years beyond the date originally set for completion of works and application of the water to full beneficial use"

Since one extension beyond the original proof due date has been granted, the Department has no authority to grant any additional extension. Therefore, I have no alternative but to deny the request and have done so on this date.

Other rights on Crystal Springs are as follows: (Priority)

36-2681...Idaho Power Company, 100 cfs, fish prop. - Proof due 2/7/78	(9-20-66)
36-7151...Clear Springs Trout Co., 100 cfs, fish prop. - Licensed	(1-21-71)
36-7164...Crystal Springs Ranch, Inc., 50 cfs, fish prop. - Exam pending	(3-5-71)

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:dr
Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

State of Idaho)
County of Twin Falls)

Permit No. 36-7083

John C. Hepworth of 1020 Main, Buhl, Idaho 83316
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 36-7083.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before February 25, 19 77.

That he has heretofore performed the following work described under said permit:

Completed all diversion works; constructed raceways capable of
producing approximately 2,000,000 pounds of trout annually.

Additional construction remains to be done which would raise the
production capacity to approximately 4,000,000 lbs costing \$250,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: On September 30, 1974, Clear Springs Trout Co.'s head
canal at its Box Canyon Hatchery washed out and approximately 800,000 pounds
of trout were lost. This financial setback has caused the company to
reschedule its growth and construction schedule.

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to February 24, 19 80.

FARMERS NATIONAL BANK
By [Signature]
(signature) *Power-of-attorney

Subscribed and sworn before me this 6th day of June, 19 75.

seal

Alta Gannon
Alta Gannon (notary public)

My commission expires 9-2-77

RESOURCES
ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH EGGINSON, Director of the Idaho Department of Water Administration, State of Idaho, hereby DENY the above application for extension of time for Permit No. 36-7083 pursuant to Section 42-204 of the Idaho Code which provides that only one extension of time may be granted.

Witness my hand this 11th day of June, 19 75.

DENIED

[Signature]
Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

MICROFILMED

LAW OFFICES

HEPWORTH, NUNGESTER, FELTON, AND HART

PROFESSIONAL CENTER
1020 MAIN

AREA CODE 208
PHONE 543-4368

BUHL, IDAHO 83316

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

June 6, 1975

543-4368
JUN 10 1975
Department of Water Resources

Dept. of Water Resources
614 West State
Boise, Idaho 83707

Atten: Keith Higginson Re: Permit No. 36-7083

Dear Keith:

Pursuant to my telephone conversation concerning the above permit, I am enclosing an application for extension of time to complete the project and apply the water to beneficial use which, if granted, would extend the time for a total of ten years from the date the approval was initially given. You may recall that the initial approval granted two years within which to complete the works. A subsequent extension gave us five additional years. The question which is raised is, are we under the statute entitled to the additional extension not to exceed three years, which would be a total of ten years from the date of the original approval of the permit? You suggested that I write a letter posing this question and I thought I would enclose with the letter a request for extension. Your courtesy and attention to this matter are sincerely appreciated.

Keith, would you please check to see if there are any applications behind ours on these particular springs for which we have applied. We will wish to make another application if we cannot obtain an extension but I shall need to know if there is someone ahead of us. Your information concerning this will be appreciated.

Very truly yours,


John C. Hepworth

JCH:bh
Encl.

P.S. The power-of-attorney required is on file in connection with this same permit.

December 5, 1972

Re: Permits No. 36-7083, 36-7151, 36-7218

Mr. C. E. Brockway, P.E.
Route 1, Box 186
Kimberly, Idaho 83341

Dear Mr. Brockway:

We received the rating curve you sent for Permit 36-7218. We feel that at least one additional point, and preferably two, are necessary to establish this proper curve. After the curve is established, a one point check each year would be sufficient to determine if the entrance conditions have changed.

The construction to change the west inlet structure, which is the point of diversion of water under Permits 36-7083 and 36-7151, will make the rating curve method of measurement acceptable if it will make the flow pattern symmetrical.

Please let us know when the wingwall construction is completed, as we would like to check the effect on the flow pattern.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:dr

cc: Clear Springs Trout Co.
Mr. John Hepworth

36 7083

**C. E. BROCKWAY P. E.
ENGINEERING CONSULTANT**

Groundwater, Hydrology,
and Hydraulic Engineering

Route 1, Box 186
Kimberly, Idaho 83341

November

RECEIVED
Nov 3 1972
Department of Water Administration

Mr. Bobby D. Fleenor
Assistant Director
Idaho Dept. of Water Administration
State House - Annex 2
Boise, Idaho 83701

re: Permit Nos. 36-7083, 36-7151

Dear Mr. Fleenor:

Enclosed is a drawing showing the proposed change in the west inlet structure of the Upper Unit of the Clear Springs Trout Co. fish facilities formerly referred to as the Crystal Springs Unit. This change is proposed in order to provide a structure with symmetrical flow patterns which can be rated by current metering.

We propose to remove the existing north wing wall and construct a new wall symmetrical with the south wall. A stilling well and staff gage will be installed on the south wall as shown in the drawing. The flow now passes through critical depth and a hydraulic jump occurs at the toe of the sloping apron. It is anticipated that with the higher flows expected (300 cfs) the jump will be swept downstream and the increased depth requires raising the channel wall as shown.

It is contemplated that the rating curve for the structure will be obtained by current metering in the channel upstream of the inlet. No change in the inlet conditions upstream of the structure is planned after construction. Discharge measurements will be obtained for the rating curve as flows change due to seasonal variation and increased development.

Please advise me if this type of structure and method of rating meets the requirements of your office for a satisfactory measuring device.

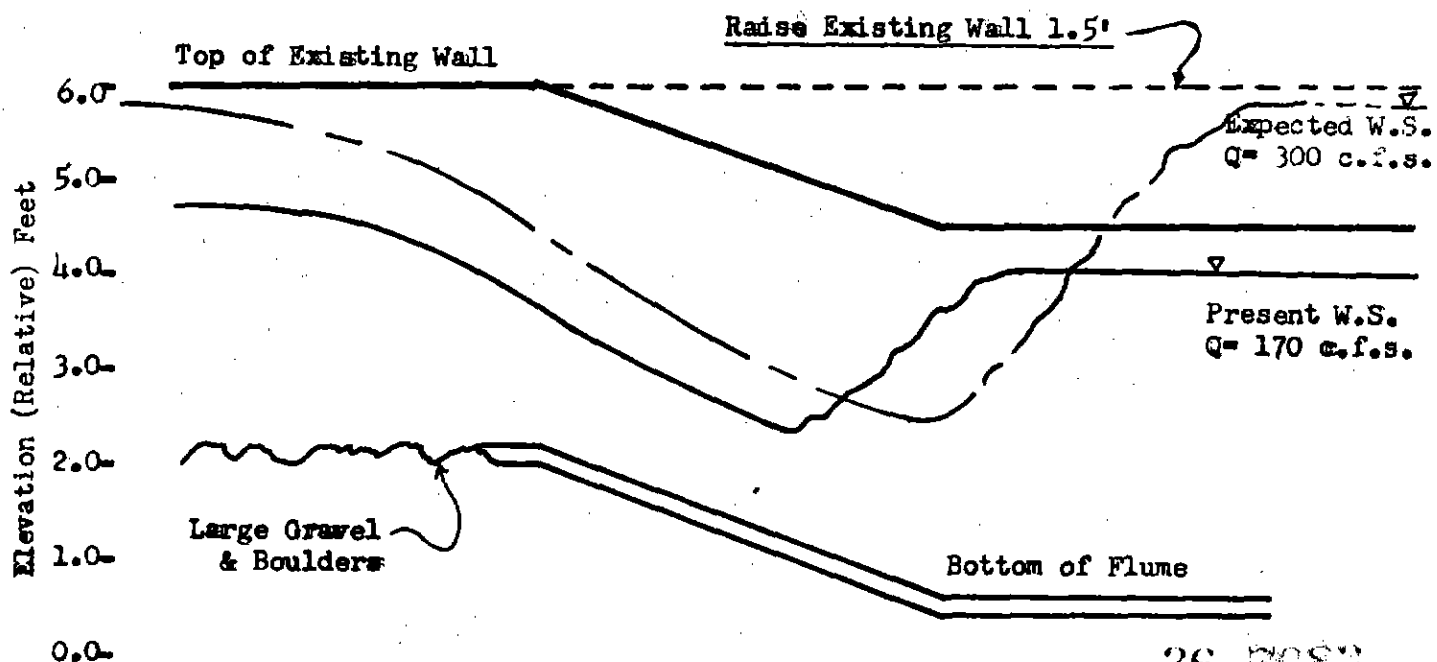
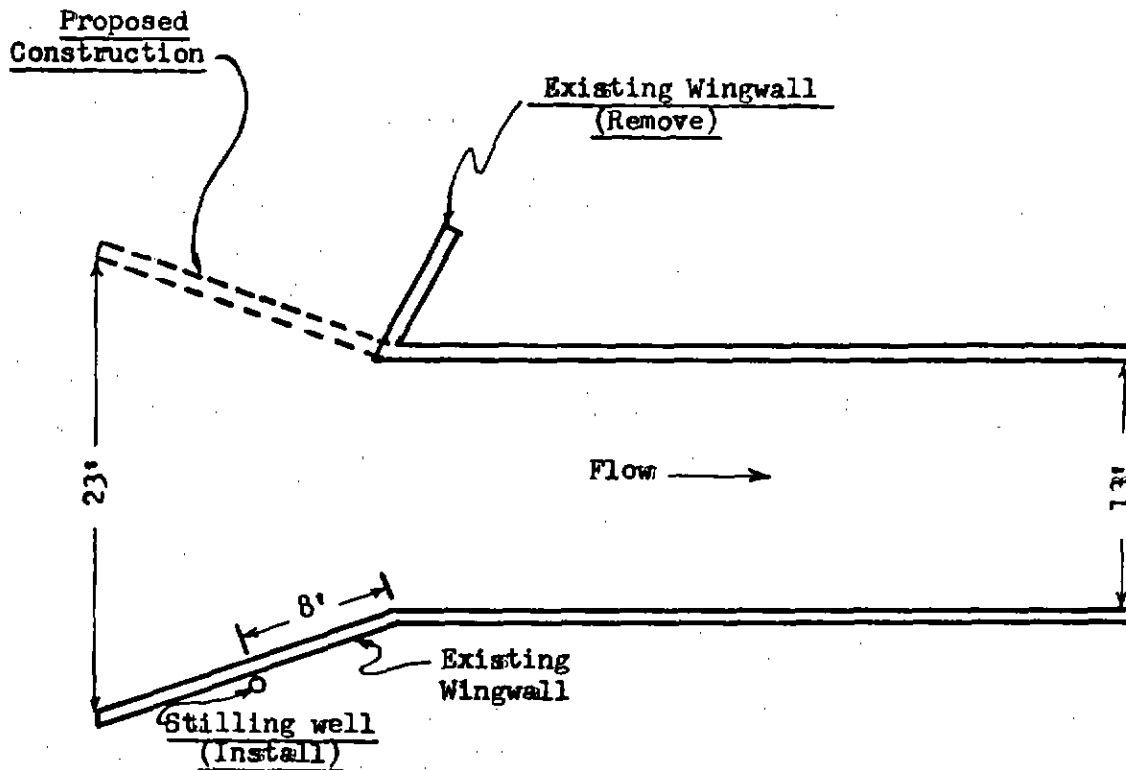
Sincerely,

C. E. Brockway
C. E. Brockway, P.E.

CEB:dw
Enclosure
cc: Mr. Ted Eastman
Mr. John Hepworth

36 7083

CLEAR SPRINGS TROUT CO.
UPPER UNIT
WEST INLET STRUCTURE



February 22, 1972

Re: Permit No. 36-7083 - Clear Springs Trout Company

Mr. John C. Hepworth
1020 Main Street
Buhl, Idaho 83316

Dear Mr. Hepworth:

Enclosed please find a copy of the APPROVED extension of time in connection with the above referenced permit. The time within which to submit proof of beneficial use has been extended to February 25, 1977; the Department will notify you 60 days in advance to this due date.

If we may be of assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB
Enclosure

cc: Clear Springs Trout Co.
Box 106
Buhl, Idaho 83316
Enc: Copy of Extension

36 7083

LAW OFFICES

HEPWORTH, NUNGESTER, AND FELTON

PROFESSIONAL CENTER
1020 MAIN

AREA CODE 208
PHONE 543-4368

BUHL, IDAHO - 83316

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

February 2, 1972

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

Attention: James Booker
Appropriation Examiner

Re: Permit No. 36-7083

Dear Mr. Booker:

Please find enclosed application for extension
of time and power of attorney from the Farmers National Bank.

Very truly yours,

HEPWORTH, NUNGESTER & FELTON

Alta Gannon
Alta Gannon, Secretary

Enc: Extension application
Power of attorney

38 7083

January 28, 1972

Re: Permit No. 36-7083

Mr. John C. Hepworth
1020 Main Street
Buhl, Idaho 83316

Dear Mr. Hepworth:

We are returning the application for extension of time submitted in the behalf of the Farmers National Bank of Buhl, Idaho.

Since the present holder of Permit No. 36-7083 is the Farmers National Bank of Buhl, Idaho, an official of that bank must sign the application for extension of time form. An alternative would be for you to have the bank grant you a power of attorney for this matter. We are enclosing a blank power of attorney form and an application for extension of time form.

Please have the proper form signed and return it as soon as possible. If you have any further questions in this matter, please feel free to contact this Department.

Very truly yours,

James Booker
Appropriation Examiner

JB:cs

Enc: original extension application
power of attorney form

36 7083

January 24, 1972

Re: Permit No. 36-7083 - Farmers National Bank of Buhl

Mr. John C. Hepworth
Hepworth, Walker, Nungester & Felton
1020 Main
Buhl, Idaho 83316

Dear Mr. Hepworth:

Pursuant to your recent telephone request, please find enclosed an Application for Extension of Time form for use in connection with the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

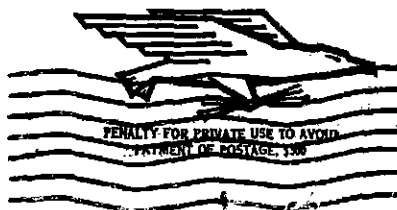
BDF:DR
Enclosure

36 7083

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



POSTMARK OF DELIVERING OFFICE



Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.

RETURN
TO

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

36 7083

35-16-71248-11

POD Form 3811 Apr. 1969

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐ Show to whom, date and address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

23271

1

Farmer's Nat'l Bank

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

Earl W. Traeger

DATE DELIVERED

12/31/71

3

SHOW WHERE DELIVERED (*only if requested*)

36 708336 2083

December 29, 1971 CERTIFIED MAIL

#23271

Re: Permit No. 36-7083

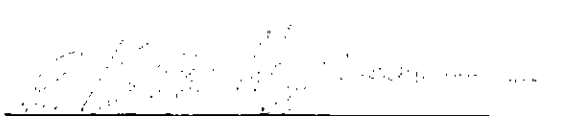
Farmers National Bank of Buhl
Buhl,
Idaho 83316

Gentlemen:

One of the conditions of approval of your water Permit No. 36-7083 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before March 1, 1972. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit
dr

cc: Clear Springs Trout Co.
Box 106, Buhl, Idaho
35 7083

December 24, 1970

Re: Permit No. 36-7083

C
Department of Fish and Game
Mr. Stacey Gibhart
Fisheries Division
Building Mail

Dear Mr. Gibhart:

P
Enclosed are the copies of the Memorandum Decision, Order Approving Assignment and
Approved Application for Permit which you requested.

If you have any questions, please contact us.

Very truly yours,

Y
Donald W. McEldowney
Appropriation Supervisor

DWM:kh

Enclosures

36 7083

December 10, 1970

Re: Permit No. 36-7083

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

O Dear Mr. Hepworth:

Enclosed please find an order approving the assignment of the above referenced permit from Clear Springs Trout Sales, Inc. to Farmers National Bank of Buhl.

We have on this date sent a copy of the order to the Farmers National Bank.

P If we may be of further assistance, please advise.

Very truly yours,

Y Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosure

36 7083



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE 83707

ROBERT M. ROBSON
ATTORNEY GENERAL

Department of Water Administration

November 23, 1970

Mr. Stephen Allred
Deputy Director
Department of Water Administration
State of Idaho
Statehouse--Annex 2
B U I L D I N G

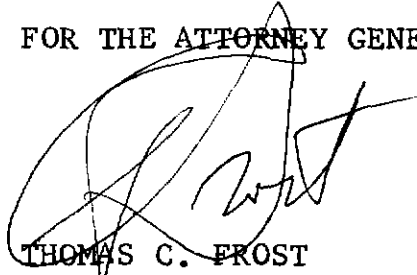
Dear Mr. Allred:

This will acknowledge receipt of your letter of August 19, 1970, in which you requested information regarding whether in the opinion of this office an assignment of Permit No. 36-7083 would be, as per the terms of the agreement, for security purposes only.

It is the opinion of this office that the assignment in question is for security purposes only.

Very truly yours,

FOR THE ATTORNEY GENERAL


THOMAS C. FROST
Deputy Attorney General

TCF:JFC:sam

36 7083

August 19, 1970

C

William D. Collins
Attorney General's Office
Statehouse
Boise, Idaho 83707

Dear Bill:

Please review the enclosed assignment of Permit No. 36-7083 to make sure that it is for security purposes only.

As you will remember, we have a requirement on this Permit that it not be sold or assigned without our permission. We will agree to allow assignments for security purposes.

I will appreciate your comments.

Very truly yours,

C. STEPHEN ALLRED
Deputy Director

CSA/jm
Encl.

36 7083

LAW OFFICES

HEPWORTH, WALKER, NUNGESTER, AND FELTON

PROFESSIONAL CENTER
1020 MAIN

AREA CODE 208
PHONE 543-4366

BUHL, IDAHO -- 83316

JOHN C. HEPWORTH
LLOYD J. WALKER
WM. L. NUNGESTER
MICHAEL H. FELTON

OTHER OFFICES AT

Department of Water Administration
TWIN FALLS, IDAHO 83301
(208) 733-3083
SUN VALLEY, IDAHO 83353
(208) 726-8861

August 11, 1970

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

Atten: Steve Allred Re: Clear Springs Trout Sales, Inc.
Water Permit No. 36-7083

Dear Steve:

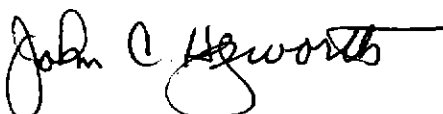
You may recall that when I was in Boise last Thursday I mentioned that Clear Springs Trout Sales, Inc., had made an assignment to The Farmers National Bank of Water Permit No. 36-7083 for security purposes. This is all tied into the loan which we obtained. This permit was first approved in the name of Clear Springs Trout Co., and then assigned by Clear Springs Trout Co., to Clear Springs Trout Sales, Inc., a wholly owned subsidiary of Clear Springs Trout Co. Clear Springs Trout Sales, Inc., assigned the same to The Farmers National Bank as part of the security for a loan which we secured.

You asked that we send a copy of the assignment to you and The Farmers National Bank sent one out in yesterday's mail.

If you have any questions, please advise.

Very truly yours,

HEPWORTH, WALKER, NUNGESTER & FELTON



John C. Hepworth

36 7083

JCH:bh

The Farmers National Bank

OF
BUHL, IDAHO

August 10, 1970

RECEIVED

AUG 13 1970

Department of Water Administration

Department of Reclamation
State of Idaho
614 West State St.
Boise, Idaho

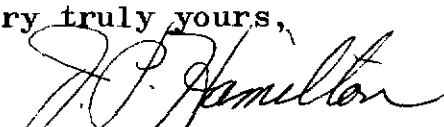
Attention: Mr. Steve Allred Re: Assignment of Water Right
Permit 36-7083
Clear Springs Trout Sales,
Inc.

Gentlemen:

We are enclosing an assignment whereby Clear Springs Trout Sales, Inc. has assigned their right in Permit 36-7083 to The Farmers National Bank as collateral for our loan to improve and develop this water and the property thereunder.

Would you kindly acknowledge and return one copy of this assignment to us in the enclosed self-addressed envelope.

Very truly yours,


J.P. Hamilton
President

JPH/jw
Enclosures 2

July 1, 1970

C
Re: Permit No. 36-7083

O
Clear Springs Trout Company
c/o John Hepworth
Attorney at Law
1020 Main Street
Buhl, Idaho 83316

P
Dear Sirs:

Enclosed you will find an Order vacating the Order to Show Cause issued by this office on June 5, 1970, in the above matter.

Y
You will notice we have also given approval to the assignment of Permit No. 36-7083 to Clear Springs Trout Sales, Inc. Upon submission to this office and review of the assignment to the Farmers National Bank of Buhl and the Buhl Economic Council for security purposes, we will issue formal approval.

If you have any questions, please contact me.

Very truly yours,

C. STEPHEN ALLRED
Deputy Director

CSA/jm

Enclosure

Certified Mail # 22031

36 7083

LAW OFFICES

HEPWORTH, WALKER, NUNGESTER, AND FELTON

PROFESSIONAL CENTER
1020 MAIN

AREA CODE 208
PHONE 543-4368

BUHL, IDAHO -- 83316

JOHN C. HEPWORTH
LLOYD J. WALKER
WM. L. NUNGESTER
MICHAEL H. FELTON

OTHER OFFICES AT

P. O. BOX 23
TWIN FALLS, IDAHO 83301
(208) 733-3083
SUN VALLEY, IDAHO 83353
(208) 726-5881

June 9, 1970

RECEIVED

JUN 10 1970

Department of Reclamation

Dept. of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Atten: R. Keith Higginson Re: Permit No. 36-7083
Clear Springs Trout

Dear Mr. Higginson:

Enclosed you will find an affidavit executed by John C. Hepworth relative to the above-captioned matter.

Very truly yours,

HEPWORTH, WALKER, NUNGESTER & FELTON

Bernice Hatfield

Bernice Hatfield, Secretary

Encl.

36-7083

C
O
P
Y

Re: Permit No. 36-7083

June 5, 1970

Clear Springs Trout Company
Box 106
Buhl, Idaho 83316

Gentlemen:

We are enclosing an Order to Show Cause as to why your above
numbered permit should not be cancelled.

If you have any questions, please contact us.

Very truly yours,

Donald W. McElowney
Appropriation Supervisor

DWM:kh
Enclosure

Certified Mail No. 21955

cc. Mr. John Hepworth
Hepworth, Walker, Nungesser & Felton
Professional Center 1020 Main Street
Buhl, Idaho 83316
Certified Mail No. 21956

36-7083

RECEIVED

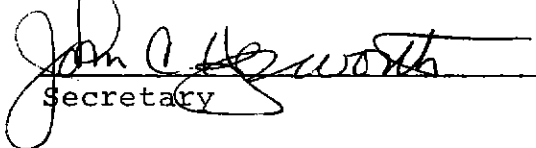
MAY 21 1970

A S S I G N M E N T

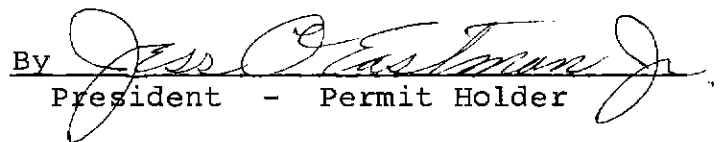
Department of Reclamation

For value received, Clear Springs Trout Co., a.k.a. Clear Springs Trout Company, hereby assigns all of its right, title and interest in and to Permit to Appropriate the Public Water of the State of Idaho, No. 36-7083, to Clear Springs Trout Sales, Inc., an Idaho corporation with its principal place of business in Buhl, Idaho.

ATTEST:


Secretary

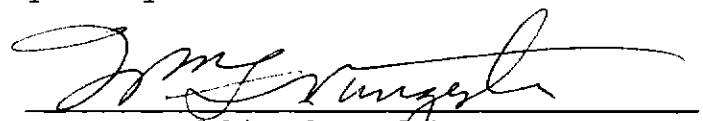
CLEAR SPRINGS TROUT CO.

By 
President - Permit Holder

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

On this 14th day of May, 1970, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Jess O. Eastman, Jr., and John C. Hepworth, president and secretary respectively of Clear Springs Trout Co., known to me to be the persons who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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


Notary Public for Idaho
Residing at Buhl, Idaho

36-7083

NAME AND ADDRESS OF SENDER		NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS		Indicate type of mail ☐ INSURED ☒ CERTIFIED		Affix stamp here if issued as certificate of mailing or for additional copies of this bill.		POSTMARK AND DATE OF RECEIPT		RESTRICTED DELIVERY FEE	
NUMBER OF ARTICLE				POSTAGE	FEE	DUE SENDER IF C. O. D.	R. R. FEE	S. D. FEE	S. H. FEE	REMARKS	
1	32031	Chas. Spriggs Throat Co., 96 John Hepworth,								36-7083	
2		1020 Main St., Bull, Idaho 83316		.06	.30		.15				
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TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		Mark "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLI" if "Fragile-Liquid—This Side Up." Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.					

U. S. GOVERNMENT PRINTING OFFICE

36-7083

LAW OFFICES

HEPWORTH, WALKER, NUNGESTER, AND FELTON

PROFESSIONAL CENTER
1020 MAIN

AREA CODE 208
PHONE 543-4368

BUHL, IDAHO --83316

JOHN C. HEPWORTH
LLOYD J. WALKER
WM. L. NUNGESTER
MICHAEL H. FELTON

May 12, 1970

RECEIVED

MAY 21 1970

Department of Reclamation
OTHER OFFICE

P. O. BOX 23
TWIN FALLS, IDAHO 83301
(208) 733-3063
SUN VALLEY, IDAHO 83353
(208) 726-5881

Dept. of Reclamation
Statehouse
Boise, Idaho 83707

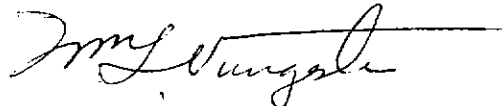
Re: Re: Clear Springs Trout Co.
Permit No. 36-7083

Gentlemen:

Enclosed please find an assignment of Permit 36-7083 from Clear Springs Trout Co., to Clear Springs Trout Sales, Inc. Will you please file this and advise us if there is a charge for this service.

Very truly yours,

HEPWORTH, WALKER, NUNGESTER & FELTON



Wm. L. Nungester

WLN:bh

Encl.

36-7083

CLEAR SPRINGS TROUT COMPANY

OFFICERS

Ted Eastman (Jess O. Eastman, Jr.)	P.O. Box 106, Buhl, Idaho 83316
Ted Ahlm	Box 208, Buhl, Idaho 83316
J. Robert Tullis	Professional Center, 1020 Main Street, Buhl, Idaho
John C. Hepworth	Professional Center, 1020 Main St., Buhl, Idaho 83316
Delva Eastman, Ass't Sec-Tres	P.O. Box 106, Buhl, Idaho 83316

DIRECTORS

Jess O. Eastman, Jr.	P.O. Box 106, Buhl, Idaho 83316
Ted Ahlm	P.O. Box 208, Buhl, Idaho 83316
John C. Hepworth	Professional Center, 1020 Main St., Buhl, Idaho 83316
J. Robert Tullis	Professional Center, 1020 Main St., Buhl, Idaho 83316
Zimri E. Mills	9304 Burnett Drive, Boise, Idaho

CLEAR SPRINGS TROUT SALES, INC.

Jess O. Eastman	Route #4, Buhl, Idaho 83316
Delva Eastman	Route #4, Buhl, Idaho 83316
Nyal Hoffman	Route #4, Buhl, Idaho 83316

As verified by the Secretary of State's office May 22, 1970.

36-7083

Formerly
~~Annually~~

47-7071

36-7083

March 11, 1970

Re: Permit No. 36-7083

Mr. John Hepworth
Hepworth, Walker, Nungester & Felton
Professional Center
1020 Main Street
Buhl, Idaho 83316

Dear John:

This is in response to your recent telephone call concerning the conditions of the approval of Permit No. 36-7083 in the name of Clear Springs Trout Company.

You have specifically requested that we modify condition E, which requires that the Permit not be assigned or sold without written consent of the Department of Reclamation and that failure to receive such consent will be deemed by the Department to be an admission that the Permit was obtained for speculative purposes and as such will be subject to cancellation."

Your concern apparently is that you feel this would prohibit you from making a conditional assignment of the Permit for the purpose of securing a loan to finance construction of the project. This is certainly not the intent of this office, nor do we believe the restriction in any way prohibits you from making legitimate assignments for such purposes. You will note that the condition indicates that the Permit may be assigned with the written consent of this Department. If the purpose of the assignment is to secure a loan, it would certainly have our approval. I therefore see no reason to modify the conditions of our Memorandum of February 25, 1970. I suggest that you proceed with your loan arrangements and submit a copy of the conditional assignment to this office for approval.

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

RKH/jlb

36-7083

March 6, 1970

Re: Permit No. 36-7083

Mr. John Hepworth
Hepworth, Walker, Nungester and Felton
Professional Center
1020 Main Street
Buhl, Idaho 83316

Dear John:

Thank you for your letter of March 4, 1970, regarding Permit No. 36-7083. In response to your questions, I submit the following.

In regard to your inquiry contained in the second paragraph of your letter, we have considered the average available flow of the spring to be 450 second feet of water. Of that amount, Idaho Power Company has Permit No. 36-2681 to divert 200 second feet above your point of diversion, which would not be returned to the creek. Joseph L. Burden holds Permit No. 36-7033 for the diversion of 50 second feet above your point of diversion to be taken across the Snake River. If both of these Permits were fully developed, there would only be approximately 200 second feet of water available for your Permit. However, as is most often the case, total amounts granted under the Permits are not fully licensed and consequently more than 200 second feet of water might be available for your use. This language was included in the memorandum primarily to make the applicants aware of the available water supply and other prior permits in case they were fully developed.

Regarding the inquiry contained in the third paragraph of your letter, the Memorandum Decision was prepared prior to the time that you reached a settlement with Idaho Power and as a result, did not reflect that settlement. However, I should have caught that and modified it before it was issued. I can't see that this creates any real problem, since we have included your agreement with Idaho Power as part of the permit file. If you feel that the Memorandum Decision should be altered to reflect that agreement, I am sure we could amend it to that extent.

36-7083

3/6/80

Regarding the inquiry contained in the fourth and fifth paragraphs of your letter, Title 42, Section 203, Idaho Code, allows the Department to ". . . partly approve or grant a permit for less quantity of water than applied for, or grant a permit upon conditions" (emphasis added). With respect to these two questions, we do not feel that we have discriminated against the applicants, since we have applied these conditions to other projects which, by their nature, could have the possibility of speculation or delay involved. We have not applied these conditions to hinder in any way the development of the project, but rather to protect the people of the state of Idaho.

C Regarding the time limit set for completion of the works and application of the water to beneficial use, you will note that we have included in the Memorandum Decision the condition that if a greater time is needed and requested at the end of that two-year period, and if the permit-holder has proceeded with reasonable diligence, we will extend that time up to the time reasonably necessary to complete the project, within limits specified by statute.

O We feel that the conditions placed upon Permit No. 36-7083 and under which it was issued are reasonable and are in no way arbitrary. We further feel that the Idaho Code gives us authority to impose such conditions in those cases where we feel that they must be imposed in order to protect the public. I would again wish to say that they were not placed on the Permit to hinder in any way your development, and similar conditions have been placed on other permits issued by this office for purposes and developments similar to yours.

P With the exception of the correction to the Memorandum Decision relating to your agreement with Idaho Power, that Memorandum Decision will stand as issued by this Department unless a formal petition for rehearing is filed. You should be aware of the statutory time limit of 60 days within which to appeal that decision to the District Court.

Y If I can give you further information, or if you have any further questions, please feel free to contact me.

Very truly yours,

C. STEPHEN ALLRED
Deputy State Reclamation Engineer

CSA/jlb

36-7083

LAW OFFICES

HEPWORTH, WALKER, NUNGESTER, AND FELTON

PROFESSIONAL CENTER
1020 MAIN

AREA CODE 208
PHONE 543-4368

BUHL, IDAHO -- 83316

JOHN C. HEPWORTH
LLOYD J. WALKER
WM. L. NUNGESTER
MICHAEL H. FELTON

March 4, 1970

RECEIVED
MAR 3 1970
Department of Reclamation
OTHER OFFICES AT
TWIN FALLS, IDAHO 83401
(208) 738-3083
SUN VALLEY, IDAHO 83353
(208) 726-5861

Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Atten: C. Stephen Allred

Re: Clear Springs Trout Co.
Permit No. 36-7083

Dear Steve:

I received your letter of February 26, 1970, enclosing a copy of the approved application for Permit No. 36-7083.

Attached to the approved permit is a Memorandum Decision which incorporates certain conditions and limitations to the approval of the permit. Three Findings of Fact are made. One concerns the amount of water available for appropriation. Frankly, I am not familiar with those applicants who have prior filings or licensed rights for 200 c.f.s. I have no argument with this finding, although I would be interested in knowing who holds those licenses or approved permits which are prior to ours. In any case, however, I think the amount of water that you contend is available is inaccurate. We believe there would still be 300 c.f.s. available for our appropriation. Since you approve our permit for 300 c.f.s. subject to prior appropriators, this presents no problem.

No. 2 of your findings of fact states that the company owns property at the point of use but that the diversions will be upon lands owned by others and further that we need time to condemn a right-of-way over the land of others to the point of diversion. This statement is only partly accurate. First, at least one of the diversions will be on our own land. The other diversions will be upon land owned by Idaho Power Company. However, we now have a right-of-way for the easement and I am sure I sent you

36-7083

Department of Reclamation
March 4, 1970
-2-

a copy of that easement granted by Idaho Power Company. The condemnation suit which we filed has been dismissed and part of the water has already been diverted.

The Memorandum Decision then approves the application but limits to two years the time within which the applicant has to construct the facility and apply the water to a beneficial use. I am interested in knowing on what authority such a limitation is imposed. We could proceed with haste and never be able to complete a 3,000,000 pound hatchery within that period of time and I am not aware of a statute of the State of Idaho which so limits our time period. This is very likely academic since we are already started on the development of this facility. However, I certainly do not wish to place ourselves in a position of losing a permit because of an improper restriction imposed by the State Reclamation Engineer. If you have authority for so restricting this permit, please advise. If you do not, please remove the restriction.

Paragraph B of the Memorandum Decision states that the permit may not be assigned or sold without the written consent of the Department of Reclamation. I wish to know under what authority this limitation is imposed. I am most concerned about this limitation not because we expect to sell the facility for we certainly do not. However, we are in the midst of negotiating financing for the construction of this facility as well as other construction and it will be necessary for us to assign this permit as part of the security we give for the loan. This limitation, if taken literally, would mean we could not assign for security purpose or for any other purpose the permit. When you consider that the water is the basis of a fish hatchery, you might also understand the importance to a financial institution of taking an assignment of that water permit along with a mortgage on the property. This will have to be clarified or it will be necessary for us to ask the Court to give a clarification. I am also concerned academically about the limitation which you seek to impose which would have the effect of raising a presumption that our application was for speculative purposes if we decided to sell within two years. Quite frankly, I am sympathetic to the statute that does not allow filings for the purpose of speculation. However, that statute is one thing. You are trying to accomplish quite another in the limitation you seek to impose by placing the burden upon the company. In other words, while we have no present intention

36-7023

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered ☐ Deliver ONLY to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

3

36 7083

36 7083

655-10-71549-10 GPO

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$300

POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS: Show name and address below and
complete instructions on other side, where applicable.
When gummed ends, attach and hold firmly to back
of article. Print on front of article RETURN
RECEIPT REQUESTED.

RETURN
TO

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Annex #2 State use

POST OFFICE, CITY, STATE, AND ZIP CODE Boise, Idaho 83700

955-16-7M-2-38

POD Form 3811 Apr. 1967

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered ☐ Deliver ONLY to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

22031

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

1

2

3

Clear Springs Trout Co.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

B. Allen Hanson

36

36-7083

655-16-71548-10

3811-10-71648-10

Apr. 1967

POD Form 3811

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

**PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300**



INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Machine gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED**.

**RETURN
TO**

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Annex #2 Statehouse

POST OFFICE, CITY, STATE, AND ZIP CODE

Boise, Idaho 83727

86 7083

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered ☐ Deliver **ONLY** to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.	1 2 3	SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
CERTIFIED NO. 21955		<i>Delva Eastman</i>
INSURED NO.		SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
DATE DELIVERED 6/8/70		SHOW WHERE DELIVERED (only if requested)

36 7083

36-7083

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMARK OF
DELIVERING OFFICE



RETURN
TO

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Annex # 2 Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83702-83

055-16-71248-20

Apr. 1967

POD Form 3811

Department of Reclamation

March 4, 1970

-3-

of selling this facility now or in the future, this does not imply that if someone came and offered us enough money we might not sell, and the fact that such an event occurred within two years of the date of this filing simply would not justify the presumption or conclusion that our filing was made for speculative purposes to begin with. We simply cannot afford to allow this to go unchallenged. Our permit, as I view it, qualifies under the law in every respect. We are an established company and have been in business about four years. I find no authority in the statutes which would justify the imposition of the limitations and conditions which you have sought to impose and it certainly jeopardizes our ability to obtain the financing we seek for the expansion we envision. Therefore, I respectfully request that you remove those restrictions which I have alluded to and if you choose not to, I would appreciate very much having you cite to me the statutory authority upon which you rely to impose them.

Since we have financing pending, I would appreciate having a reply by return mail.

Very truly yours,

HEPWORTH, WALKER, NUNGESTER & FELTON



John C. Hepworth

CJH:bh

36-7083

February 26, 1970

Re: Permit No. 36-7083

C
O
P
Y

Clear Springs Trout Company
Box 106
Buhl, Idaho 83316

Gentlemen:

We enclose a copy of your approved application for permit 36-7083 and direct your attention to the limitations and conditions as given in the enclosed Memorandum Decision of February 25, 1970.

Be sure to note that a special condition requiring you to install and maintain measuring devices has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

C. STEPHEN ALLRED, Deputy
State Reclamation Engineer

CSA:DR
Enc: Copy of permit
Memorandum Decision
Information letter
cc: Mr. John C. Hepworth
1020 Main
Buhl, Idaho 83316

36-7083

LAW OFFICES
HEPWORTH, WALKER, NUNGESTER, AND FELTON
PROFESSIONAL CENTER
1020 MAIN
BUHL, IDAHO - 83316

JOHN C. HEPWORTH
LLOYD J. WALKER
WM. L. NUNGESTER
MICHAEL H. FELTON

OTHER OFFICES AT
P. O. BOX 23
TWIN FALLS, IDAHO 83301
(208) 733-3063
SUN VALLEY, IDAHO 83853
(208) 726-8961

December 9, 1969

RECEIVED

DEC 11 1969

Department of Reclamation
Statehouse Annex 2
Boise, Idaho 83707

Department of Reclamation

Atten: Mr. C. Stephen Allred

Re: Application for Permit No. 36-7083
Clear Springs Trout Company

Dear Steve:

I have your letter dated November 18, 1969, concerning application for Permit No. 36-7083 filed for Clear Springs Trout Company. You ask for detailed information with respect to the location of the springs that our company intends to appropriate.

I am enclosing a map prepared by an engineer which is drawn to scale. You will note by the legend the location of our easement located upon Idaho Power's property. The location of the springs from which we will divert water is also shown, except the #1 spring located upon our own property. I have drawn in the approximate location of that spring located upon our own property; it is located at Lot #1 and is approximately 800 feet east from the west section line on Lot #1. The precise location of the other springs can be determined by referring to the map and applying the scale of 1"=600'. I have numbered the springs 1 through 4 on the map for the purpose of identification, and will refer to them hereafter in this letter by number.

It is impossible to measure the water flowing from each of these springs at the present time. In order to measure the water flow, it will be necessary to channel the springs; therefore, I can only give you very rough guesstimates and I certainly would not

36-7083

Mr. C. Stephen Allred
December 9, 1969
Page 2

wish to be held to them. However, if I were compelled to give a guesstimate, I would think that 60 second feet may be developed from Spring #1, 40 second feet from Spring #2, 20 second feet from Spring #3 and the balance from Spring #4. It may be that more water can be developed from each of these springs than I have indicated. Certainly Spring #4 will provide sufficient water to satisfy our present permit. I might also mention that this water will be developed in the order that I have numbered the springs. In other words, we will first develop and channel the water from Spring #1, then Spring #2, etc. We plan to have two head canals with a measuring device in each canal.

I have thought about the suggestion you made to me when I visited you last in Boise. I think I will file a claim based upon the past beneficial use of this water. In the past, the water used on the facility we now own came entirely from the springs located on our own property, in addition to water diverted from Spring #2 on the Idaho Power property.

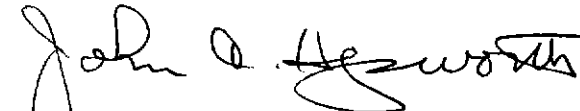
I hope this satisfies your inquiries so that the filing can be approved without further delay. If you require further information, I would sincerely appreciate your giving me a phone call.

You may recall that we filed a condemnation suit against Idaho Power for an easement across their line for the purpose of diverting our water described above as Springs #2, 3, and 4. We now have that easement and I am enclosing a copy of it for your information. We were able to settle the matter amicably with Idaho Power without litigation.

Thank you for your courtesy.

Very truly yours,

HEPWORTH, WALKER, NUNGESTER & FELTON



John C. Hepworth

JCH:cr

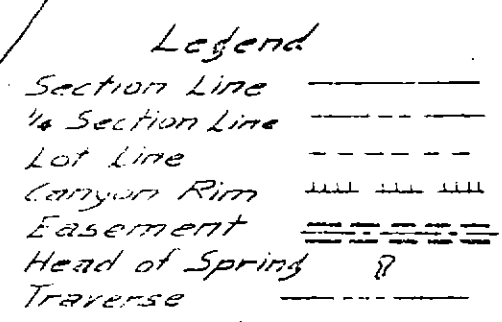
Enclosure

36-7083

10/1/88
D. J. Conner

DEC 12 1969

Spring #1
Spring which is located upon
our lower property.



DATE: Jul 15 1969

SCALE: 1" = 600' DATE July 14, 1969 FILE NO.

1615 Addison Ave. E.

Twain Falls, Idaho

36-7083

RECEIVED

DEC 12 1969

EASEMENT FOR DITCH

THIS AGREEMENT, Made and entered into this ^{Department of Reclamation} 28th day of
November, 1969, by and between IDAHO POWER COMPANY, a
Maine corporation, party of the first part, and CLEAR SPRINGS TROUT
COMPANY, a corporation, party of the second part;

W I T N E S S E T H :

That for valuable consideration received, the party of
the first part hereby grants unto the party of the second part, its
successors and assigns, an easement for the construction, operation,
maintenance and repair of an open water ditch over and across
property of the party of the first part in Gooding County, State of
Idaho, as follows:

An 80 foot strip of land located in Lots 12 and 13
of Section 12, Township 9 South, Range 15 East, BM,
more particularly described as follows:

Commencing at the North quarter corner of said
Section 12, from which the Northwest corner of said
section bears North 89°10' West, thence running South
35°37' East for 2,223.0 feet, thence South 40°51'
West for 825 feet to the real point of beginning;
thence describing a strip of land being 40 feet right
and left of the following described centerline, thence
North 60°00' West for 1,060 feet.

The party of the second part hereby agrees to indemnify
and hold harmless the party of the first part against and from all
claims, demands, actions, suits, damages, expenses and judgments
for injuries to persons, including injuries resulting in death, and
damage to property caused by or growing out of, either directly or
indirectly, the construction, presence, operation, maintenance, or
repair of said open water ditch, except such as shall be caused by
the sole negligence of the party of the first part.

Upon the cessation of the use of said right of way for
conveying water by an open water ditch, the rights and easement
herein granted shall cease and terminate.

The party of the second part agrees that in the utiliza-
tion of said property it will at all times seek to preserve, to the
extent reasonably possible, the natural condition of the area in

36-7083

order to preserve the aesthetics and upon completion of any construction it will make any necessary plantings of natural shrubs, bushes, grass or trees in order to minimize the scars or disturbance of the natural terrain caused by said construction.

This agreement will be binding upon the parties hereto and their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have signed and sealed this agreement the day and year first above written.

IDAHO POWER COMPANY

By *Glenn J. Hall*
Vice President

(CORPORATE SEAL)

ATTEST:

James E. Bruce
Secretary

CLEAR SPRINGS TROUT COMPANY

By *John A. Mesworth*
President

(CORPORATE SEAL)

ATTEST:

John A. Mesworth
Secretary

STATE OF IDAHO }
County of Ada } ss

On this 3rd day of November, 1969, before me, Mary L Morton, a Notary Public, personally appeared GLENN J HALL and JAMES E BRUCE, to me personally known, who being duly sworn, did say that they are respectively the Vice President and Secretary of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same as the free act and deed of said corporation.

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

(NOTARIAL SEAL)

James H. Eastman
Notary Public
Residing at Boise, Idaho
My Commission expires April 1, 1972

STATE OF IDAHO }
County of Twin Falls } ss

On this 1st day of December, 1969, before me,
a Notary Public, personally appeared Jess O. Eastman, Jr. and
John C. Hepworth, to me personally known, who being duly
sworn, did say that they are respective the _____ President
and _____ Secretary of the corporation that executed the
within instrument, and acknowledged to me that such corporation
executed the same as the free act and deed of said corporation.

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

James H. Eastman
Notary Public for Idaho
Residing at: Buhl, Idaho
Commission Expires: Sept. 2, 1973

November 18, 1969

Re: Application for Permit No. 36-7083
Clear Springs Trout Company

C
Hepworth, Walker, Nungester, and Felton
1020 Main
Buhl, Idaho 83316

Attn: John C. Hepworth

O
Dear John:

We are now in the process of completing your company's application for permit no. 36-7083. In order to complete the necessary information, we need the detailed locations of the springs that your company intends to appropriate. This information should be on a map or photograph showing a section corner and the scale.

P
We are finding it difficult to evaluate your application with regard to those permits already approved on Crystal Springs. I understand that your company currently has a facility at this site; however, I can find no water right recorded in this office for such a facility. I would appreciate any information that you can give me as to the extent of the water right you have developed for this facility on Crystal Springs.

Y
If you have any questions or do not understand what information we need, please feel free to call on me.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh

*called for request
Same info.*

*11/18/69 cst
36-7083*

LAW OFFICES

HEPWORTH, WALKER, NUNGESTER, AND FELTON

PROFESSIONAL CENTER
1020 MAIN

AREA CODE 208
PHONE 543-4368

BUHL, IDAHO -- 83316

JOHN C. HEPWORTH
LLOYD J. WALKER
WM. L. NUNGESTER
MICHAEL H. FELTON

OTHER OFFICES AT

P. O. BOX 23
TWIN FALLS, IDAHO 83301
(208) 733-3083
SUN VALLEY, IDAHO 83353
(208) 725-5881

October 14, 1969

RECEIVED

OCT 17 1969

Department of Reclamation

Department of Reclamation
Statehouse Annex 2
Boise, Idaho 83707

Atten: Mr. C. Stephen Allred, P. E.
Acting Deputy State
Reclamation Engineer

Re: Application for Permit No. 36-7083
Clear Springs Trout Company

Dear Mr. Allred:

Pursuant to your letter of September 26, 1969, directed to Clear Springs Trout Company, I submit the following:

1. Financial Statement: My understanding is that you would be satisfied to know that the company has sufficient financial resources to complete the project which is contemplated by the application.

We have not determined the type of construction that we will employ in completing this project. We have a loan application pending which would provide capital to construct concrete raceways and do other work which we would like to do on the property.

We expect to construct a hatchery designed to raise a minimum of 3 million pounds of trout annually. We are presently considering two types of construction; one which consists of concrete raceways, and the other which consists of earthen raceways as shown on the enclosed diagram.

36-7083

Mr. C. Stephen Allred
October 14, 1969
Page 2

Again, we have not yet determined the construction to be employed, but the loan applications which are being processed will, to some extent, determine the course we follow. However, for the purpose of your request, assuming we use earthen raceways, our estimated construction cost would be \$63,000.

The net worth of our company is well over \$300,000; \$200,000 in stock was issued, \$50,000 was issued in return for a transfer and assignment of a lease and option of a portion of the company's real estate, and \$150,000 was paid in capital. If you require further information, please advise and I shall provide the same for you.

2. Design of Hatchery Facilities: I am enclosing a rough drawing prepared by the president of our company which shows a preliminary sketch of the proposed project. It will be noted that we plan construction of raceways capable of producing 3 million pounds of trout annually. One second foot of water, if properly utilized, is capable of producing 10,000 pounds of trout annually. Therefore, in order to raise 3 million pounds of trout annually, we require 300 second feet of water.
3. Construction Schedule: Clear Springs Trout Company proposes to divert approximately 200 second feet of water arising upon land owned by Idaho Power Company. Clear Springs Trout Company has filed a condemnation suit against Idaho Power for a right-of-way for the purpose of constructing the necessary diversions and transporting the water across Idaho Power's land to the place of use on the land owned by Clear Springs Trout Company.

The case has been filed and is at issue, but no trial date has yet been set. We expect to start construction on the diversion works as soon as we have obtained the right-of-way.

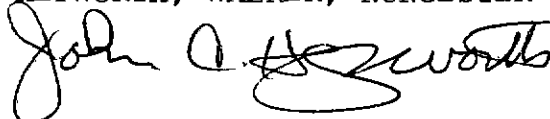
Mr. C. Stephen Allred
October 14, 1969
Page 3

It is not possible to predict the completion date of construction. We can state that it will be within the time allowed by law. I do not anticipate that we will request an extension of time, except and unless the condemnation suit delays us an unreasonable length of time.

If you need further information, we will be happy to provide it.

Very truly yours,

HEPWORTH, WALKER, NUNGESTER & FELTON

A handwritten signature in dark ink, appearing to read "John C. Hepworth". The signature is fluid and cursive, with the first name "John" being more prominent and the last name "Hepworth" written in a more compact, cursive style.

John C. Hepworth

JCH: cr

Enclosure

36-7083

STUDS
TYPICAL
HEAD CANAL

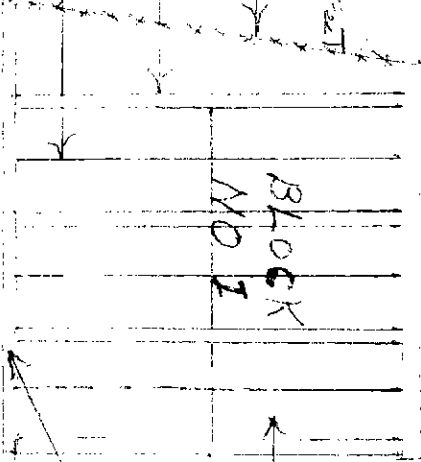
N

HEAD CANAL NO 1
CONCRETE CONSTRUCTION
12 FEET 8 IN. DEEP

CONCRETE TIE
PROPERTY LINE

CONCRETE
CONSTRUCTION

CONCRETE
WALL



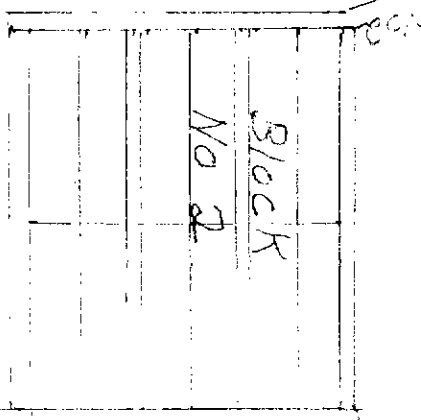
24\"/>

24\"/>

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House

SNAKE RIVER



36-7083

CONSTRUCTION COST

MINIMUM DIMENSIONS

2000 FEET LONG
60 FEET WIDE

11.5 FEET DEEP

2000 FEET LONG
60 FEET WIDE
11.5 FEET DEEP

September 26, 1969

Re: Application for Permit No. 36-7083

Clear Springs Trout Company
Box 106
Buhl, Idaho

Gentlemen:

In order to further consider your application for permit, we will require some additional information not included in your application.

1. A financial statement indicating the resources available to you to complete the project as described in the application (See Section 42-203, Idaho Code).
2. A preliminary design of the hatchery facilities indicating size of raceways, general layout, size of pipelines or other diversion works and such other information as will fully describe the method and means of diversion and verify the need for the quantity of water you have asked to appropriate.
3. A justification, based upon the preliminary design and the estimated production of the hatchery, for the amount of water requested.
4. An estimated schedule of construction giving dates for the start of construction, finish of construction, and the date that full operation of the hatchery is anticipated.

You should be aware that all applications, if approved, will require the installation and maintenance of adequate measuring devices, both at the point of diversion and the point of return of the water to the river. These devices must be of a type approved by the Department of Reclamation. They can

36-7083

Clear Springs Trout Company
September 26, 1969
Page 2

be of any generally recognized standard measuring device. You should include the installation of these devices in your preliminary plans for construction.

I would appreciate receiving this information by October 27, 1969. Thank you for your co-operation.

Very truly yours,

C. Stephen Allred, P. E.
Acting Deputy State
Reclamation Engineer

CSA:tg

Enc: none

36-7083

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATE HOUSE - ANNEX 2
BOISE, IDAHO 83707

September 5, 1969

Re: Application for Permit No. 47-7071 - Clear Springs Trout Co.

Gooding Leader
Box 56
Gooding, Idaho 83330

Gentlemen:

Would you please submit an affidavit of publication and a certified bill in connection with the above referenced. The legal notice was to be published in your paper on August 21 and August 28, 1969.

As the above permit application cannot be approved until we are in receipt of the affidavit, it is important that we receive it as soon as possible.

Your prompt attention to this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

36-7083

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

August 13, 1969

Re: Applications for Permit Nos. 36-7066, 47-7071, 36-7068,
36-7069, 36-7072

Idaho Power Company
1220 Idaho
Boise, Idaho

Gentlemen:

Enclosed please find copies of Applications for
permits for the above referenced per your request.

If we can be of any further assistance please
advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:sc
Enc.

36-7083

LAW OFFICES
HEPWORTH, WALKER, NUNGESTER, AND FELTON
PROFESSIONAL CENTER
1020 MAIN

AREA CODE 208
PHONE 543-4368

BUHL, IDAHO - 83316

JOHN C. HEPPWORTH
LLOYD J. WALKER
WM. L. NUNGESTER
MICHAEL H. FELTON

RECEIVED

JUL 28 1969

Department of Reclamation

OTHER OFFICES AT

P. O. BOX 23
TWIN FALLS, IDAHO 83301
(208) 733-9088
SUN VALLEY, IDAHO 83353
(208) 726-5861

July 28, 1969

Department of Reclamation
Statehouse
Boise, Idaho 83707

Attention: Don Mc Eldowney

Dear Mr. Mc Eldowney:

I am writing to you concerning the recent water filing made by Clear Springs Trout Company on water from Crystal Springs in the amount of 300 second feet. You will recall that at the time this filing was made, it was explained that a portion of the water would be diverted from land owned by the Idaho Power Company. I also explained to you at that time that Idaho Power Company had not consented or granted an easement across their land for this purpose, and that we intended to file condemnation proceedings in order to acquire the water way as soon as possible. Such a complaint was filed in Gooding County, Idaho, on or about the 15th day of July, 1969.

I am enclosing a copy of the complaint which has been filed and served upon Idaho Power Company for your further information. This complaint is served upon Idaho Power Company and we are still very hopeful that we can obtain this easement in the last analysis, without court proceedings, but, of course, I have no assurance of this. Certainly, we will wish to cooperate with Idaho Power Company. Our relations with them have always been amiable. If you wish any further information, please advise.

Very truly yours,

HEPWORTH, WALKER,
NUNGESTER & FELTON

John C. Hepworth
John C. Hepworth

JCH:th

36-7083

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

RECEIVED

JUL 29 1969

CLEAR SPRINGS TROUT CO.,)
A Corporation,)

Department of Reclamation

Plaintiff,)

#13615

-vs-)

COMPLAINT

IDAHO POWER CO.,)
A Corporation,)

Defendant.)

COMES NOW the plaintiff, and for cause of action
against the defendant, complains and alleges as follows:

I.

That the plaintiff is an Idaho corporation and the
defendant is a corporation incorporated under the laws of the
State of Maine and authorized to do business in the State of Idaho.

II.

That the plaintiff is the owner of Permit No. 477071,
filed with the State of Idaho Department of Reclamation, which
is an application for authority to apply 300 c.s.f. of water to
a beneficial use upon the following described real property in
Gooding County, Idaho, to wit:

All the following legal subdivisions or such parts
thereof as lie on the North side of Snake River,
between the river and the canyon rim and East of
the tract of land as conveyed to Rim View Trout Co.,
by deed dated September 16, 1952, and recorded

1 September 22, 1952, in Book 45 Deeds, at page 412,
2 records of Gooding County, Idaho: Lots 14 and 15,
3 Section 12, Township 9 South, Range 15, E.B.M.,
4 Lots 8 and 9, Section 7, and Lot 11, Section 18,
5 in Township 9 South, Range 16 E.B.M. Said Canyon
6 rim shall be the north dividing line for the property,
7 in the County of Gooding, State of Idaho.

8 A tract of land situate in Section 12, Township 9
9 South, Range 15, E.B.M., described as follows:

10 Beginning at a point from which the North quarter
11 corner of said Section 12 bears North 35°37' West
12 2223 feet distant (as such point is identified and
13 located in deed of record in Book 22, page 162 of
14 the records of deeds in Gooding County), which is
15 the true point of beginning; thence South 40°51'
16 West 1346 feet to a point on the North bank of
17 Snake River which is the second point; thence
18 upstream along the North bank of the Snake River to
19 a point; thence North on a course parallel with the
20 East line of said Section 12, which course is 1250
21 feet east of said second point, to a point East of
22 the true point of beginning; and thence West to the
23 true point of beginning.

24 III.

25 That to accomplish such purpose of applying said water
26 to a beneficial use upon said lands it is necessary to acquire a
27 right-of-way for three points of diversion on the following des-
28 cribed land and a right-of-way over the following described land
for the construction and maintenance of the points of diversion
and an irrigation ditch; said land being described as follows,
to wit:

29 Lots 12 and 13 of Section 12, Township 9 South,
30 Range 15, E.B.M., Gooding County, Idaho.

31 IV.

32 That said land sought to be acquired is owned by the
33 defendant in this proceeding. That the plaintiff has the right
34 of eminent domain over the defendant's land by virtue of Chapter
35 11, Title 42 of the Idaho Code.

1 V.

2 That in order to properly apply the plaintiff's waters
3 to a beneficial use upon its lands, it is necessary that the
4 plaintiff have a right-of-way to construct three points of diver-
5 sion and an open water ditch over the above described lands of
6 the defendant, such right-of-way being described as follows,
7 to wit:

8 An 80 foot strip of land located in Lots 12 and 13
9 of Section 12, Township 9 South, Range 15, E.B.M.,
more particularly described as follows:

10 Commencing at the North quarter corner of said Section
11 12, from which the Northwest corner of said section
12 bears North 89°10' West, thence running South 35°37'
13 East for 2,223.0 feet, thence South 40°51' West for
14 825 feet to the real point of beginning: thence
describing a strip of land being 40 feet right and
left of the following described centerline, thence
North 60°00' West for 1,060 feet.

15 all of which is more particularly described on the map marked
16 Exhibit "A" attached hereto and made a part of the complaint.

17 VI.

18 That the right-of-way hereinbefore mentioned is sought
19 for the purpose of establishing and maintaining such points of
20 diversion and ditches.

21 VII.

22 That the plaintiff has sought in good faith to purchase
23 the right-of-way sought to be taken but has been unable to make
24 a reasonable bargain therefor or settlement of such damages with
25 the defendant.

26 WHEREFORE, plaintiff prays a decree of condemnation
27
28

1 over the aforesaid lands owned by defendant for a right-of-way
2 as described in Paragraph V hereof for three points of diversion
3 and an irrigation ditch; that said decree fix the compensation
4 to be paid by plaintiff to defendant for such right-of-way and
5 for such other and further relief as to the Court may seem proper.

6 Dated: July 15, 1969.

7

8

HEPWORTH, WALKER, NUNGESTER & FELTON
1020 Main, Buhl, Idaho 83316
Attorneys for Plaintiff

9

10

11

By Wm. L. Nungester

12

13

STATE OF IDAHO :
: ss.
14 County of Twin Falls :

15

16

Wm. L. Nungester, being first duly sworn on oath,
deposes and says:

17

18

19

That he is the assistant secretary of Clear Springs
Trout Co.; that he has read the foregoing complaint and that the
facts alleged therein are true to the best of his knowledge and
belief.

20

21

22

/s/ Wm. L. Nungester

23

24

Subscribed and sworn to before me this _____ day of
July, 1969.

25

26

(SEAL)

27

Notary Public for Idaho
Residing at Buhl, Idaho

28

-4-

July 17, 1969

Re: Application for Permit No. 47-7071-Clear Springs Trout Company

Gooding Leader
Gooding, Idaho

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication 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 of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

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

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Enc: Legal Notice (1)

36-7083

*call to news - 8.7.69 - hadn't received
reforwarded - 8.11.69 -
publication dates changed to
8.11 + 8.22.69.*

NEED PROOF
NOTICE OF APPLICATION
FOR WATER

Notice is hereby given that Clear Springs Trout Company, Box 106, Buhl, Idaho has on July 8, 1969 applied for permit under application No. 47-7071 to divert 300 cubic feet per second of water from Crystal Springs tributary of the Snake River. Water will be diverted by diversion dams, headgate, pipe, ditches and concrete and dirt raceways within the Lot 13 (SW- $\frac{1}{4}$ NE $\frac{1}{4}$ -three points), Lot 15 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ -one point), Sec. 12 T. 9 S, R. 15 E, B.M., Gooding County and is to be used from January 1 to December 31 for fish propagation in the Lots 13, 14, and 15, Sec. 12, T. 9 S, R. 15 E, B. M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. Keith Higginson
State Reclamation
Engineer

36-7083

8-12-2tc

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Clear Springs Trout Company, Box 106, Buhl, Idaho

has on July 8, 1969

applied for permit under application No. 47-7071

to divert ~~store~~ 11/ 300 cubic feet per second ~~acre~~ feet

of water from Crystal Springs tributary of the Snake River

Water will be diverted by diversion dams, headgate, pipe, ditches and concrete and dirt raceways

within the Lot 13 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ -three points), Lot 15(NW $\frac{1}{4}$ SE $\frac{1}{4}$ -one point), Sec. 12

T. 9 S., R. 15 E., B. M., Gooding County

and is to be used from January 1 to December 31 for fish propagation

in the Lots 13, 14, and 15, Sec. 12, T. 9 S, R. 15 E, B. M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Gooding Leader, Gooding, Idaho

on July 24 and July 31, 1969

36-2083

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

JOHN C. HEPPWORTH
LLOYD J. WALKER
WM. L. NUNGESTER
MICHAEL H. FELTON

July 9, 1969

RECEIVED
JUL 14 1969
DEPARTMENT OF RECLAMATION
P. O. BOX 1000
TWIN FALLS, IDAHO 83303
(208) 733-2083
SUN VALLEY, IDAHO 83353
(208) 726-5561

Dept. of Reclamation
Statehouse Mail Room
Boise, Idaho 83707

Atten: Don McEldowney Re: Clear Springs Trout Company

Dear Don:

Pursuant to your request, I am verifying by letter the changes which we requested be made in the application of Clear Springs Trout Company to appropriate 300 second feet of water from the area known as Crystal Springs. I respectfully request that you make these changes on our application.

There will be four diversions rather than the two I mentioned yesterday when we made the filing. They will be located as follows:

1. Three diversions will be made in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 12, Township 9 South, Range 15, E.B.M. This is also described as being Lot 13 of that section, township and range.

(a) The first of these diversions in Lot 13 will be made near the west line of the above described forty.

(b) The second diversion will be near the center of the above described forty.

(c) The third diversion will be approximately 400 feet from the east line of the above described forty.

36-7083

Department of Reclamation

July 9, 1969

-2-

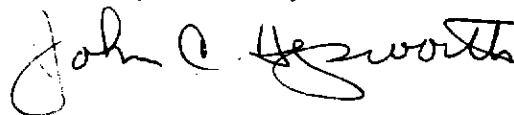
2. In addition to the three diversions above, there will be one additional diversion on our own property, which is within the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 12, Township 9 South, Range 15, E.B.M., which is also described as being Lot 15. This diversion actually occurs at the point where Lot 15 and Lot 14 join and is on a quarter corner line as well.

In summary, there will be four diversions, three of which will be on Idaho Power Company property and one on our own property. The diversion on our own property will be 30 foot in length and 4 foot in height. One of the diversions on Idaho Power property will be approximately 20 foot in length and 4 foot in height and the other two diversions on Idaho Power property approximately 10 feet in length and 4 feet in width. The raceways will all be built on Lots 14 and 15, Section 12, Township 9 South, Range 15, E.B.M. and possibly some in Lot 13 of that same section. We own a small part of Lot 13 although we do not own those portions of Lot 13 where the diversions will occur.

As I mentioned to you by phone, we have requested a consent from the Idaho Power Company to make diversions on their property. In the absence of their granting a consent, we expect to file condemnation proceedings if we must.

Very truly yours,

HEPWORTH, WALKER, NUNGESTER & FELTON



John C. Hepworth

JCH:bh

36-7083