

ASSIGNED TO:
Hagerman Valley Trout
Co., Inc.
Buhl, Idaho 83316

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

Identification No.

Application No.

36-7040

42798

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

ASSIGNED TO:

Clear Spring Trout Co.
c/o Mr. John Hepworth
1020 Main
Buhl, Idaho 83316

LICENSE ISSUED FOR 300 SEC. FT.
LICENSE PAGE NO.

1. Name of applicant RICHARD KASTER
post office address Route #4, Buhl, Idaho
2. Source of water supply Box Canyon Creek which is a tributary of Snake River
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 8 S
Range 14 E B.M. Gooding County; additional points of diversion if any: NE NW 1/4, sec. 28, T. 8 S, R. 14 E, B.M.

b. If water is not consumed, it will be discharged into Snake River at a point in see Remarks $\frac{1}{4}$
of $\frac{1}{4}$ of Section Township Range B.M.

4. Water will be used for the following purposes:

Amount 300 for Fish propag. purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 300 for Recreation purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 20 for Irrigation purpose from April 1 to November 1 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

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

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Small diversion dam - headgate -
pipe used for siphon - open ponds and ditches

b. Height of storage dam feet, active reservoir capacity acre feet; total reservoir
capacity acre feet, materials used in storage dam:
Period of year during which storage will occur (Mo. Day) to (Mo. Day) inclusive.

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 5 years.

b. Estimated construction cost is \$ 40,000.00 4200,000

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: W $\frac{1}{2}$ $\frac{1}{4}$ of $\frac{1}{4}$ of Section 28 Township 8 S
Range 14 E B.M.

(2) Amount of power to be generated: hp under feet of head.

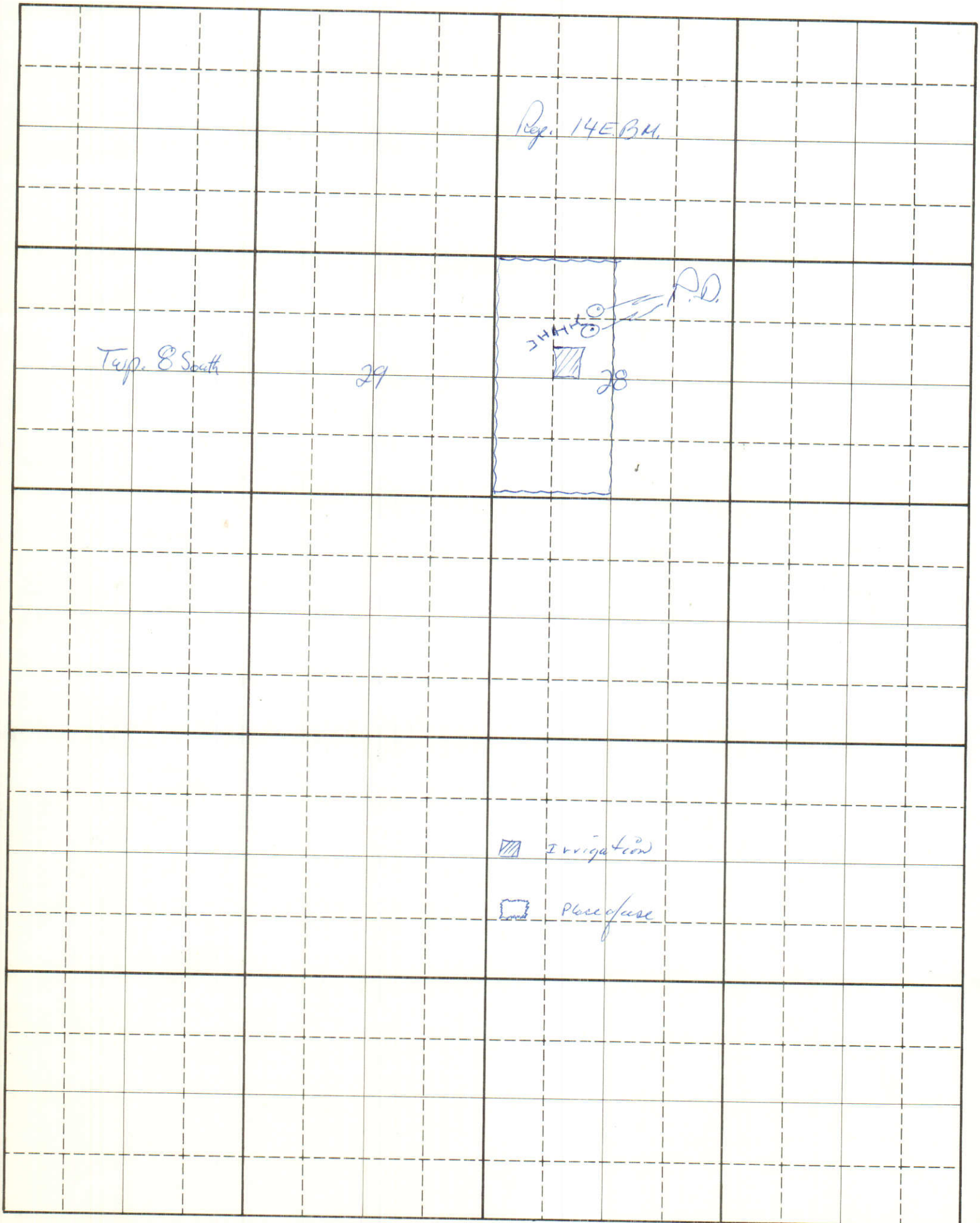
(3) List number of each kind of livestock to be watered

(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:

36 7040

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.

Richard Kaster
(Applicant)

Affidavit of Publication

RECEIVED
JUN 11 1971

State of Idaho, }
County of Gooding } ss.

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

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

first publication of said advertisement was on the 3 day

of June, 1971, and the date of the last publication

was on the 10 day of June, 1971

Subscribed and sworn to before me this 10

day of June, 1971
(SEAL)

Andrew C. Belcher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

Lines at 14¢

Lines at 10¢

TOTAL COST.....

COPY OF NOTICE

Title of Notice

Amendment to
Water Permit

Title of Notice

NOTICE OF AMENDMENT TO WATER PERMIT

Notice is hereby given that Permit No. 36-7040 in the name of Richard Kaster, Route 4, Buhl, Idaho, was issued for the diversion of 300 cubic feet per second of water from Box Canyon Creek, tributary to the Snake River, from a point within the SE 1/4 NW 1/4 and NE 1/4 NW 1/4, Sec. 28, T. 8S, R. 14E, B.M., Gooding County, to be used for fish propagation, recreation and irrigation purposes.

The permit holder now proposes to amend the above permit, requesting the point of diversion to be located within the SW 1/4 NE 1/4, Sec. 28, T. 8S, R. 14E, B.M., Gooding County.

Any protest to the proposed amending of this permit must be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, 83707, on or before June 21, 1971.

R. Keith Higginson
Director

6-3-2tc

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 insertions.....	10c

No 1169

30 1040

Affidavit of Publication

State of Idaho, }
County of Gooding } SS.

Thomas O 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 26

day of Sept, 1968, and the date of the last publica-

tion was on the 3 day of October, 1968.

Thomas O Miller

Subscribed and sworn to before me this.....

day of OCT 14 1968, 19.....
(SEAL)

George L. Blamire
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 31

Number of Insertions 2

31 Lines at 14c 4.34

31 Lines at 10c 3.10

TOTAL COST 7.44

COPY OF NOTICE

(Paste Here)

Notice of Application for Water
TITLE OF NOTICE

436-7040

Richard Kaster
PLAINTIFF ATTORNEY
DEFENDANT

PLAINTIFF

BILL TO

Certified true:
Dept. of Reclam.
Statehouse
Boise

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Richard Kaster, Rout No. 4, Buhl, Idaho has on September 4, 1968 applied for permit under application No. 47-7044 to divert 300 cubic feet per second of water from Box Canyon Creek, tributary of the Snake River. Water will be diverted by a small diversion dam, headgate, pipe and open pond and ditch within the SE 1/4 NW 1/4, sec. 28, T. 8 S. R. 14 E, B.M., Gooding County and is to be used from January 1 to December 31 for fish propagation and recreation and from April 1 to November 1 for irrigation in the W 1/2, sec. 28, T. 8 S. R. 14 E, B.M.

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

R. Keith Higginson
State Reclamation Engineer
9-26-2tc

36 7040

STATE NOT RENDERED EVERY THIRTY DAYS

GOODING COUNTY LEADER

AND GOODING INDEPENDENT COMBINED

P. O. BOX 56

RECEIVED

OCT 8 1968

One Newspaper • One Coverage • One Cost

Account of

Gooding, Idaho, 10 - 7 - 68, 19 Department of Reclamation

STATE OF IDAHO

Dept. of ~~Reclamation~~
Reclamation
BOISE, IDAHO

Previous Balance

00

Ticket No.	Credits	Charges	Date	Balance
17841	(31 lines @ ¹⁴ (4.34)) (31 lines @ ¹⁰ (3.10))	7.44	7-26-68	7.44 Legal # 280

"I hereby certify that the foregoing account is correct and just, that the services were actually rendered as charged and we have not received payment therefor."

dated 10-7-68

signed Gooding Leader

by Anders Petersen

STATEMENT RENDERED EVERY THIRTY DAYS
GOODING COUNTY LEADER
AND GOODING INDEPENDENT COMBINED
P. O. BOX 56

RECEIVED

OCT 8 1968

One Newspaper • One Coverage • One Cost

Department of Reclamation

Gooding, Idaho, 10 - 7 - 68, 19.....

Account of

STATE OF IDAHO
Dept. of ~~Reclamation~~
BOISE, IDAHO

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17841	(31 lines @ nd (4.34) 31 lines @ ^{1st} (3.10))	7.44	9-26-68	7.44 Legal #280

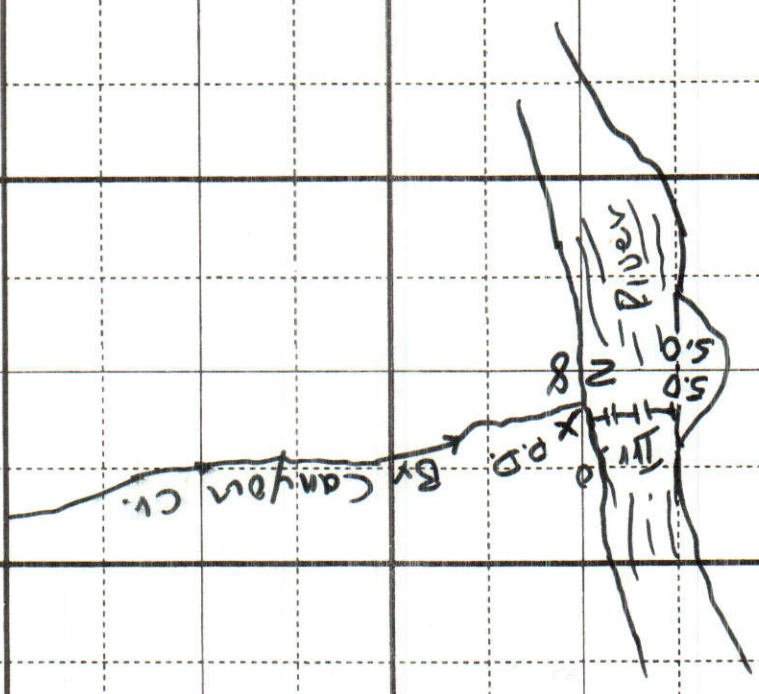
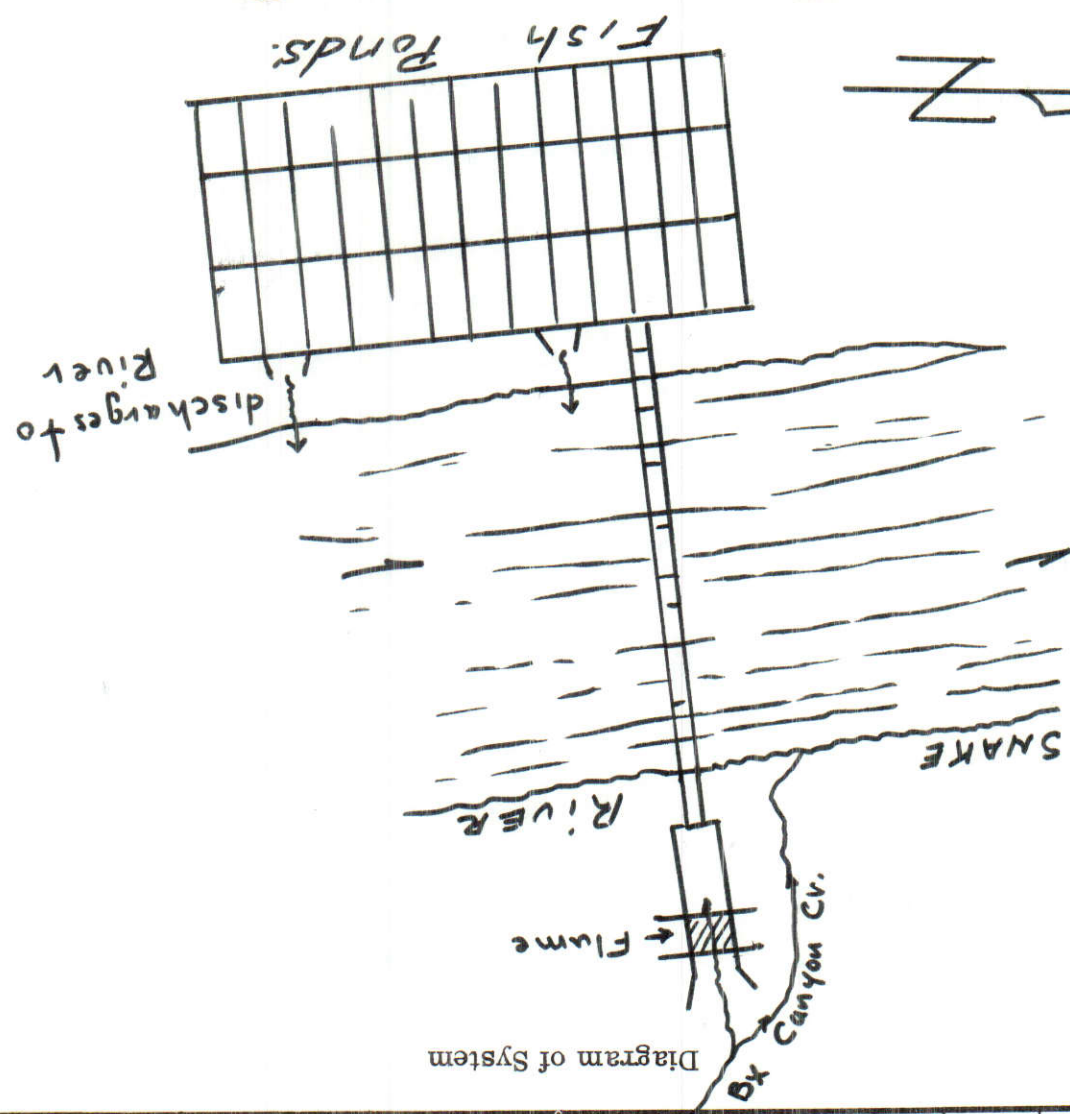
"I hereby certify that the foregoing account is correct and
just, that the services were actually rendered as charged
and we have not received payment therefor."

dated 10-7-68

signed Gooding Leader

by Andra Butler

36 7040



5
8
7

R. 14-E.

46 1320

K&E 10 X 10 TO 1/8 INCH 7 X 10 INCHES
KEUFFEL & ESSER CO. MADE IN U.S.A.

CLEAR SPRINGS TROUT COMPANY
BOX CANYON INLET FLUME
DISCHARGE RATING CURVE

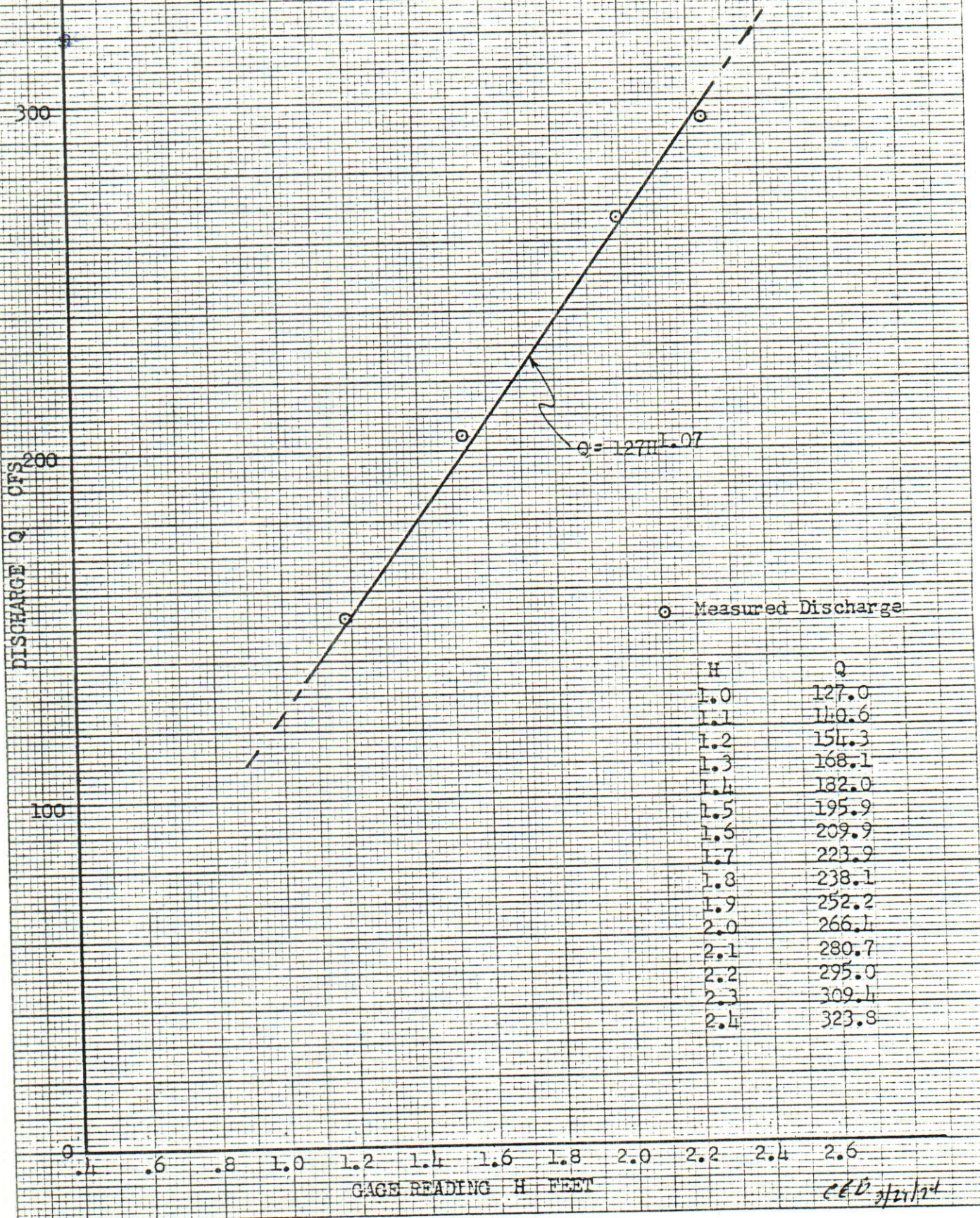
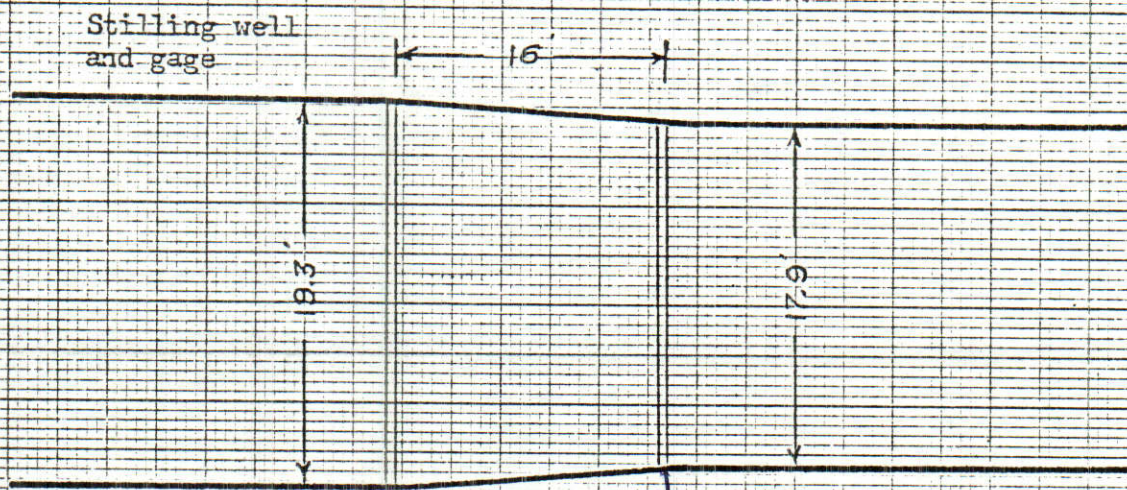


Exhibit "C"

CLEAR SPRINGS TROUT COMPANY
BOX CANYON INLET FLUME

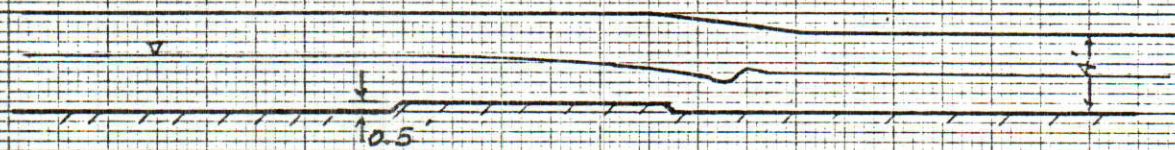
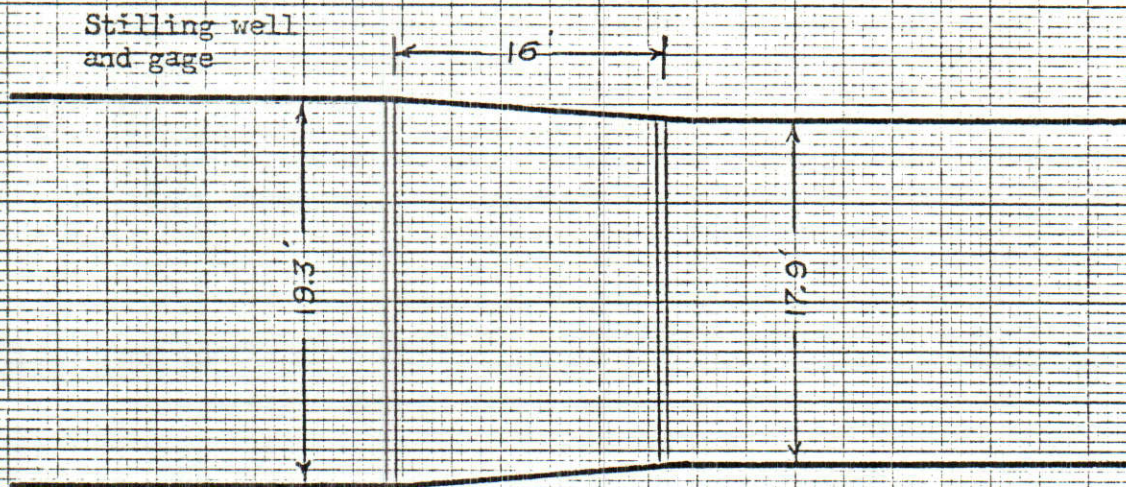


246
3/21/79

36-7040

46 1320

CLEAR SPRINGS TROUT COMPANY
BOX CANYON INLET FLUME



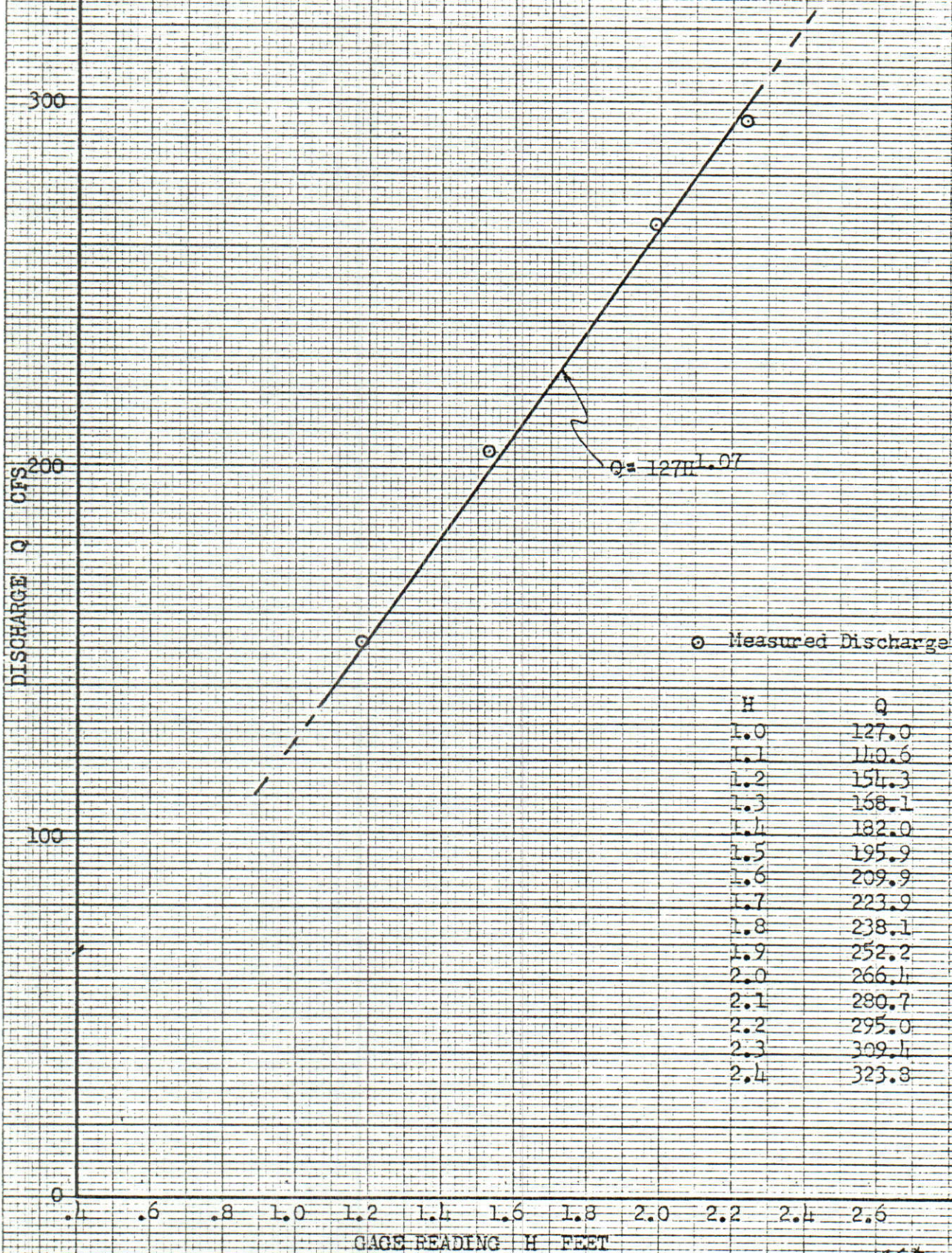
CEC 3/21/74

36-7040

46 1320

K&E 10 X 10 TO 1/4 INCH 7 X 10 INCHES
KEUFFEL & ESSER CO. MADE IN U.S.A.

CLEAR SPRINGS TROUT COMPANY
BOX CANYON INLET FLUME
DISCHARGE RATING CURVE



CEC 3/24/74

36-7040

46 1320

10 X 10 TO 1 1/2 INCH 7 X 10 INCHES
KEUFFEL & ESSLER CO. MADE IN U.S.A.

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

SEC 28

U.S. GOVERNMENT
(BLM)

CENT SEC.

GOODING CO.
TWIN FALLS CO.

100'

EASEMENT E
N 66° 10' 45" E
323.11

SNAKE RIVER

POINT OF
BEGINNING

APPROX
HIGH
WATER
LINE

LOT 3
(PRIV.)

LOT 4
(PRIV.)

20 21
29 23

N 57° 51' 13" E
1343.50

WE COR
BLM CO.

AMERICAN RIVER ESTATE			
CLEAR EASEMENTS TWO LOT EASEMENTS			
SEC.	1 & 2	DRW/CHK	7/73
DATE	7/73	DATE	1571-2

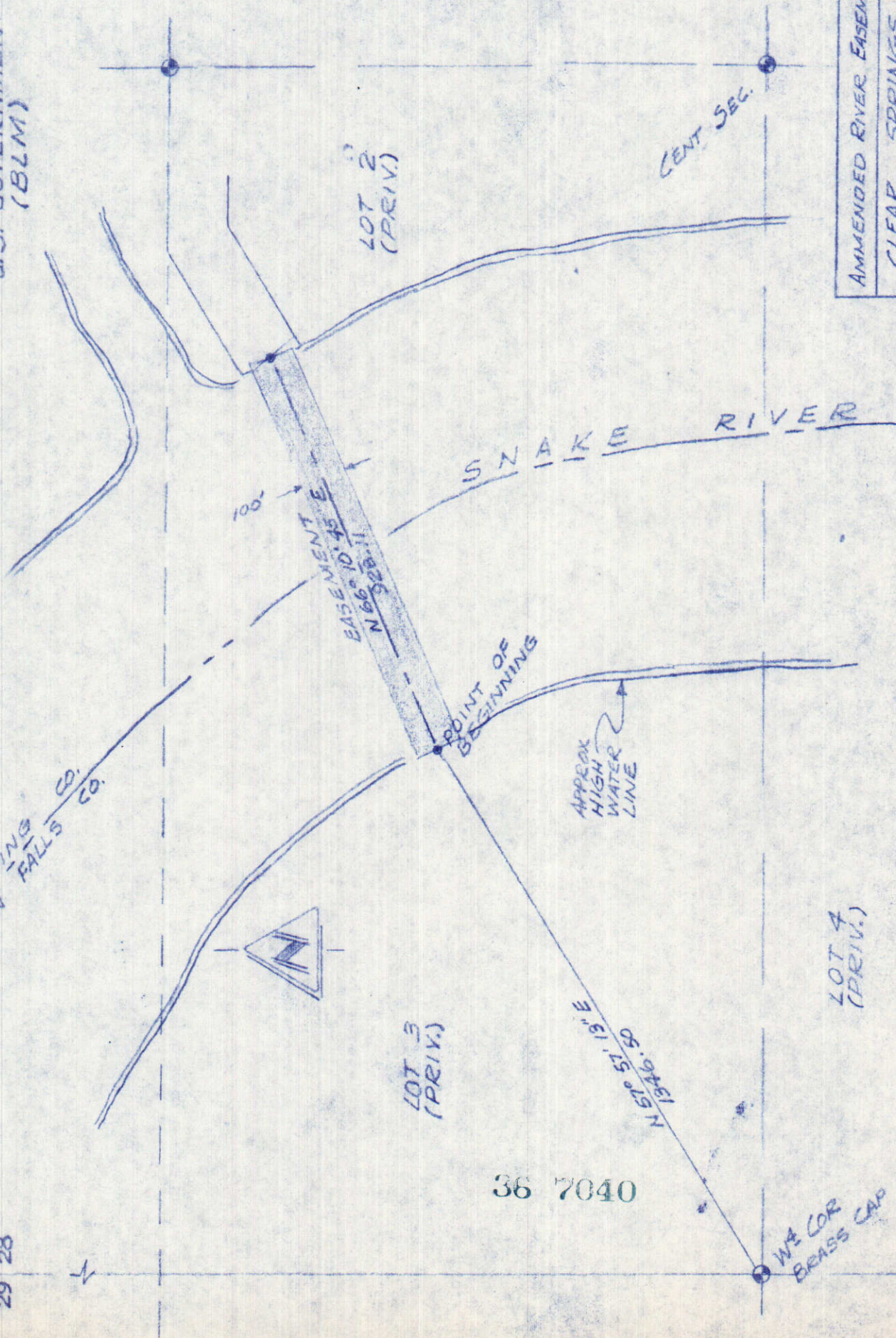
36-7040

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

U.S. GOVERNMENT
(BLM)

GODDING CO.
TWIN FALLS CO.

20 21
29 28



AMENDED RIVER EASEMENT			
CLEAR SPRINGS TROUT FARMS			
SCL.	1 = 300	DRW/CHK	TBS
DATE	7/73	DRWS	1571-2

RECEIVED

June 29, 1973

RE: 36-7040

Mr. Richard Kaster
Route 4
Buhl, ID 83316

Dear Mr. Kaster:

I am writing regarding your application to construct a dam in Section 28, Twn. 3S,
Rge. 14E, B.M.

You may begin work at your convenience, but please keep us informed of your progress
as requested on the application form so that inspections can be made.

The type of pipe used for the outlet was not specified on your application and you
should be aware that the Department requires that all concrete pipe have watertight
joints and all steel pipe must be encased in concrete. All outlet pipes must have
cutoff collars to prevent seepage along the outside surface.

Please let me know if you have any questions.

Very truly yours,

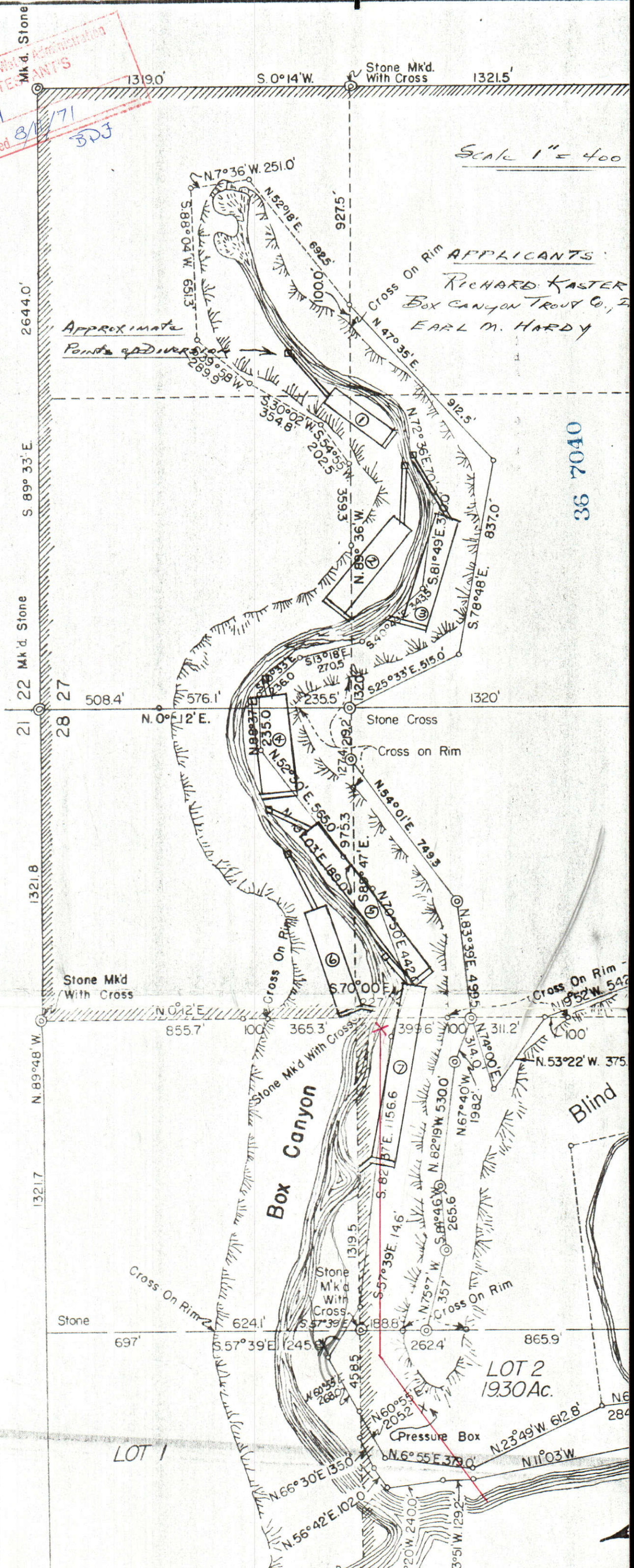
Bob Haynes
District Engineer
Southern District

Encs: Application
Rules & Regulations for Safety of Dams

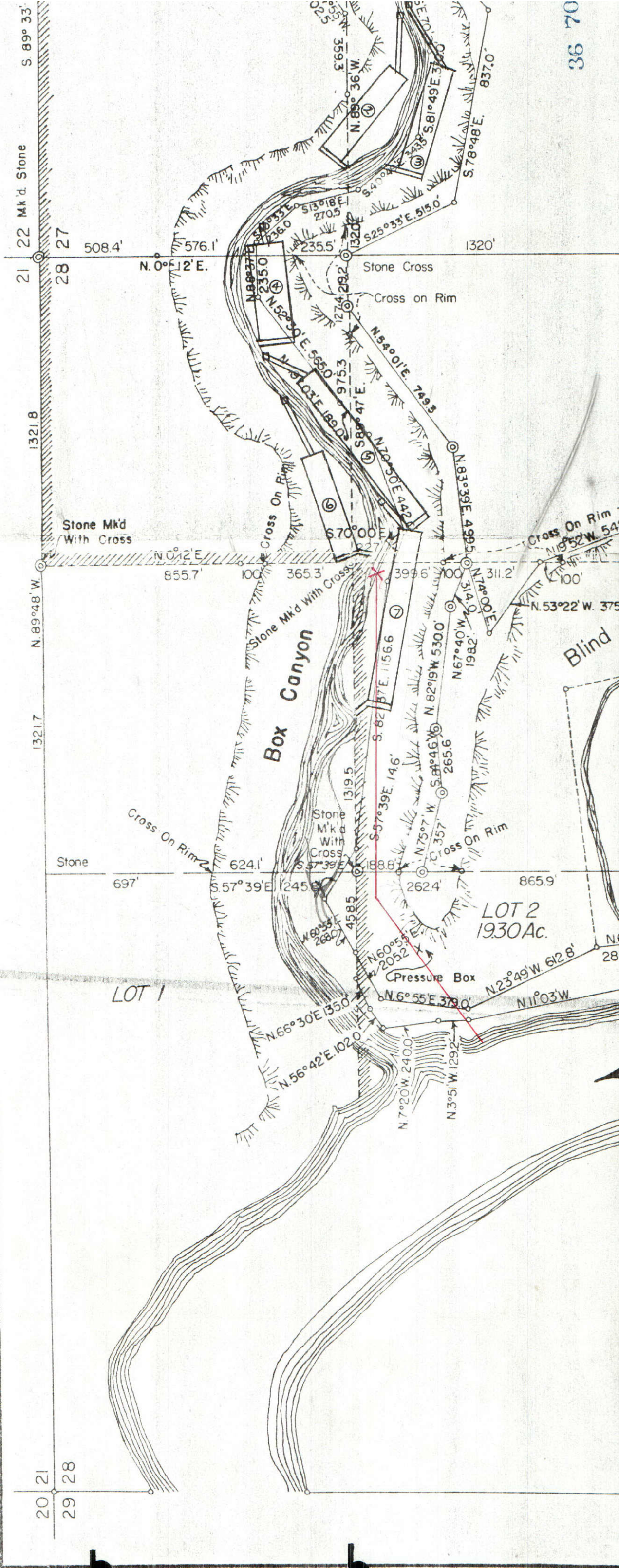
cc: John Hepworth

IDWA - State Office

36 7040



0404 00



Assume Hazen & Williams $C = 100$ for
welded steel pipe 10 yrs old.

36" Diameter pipe $A = 7.06 \text{ sq. ft}$

Slope = $12 \text{ ft} / 1000 \text{ ft}$

using Hazen & Williams nomograph

$V = 10 \text{ ft/sec.}$

$Q = AV = 70.6 \text{ cfs.}$

using scobey for steel pipes $K_s = 0.32$

$Q = 70 \text{ cfs}$

using manning's formula $n = 0.013$

$V = 9.5$

$Q = 67 \text{ cfs}$

using 4 pipelines $4 \times 70 = 280 \text{ cfs.}$

$10 \text{ ft} \times 48 = 480 \text{ ft} \times 1 \text{ cfs/ft} = 480 \text{ cfs.}$

0105 32

PAUL Newton P.E. Twin Falls.

GENE Milam P.E. Twin Falls.

FINANCING - $\frac{1}{2}$ SELF + ADDITIONAL CAPITAL AS NEEDED

has sold interest in clear lakes trout Co.
Earl Hardy wants to assist

P. Disclage.

NW NW 28.

SW NW.

SE NW.

NE SW.

RECEIVED

MAY 3 1971

Department of Water Administration

Idaho Dept. of water Administration
State House Annex 2
Boise, Idaho 83707

Hagerman, Idaho
May 3, 1971

I as holder of a postdating permit number 36-7066 petition the Dept. of water Administration to cancel the earlier permits of Mountain View Irrigation Co. number 36-2705 for 200 cubic feet, and Richard Kaster's permit number 36-7040 for 300 cubic feet per second for failure of permit holder to complete one-fifth of the construction work within one-fifth the time allowed for completion of the project or for failure to complete all of the construction work for the project within the time allowed by the permit.

Sincerely yours

Geo. H. Lemmon

Geo. H. Lemmon
Hagerman, Idaho 83332

36 7040

RECEIVED

MAY 18 1971

Department of Water Administration

ARTICLES OF INCORPORATION

OF

HAGERMAN VALLEY TROUT COMPANY, INC.

* * * * *

KNOW ALL MEN BY THESE PRESENTS that we, the under-
signed all of whom are citizens and residents of the United
States and over the age of twenty-one years do hereby make
and execute the following Articles of Incorporation for the
purpose of forming a corporation under and pursuant to the
laws of the State of Idaho, and we do hereby certify:

ARTICLE I

The name of this corporation shall be HAGERMAN VALLEY
TROUT COMPANY, INC.

ARTICLE II

The purpose and objects for which said corporation
is formed are as follows:

A. To propagate, process and distribute fish; and
generally to maintain, conduct, and operate fish farms; to
carry on the business of general fish farming; to acquire all
real estate and plants necessary to carry out the above objects.

B. To acquire by purchase or otherwise, and to
improve and develop real property and to sell or rent the same.

C. To borrow money for the purpose of this corpora-
tion to issue bonds, notes and debentures and other evidence
of indebtedness therefore and to secure the same by mortgage or
pledge of personal property, including the income of said
corporation, or by mortgage of real property, executed in
trust or otherwise. All or any portion of the real or personal

ARTICLES OF INCORPORATION - page 1

property may be so pledged, mortgaged or hypothecated.

D. To enter into any contract, co-operative agreement or profit sharing plan with its officers or employees that the corporation may deem advantageous or expedient, or otherwise to reward or pay such person for their services as the directors may deem fit.

E. To sue and be sued, appear, complain and defend in any court of law or equity, or before any board, commission or tribunal.

F. To have and use a corporate seal which may be altered by majority vote of the board of directors.

G. To receive, acquire, hold, purchase, dispose of, convey, mortgage, and/or lease, real and personal property; to dispose of, sell, lease, assign, transfer, mortgage and/or convey any rights, privileges, franchises, real or personal property of the corporation, other than its franchise of being a corporation, and to acquire, purchase, guaranty, hold, mortgage, own, vote, sell, pledge, and/or otherwise dispose of and deal in shares, bonds, securities and debentures and other evidences of indebtedness in other corporations, domestic and foreign.

H. To appoint such officers, employees and agents as the business of the corporation may require and to allow them compensation.

I. To make by-laws not inconsistent with any existing law for the management of its business and property, the regulation and conduct of its affairs, and the certification and transfer of its stock, and optionally to provide penalties for the breach thereof not exceeding twenty dollars for any one offense.

J. To wind up and dissolve itself, or to be wound

up and dissolved.

K. To enter into contracts or obligations of any type or kind essential, necessary or proper to the transaction of its ordinary affairs, or for the purpose of the corporation.

L. To conduct business in this State, other States; District of Columbia, territories and colonies of the United States and foreign countries, and to have one or more offices and places of business out of this State, and to acquire, receive hold, purchase, lease, mortgage, dispose of and/or convey real and personal property situate out of this state.

M. To carry on any other business, or to do anything in connection with the objects and purposes above mentioned that may be necessary or proper to accomplish successfully or promote said objects and purposes of this corporation. The foregoing clauses, by reason of specific enumeration of powers, shall not be held to restrict the power of the corporation to do any of the things within the purview of its general purposes.

ARTICLE III

This corporation shall have perpetual existence.

ARTICLE IV

The location and post office address of this corporation and its principal place of business shall be 1009 Main Street, P. O. Box 306, Buhl, Idaho 83316.

ARTICLE V

The total number of shares that may be issued by the corporation is 10,000, all of which shall be without par value. The board of directors may, from time to time, fix the consideration for which shares without par value shall be

ARTICLES OF INCORPORATION - page 3

issued and sold. The capital of the corporation shall not be less than \$1,000,000.00. Said capital stock shall be paid in at such times and upon such conditions as the Board of Directors may by resolution direct, either in cash, real or personal property, or by services rendered to it. Shares of stock, then issued in exchange for services or property pursuant to resolution by the Board of Directors, shall thereupon become and be fully paid up as though paid for in cash and shall be non-assessable forever, and the determination of the Board of Directors as to the value of any property or services received by the corporation in exchange for stock shall be conclusive.

ARTICLE VI

The name and post office address of each of the incorporators hereof and the number of shares of common stock described in Article V herein subscribed by each are as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>NUMBER</u>
Richard Kaster	Route #4 Buhl, Idaho 83316	One share
Edith Kaster	Route #4 Buhl, Idaho 83316	One share
Theodore V. Behm	Route #4 Buhl, Idaho 83316	One share

ARTICLE VII

At all meetings of stockholders of this corporation, every stockholder of record shall be entitled to one vote for every share of stock standing in his or her name on the books of this corporation. Cumulative voting of shares is hereby authorized.

ARTICLE VIII

No common stock of this corporation shall be transferred on the books of the corporation to anyone not a stockholder without the written consent of all common stockholders unless the common stock shall be first offered for sale to the corporation and secondly to each of the other common stockholders of this corporation at a price to be determined by the rules and procedures outlined in the by-laws of this corporation. The by-laws of this corporation shall further prescribe the rules and regulations as to the formalities and procedures to be followed in effecting the transfer of common stock to anyone other than the common stockholder.

ARTICLE IX

The method and manner of holding directors' meetings and stockholders' meetings, the authority and duties of each of the officers of the corporation, and all other matters for management and control of the corporation shall be determined by the by-laws of this corporation and by the laws of the State of Idaho.

ARTICLE X

These articles may be amended in any respect conformable to the laws of the State of Idaho by a vote of three-fourths (3/4) of the stockholders entitled to vote in a meeting of stockholders called for that purpose as prescribed by law.

ARTICLE XI

At any special meeting called to consider the subject, the corporation, upon a unanimous recommendation of the Board

of Directors, may dissolve the corporation, provided that at least three-fourths (3/4) of the members of the Board are present at such meeting, and provided that not more than one-fourth (1/4) of the stockholders in person or by written notice object thereto. A committee of three (3) shall thereupon be elected to liquidate the assets of the corporation and each share of capital stock according to the amount thereon shall be entitled to its proportion of its proceeds after all debts of the corporation have been paid.

IN WITNESS WHEREOF, We have hereunto set our hands
this 7 day of May, 1971.

Richard Kaster
Richard Kaster

Edith Kaster
Edith Kaster

Theodore V. Behm
Theodore V. Behm

STATE OF IDAHO }
County of Twin Falls } ss.

On this 7th day of May, 1971, before me, the undersigned, a Notary Public in and for said County and State, personally appeared RICHARD KASTER, EDITH KASTER, AND THEODORE V. BEHM, known to me to be the persons whose names are subscribed the foregoing instrument and acknowledged to me that they executed the same.

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

(SEAL)

Theodore V. Behm
NOTARY PUBLIC for Idaho
Residing at Buhl, Idaho

STATE OF IDAHO)
County of Twin Falls) ss.

I certify that the foregoing is a true copy of the original exhibited to me this 17th day of May, 1971.



(SEAL)

Lois Benckman
NOTARY PUBLIC for Idaho
Residing at Buhl, Idaho

43779

No. _____

Articles of Incorporation
of

HAGERMAN VALLEY TROUT COMPANY,
INC.

Place of business Buhl, Idaho
Existence Perpetual
Capital Stock 10,000 shs. par

STATE OF IDAHO
Department of State
Boise, Idaho

Approved, filed and admitted to the records of articles of Incorporation of the State of Idaho and certificate issued this 10th

day of May 19 71
at 8:00 o'clock A. M.

FEES PAID

Filing	\$ <u>100.00</u>
Recording	<u>6.00</u>
Cert. Copy	<u>6.00</u>
Certificate	<u>45.00</u>
License Tax	<u>6.00</u>

TOTAL \$ 182.00

Pete T. Cenarrusa
SECRETARY OF STATE

BY Maureen Lawrence
CORPORATION CLERK

Filed by T. V. Behm, Attorney at Law & Incorporator, Box 306, Buhl

50.000

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

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

THIS IS TO CERTIFY, that CLEAR SPRINGS TROUT CO.

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

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

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

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8 S	14 E	28							10										10
Fish Propagation & Recreation:																			
8 S	14 E	28							X			X							

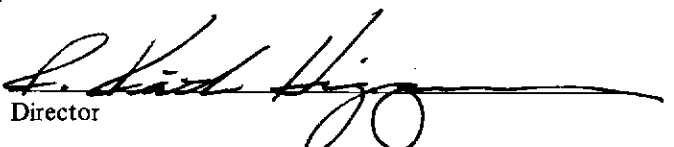
Total number of acres irrigated 10

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

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

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

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


Director

36-7040

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF EXTENDING THE PROOF DUE)
DATE IN CONNECTION WITH PERMIT NO. 36-7040)
IN THE NAME OF CLEAR SPRINGS TROUT COMPANY)

ORDER

WHEREAS, on September 4, 1968, Richard Kaster filed with the Department of Water Administration (formerly the Department of Reclamation) an application for permit to appropriate 300 cubic feet per second of water from Box Canyon Creek, tributary to the Snake River, from a point within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, Twp. 8S, Rge. 14E, B.M., Gooding County, to be used for fish propagation, recreation, and irrigation purposes; and,

WHEREAS, on December 9, 1968, the Department approved said application and issued Permit No. 36-7040 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before November 1, 1973; and,

WHEREAS, on May 18, 1971, Richard Kaster assigned all his right, title, and interest, in and to, Permit No. 36-7040 to Hagerman Valley Trout Co., Inc.; and,

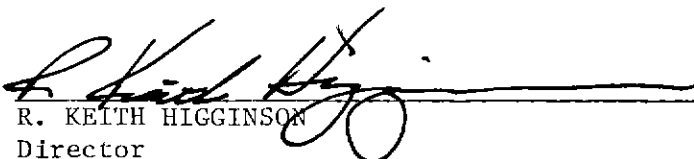
WHEREAS, on July 5, 1973, Hagerman Valley Trout Co., Inc. assigned all their right, title, and interest, in and to, Permit No. 36-7040 to Clear Springs Trout Company; and,

WHEREAS, on October 5, 1973, the permit holder, Clear Springs Trout Company, submitted a request for an extension of time; and,

WHEREAS, it appears that under the circumstances, the permit holder has been proceeding with reasonable diligence and has given good cause for delay;

IT IS, THEREFORE, HEREBY ORDERED that the time within which to submit proof of beneficial use of water under Permit No. 36-7040 be extended to November 1, 1974.

Dated this 15 day of October, 1973.


R. KEITH HIGGINSON
Director

RECEIVED

JUL 5 1973

A S S I G N M E N T

Department of Water Administration

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 36-7040 to Clear Springs Trout Co., an Idaho corporation with its principal place of business in Buhl, Idaho. c/o Mr. John Hepworth
1020 Main
Buhl, Idaho 83316
* _____

Hagerman Valley Trout Co, Inc
by Richard Kaster
Permit Holder President

Edith Kaster
Wife of Permit Holder secretary

STATE OF IDAHO)
County of Twin Falls)

On this 28th day of June, 1973, before me, a Notary Public for the State of Idaho, residing at Buhl, Idaho personally appeared Richard Kaster and Edith Kaster are known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

My Commission expires Sept 2, 1973

Allen Gannon
Notary Public, Residing at
Buhl, Idaho

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions.

36-7040

RECEIVED

MAY 19 1971

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR AMENDMENT

Permit No. 36-7040

Comes now Richard Kaster of (address) _____

Route #4, Buhl, Idaho _____, and represents to the State Reclamation
Engineer of the State of Idaho:

No. 36-7040, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 8 S, R. 14 E, B.M. Other points of diversion _____

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

mo. - day mo. - day

For Fish Propagation 300.00¢ purposes from Jan. 1 to Dec. 1 (both dates incl.)

For Recreation 300,000 purposes from Jan. 1 to Dec. 1 (both dates incl.)

For Irrigation .20 purposes from April 1 to Nov. 1 (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

3. Place of use or land to be irrigated:

[illegible]**Total number of acres to be irrigated**

56 7040

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.

A hand-drawn map on a grid. The grid consists of 10 columns and 10 rows. A circle is drawn in the 6th column from the left and the 4th row from the bottom. To the left of the circle, the number '28' is written. To the right of the circle, the text 'Trop 85 Rge 14E34' is written.

Scale: 2 inches equal 1 mile

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

Signed at Boise Idaho, this 19 day of May, 1971

Richard Kaster
(signature)

ACTION OF STATE RECLAMATION ENGINEER

Dept. of Water Admin.

R. KEITH HIGGINSON, Director

~~State Reclamation Engineer~~ of the State of Idaho,

hereby approve the above application for amendment for Permit No. 36-7040 pursuant to
the Memorandum Decision and Order of this date.

Witness my hand this 10 day of November, 19 71

Member _____, 19____

R. Keith Higin

Director State Reclamation Engineer

RECEIVED

STATE OF IDAHO

MAY 18 1971

DEPARTMENT OF RECLAMATION

ASSIGNMENT OF PERMIT

Department of Water Administration

I, Richard Kaster, hereby assign to Hagerman Valley Trout Co., Inc.
of Buhl, Idaho Name
Address

CHECK ONE

- ☒ All my right, title, and interest, in and to Permit No. 36-7040
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. (Give that portion of the permit being assigned by describing
the land list and the point of diversion - describe by acreage within
each 40-acre subdivision.)

Made this 14th day of May, 19 71.

Richard Kaster
Permit Holder

Edith Kaster
Wife of Permit Holder

State of Idaho)
County of Twin Falls) ss.

On this 14th day of May, 19 71, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that ~~he~~ (she) (they) executed the same.

Theodore V. Behm
Notary Public residing at Buhl, Idaho

My commission expires

June 6, 1971

36 7040

Identification No. 36-7040

Application No. 42798

ASSIGNED TO:
Hagerman Valley Trout
Co., Inc.
Buhl, Idaho 83316

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

LICENSE ISSUED FOR 300 SEC. F.
LICENSE PAGE NO. 1

ASSIGNED TO:
Clear Spring Trout Co.
c/o Mr. John Hepworth
1020 Main
Buhl, Idaho 83316

1. Name of applicant RICHARD KASTER
post office address Route #4, Buhl, Idaho
2. Source of water supply Box Canyon Creek which is a tributary of Snake River
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 8 S
Range 14 E B.M. Gooding County; additional points of diversion if any:
NE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 28, T. 8 S, R. 14 E, B.M.

- b. If water is not consumed, it will be discharged into Snake River at a point in see Remarks $\frac{1}{4}$
of $\frac{1}{4}$ of Section Township Range B.M.

4. Water will be used for the following purposes:

Amount 300 for Fish propag. purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 300 for Recreation purpose from January 1 to December 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 20 for Irrigation purpose from April 1 to November 1 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

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

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. Small diversion dam - headgate -
pipe used for siphon - open ponds and ditches

- b. Height of storage dam feet, active reservoir capacity acre feet; total reservoir
capacity acre feet, materials used in storage dam:
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 5 years.

- b. Estimated construction cost is \$ 40,000.00 600,000

8. Description of proposed uses:

- a. If water is **not** for irrigation:

- (1) Give the place of use of water: W $\frac{1}{2}$ $\frac{1}{2}$ of $\frac{1}{2}$ of Section 28 Township 8 S
Range 14 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:

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	
//8/S///14/E/																			
8 S	14 E	28							10									10	

Total number of acres to be irrigated 10

c. Describe any other water rights used for the same purposes _____

9. a. Who owns the property at the point of diversion Idaho Power

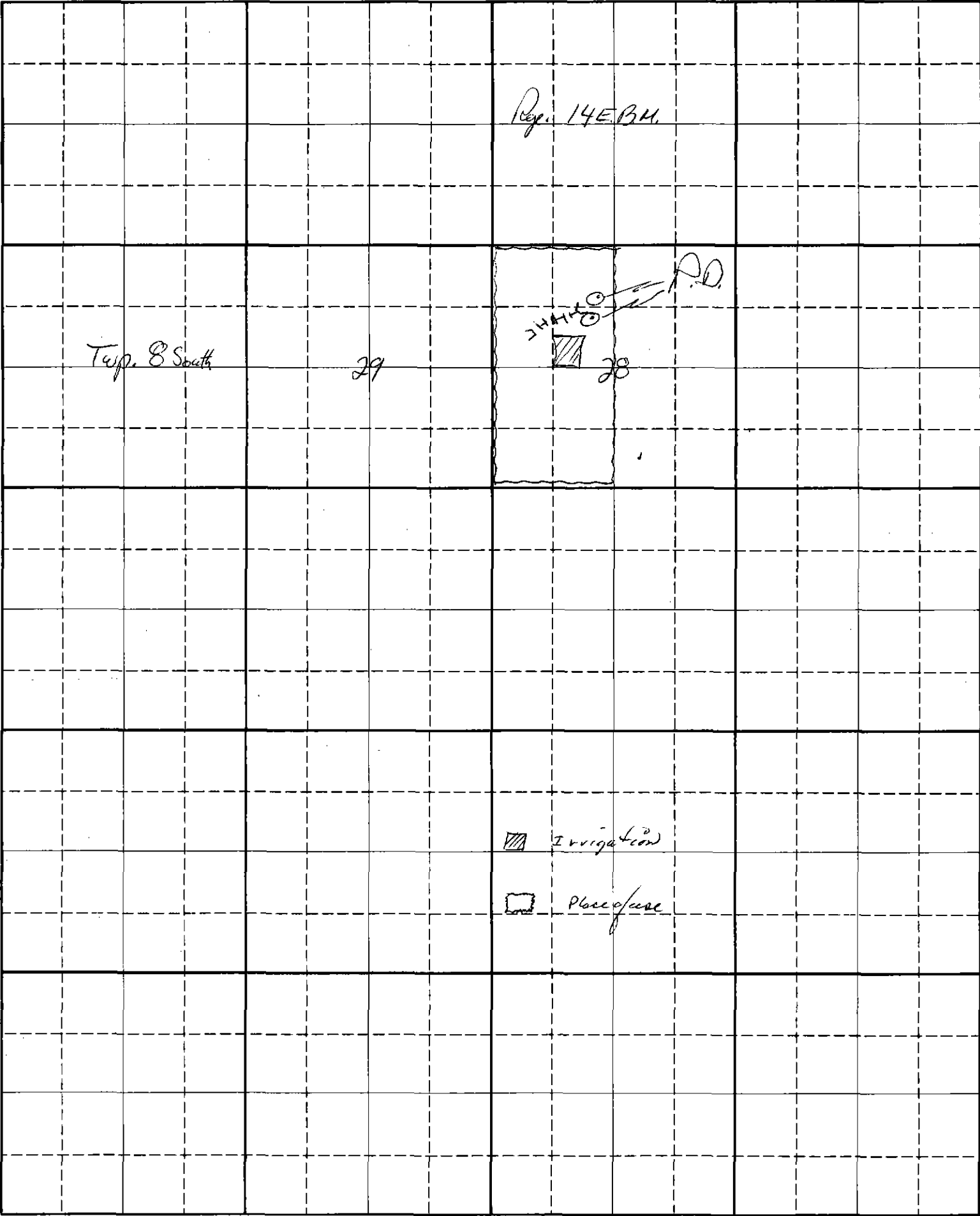
b. Who owns the land to be irrigated or place of use Self

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 use is non-consumptive, water will be returned to the snake River, after being used in Raceways and fish ponds, in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$, sec 28, T03, R14E

Richard Kaster

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.

Richard Kaster
(Applicant)

Received by DM Date 9-4-68 Time 12 AM
Preliminary check by DM Fee \$ 100.00 9-4-68
Receipted by ef Date 9-4-68
Publication prepared by DM Date 9-10-68
Published in Shooting Star
Publication dates 9-26 & 10-3-68
Publication approved DM Date 9-10-68
Priority reduced to _____ Reason _____

Protests filed by: DM

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by CS/DM

ACTION OF STATE RECLAMATION ENGINEER

APPROVED

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7040, 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 November 1, 19 73.
 - c. Other: The applicant shall permanently install a measuring device of a type approved by the department as part of the diverting works. The issuance of this permit in no way grants any right-of-way or easement. The use of water under this application is non-consumptive and all water diverted is to be returned to the Snake River as set forth in the application. and shall conform to inter-state water quality standards.
2. Denial of said application is for the following reasons: _____
- _____
- _____
- _____
- _____

Witness my hand this 9th day of December 19 68.

R. Keith Higgins
State Reclamation Engineer

Affidavit of Publication

RECEIVED

State of Idaho,
County of Gooding

ss.

JUN 11 1971

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

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

first publication of said advertisement was on the 3 day

of June, 1971, and the date of the last publication

was on the 10 day of June, 1971

Subscribed and sworn to before me this 10

day of June, 1971

(SEAL)

Dwight C. Belcher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

Lines at 14¢

Lines at 10¢

TOTAL COST.....

COPY OF NOTICE

Title of Notice

Amendment to
Water Permit

Title of Notice

Richard Foster

Permit No. 4457020 in the
name of Richard Foster,
Boise, Idaho, was
issued for the diversion of 400
cubic feet per second of water
from Box Canyon Creek, a
tributary to the Snake River,
from a point within the State
of Idaho.

ing County, to be used for
fish propagation, recreation
and irrigation purposes.
The point of diversion
was located within the State
of Idaho, the point of
diversion to be located within
the SW 1/4 NE 1/4, Sec. 28, T.
8S, R. 14E, B.M. Gooding

Water Administration,
Boise, Idaho,
1971.

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	
insertions	10c

No 1169

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

RECEIVED
JUN 17 1974
Department of Water Administration

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

June 13, 1974

BDH

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

Atten: Bobby Fleenor

Re: Permit 36-7040

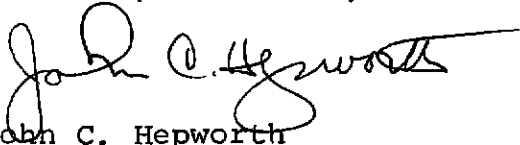
Dear Bobby:

When I spoke to you sometime ago regarding the proof of application of water to beneficial use filed by Clear Springs Trout Co., in regard to 36-7040 for Box Canyon, you indicated to me that I should apply for a waiver to the requirement for measuring devices at the discharge of the hatchery. You indicated that since the ponds were all concrete that the Department recognized that a measuring device at the discharge would be unnecessary and serve no useful purpose. I understand that the license may be held up by reason of this. Frankly, I was not aware there was any requirement in the permit for measuring devices at the point of discharge. In any case, would you please treat this letter as a request from Clear Springs Trout Co., to waive that requirement and hopefully the license can be issued soon.

I am the secretary of Clear Springs Trout Co., and a member of the Board of Directors and I am authorized to make this request on its behalf. If you need something further, please advise.

Very truly yours,

HEPWORTH, NUNGESTER, FELTON & HART


John C. Hepworth

JCH:bh

36-7040

April 24, 1974

Re: Permit No. 36-7040

Clear Springs Trout Co.
P. O. Box 548
Buhl, Idaho 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 just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions concerning the field exam, please contact our Southern District Office at 1041 Blue Lakes Blvd., North, Twin Falls, Idaho.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

36-7040

Affidavit of Publication

State of Idaho,
County of Gooding }

SS.

Thomas O. 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 26

day of Sept, 1968, and the date of the last publica-

tion was on the 3 day of October, 1968.

Thomas O. Miller

Subscribed and sworn to before me this.....

day of OCT 14 1968, 19.....
(SEAL)

George L. Blumire
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 31

Number of Insertions 2

31 Lines at 14c 4.34

31 Lines at 10c 3.10

TOTAL COST 7.44

COPY OF NOTICE

(Paste Here)

Notice of
Application for
Water
TITLE OF NOTICE

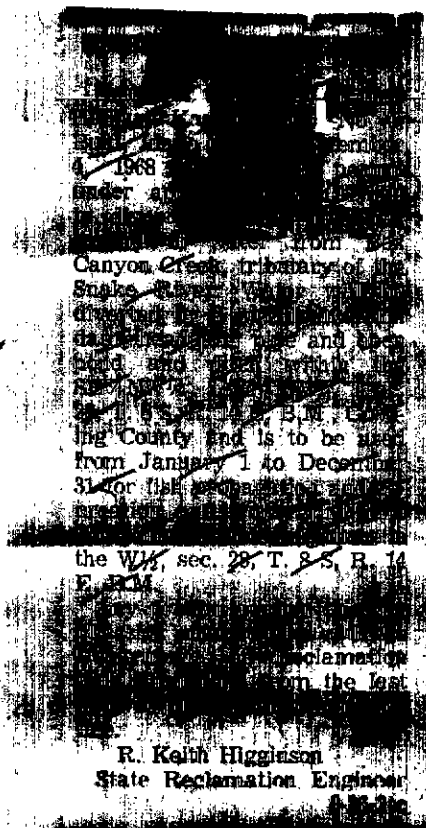
#36-7040

PLAINTIFF ATTORNEY
Richard
Kaster
DEFENDANT

PLAINTIFF

BILL TO

Certified bill:
Dept. of Reclam.
Statehouse
Boise



Canyon Creek, tributary of the Snake River, in the State of Idaho, and is to be used from January 1 to December 31 for the purpose of...

the W. sec. 28, T. 2 S, R. 14 E. R. M.

Reclamation from the last

R. Keith Higginson
State Reclamation Engineer

36 7040

Official Newspaper, City and County of Gooding

The Gooding County

LEADER

ADVERTISING • OFFICE SUPPLIES • COMMERCIAL PRINTING
PHONE 934-4449 • GOODING, IDAHO 83330

DATE 9-26 1968

M *Dept. of Reclam-
ation
Boise*

CASH ☐
CHARGE ☒
ON ACC'T ☐
PD. OUT ☐

DISPLAY ☐
CLASS ☐
SUPPLIES ☐

PHOTO ENGRAVING ☐
LEGAL ADV. NO. 280
PRINTING NO.

QUAN.	DESCRIPTION	AMOUNT
31 lines @	14¢	4 34
31 lines @	10¢	3 10

SUBSCRIPTION: NEW ☐ RENEWAL ☐

FROM

TO

7 44

17841

BY

36 7040

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

STATE IT RENDERED EVERY THIRTY DAYS

GODDING COUNTY LEADER

AND GODDING INDEPENDENT COMBINED

P. O. BOX 56

RECEIVED

007 8 100

One Newspaper • One Coverage • One Cost

Account of

Goddington, Idaho, Department of Reclamation

Previous Balance

Ticket No.	Credits	Charges	Date	Balance
------------	---------	---------	------	---------

STATEMENT RENDERED EVERY THIRTY DAYS

GOODING COUNTY LEADER

AND GOODING INDEPENDENT COMBINED

P. O. BOX 56

RECEIVED

OCT 8 1968

One Newspaper • One Coverage • One Cost

Department of Reclamation

Account of Gooding, Idaho, 19

Previous Balance

Ticket No.	Credits	Charges	Date	Balance
------------	---------	---------	------	---------

36 7040

The Gooding County

LEADER

ADVERTISING • OFFICE SUPPLIES • COMMERCIAL PRINTING

PHONE 934-4449 • GOODING, IDAHO 83330

DATE

9-26 1968

M

Dept of Reclam-
ation
Boris

CASH ☐CHARGE ☒ON ACC'T ☐PD. OUT ☐DISPLAY ☐PHOTO ENGRAVING ☐CLASS ☐

LEGAL ADV. NO.

SUPPLIES ☐

PRINTING NO.

280

QUAN.	DESCRIPTION	AMOUNT
31	lines @ 14¢	4 34
31	lines @ 10¢	3 10

SUBSCRIPTION:

NEW ☐RENEWAL ☐

FROM

TO

7 44

17841

BY

36 7040

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

August 12, 1974

Re: Permit No. 36-7040

Clear Springs Trout Co.
c/o John Hepworth
1020 Main
Buhl, Idaho 83316

Gentlemen:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

36-7040

July 26, 1974

Clear Springs Trout Co.
c/o Mr. John Hepworth
1020 Main
Buhl, Idaho 83316

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 36-7040 and has found the following:

Quantity of water diverted: 320 cfs Source: Box Canyon Creek
Amount of water that can be recognized as beneficially used under Idaho law: 300 cfs
Point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 28, Twp. 8 S, Rge. 14 E, B. M.
Beneficial use: Irrigation of 10 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 28 and fish propagation & recreation purposes in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 28, all in Twp. 8 S, Rge. 14 E, B. M.
Priority date established: Sept. 4, 1968

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR

DATE OF EXAM 5-1-74

ACREAGE

Found 10
Recommended 10

Irrigation Requirement 4.0 Ac Ft/Ac

USE

Irrigation Q = .20 c.f.s. V = 40 AF/Ann. from April-1 to Nov-1
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. V = Not Required Jan 1 - Dec 1

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 320 c.f.s. Method of measurement _____

Total Q recommended 300 c.f.s. Meter No. L Type Flume Condition good

Total V recommended Not Req. for Fish Prop. (See Remarks)
Irrigation V = 40. Act/ANN.
Recommended Amendments: _____

P.D. _____
Place of Use NWSW, SW NW, SEC. 28 8S-14E. only.
Other _____
None _____

MEASUREMENT CALCULATION:

Q = 300 c.f.s. filed for. 320 c.f.s. Ready from Curve from
Chart inclosed.

V = Irr. only = V = 40 Act Ft/ANN. (10 Acres)(4.0 Irr Req.)

SYSTEM DESCRIPTION:

Concrete Flume diverts the water from Box Canyon
into a steel pipe connected to a steel The Fish
Raising ponds across the Snake River.

REMARKS:

Phone Call from state office in Boise said
we don't need V for fish prop. 6-18-74 D. Rich.
Robert Haynes accompanied Field Exam.

Examiner's Signature Sam Funderburg Date 7-15-74

Checked by Michael Steele Date 7-15-74

Approved by _____ Date _____

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Clear Springs Trout Co.
Post office address P.O. Box 548, Buhl, Id. 83316 Phone _____
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Box Canyon Cr.
(name spring, stream, etc.)
Tributary to Snake River

3. Water will be used for the following purposes:

Amount 300 c.f.s. for fish propagation
_____ AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount 300 c.f.s. for Recreation
_____ AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount .20 c.f.s. for irrigation
_____ AF/Annum (nature of use)

Period of Use: from Apr. 1 to Nov. 1
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 36-7040
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 300 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 8S N/S, Range 14E E/W, B.M., Section 28, Subdivision SW $\frac{1}{4}$ NE $\frac{1}{4}$, Gooding
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Other Points of Diversions: _____

Description of diverting works: By earth & rock dam in Box Canyon Stream. The Water is
diverted into cement canal which carries it to box, then into steel flumes which
are buried & run under river to the head canal located at the fish hatchery site.

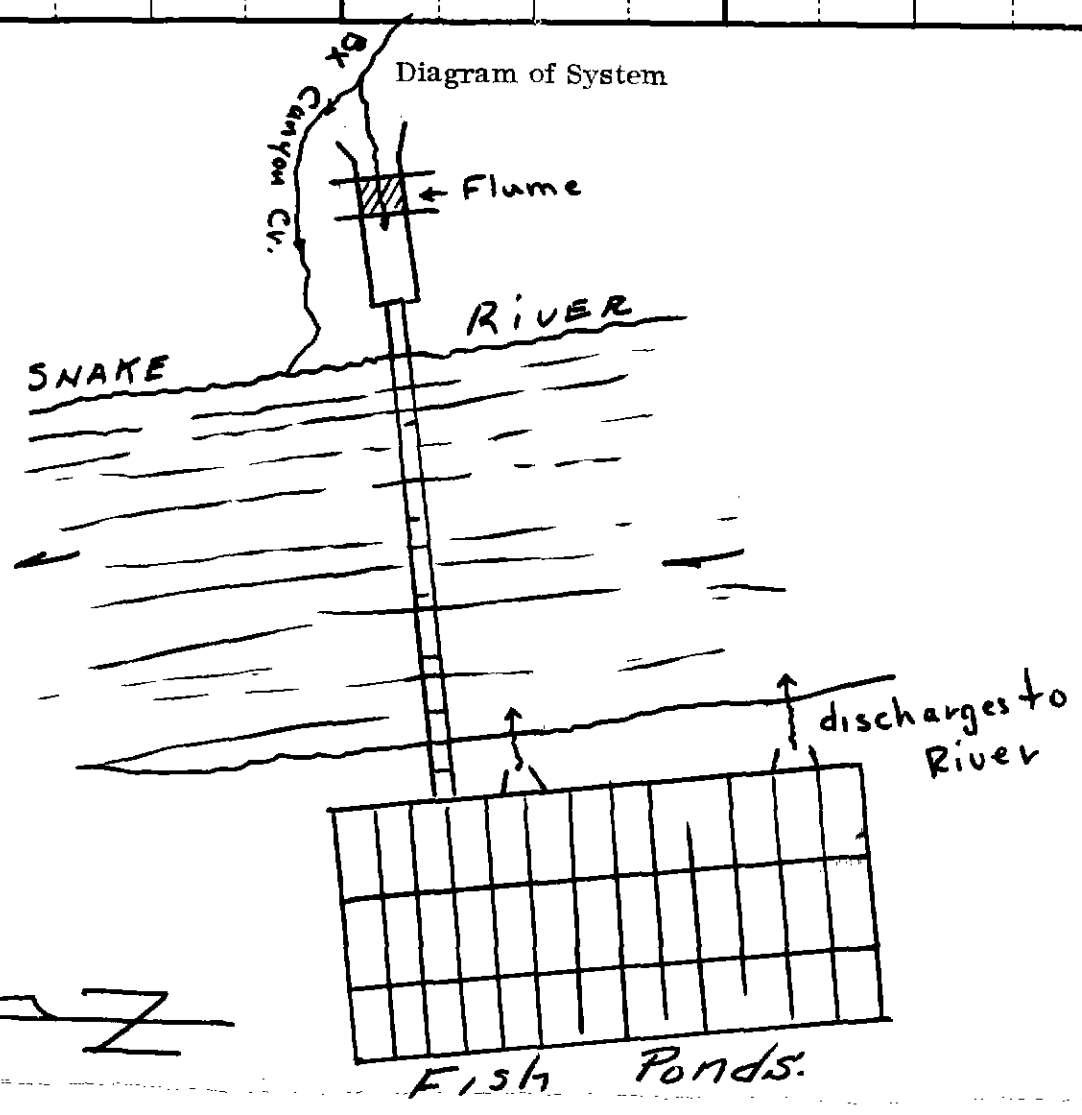
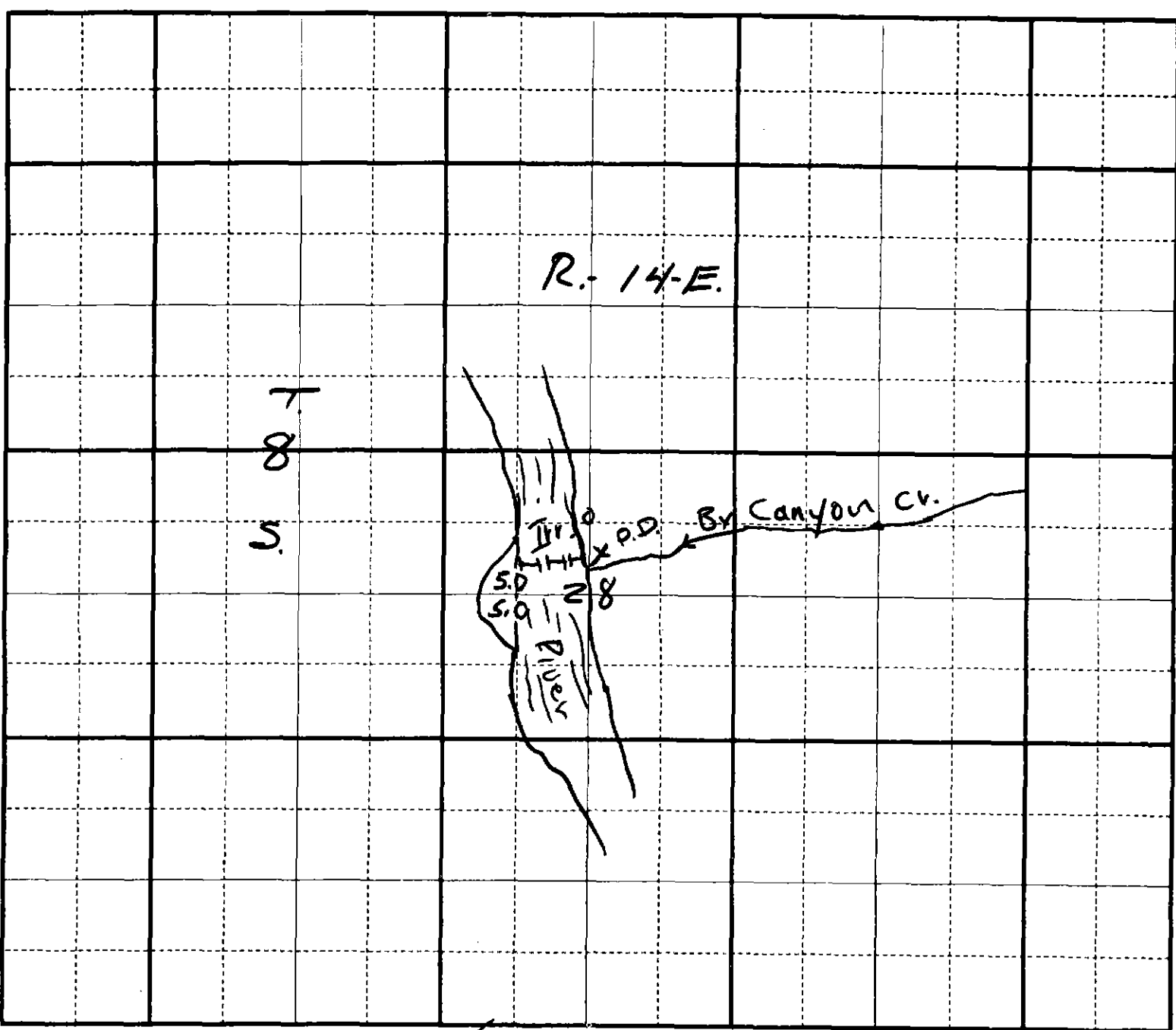
Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

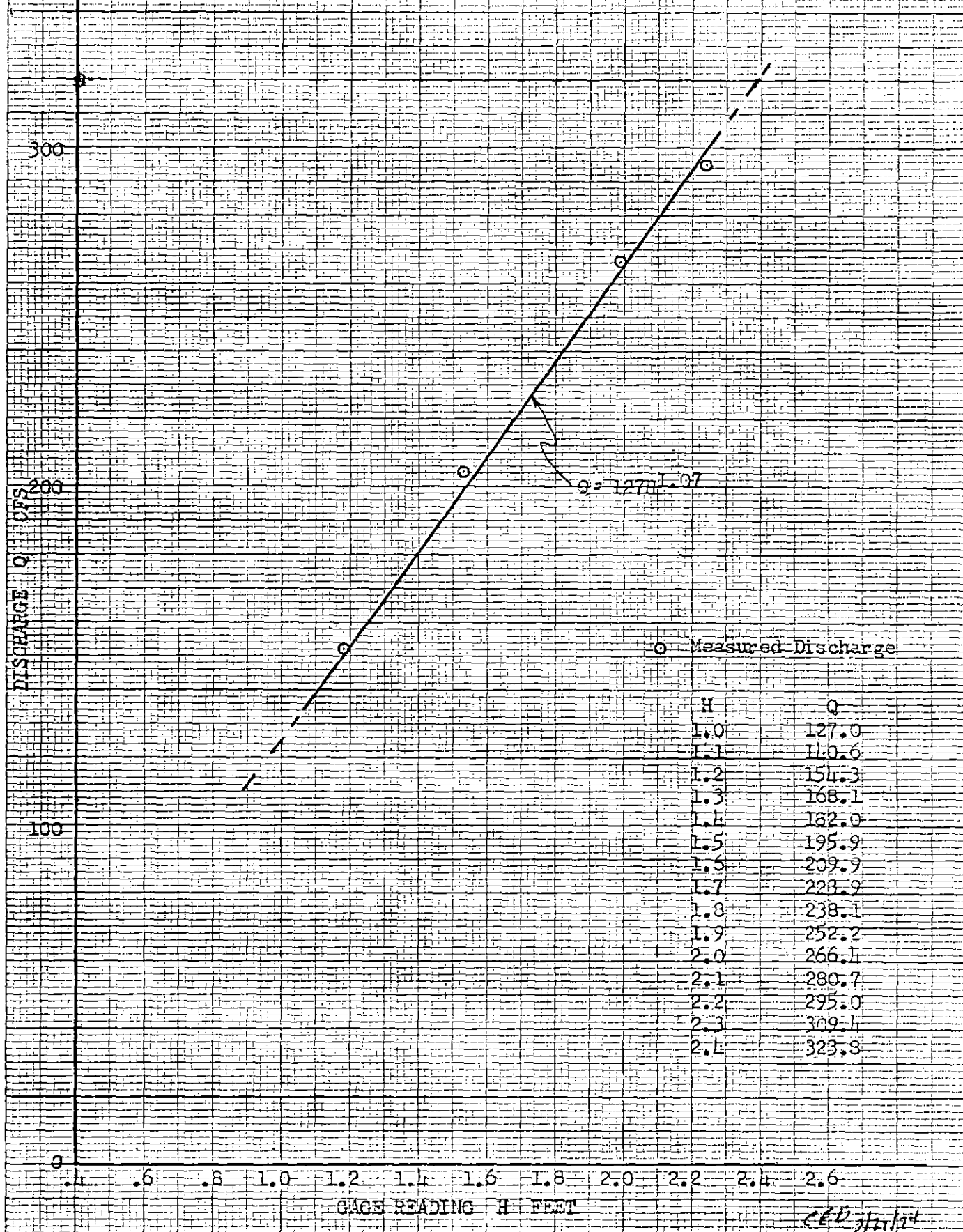
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8S	14E	28					X	X	X	X	X	X	X	X	(recreation & fish propagation)				10

36-7040

TOTAL ACREAGE _____



CLEAR SPRINGS TROUT COMPANY
BOX CANYON INLET FLUME
DISCHARGE RATING CURVE



46 1320

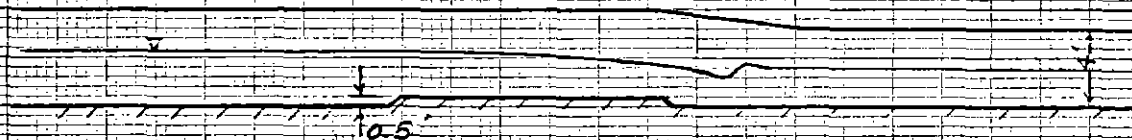
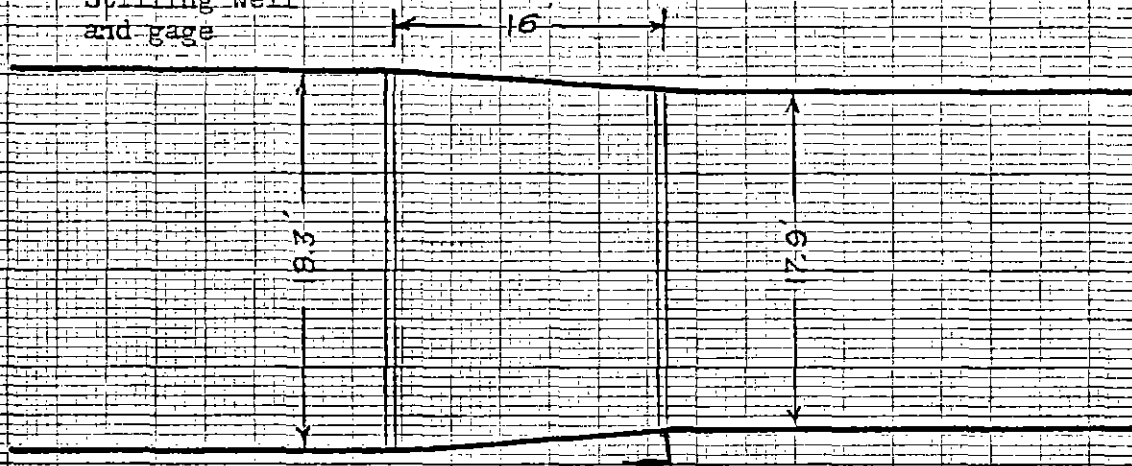
K-E 10 X 10 TO 14 INCH 7 X 10 INCHES
KEUFFEL & ESSER CO. MADE IN U.S.A.

36-7040

Exhibit "C"

CLEAR SPRINGS TROUT COMPANY
BOX CANYON INLET FLUME

Stillling well
and gage



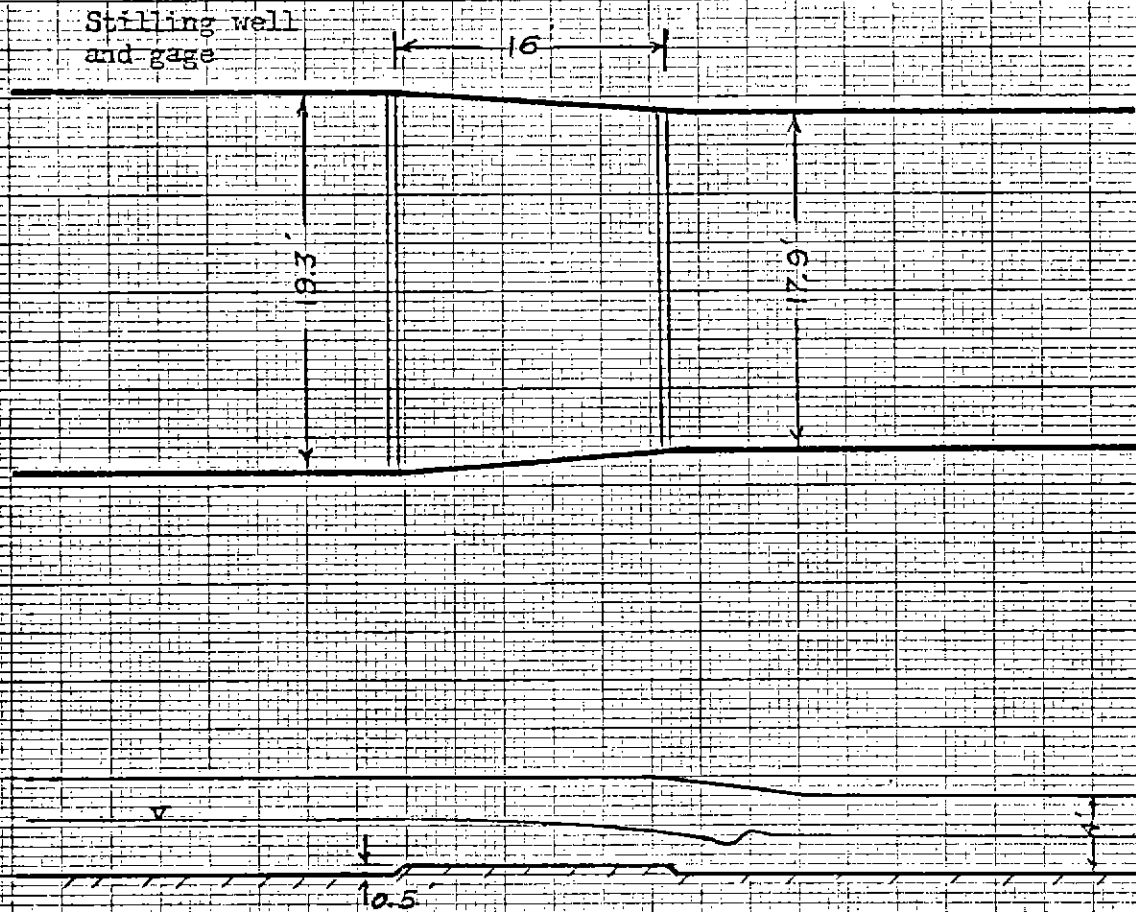
246 2/27/19

36-7040

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14.5 10 X 10 TO 1/2 INCH 7 X 10 INCHES
KEUFFEL & ESSER CO. MADE IN U.S.A.

CLEAR SPRINGS TROUT COMPANY
BOX CANYON INLET FLUME



CEC 3/21/74

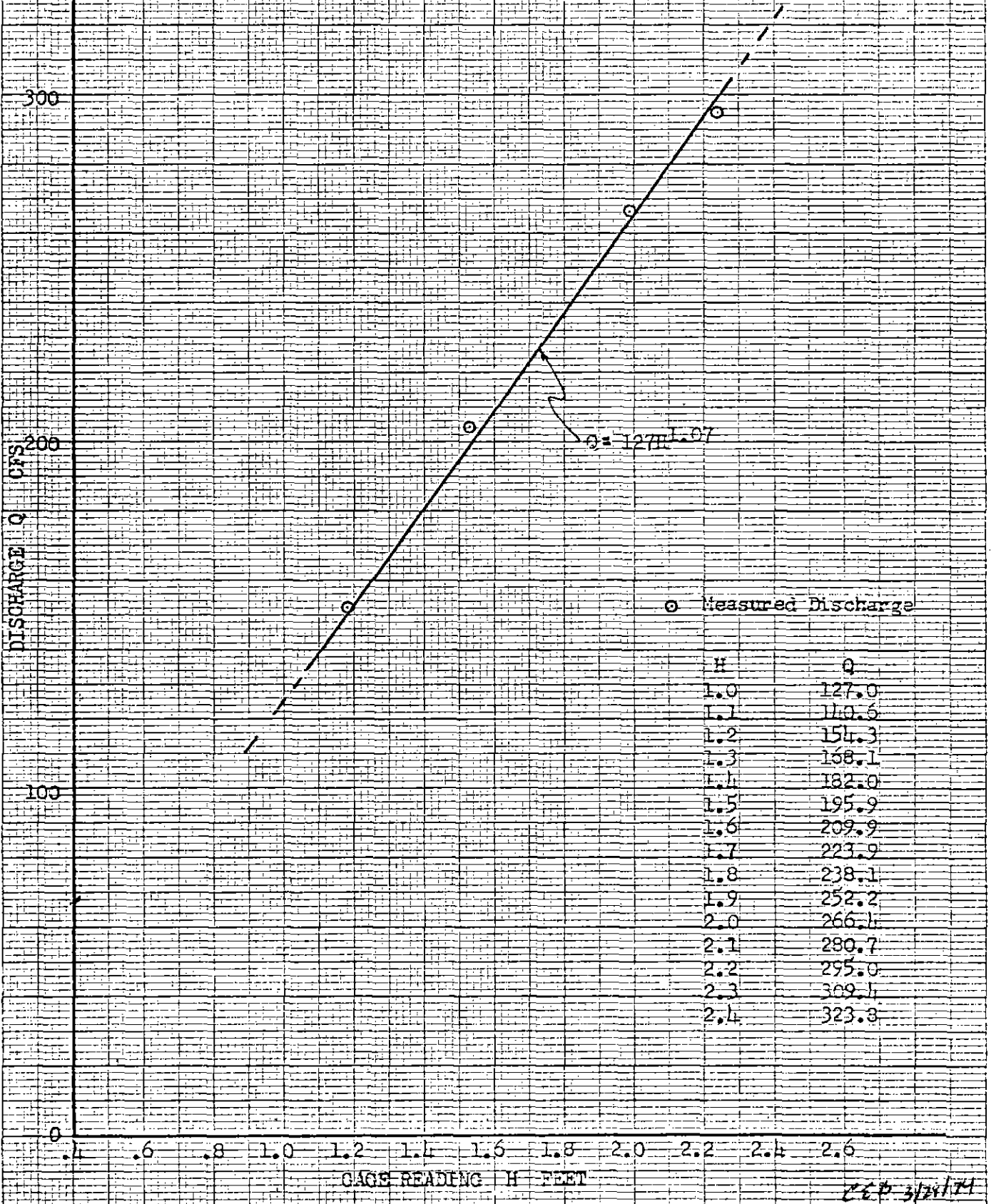
36-7040

46 1320

46 1320

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

CLEAR SPRINGS TROUT COMPANY
BOX CANYON INLET FLUME
DISCHARGE RATING CURVE



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

Groundwater, Hydrology,
and Hydraulic Engineering

Route 1, Box 186
Kimberly, Idaho 83341

April 3, 1974

Mr. John Hepworth
Hepworth, Nungester, Felton and Hart
Buhl, Idaho

Re: Permit No. 36-7040 Box Canyon

Dear John:

Enclosed are copies of the rating curve for the measuring device at Box Canyon and a drawing of the as-built structure. It was originally planned to install a standard Parshall flume. However, construction difficulties required modification of the standard device. The structure had to be rated by current metering the concrete channel approximately 100 feet downstream at four discharges. Discharge was regulated by diverting portions of the flow through the diversion structure approximately 30 feet upstream.

The rating curve is satisfactory and should suffice for flows up to 325 cfs. I accompanied Mr. Bob Haynes of the Idaho Department of Water Administration on an inspection of the measuring structure and channel on March 29, 1974. He indicated that the structure and rating curve appeared adequate but expressed concern as to the adequacy of measurement above 300 cfs. His concern is justified and if discharges above this figure are contemplated, modification will have to be made to the structure.

I indicated to Mr. Haynes that no changes in the inlet conditions which would affect the rating curve for the measuring device were contemplated. This should be indicated on the remarks statement when submitting the form for proof of application of water to beneficial use.

Sincerely,

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

CEB/cmb

36-7040

October 15, 1973

Re: Permit No. 36-7040

Clear Springs Trout Co.
c/o John Hepworth
1020 Main
Buhl, Idaho 83316

Dear Mr. Hepworth:

Enclosed please find an Order which extends the time within which to submit proof in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to November 1, 1974.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC
Enclosure

36 7040

LAW OFFICES

HEPWORTH, NUNGESTER, FELTON, AND HART

PROFESSIONAL CENTER
1020 MAIN

AREA CODE 208
PHONE 543-4368

BUHL, IDAHO -- 83316

RECEIVED

OCT 5 1973

Department of Water Administration

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

October 4, 1973

R. Keith Higginson, Director
Idaho Dept. of Water Administration
Statehouse-Annex 2
Boise, Idaho 83707

Re: Permit No. 36-7040

Dear Keith:

I am enclosing an application for extension of time on our new Box Canyon development. I am supporting this with an affidavit from Richard Kaster, who is the original permit holder.

Actually, the project is nearly complete and I hope to file proof of beneficial use to prove up on the water before the end of this year but thought it wise to give ourselves some leeway. If you have any question at all concerning this application for extension, I would appreciate you calling me.

Thank you for your courtesies.

Very truly yours,

HEPWORTH, NUNGESTER, FELTON & HART

John C. Hepworth

John C. Hepworth

JCH:bh

Encl.

36 7040

Identification No. _____

Permit No. _____

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

RECEIVED

APR 6

dfcy

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Administration

1. a) Name of Permit Holder Clear Springs Trout Co.
 b) Post Office Address P. O. Box 548, Buhl, Idaho 83316
 2. Permit Number 36-7040
 3. Date of Priority that you are prepared to establish September 4, 1968
 4. a) Source from which water was appropriated Box Canyon Springs
 b) Location of the point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28
 Township 8 South, Range 14 East Boise Meridian, Other points of diversion: _____
(Gooding County)

5. a) The amount of water and use to which the water has been applied:
 amount 300 c.f.s. for fish propag. purposes from January 1 to December 31 incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 amount 0.2 c.f.s. for irrigation purposes from April 1 to Nov. 1 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 300.2 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: C. E. Brockway, P.E. Hydraulic Engineer

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: See attached easements (a) Easement for canal granted by Richard Kaster. See attached ----- (b)
 b) Describe the agreement or understanding by which you take water from the works: copy of corrected easement attached from State of Idaho for pipeline under river.

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) Diversion is by earth & rock dam in Box Canyon stream. The water is diverted into cement canal which carries it to box, then into steel flumes which are buried & run under river to the head canal located at the fish hatchery site.
 b) Describe the type and size of measuring device which you have installed at your point of diversion: See Exhibit "C" attached hereto prepared by C. E. Brockway
 c) Give well drillers name and address and date the well was completed N.A.

Exam typed 4/24/74 by js

36-7040

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use The water is used for the rearing of rainbow trout. The land upon which it is located (used) is the South 587 feet of Lot 3 and the North 1020 feet of Lot 4, Section 28 Township 8 South, Range 14 E., B.M., Twin Falls County, Idaho

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres irrigated _____

10. Remarks: Exhibit "C" was prepared by C. E. Brockway and was sent to us with a cover letter, a copy of which I am enclosing as an attachment for your information.

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

4/5/74
(Date)

CLEAR SPRINGS TROUT CO.
By John C. Hesworth
(Signature) Secretary

State of Idaho)
County of Twin Falls) ss.

On this 5th day of April, 19 74, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Allen Gannon
Notary Public residing at Buhl, Idaho

My commission expires Sept 2-1977

LAW OFFICES
HEPWORTH, NUNGESTER, FELTON, AND HART
PROFESSIONAL CENTER
1020 MAIN
AREA CODE 208
PHONE 549-4368

BUHL, IDAHO - 83316

RECEIVED

APR 6

Department of Water Administration

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

April 5, 1974

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

Re: Permit No. 36-7040

~~Confidential~~

Enclosed you will find Proof of Application of Water to Beneficial Use in connection with Permit No. 36-7040. The application for this was previously filed by Richard Kaster and subsequently assigned to Clear Springs Trout Co.

Attached to the application as a part thereof is:

- (a) Easement for a canal from Richard Kaster.
- (b) An easement from the State of Idaho for the pipeline running beneath and across the Snake River.
- (c) The rating curve and information relating to the water measurement as prepared by C. E. Brockway.
- (d) Copy of a letter from C. E. Brockway to be included under "remarks" on application.

Bob Haynes of the Twin Falls Office made a field inspection of the facilities and therefore hopefully the license can be issued as soon as possible.

Should you require any further information, please advise this office. Thank you very much.

Very truly yours,

HEPWORTH, NUNGESTER, FELTON & HART


John C. Hepworth

JCH:Kh
Encl.

CORRECTED

STATE OF IDAHO EASEMENT

NO. 4093

Assignment to
B. B. B. Idaho
Recorded July 19 1973

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

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

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

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

The area described contains 2.13 acres, more or less.

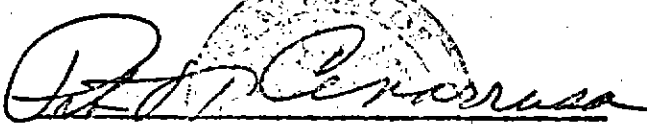
It is further understood and agreed that the pipe line is to be constructed and maintained in such a manner that will not obstruct the river channel or hinder or affect navigation, recreation or other authorized and customary use of the river. The State Board of Land Commissioners reserves the right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

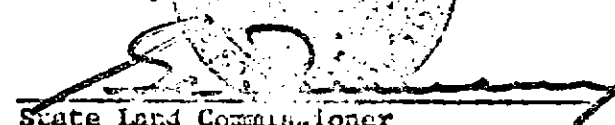
It is further understood and agreed that in the event the lands hereinabove described are not used for the purposes herein specified for any five year period, the State Board of Land Commissioners may declare such right-of-way forfeited and the use of the lands will revert back to the State of Idaho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

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

STATE BOARD OF LAND COMMISSIONERS

Countersigned:


Secretary of State


State Land Commissioner

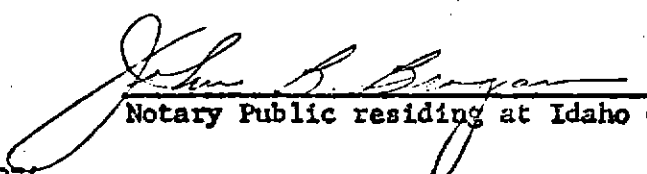

Governor of the State of Idaho and
President of the State Board of Land
Commissioners

36-7040

State of Idaho)
) ss
County of Ada)

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

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


Notary Public residing at Idaho City, Idaho

My commission expires August 25, 1974

36-747

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

SEC 28

U.S. GOVERNMENT
(BLM)

GOODING CO.
TWIN FALLS CO.

LOT 2
(PRIV.)

CENT SEC.

100'

EASEMENT
N 66° 10' 45" E
N 66° 10' 45" E

SNAKE RIVER

POINT OF
BEGINNING

APPROX
HIGH
WATER
LINE

LOT 3
(PRIV.)

LOT 4
(PRIV.)

N 57° 57' 30" E
1340.50

WE COR
BLM CO.

ANNUAL ROAD EASEMENT			
CLEAR SPACES THROUGH TREES			
SEC.	1 = 210	DEM/CHN	7/79
DATE	7/79	CHNS	1571-2

36-7040

1 RIGHT-OF-WAY DEED

2
3 THIS AGREEMENT, Made and entered into this 6th day of
4 June, 1973, by and between Richard Kaster and Edith Kaster, hus-
5 band and wife, of Hagerman, Gooding County, Idaho, as grantors,
6 and Clear Springs Trout Co., an Idaho corporation, with its
7 principal place of business at Buhl, Idaho, as grantee;

8 WITNESSETH:

9 FOR VALUABLE CONSIDERATION, receipt of which is hereby
10 acknowledged, the grantors hereby grant, sell and convey unto
11 the grantee, their personal representatives, successors and
12 assigns forever, the following-described easement and right-of-
13 way located in Gooding County, State of Idaho, to wit:

14 A portion of Lot 2 and the Southwest Quarter of the
15 Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) and the Southeast Quarter
16 of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 28,
Township 8 South, Range 14 E., B.M., Gooding County,
Idaho, and more particularly described as follows:

17 Beginning at the brass cap marking the West Quarter
18 corner of said Section 28; thence North 72°13'58" East
19 for 1316.06 feet; thence North 46°59' East for 1008.04
20 feet to the real point of beginning, said point being
the approximate Easterly high-water line of the Snake
River; thence North 43°01' West for 75.00 feet; thence
21 North 46°59' East for 38.52 feet; thence North 59°58'15"
East for 298.69 feet more or less to a point on the
22 Northerly boundary of said Lot 2; thence South 89°48'08"
East for 1838.48 feet along the Northerly boundary of
Lot 2, Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$
23 NE $\frac{1}{4}$) and the Southeast Quarter of the Northeast Quarter
(SE $\frac{1}{4}$ NE $\frac{1}{4}$); thence South 0°11'52" West for 200.0 feet;
24 thence North 85°25'09" West for 654.22 feet; thence
North 89°48'08" West for 1145.65 feet along a line 150
25 feet from and parallel to said Northerly boundary;
thence South 59°58'15" West for 241.15 feet; thence
26 South 46°59' West for 21.46 feet; thence North 43°01'
West for 75.00 feet to the real point of beginning.
27 The above-described easement contains 7.39 acres more
or less.

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

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

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

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

21 DATED this 6th day of June, 1973.

22 Richard Kaster
23 Richard Kaster

24 Edith Kaster
25 Edith Kaster

26 CLEAR SPRINGS TROUT CO.

27 ATTEST:

28 John C. Heston
Secretary

James O. Eastman
President

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

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

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

13
14 15/ Alta Pannon
15 Notary Public for Idaho
16 Residing at Buhl, Idaho
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RECEIVED

OCT 5 1973

Department of Water Administration

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

STATE OF IDAHO :
County of Twin Falls : ss.

John C. Hepworth, Secretary of Clear Springs Trout Co.,
Box 548, Buhl, Idaho, being first duly sworn upon oath, deposes
and says:

That Clear Springs Trout Co., is the holder of a permit
to appropriate the public waters of the State of Idaho No. 36-7040.
That the permit holder has not completed the diversion works, canal,
pipeline and other works necessary to transport the water under
Permit No. 36-7040, to the place of use. Affiant further states
that the hatchery facilities are nearing completion and will
undoubtedly be complete and the water will be placed to a benefi-
cial use on or before November 1, 1974.

That the present permit holder will likely be unable to
complete the remainder of the work within the time required under
the permit, to wit, November 1, 1973, but will be able to complete
all works and have the water placed to a beneficial use no later
than November 1, 1974. The reasons for the delay, included but were
not limited to the inability to obtain Federal right-of-ways from
the Bureau of Land Management following the date that the permit
was originally approved by the Department of Water Administration.
The efforts to obtain such Federal right-of-ways continued for
more than three years but without success. Finally the original
permit holder filed an application with the Department of Water

1 Administration to change the point of diversion with the purpose
2 in mind of transporting the appropriated water over private lands
3 to avoid the necessity of a Federal right-of-way. Protests were
4 filed to such application for change in point of diversion and a
5 hearing was held thereon all of which will more fully appear in
6 the records of the Department of Water Administration. Following
7 the hearing on the same, the Department did approve the change in
8 point of diversion but considerable delay was incurred which was
9 beyond the control of the permit holder. The delays involved as
10 set forth above extended for a period of greater than three years
11 and based upon those delays and the statutes of the State of Idaho
12 applicable thereto, permit holder asks for an extension of time to
13 prove up on its beneficial use of said water under said permit
14 to the 1st day of ~~November~~ 1974.

15 Affiant is the secretary and member of the Board of
16 Directors of Clear Springs Trout Co., which is the present permit
17 holder, and makes this application for an extension of time on
18 behalf of Clear Springs Trout Co. This application is further
19 supported by the affidavit of Richard Kaster, who is the original
20 applicant and permit holder.

21 WHEREFORE, Clear Springs Trout Co., asks that the Depart-
22 ment of Water Administration extend the time for the completion
23 of obligations under said permit to November 1, 1974.

24 CLEAR SPRINGS TROUT CO.

25 By *John C. Hepworth*
John C. Hepworth, Secretary

26
27 Subscribed and sworn to before me this 2nd day of October,
1973.

28 *Alta Lannon*
Notary Public for Idaho
Residing at Buhl, Idaho

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ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, _____, Director of the Idaho
Department of Water Administration, State of Idaho, hereby _____

WITNESS my hand this _____ day of _____, 1973.

Director

September 8, 1972

The Honorable Cecil D. Andrus
Governor, State of Idaho
Office of the Governor
Room 228, Statehouse
Boise, Idaho 83707

Dear Governor Andrus:

Your information is correct with regard to Box Canyon. Construction work has been in progress most of the summer by Mr. Richard Kaster, who, together with Mr. Earl Hardy, own the lands in the canyon area. They are constructing a water diversion pipeline under Permit Nos. 36-7040 and 36-7091, which have been issued by this office, for a total of 600 second feet of water of the approximately 840 second feet, which is available at the mouth of the canyon.

You will no doubt recall that Section 42-3806 (the Stream Channel Protection Act) exempts construction activities by a water user or his agent from the necessity of obtaining our approval.

If you need further information on this subject, please let me know.

Very truly yours,

R. KEITH HIGGINSON
Director

RKE:mjl

September 8, 1972

C
The Honorable Cecil D. Andrus
Governor, State of Idaho
Office of the Governor
Room 228, Statehouse
Boise, Idaho 83707

O
Dear Governor Andrus:

P
Your information is correct with regard to Box Canyon. Construction work has been in progress most of the summer by Mr. Richard Kaster, who, together with Mr. Earl Hardy, own the lands in the canyon area. They are constructing a water diversion pipeline under Permit Nos. 36-7040 and 36-7091, which have been issued by this office, for a total of 600 second feet of water of the approximately 840 second feet, which is available at the mouth of the canyon.

P
You will no doubt recall that Section 42-3806 (the Stream Channel Protection Act) exempts construction activities by a water user or his agent from the necessity of obtaining our approval.

Y
If you need further information on this subject, please let me know.

Y
Very truly yours,

R. KEITH HIGGINSON
Director

RKH:mjl



RECEIVED

SEP 8 1972

REK
Call
Monday
AT
9:30

Department of Water Administration

STATE OF IDAHO

OFFICE OF THE GOVERNOR

BOISE

CECIL D. ANDRUS
GOVERNOR

September 5, 1972

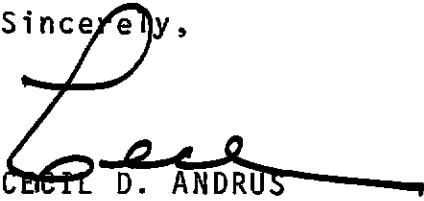
Mr. Keith Higginson, Director
Department of Water Administration
STATEHOUSE MAIL

Dear Keith:

I understand that there's a bulldozer operating
in the stream bed in Box Canyon.

Is is true or false? If it's true, what are we
doing about it?

Sincerely,


CECIL D. ANDRUS
GOVERNOR

zb

RICHARD KOSTER
MOOREMAN VALLEY TRACT CO
OR EARL HARRY
36-7040 - 300 AFS
36-7091 - 300 AFS



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE 83707

W. ANTHONY PARK
ATTORNEY GENERAL

March 31, 1972

Mr. Vaughn Anderson
Environmental Improvement Division
Idaho Department of Health
BUILDING

Re: Box Canyon Creek

Dear Vaughn:

Box Canyon Creek is a tributary of the Snake River with the point of confluence on the North side of the river approximately one mile down stream from Banbury Hotsprings. The Box Canyon area is of interest to the Department of Parks as a potential park site, and any portion of the waters of Box Canyon Creek is the subject of an attempted appropriation by that department under the provisions of H.B. 69, passed by the legislature in 1971.

An individual by the name of ~~Casper~~ ^{KASTER} is planning to divert water from Box Canyon Creek for use in a fish hatchery operation. ~~Casper~~ is presently constructing a road up Box Canyon to his intended point of diversion. We are advised that this construction is resulting in a certain amount of siltation and turbidity in Box Canyon Creek itself. We are interested in exploring all avenues in an effort to preserve the Box Canyon area in as nearly as possible a natural state. Therefore, we request that you cause an examination of the site to be made by the appropriate personnel in order to determine if a water quality violation exists as a result of the road building operation.

Please let us know if you will be able to arrange for such an investigation, and if so, when we might expect to receive the results.

Thank you for your assistance.

Yours very truly,
FOR THE ATTORNEY GENERAL

JOHN MAGEL
Deputy Attorney General

JM:rc

RECEIVED
MAY 8 1972
Department of Water Administration

RECEIVED

Mr. Vaughn Anderson
Page 2
March 31, 1972

cc: Mr. Steven W. Bly
Director
Department of Parks

Mr. Stacy Gebhards
Fish & Game Department

Department of Water Administration

RECEIVED

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.

24789

INSURED NO.

DATE DELIVERED

9/4/73

1

Clear Springs Trout Co.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

c/o John C. Kephworth
By Allen Lannon

3

SHOW WHERE DELIVERED (*only if requested*)

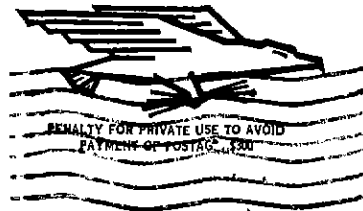
36 Hill

POD Form 3811 Apr. 1969 c55-16-71548-11

**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 83702

36 7040

August 31, 1973

CERTIFIED MAIL

#24789

Re: Permit No. 36-7040

Clear Springs Trout Co.
c/o John Hepworth
1020 Main
Buhl, Idaho 83316

Dear Mr. Hepworth:

One of the conditions of approval of your water Permit No. 36-7040 (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 November 1, 1973. 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

36 7040

Enc: Proof affidavit

RECEIVED

JUL 20 1973

CORRECTED

STATE OF IDAHO EASEMENT

Department of Administration

NO. 4093

Water Administration
Assignment to

Clear Springs, Inc. & Co.

of Buhl Idaho

Recorded July 19 1973

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

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

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

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

The area described contains 2.13 acres, more or less.

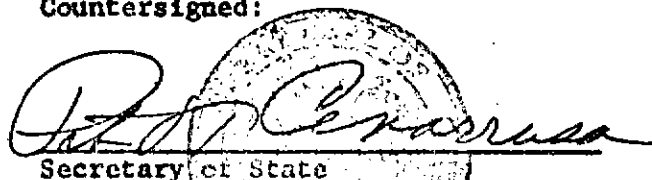
It is further understood and agreed that the pipe line is to be constructed and maintained in such a manner that will not obstruct the river channel or hinder or affect navigation, recreation or other authorized and customary use of the river. The State Board of Land Commissioners reserves the right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

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

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

STATE BOARD OF LAND COMMISSIONERS

Countersigned:


Secretary of State


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


State Land Commissioner

W. J. M.

36 7040

State of Idaho)
) ss
County of Ada)

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

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


Notary Public residing at Idaho City, Idaho

My commission expires August 25, 1974

RECEIVED

JUL 20 1973

Department of Administration

32 7640

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

U.S. GOVERNMENT
(BLM)

GOODING CO.
TWIN FALLS CO.

100'

EASEMENT
NEEDS

LOT 2
(PRIV.)

CENT. SEC.

SNAKE RIVER

POINT OF
BEGINNING

APPROX
HIGH
WATER
LINE



LOT 3
(PRIV.)

N 67° 51' 13" E
N 134° 06' 59"

LOT 4
(PRIV.)

36 7040

WY COR
BEASS CO.

AMENDED RIVER FRONT			
CLEAR SPRINGS TROUT FARM			
241-1-200	DRY/CNK	241-1-200	241-1-200
DATE 7/75	BY	1571-2	

20 21
29 28

DECEMBER

State of Idaho Easement No. 4093 (Richard Kaster)

11 11 11 11 11

JUL 23 1973

Department of Transportation

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Dated: July 5, 1973.

Edith M. Kaster
Edith M. Kaster

On this 5th day of July, 1973, before me, the undersigned a Notary Public in and for said County and State, personally appeared Richard Kaster and Edith M. Kaster, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

Alta Gannon
Notary Public for Idaho
Residing at Buhl, Idaho

* * * * *

Recorded this 19th day of July, 1973.

1973.
Jack E. Gillette
 Jack E. Gillette
 Acting State Land Commissioner

38 7040

**LAW OFFICES
HEPWORTH
NUNGESTER
AND
FELTON
SUN. 10AHO**

RECEIVED

JUL 20 1973

Ministry of Water Administration

July 16, 1973

Re: Permit No. 36-7040

Clear Springs Trout Co.
c/o Mr. John Hepworth
1020 Main
Buhl, Idaho 83316

Dear Mr. Hepworth:

We acknowledge receipt of the assignment conveying the above referenced permit to Clear Springs Trout Co. The assignment has been recorded and the Department's records changed.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:jc

cc: Richard Kaster
Route #4
Buhl, Idaho

36 7040

RECEIVED

JUL 5 1973

Department of Water Administration

STATE OF IDAHO EASEMENT

No. 4093

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

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

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

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

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

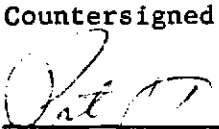
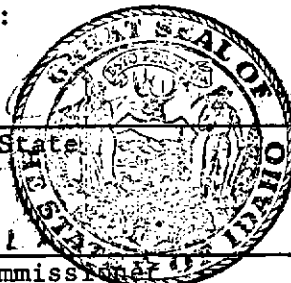
It is further understood and agreed that the pipe line is to be constructed and maintained in such a manner that will not obstruct the river channel or hinder or affect navigation, recreation or other authorized and customary use of the river. The State Board of Land Commissioners reserves the right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

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

36 7040

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

Countersigned:


Secretary of State


State Land Commissioner
W.J.M.

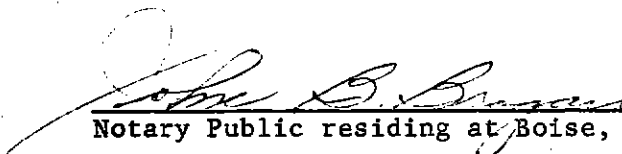
STATE BOARD OF LAND COMMISSIONERS


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

State of Idaho)
) ss
County of Ada)

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

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


Notary Public residing at Boise, Idaho

My commission expires 8-25-70

June 29, 1973

RE: 36-7040

Mr. Richard Kaster
Route 4
Suhl, IA 50310

Dear Mr. Kaster:

I am writing regarding your application to construct a dam in Section 28, Twn. 39, Rgs. 14E, B.M.

You may begin work at your convenience, but please keep us informed of your progress as requested on the application form so that inspections can be made.

The type of pipe used for the outlet was not specified on your application and you should be aware that the Department requires that all concrete pipe have watertight joints and all steel pipe must be encased in concrete. All outlet pipes must have cutoff collars to prevent seepage along the outside surface.

Please let me know if you have any questions.

Very truly yours,

Bob Haynes
District Engineer
Southern District

Encs: Application
Rules & Regulations for Safety of Dams

cc: John Hepworth

IOWA - State Office

36 7040

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF Application for Amend-)
ment of Permit No. 36-7040 in the name of)
the HAGERMAN VALLEY TROUT CO., INC.)

MEMORANDUM DECISION
AND ORDER

Application No. 36-7040 was filed by Richard Kaster on September 4, 1963. It requested approval to divert 300 cubic feet per second of water from Box Canyon Creek from points within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 28, Twp. 8 S, Rge. 14 E, B.M.

Notice of the proposed appropriation was published as required in the Gooding County Leader, Gooding, Idaho, on September 26 and October 3, 1968. No protests were received and the application for permit was approved on December 9, 1968. —

On May 19, 1971, an application for amendment was received by the Department from Richard Kaster, proposing to change the point of diversion of the water under Permit No. 36-7040 to the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 28, Twp. 8 S, Rge. 14 E, B.M. Notice of the proposed change was published in the Gooding County Leader, Gooding, Idaho, on June 3 and June 10, 1971. Protests against approval of the amendment were received on June 21, 1971, from George H. Lemmon and Norman Standal, Snake River Pottery and the Gooding County Planning Commission.

On July 12, 1971, Permit No. 36-7040 was assigned to the Hagerman Valley Trout Co., Inc.

A hearing to consider the protests was held in the Gooding County Courthouse on August 11, 1971. At that hearing, the issues considered, as set forth by Section 42-211, Idaho Code, were: (1) Will additional water be diverted if the change is approved and (2) Will the proposed change injure other water rights?

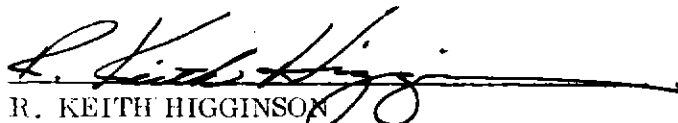
The Gooding County Planning Commission representative, John R. LeMoyne, and Aldrich Bowler of the Snake River Pottery decided their reasons for protest were other than those that could be considered by the Department. Therefore, they declined to take part in the formal hearing.

Testimony concerning the injury to the water right of Mr. Lemmon and Mr. Standal was taken. The permit holder was represented by Theodore V. Behm, Attorney-at-Law, and the protestants were represented by Frederick F. Plankey, Attorney-at-Law.

From the testimony given at the hearing, it appears that the protestants, Lemmon and Standal, who have a junior priority, will not be prevented from diverting water under their permit and further, that the estimated increase in cost for construction of their diversion facilities will not be significant.

It is, therefore, hereby ordered that the protests be set aside and the Application for Amendment of Permit No. 36-7040 be approved.

Dated this 10 day of November, 1971.


R. KEITH HIGGINSON
Director

BDF:DR

November 11, 1971

Re: Permit No. 36-7040

Hagerman Valley Trout Co., Inc.
Buhl,
Idaho 83316

Gentlemen:

Enclosed please find a copy of the APPROVED application for amendment in connection with Permit No. 36-7040 along with the Memorandum Decision and Order.

Very truly yours,

C. STEPHEN ALLRED
Deputy Director

CSA:DR

Enc: Copy of amendment
Memorandum Decision
and Order

cc: Theodore V. Behm

36-7040

Copies of Memorandum Decision and Order sent to protestants on this date. dr

THEODORE V. BEHM
ATTORNEY AT LAW
BUHL, IDAHO 83316

October 18, 1971

RECEIVED

OCT 19 1971

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

Department of Water Administration

Re: Hagerman Valley Trout Company,
Incorporated, Amendment of
Permit No. 36-7040

Dear Mr. Fleenor:

On behalf of my client, Hagerman Valley Trout Company, Inc., we respectfully request that our application for amendment to amend permit no. 36-7040 be approved at this time.

At the hearing held August 11, 1971, Mr. Dick Kaster, principal stock holder of Hagerman Valley Trout Company, Inc., indicated on the record that the company would share the added cost of construction of the diversion point plan by protestant. Protestants, Standall and Lemmon, through their attorney, immediately withdrew their protests. It was agreed that such additional cost would be no more than \$5,000.00.

Although this is all a matter of record taped at the hearing, we prepared a stipulation agreeing to pay all of the additional cost up to \$5,000.00. Protestants, despite several requests to do so, have failed to sign the stipulation. A copy of the stipulation is enclosed. Although attorney for the protestants has not signed, my signature has been added to your copy and you may consider this as our formal agreement to abide by the agreement which was recorded in your record of the August 11, 1971 proceedings.

My client, as you may be aware, is receiving opposition from certain private groups with regard to any development. This opposition is causing delay in the granting

36 7040

Page 2
Mr. Bobby Fleenor
October 18, 1971

of a lower diversion point. For that reason Mr. Kaster wants to take the water for Hagerman Valley Trout Company, Inc. from the upper diversion point on the portion of Box Canyon land owned by him.

As you indicated at the August 11, 1971 hearing, the Idaho law pertaining to change of point of diversion is only concerned with a question of prejudicing other water users and only that issue was considered, although other protestants were allowed to voice their views. I believe that we have demonstrated that if we can divert the water from the upper point, as indicated in the application for amendment, no other water users will be prejudiced.

Therefore, we request that our application for amendment be approved so that immediate construction and diversion can be started.

Thank you.

Sincerely yours,

THEODORE V. BEHM

Theodore V. Behm
T. V. Behm

TVB:cv

Enclosure

36 7040

T. V. BEHM
Attorney for Applicant
1009 Main Street
P. O. Box 306
Buhl, Idaho 83316
Phone: 543-4397

RECEIVED
OCT 19 1971

Department of Water Administration

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

* * * * *

NORMAN S. STANDAL
and
GEORGE H. LEMMON,

Protestants,

vs.

RICHARD KASTER d/b/a
HAGERMAN VALLEY TROUT
COMPANY, INC.,

Applicant.

* * * * *

STIPULATION

RE: FILING NO. 36-7040

APPLICATION FOR AMENDMENT

OF PERMIT TO APPROPRIATE

WATERS FROM BOX CANYON

CREEK

It is stipulated between the parties to this proceeding, as follows:

I

That if applicant should amend his above-captioned application to change his diversion point in the manner testified to in a hearing before the State of Idaho Department of Water Administration held August 11, 1971, at the Gooding County Courthouse before the Honorable R. Keith Higginson, Director, that such change in diversion would likely create an added cost of construction of the diversion point presently

STIPULATION - 1

planned by protestants.

II

That the aforesaid change of diversion would create an additional expense to protestants in the approximate amount of \$5,000.00.

III

That applicant agrees to pay all of the aforesaid additional expense up to \$5,000.00.

IV

That protestants agree to withdraw their protest which was a subject of the aforesaid August 11, 1971 hearing.

V

That this stipulation confirms the agreement made by the parties at the aforesaid August 11, 1971 hearing.

VI

That this stipulation is binding on assigns or successors of the parties.

Attorney for Protestants

S/ T. V. Behm

Attorney for Applicant

36 7020



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

September 2, 1971

Re: Permit Nos. 36-2607 - Richard Kaster
36-2603 - Ira B. Perrine Jr. & Emerald Perrine (Partial)
36-2603-A - City of Twin Falls (Partial)
36-7040 - Hagerman Valley Trout Co., Inc.
36-2659 - Clear Lakes Trout Co.

Lloyd Walker
Box 23
Twin Falls, Idaho 83301

Dear Mr. Walker:

Please find enclosed copies of the above referenced permits as requested. The fee for these copies is \$8.00. Your prompt remittance would be appreciated. If we can be of further assistance, please contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:CR

Enc: copies

36 7040

36 7040

Record of Hearing Gooding County Court house
36-7040

0 Call of hearing to order

13 Sec 42-211

26 Identification of Counsels and protestant

33 Objection to holding of hearing. (Reserve point of objection)

84 Testimony of Richard Kaster

98 Held up on right of ways

103 Objection by Mr Plankey

124 Description of Pt of Diversion

141 Cross exam by Mr Plankey

164 Change of Date on the amendment to Dec 31-

~~Amendment~~ : To amend.

190 Map of Box Canyon Area

206 - Pause

209 -

212- Introduction of Protestants Exhibit A.

225 Objection

244 Objection -

Is permit valid

253- Objection sustained.

276- Auth App of Boyer I.C. 152

308- Objection sustained on cost of pipeline

318- John Le Moyne of Gooding County Planning

321- Redirect by Mr. Behm.

36-7040

340 - 10 min recess

341 - Protestants

- Oath to Norm Standal

355 - Exhibit a

356 - Black X Mark at Standal's Diversion Point

380 - What effect would Kaster change have on you

1. Reduced ^{stream flow} ~~quantity available~~ would require
redesign of diversion structure

a) lake would be lowered.

b) dike would have to be sealed.

400 - Project will still be feasible but would result in greater
cost

418 - ■

426 - Additional \$10,000 of cost.

434 - Oath of John LaMoyné - Gooding County Planning Commission

- Statement

- Change would cause environmental impact by moving P.D. 1/4 mile
upstream.

444 - Oath of Aldrich Bowler

Statement

465 - Statement by Mrs. Kaster

Help in defraying additional cost of Mr. Kaster

480 - Withhold action on application for 30 days to allow
a stipulation.

Ted Behm -

Object to hearing on grounds of I.C. 42-211

Issue

Is there any immediate injury to other water rights -

Fred Plankey

Question of feasibility should not be considered.

Issue of ^{fact} Hearing

1. Whether increased water will be ~~used~~ diverted
2. Whether other water users will be injured.
3. Is present permit valid. ~~Not Issue~~

Gooding County Planning Commission does not wish to take part in formal hearings.

Aldrich Bowler concerned with environmental impact of diversion.

EXHIBIT 36-7040 - Application for Amendment

OBJECT TO ANY HEARING AT ALL - NOT
PROVIDED FOR BY FORD COOK

— RESERVES OBJECTION

— COPY WITHIN IMMEDIATE ISSUE

FUTURE
ISSUES

(1) AMENDMENT WOULD CAUSE MORE WATER
TO BE DIVERTED.

(2) AMENDMENT WOULD CAUSE HARM TO OTHER
WATER RIGHTS - WATER USERS.

(3) PRESUME THAT APPLICATION IS STILL
VALID?

COOK COUNTY PLANNING COMMISSION

36 7040

— STREAM - FAST FLOWING AT POINT

HEAD WORKS - PIPELINE - DAM ACROSS STREAM

CONCRETE HEADWORKS - TRAIL RACK

ABOUT ^{SAME} 700' OR AS LOWER DAM

FORMER WITH SOME & LARGER DIVERSION SILE -

VERY LITTLE CHANGE

Hagerman ^{Honey} ~~Trout~~ Trout Co.

9000 SHARES ISSUED

ONAS 9000 W/WIFE BORN ON'S 1 SHARE

DIVERSION WOULD NOT AFFECT VOLUME AT L-S
PATH OR DIVERSION

PIPELINE - ABOVE GROUND

LAND ^{BLDG} ~~BLDG~~ PURCHASED BY KATZ & HADLEY

PUMPING - PROPOSALS
#2

STANDARD - WORDS, PERMITS 7066-7068-7069

EXHIBIT "A" - BOOK "X"

850 CFS

REDUCED STREAM FLOW (40%) WOULD CAUSE

WOULD HAVE TO REDESIGN - PERMITS "SAD" DIKE

CHANGE WILL NOT PREVENT DIVERSION

WOULD ADDITIONAL COST - NOT SIGNIFICANT

JOHN LE MOYNE - Gooding County Planning
Commission

ENVIRONMENTAL IMPACT - NOT

ARMON BOWEN - "Monumental Area"

30-

petition for Cancellation

Permit	Filed	1/5 Work / 1/2 Time	Permit Required Work Complete	B. Use Due	Status
36-2705	3/15/63	3/20/66	9/20/68	9/20/74	Mountain View Irrigation Company Desert Entry Pending Decision
36-7040	9/4/68	5/22/71		11/1/73	Richard Kaster Awaiting Approval of Permit for River Crossing from Box Canyon to Hatcher Site.

42-204 Provide an extension of time to complete the work because approval of the necessary permits haven't be granted by the Federal Government.

Do you think a letter to Mr. Lemmon to this effect would convince him to withdraw his petition.

Prepare a request for opinion - setting forth history & status of filings and inquiring as to how to proceed.

Hold for our attorney

36 7040

Hearings RE 36-7040

BENH - OBJECTS TO HEARING -

(1) RE HEARING RESTRICTED TO ISSUES OF:

(a) MORE WATER THAN ORIGINAL

(b) EFFECT ON OTHER WATER RIGHTS

(c) VALIDITY OF PERMIT

Applicant

RICHARD KASTER -

OWLS LAND ON WEST SIDE OF RIVER

AND JOINT OWNER ON EAST SIDE.

DOES NOT ^{HOLD} ~~PERMIT~~ OVER GOVERNMENT
LANDS.

- PERMIT POINT ABOUT 800' FROM MOUTH
OF ~~THE~~ BOX CANYON - BLM GROUND -
CANNOT OBTAIN PERMIT

SAME AMOUNT OF WATER

- NO OTHER ^{WATER} ~~WATER~~ USERS IN CANYON

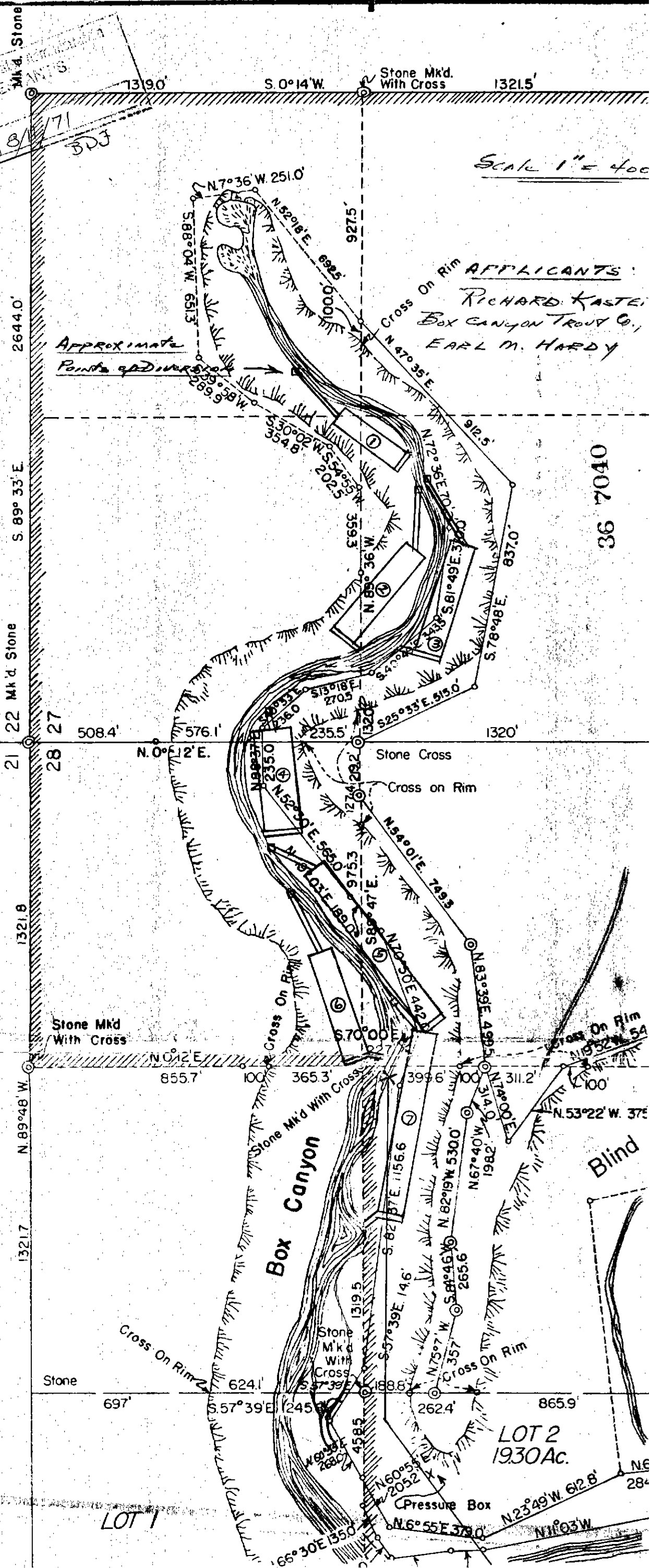
PROPOSES TO DIVERT BELOW AREA DENIED
IN H.B. 69

- JAN 1 TO DEC 1

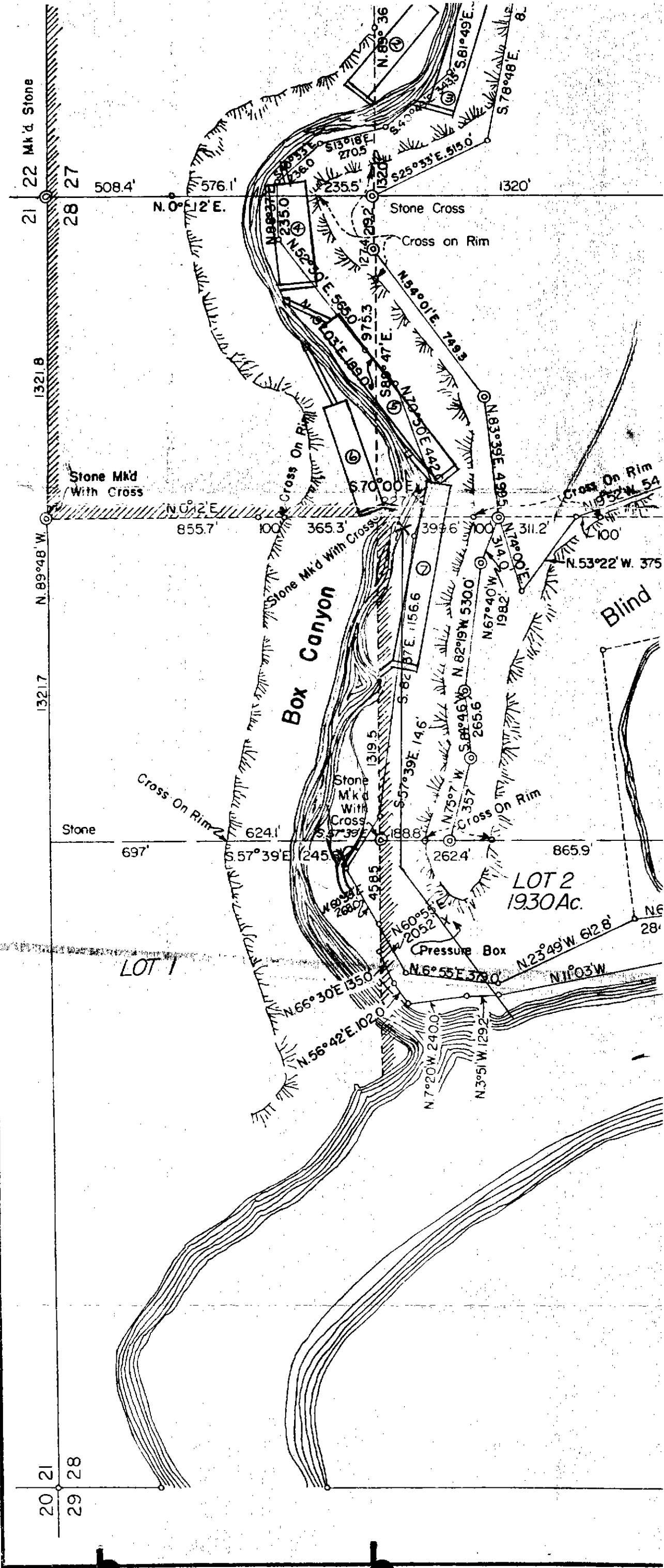
- PROTESTANTS EXHIBIT A. - MAP

Department of Water Resources
PROFESSIONAL
Exhibit A
Date Admitted 8/1/71
303

Scale 1" = 400'



CS 7040



36-7040 - HAGERMAN VALLEY TROUT CO., INC.

Gooding County Courthouse, Gooding, Idaho

August 11, 1971 - 1:30 p.m.

ROSTER OF ATTENDANCE

Name & Address

Representing

Frederick & Plankey	George Lemmon Norman Standa
Norman S. Standa	Self
Theodore V. Behm	Richard Kaster
Richard Kaster	Self
Geo. H. Lemmon	Self
Aldrich Bowley	Public
John R. LeMayne	Gooding County Planning Commission

CONVERSATION MEMORANDUM

FILE 36-7040

NAME OF PARTY ~~Bob Fleener~~ Richard Kaster

EMPLOYEE Bob Fleener

August 9, 1971

RE: Hearing on amendment.

I discussed with Mr Kaster ~~the~~ the confusion that appears to have been caused by their attempt to have the hearing postponed. I suggested that he call each of the protestants to inform them that the hearing would take place as scheduled.

July 23, 1971

Re: Permit Nos. 36-7040 - Hagerman Valley Trout Co., Inc.
36-7175 - Richard Kaster and Earl Hardy
36-7176 - Earl M. Hardy

Gooding County Planning Commission
Bob Bolte, Chairman
Gooding, Idaho 83330

Dear Mr. Bolte:

We are unable to grant your request to re-schedule the hearing for a later date.

The Director of the Department, Mr. R. Keith Higginson, will be conducting the hearing and this is the only date available for him, without causing an unnecessary delay in taking action on the applications.

The result of the Impact Study could be beneficial, but unfortunately, the hearing must be held as originally scheduled.

If you have any questions regarding this matter, please let us know.

Very truly yours,

Bobby D. Fleenor
Assistant Director

BDF:cm

36 7040

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

July 20, 1971

Re: Application for Permit No. 36-7040 - Hagerman Valley Trout Co., Inc.

Aldrich Bowler
SNAKE RIVER POTTERY
Star Route
Bliss, Idaho

Dear Mr. Bowler:

The Department of Water Administration wishes to advise you that on the 18th of May, 1971, the Department received requests for an assignment of Application for Permit No. 36-7040 from Richard Kaster to Hagerman Valley Trout Co., Inc. The assignment was executed by Mr. Kaster and Edith Kaster. The Department conveyed the assignment to it's legal counsel for review.

On the 19th of May, Richard Kaster, as applicant, came before the Department of Water Administration, proposing an amendment to 36-7040. As you are aware, it is this application for amendment that your protests have been filed against.

We have been recently asked by Mr. Theodore V. Behm, attorney for Richard Kaster and also Principal in Hagerman Valley Trout Co., Inc. to change the name under the amendment to correspond with the applicant under 36-7040. We are advised, also, that Richard Kaster and Edith Kaster are Principals in Hagerman Trout Co., Inc.

The Department, under advise of it's legal counsel, will officially change the name on the application for amendment unless satisfactory formal protests are received within 15 days from the date of this letter, setting forth in detail reasons why the Department should not change the name on the application for amendment.

If you may have any questions on the matter, please contact us.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DWM:bb

36 7040

cc: Richard Kaster
c/o Hagerman Valley Trout Co., Inc.
Buhl, Idaho

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

July 20, 1971

Re: Application for Permit No. 36-7040 - Hagerman Valley Trout Co., Inc.

Robert Bolte, Jr.
Gooding County Planning Commission
Gooding, Idaho

Dear Mr. Bolte:

The Department of Water Administration wishes to advise you that on the 18th of May, 1971, the Department received requests for an assignment of Application for Permit No. 36-7040 from Richard Kaster to Hagerman Valley Trout Co., Inc. The assignment was executed by Mr. Kaster and Edith Kaster. The Department conveyed the assignment to it's legal counsel for review.

On the 19th of May, Richard Kaster, as applicant, came before the Department of Water Administration, proposing an amendment to 36-7040. As you are aware, it is this application for amendment that your protests have been filed against.

We have been recently asked by Mr. Theodore V. Behm, attorney for Richard Kaster and also Principal in Hagerman Valley Trout Co., Inc. to change the name under the amendment to correspond with the applicant under 36-7040. We are advised, also, that Richard Kaster and Edith Kaster are Principals in Hagerman Trout Co., Inc.

The Department, under advise of it's legal counsel, will officially change the name on the application for amendment unless satisfactory formal protests are received within 15 days from the date of this letter, setting forth in detail reasons why the Department should not change the name on the application for amendment.

If you may have any questions on the matter, please contact us.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DWM:bb

cc: Richard Kaster
c/o Hagerman Valley Trout Co., Inc.
Buhl, Idaho

36 7040

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

July 20, 1971

Re: Application for Permit No. 36-7040 - Hagerman Valley Trout Co., Inc.

George Lemmon & Norman Standal
Route #1
Hagerman, Idaho 83332

Gentlemen:

The Department of Water Administration wishes to advise you that on the 18th of May, 1971, the Department received requests for an assignment of Application for Permit No. 36-7040 from Richard Kaster to Hagerman Valley Trout Co., Inc. The assignment was executed by Mr. Kaster and Edith Kaster. The Department conveyed the assignment to it's legal counsel for review.

On the 19th of May, Richard Kaster, as applicant, came before the Department of Water Administration, proposing an amendment to 36-7040. As you are aware, it is this application for amendment that your protests have been filed against.

We have been recently asked by Mr. Theordore V. Behm, attorney for Richard Kaster and also Principal in Hagerman Valley Trout Co., Inc. to change the name under the amendment to correspond with the applicant under 36-7040. We are advised, also, that Richard Kaster and Edith Kaster are Principals in Hagerman Trout Co., Inc.

The Department, under advise of it's legal counsel, will officially change the name on the application for amendment unless satisfactory formal protests are received within 15 days from the date of this letter, setting forth in detail reasons why the Department should not change the name on the application for amendment.

If you may have any questions on the matter, please contact us.

Very truly yours,

Bobby D Fleenor

BOBBY D. FLEENOR
Assistant Director

BDF:DWM:bb

cc: Richard Kaster
c/o Hagerman Valley Trout Co., Inc.
Buhl, Idaho

36 7040

July 21, 1971

Re: Application for Permit No. 36-7040 - Hagerman Valley Trout Co., Inc.

C
Earl Hardy
1220 Vista Ave.
Boise, Idaho

Dear Mr. Hardy:

C Pursuant to your request, please find enclosed copies of the protest letters, the notice of hearing and the protested amendment.

If we may be of further assistance, do not hesitate to contact us.

Very truly yours,

P
BOBBY D. FLEENOR
Assistant Director

Y
BDF/BB

Enclosures: (5)

23 7050

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE

STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST THE AMENDING)
OF PERMIT NO. 36-7040 in the name of HAGERMAN)
VALLEY TROUT CO., INC. (Assigned from Richard)
Kaster))

NOTICE OF CONFERENCE

AND/OR HEARING

On May 19, 1971, Richard Kaster filed with the Department of Water Administration an application for amendment to amend Permit No. 36-7040. The Department caused notice of the proposed amendment to be published in the Gooding County Leader, Gooding, Idaho, on June 3 and June 10, 1971. On June 21, 1971, the Department received protests against the approval of said amendment from George H. Lemmon, Norman S. Standal, Snake River Pottery, and the Gooding County Planning Commission. On July 12, 1971, the Department recorded the assignment of Permit No. 36-7040 from Richard Kaster to Hagerman Valley Trout Co., Inc.

The Department has set the matter of protests for conference and/or hearing at 1:30 p.m., August 11, 1971, in the Gooding County Courthouse, Office of the Clerk, Gooding, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

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

Dated this 13th day of July, 1971.

Bobby D. Fleenor
BOBBY D. FLEENOR
Assistant Director

36 7040

Mailed this 13th day of July, 1971, to:

Certified Mail #

Richard Kaster, Box Canyon Trout Co., Inc., Earl M. Hardy
1220 Vista Ave., Boise, Idaho, 83705..... 22950
(36-7175 & 36-7176)

Richard Kaster, Route 4, Buhl, Idaho, 83316..... 22951
(36-7175 & 36-7040)

Hagerman Valley Trout Co., Inc., Buhl, Idaho, 83316..... 22952
(36-7040)

Robert L. Salter, Acting Director, Idaho Dept. of Fish & Game,
600 So. Walnut, Boise, Idaho, 83707..... 22953
(36-7175 & 36-7176)

George H. Lemmon, Hagerman, Idaho, 83332..... 22954
(36-7175 & 36-7040)

Norman S. Standal, Hagerman, Idaho, 83332..... 22955
(36-7175 & 36-7040)

Wilhelm M. Beckert, Director, Idaho Dept. of Parks
2261 Warm Springs Ave., Boise, Idaho, 83707..... 22956
(36-7175)

*** Snake River Pottery, Aldrich Barker, Star Route, Bliss, Idaho, 83314..... 22957
(36-7175 & 36-7040)**

Gooding County Planning Commission, Robert Bolte, Jr.,
Chairman, Gooding, Idaho, 83330..... 22958
(36-7175 & 36-7040)

Kramer, Plankey, Smith & Beeks, 210 - 6th Ave., East, Box 508,
Twin Falls, Idaho, 83301..... 22959
(36-7175 & 36-7040)

Theodore V. Behm, 1009 Main, P.O. Box 306, Buhl, Idaho, 83316..... 22960
(36-7040)

Don Runberg, B.L.M., Shoshone, Idaho, 83352..... 22961
(36-7040)

Copies of protests enclosed with notices to defendants.

Returned cards filed in 36-7175.

By Deanne Reich

36 7040

June 30, 1971

C
Re: Application No. 36-7175 - Richard Kaster & Earl M. Hardy
Permit No. 36-7040 - Richard Kaster

O
George Lemmon & Norman Standal
Route 1
Hagerman, Idaho 83332

Gentlemen:

P
We acknowledge receipt of your protests against the above referenced application and permit. You will be notified at a later date as to the time and place set for a conference and/or hearing. We have tentatively set a date for the week of August 9th.

Very truly yours,

Y
BOBBY D. FLEENOR
Assistant Director

BDF:DR

36 7040

Gooding County Planning Commission

Gooding, Idaho
June 18, 1971

Mr. R. Keith Higginson, Director
Idaho Department of Water Administration
Statehouse
Boise, Idaho 83707

Dear Mr. Higginson;

The Gooding County Planning Commission protests the filings of the proposed amending of water permit no. 36-7040 and the application no. 36-7175 for water permit. We feel that they are directly against House Bill No. 69 - 1971.

We also have requested an environmental impact study on the area by the Soil Conservation Service to find out if this is in the best interest of the future plans of Gooding County.

Yours truly,

Robert Bolte

Robert Bolte, Jr., Chairman
Gooding County Planning Commission

KB:cr

36 7040



RECEIVED

JUN 28 1971

Department of Water Administration

6-18-71

Idaho Dept of Water Administration
State House - Annex 2

Leitch R. Higginson, Director
Dear Sir:

Since Box Canyon has for a long time been viewed as part of Monumental Area in need of much more study to evaluate its best use and determine the environmental impact of its development I protest the approval of permits numbered 36-7040 and 36-7175 to allow further discussion and determination of the public interest.

Respectfully yours,
Aldrich Bowler

36 7040

December 9, 1968

Re: Permit No. 36-7040

**Mr. Richard Kaster
Route 4
Buhl, Idaho 83316**

Dear Mr. Kaster:

We enclose a copy of your approved application for permit 36-7040
in which we direct your attention to the limitations and conditions as given
on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

**C. Stephen Allred, Assistant
State Reclamation Engineer**

CSA:kh

**Enclosures: Copy of application
Receipt No. 2005 for \$100.
1 informational letter**

December 9, 1968

Re: Permit No. 36-7040

**Mr. Richard Kaster
Route 4
Buhl, Idaho 83316**

Dear Mr. Kaster:

You have submitted an application to appropriate and store waters of the State of Idaho. As a reminder, I wish to bring to your attention the requirements of Idaho Code 42-1707 concerning the submission of plans and specifications to the Department of Reclamation for approval.

The Code requires that any person, association, or corporation, excepting the U. S. Bureau of Reclamation, who shall desire to construct any dam or dike, for the purpose of storing or appropriating or diverting any of the waters of this state, when the same is to be more than ten feet in height or have a storage capacity of more than one hundred acre-feet, shall submit duplicate plans, drawings, and specifications of the proposed work to the Department of Reclamation for approval. If approval is granted one approved copy of such plan, drawing, or specification will be returned to you.

Also provided in the Code is an inspection clause which requires the Department of Reclamation to inspect or cause to be inspected as often as it deems advisable, any such dam or dike, to be more than twenty feet in height during construction.

The plans and specifications should provide as a minimum the following information:

- A. Drawings
 - 1. Dam profile
 - 2. Spillway profile
 - 3. Outlet work profile
 - 4. General plan view
 - 5. Section of dam or dike
 - 6. Section of spillway
 - 7. Location map
- B. Dimensions and Elevations
 - 1. Conduits and gates, dimensions and elevations
 - 2. Water surface elevations

36 7040

3. Slopes of embankment surface
4. Provide dimensions sufficient to determine if the design is adequate

C. Specifications

Specifications should provide standards of control to assure that construction is accomplished in such a manner as to provide a structure which will perform as designed. Spillway capacities and capacities of all water control structures shall be provided.

The Department of Reclamation purposely does not attempt to prescribe definite criteria for design and construction of dams or dikes. Codes cannot be made uniformly applicable to the widely varying conditions encountered at different dam sites, and such a code could inhibit advancement in the science of dam design and construction. Instead, the Department conducts an independent review of individual plans and specifications for each project, as submitted by the applicant's engineer to insure the use of sound engineering and construction principles.

Though it is not required by law, the Department of Reclamation suggests that you obtain the services of a licensed Professional Engineer to design the required structures and prepare plans and specifications. This will not only protect the public from an unsafe structure, but will also protect your investment by reducing the possibility of failure or damage to other parties.

Sincerely,

A. Kenneth Dunn
Assistant State Reclamation Engineer

AKD/jmb

Assume Hazen & Williams $C = 100$ for
welded steel pipe 10 yrs old.

36" Diameter pipe $A = 7.06 \text{ sq. ft}$

Slope = $12 \text{ ft} / 1000 \text{ ft}$

using Hazen & Williams nomograph

$V = 10 \text{ ft/sec.}$

$Q = AV = 70.6 \text{ cfs.}$

using scobey for steel pipes $K_s = 0.32$

$Q = 70 \text{ cfs}$

using manning's formula, $n = 0.015$

$V = 9.5$

$Q = 67 \text{ cfs}$

using 4 pipelines $4 \times 70 = 280 \text{ cfs.}$

$10 \text{ ft} \times 48 = 480 \text{ ft} \times 1 \text{ cfs/ft} = 480 \text{ cfs.}$

PAUL NEWTON

PAUL Newton P.E. Twin Falls.

GENE MILAN P.E. Twin Falls.

FINANCING - $\frac{1}{2}$ SELF + Additional Capital As Needed

has sold interest in clear lakes trout Co.
Earl Hardy wants to assist

P. Disclage .

NW NW 29

SW NW.

SE NW.

NE SW.

36 7040

PARRY, ROBERTSON, DALY & LARSON
LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1966)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

SEP 30 1970

Department of Water Administration
(208) 733-3444

September 28, 1970

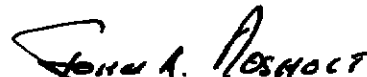
Mr. R. Keith Higginson, Director
Department of Water Administration
Statehouse -- Annex 2
Boise, Idaho 83701

Attention Water Rights Department

Gentlemen:

Could you kindly supply me with a certified copy of
Permit No. 36-7040. Please also enclose a statement for your charges
and we will remit by return mail.

Sincerely,


JOHN A. ROSHOLT

JAR/clm

36-7040

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Richard Kaster, being first duly sworn, deposes and says:

That he was the original applicant to appropriate 300 c.f.s. of water for fish propagation and recreation purposes and .20 c.f.s. for irrigation. That following the approval of said permit by the Department of Water Administration, this affiant made repeated efforts to obtain right-of-ways from the Bureau of Land Management in order to transport the water from its point of diversion to its proposed place of use. That after more than three years of effort with respect to obtaining such right-of-ways, he was unable to obtain such right-of-ways and thereafter filed an application to change the point of diversion under said permit in order that the water could be transported over private lands and thus avoid the necessity of obtaining Federal right-of-ways. Protests were filed to such application to change the point of diversion and a hearing was held thereon by the Department of Water Administration, after which the Department of Water Administration did grant approval to change the point of diversion.

Richard Kaster
Richard Kaster

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Subscribed and sworn to before me this 2nd day of
October, 1973.

Alta Hanson
Notary Public for Idaho
Residing at Buhl, Idaho

03 1010

June 30, 1971

C Re: Application No. 36-7175 - Richard Kaster & Earl M. Hardy
Permit No. 36-7040 - Richard Kaster

O Snake River Pottery
Star Route
Bliss, Idaho 83314

Gentlemen:

P We acknowledge receipt of the protests against the above referenced application and permit. You will be notified at a later date as to the time and place set for a conference and/or hearing. We have tentatively set a date for the week of August 9th.

Very truly yours,

Y BOBBY D. FLENNOR
Assistant Director

BDF:DR

36 7040

June 30, 1971

C
Re: Applications No. 36-7175 & 36-7176
Permit No. 36-7040

O
Richard Kaster, Box Canyon Trout Co., Inc. &
Earl M. Hardy
1220 Vista Avenue
Boise, Idaho 83705

Gentlemen:

P
Enclosed please find copies of the protests filed against the above referenced applications and permit. You will be notified at a later date as to the time and place set for a conference and/or hearing. We have tentatively set a date for the week of August 9th.

Very truly yours,

Y
BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosures

36 7040

July 12, 1971

Re: Permit No. 36-7040 - Hagerman Valley Trout Co., Inc.

Mr. Theodore V. Behm
Attorney-At-Law
P.O. Box 306
Buhl, Idaho 83316

Dear Mr. Behm:

Please be advised that the Department has recorded the assignment from Richard Kaster in connection with the above referenced permit to Hagerman Valley Trout Co., Inc. of Buhl, Idaho.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

36 7040

June 30, 1971

C Re: Application No. 36-7175 - Richard Kaster & Earl M. Hardy
Permit No. 36-7040 - Richard Kaster

O Gooding County Planning Commission
Robert Bolte, Jr., Chairman
Gooding, Idaho 83330

Gentlemen:

P We acknowledge receipt of your protests against the above referenced application and permit. You will be notified at a later date as to the time and place set for a conference and/or hearing. We have tentatively set a date for the week of August 9th.

Very truly yours,

Y BOBBY D. FLEENOR
Assistant Director

BDF:DR

36 7040

THEODORE V. BEHM
ATTORNEY AT LAW
BUHL, IDAHO 83316

July 13, 1971

RECEIVED

Mr. Steven Allred
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Department of Water Administration

Dear Mr. Allred:

I enjoyed our little visit with you yesterday, July 12, 1971.

You indicated that hearings have been set for August 11th and I believe two of the set hearings would directly involve my client, Dick Kaster, with regard to: (1) Change of point of diversion on the Hagerman Valley Trout Company, Inc. water; and (2) Protest on the new filing which Mr. Kaster and Mr. Hardy made further up the canyon.

I would appreciate receiving copies of the objections as soon as possible. Thank you.

Sincerely yours,

Ted Behm

T. V. Behm

TVB:lb

*Copies of protests
forwarded 7-16-71
ds*

36 7040

July 13, 1971

Gooding County Courthouse
Office of the Clerk
Gooding, Idaho 83330

Gentlemen:

This letter is to confirm the use of one of your rooms for conferences and/or hearings to be held by this office at 1:30, 2:30 and 3:30 p.m. on August 11, 1971. Thank you for your cooperation in this matter.

Very truly yours,

BOBBY D. FLENNOR
Assistant Director

EDF:DR

36-7040

THEODORE V. BEHM
ATTORNEY AT LAW
BUHL, IDAHO 83316

July 13, 1971

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

RECEIVED
JUL 14 1971
Department of Water Administration

Re: Permit No. 36-7040

Gentlemen:

Mr. Richard Kaster filed an application to change a point of diversion on May 19, 1971, for the water which had been assigned to Hagerman Valley Trout Company, Inc. under the above entitled permit. The corporation had authorized Mr. Kaster to make application for change of point of diversion in his own name for the reason that the assignment had not as yet been approved.

We, therefore, respectfully request that the amendment be officially instituted in the name of Hagerman Valley Trout Company, Inc. so as to be consistent with the original assignment.

Thank you.

Sincerely yours,



T. V. Behm

TVB:lb

36 7040

July 14, 1971

Re: Permit No. 36-7040

Mr. Richard Kaster
Route # 4
Buhl, Idaho 83316

Dear Mr. Kaster:

Enclosed please find copies of the protests filed against the proposed amending of the above referenced permit. Copies of these protests were sent with the notice of conference &/or hearing on July 13th to the Hagerman Valley Trout Co., Inc.

Very truly yours,

BOBBY D. FLEMMER
Assistant Director

BDF:DR
Enclosures

36 7040

RECEIVED

JUN 21 1971

Department of Water Administration

3DF

TO: Mr. Keith R. Higginson
State Reclamation Engineer
State of Idaho
Statehouse
Boise, Idaho 83701

Re: FILING NO. 36-7040, Application for Amendment of Permit to
Appropriate Box Waters from Box Canyon Creek.

The undersigned hereby protest the application to amend
water Filing No. 36-7040 on the following grounds:

I.

The application is for purposes of speculation and delay
and the applicant has no bonafide intent to complete the proposed
works.

II.

The amended application is for purposes of delay to gain
additional time beyond that previously allowed by the Department
of Water Administration for construction.

III.

Protestants are the holders of varied permits below the
proposed new point of diversion. Permitting this amendment will
increase the cost of protestants on diversion in that an upstream
diversion will require protestants to build a dam across the
stream to pick up lost water.

IV.

Applicant does not have the financial resources available
to complete the project.

V.

Applicant has not followed the regulations of the Depart-
ment of Water Administration with reference to the filing of
financial statements, maps or drawings of outlet structure showing
location or construction of diversion; no construction schedule
has been provided.

36 7040

VI.

The proposed use of the water is one not permitted by the laws of the State of Idaho.

VII.

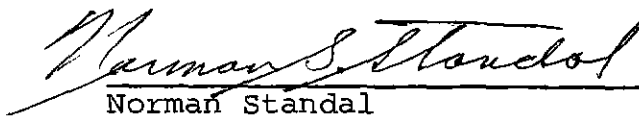
The priority date applicant requests is incorrect and should said permit be granted in whole or in part the priority date should be subsequent to the date requested.

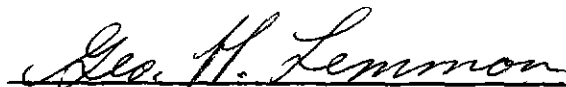
VIII.

Changing the point of diversion to above protestants' proposed point of diversion will adversely effect the permit previously granted protestants.

We respectfully request that the application to amend Permit No. 36-7040 be set for a public hearing.

Dated this 18 day of June, 1971.


Norman Standal


George Lemmon

36 7040

RECEIVED

JUN 17 1971

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Department of Water Administration

ASSIGNMENT OF PERMIT

I, Richard Kaster, hereby assign to Hagerman Valley Trout Co., Inc.
of Buhl, Idaho Name
Address

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. 36-7040
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. (Give that portion of the permit being assigned by describing
the land list and the point of diversion - describe by acreage within
each 40-acre subdivision.)

Made this 14th day of May, 19 71.

Richard Kaster
Permit Holder

Edith Kaster
Wife of Permit Holder

State of Idaho)
County of Twin Falls) ss.

On this 14th day of May, 19 71, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that ~~he~~ (she) (they) executed the same.

Theodore V. Behm
Notary Public residing at Buhl, Idaho

My commission expires June 6, 1971

36 7040

THEODORE V. BEHM
ATTORNEY AT LAW
BUHL, IDAHO 83316

June 16, 1971

RECEIVED
JUN 17 1971
Department of Water Administration

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

Re: Permit No. 36-7040

Gentlemen:

On or about the 14th day of May, 1971, an Assignment of Permit No. 36-7040 was mailed to your office, a copy is enclosed for your reference. Would you please acknowledge receipt of this assignment so that it may be entered in corporate records.

Very truly yours,

T. V. Behm

T. V. Behm

1b

Enclosure

36 7040

May 27, 1971

Mr. George R. Lemmon
Hagerman,
Idaho 83332

Dear Mr. Lemmon:

This is in response to your letter, of May 3, 1971, in which you referred to Permit No. 36-2705 and 36-7040 held by the Mountain View Irrigation Company and Richard Kaster for appropriation of water from Box Canyon. Your attention is called to the provisions of Section 42-301 thru 42-310, Idaho Code, under which an individual holding a subsequent permit may seek cancellation of prior filings held by others. These Code sections provide for the specific information which must be contained in your petition. I am particularly concerned that you have failed to indicate in the letter wherein you feel the holders of the two permits have failed to comply with the law and the requirements of the permits. You have also failed to clearly set forth facts upon which you base your request for cancellation. Since I know you have an attorney who has been working with you on your Box Canyon development proposals, I would suggest that you seek his assistance in preparing a petition that will meet the requirements of the statutes.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:kh

36 7040

May 26, 1971

Re: Permit No. 36-7040 - Richard Kaster

Gooding County Leader
Box 56
Gooding, Idaho 83330

Gentlemen:

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

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

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

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

(signature of claimant)

Very truly yours,

Donald W. McKelowney
Appropriation Supervisor

DWM:DR
Enc: Legal notice

Bill submitted 7-01-71 By hr

36 7040

NOTICE OF AMENDMENT TO WATER PERMIT

Notice is hereby given that Permit No. 36-7040 in the name of Richard Kaster, Route 4, Buhl, Idaho, was issued for the diversion of 300 cubic feet per second of water from Box Canyon Creek, ~~at~~ tributary to the Snake River, from a point within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 8S, R. 14E, B.M., Gooding County, to be used for fish propagation, ~~purposes~~ recreation and irrigation purposes.

The permit holder now proposes to amend the above permit, requesting the point of diversion to be located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 8S, R. 14E, B.M., Gooding County.

Any protest to the proposed amending of this permit must be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, 83707, on or before June 21, 1971.

R. KEITH HIGGINSON

Director

Published in the Gooding Leader, Gooding, Idaho, on June 3 and June 10, 1971.

May 24, 1971

Richard Kaster
Route #4
Buhl, Idaho 83316

Dear Mr. Kaster:

Returned herewith is your receipt No. 6456 in the amount of \$5.00
for your application for amendment on Permit No. 36-7040,
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

36 7040

RECEIVED

Department of Water Administration

Hagerman, Idaho
May 3, 1971

Idaho Dept. of water Administration
State House Annex 2
Boise, Idaho 83707

I as holder of a postdating permit number 36-7066 petition the Dept. of water Administration to cancel the earlier permits of Mountain View Irrigation Co. number 36-2706 for 200 cubic feet, and Richard Kaster's permit number 36-7040 for 300 cubic feet per second for failure of permit holder to complete one-fifth of the construction work within one-fifth the time allowed for completion of the project or for failure to complete all of the construction work for the project within the time allowed by the permit.

Sincerely yours

Geo. H. Lemmon

Geo. H. Lemmon
Hagerman, Idaho 83332

36 7040

RECEIVED

ARTICLES OF INCORPORATION
OF
HAGERMAN VALLEY TROUT COMPANY, INC.

* * * * *

KNOW ALL MEN BY THESE PRESENTS that we, the under-
signed all of whom are citizens and residents of the United
States and over the age of twenty-one years do hereby make
and execute the following Articles of Incorporation for the
purpose of forming a corporation under and pursuant to the
laws of the State of Idaho, and we do hereby certify:

ARTICLE I

The name of this corporation shall be HAGERMAN VALLEY
TROUT COMPANY, INC.

ARTICLE II

The purpose and objects for which said corporation
is formed are as follows:

A. To propagate, process and distribute fish; and
generally to maintain, conduct, and operate fish farms; to
carry on the business of general fish farming; to acquire all
real estate and plants necessary to carry out the above objects.

B. To acquire by purchase or otherwise, and to
improve and develop real property and to sell or rent the same.

C. To borrow money for the purpose of this corpora-
tion to issue bonds, notes and debentures and other evidence
of indebtedness therefore and to secure the same by mortgage or
pledge of personal property, including the income of said
corporation, or by mortgage of real property, executed in
trust or otherwise. D. All or any portion of the real or personal

ARTICLES OF INCORPORATION - page 1

property may be pledged, mortgaged or hypothecated.

D. To enter into any contract, co-operative agreement or profit sharing plan with its officers or employees that the corporation may deem advantageous or expedient, or otherwise to reward or pay such person for their services as the directors may deem fit.

E. To sue and be sued, appear, complain and defend in any court of law or equity, or before any board, commission or tribunal.

F. To have and use a corporate seal which may be altered by majority vote of the board of directors.

G. To receive, acquire, hold, purchase, dispose of, convey, mortgage and/or lease, real and personal property; to dispose of, sell, lease, assign, transfer, mortgage and/or convey any rights, privileges, franchises, real or personal property of the corporation, other than its franchise of being a corporation, and to acquire, purchase, guaranty, hold, mortgage, own, vote, sell, pledge, and/or otherwise dispose of and deal in shares, bonds, securities and debentures and other evidences of indebtedness in other corporations, domestic and foreign.

H. To appoint such officers, employees and agents as the business of the corporation may require and to allow them compensation.

I. To make by-laws not inconsistent with any existing law for the management of its business and property, the regulation and conduct of its affairs, and the certification and transfer of its stock, and optionally to provide penalties for the breach thereof not exceeding twenty dollars for any one offense.

J. To do all things and dissolve itself, or to be wound

up and dissolved.

X. To enter into contracts or obligations of any type or kind essential, necessary or proper to the transaction of its ordinary affairs, or for the purpose of the corporation.

L. To conduct business in this State, other States; District of Columbia, territories and colonies of the United States and foreign countries, and to have one or more offices and places of business out of this State, and to acquire, receive hold, purchase, lease, mortgage, dispose of and/or convey real and personal property situate out of this state.

M. To carry on any other business, or to do anything in connection with the objects and purposes above mentioned that may be necessary or proper to accomplish successfully or promote said objects and purposes of this corporation. The foregoing clauses, by reason of specific enumeration of powers, shall not be held to restrict the power of the corporation to do any of the things within the purview of its general purposes.

ARTICLE III

This corporation shall have perpetual existence.

ARTICLE IV

The location and post office address of this corporation and its principal place of business shall be 1009 Main Street, P. O. Box 806, Buhl, Idaho 83316.

ARTICLE V

The total number of shares that may be issued by the corporation is 10,000, all of which shall be without par value. The board of directors may, from time to time, fix the consideration for which shares without par value shall be

ARTICLE VI

issued and sold. The capital of the corporation shall not be less than \$1,000.00. Said capital stock shall be paid in at such times and upon such conditions as the Board of Directors may by resolution direct, either in cash, real or personal property, or by services rendered to it. Shares of stock, then issued in exchange for services or property pursuant to resolution by the Board of Directors, shall thereupon become and be fully paid up as though paid for in cash and shall be non-assessable forever, and the determination of the Board of Directors as to the value of any property or services received by the corporation in exchange for stock shall be conclusive.

ARTICLE VI

The name and post office address of each of the incorporators hereof and the number of shares of common stock described in Article V herein subscribed by each are as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>NUMBER</u>
Richard Kaster	Route #4 Buhl, Idaho 83316	One share
Edith Kaster	Route #4 Buhl, Idaho 83316	One share
Theodore V. Behm	Route #4 Buhl, Idaho 83316	One share

ARTICLE VII

All meetings of stockholders of this corporation, every stockholder of record shall be entitled to one vote for every share of stock standing in his or her name on the books of this corporation. Cumulative voting of shares is hereby authorized.

ARTICLE VIII

All common stock of this corporation shall be transferred on the books of the corporation to anyone not a stockholder without the written consent of all common stockholders unless the common stock shall be first offered for sale to the corporation and secondly to each of the other common stockholders of this corporation at a price to be determined by the rules and procedures outlined in the by-laws of this corporation. The by-laws of this corporation shall further prescribe the rules and regulations as to the formalities and procedures to be followed in effecting the transfer of common stock to anyone other than the common stockholder.

ARTICLE IX

The method and manner of holding directors' meetings and stockholders' meetings, the authority and duties of each of the officers of the corporation, and all other matters for management and control of the corporation shall be determined by the by-laws of this corporation and by the laws of the State of Idaho.

ARTICLE X

These articles may be amended in any respect conformable to the laws of the State of Idaho by a vote of three-fourths ($\frac{3}{4}$) of the stockholders entitled to vote in a meeting of stockholders called for that purpose as prescribed by law.

ARTICLE XI

At any special meeting called to consider the subject, the corporation, upon a unanimous recommendation of the Board

ARTICLE XII

of the corporation, may dissolve the corporation, provided that at least three-fourths (3/4) of the members of the Board are present at each meeting, and provided that not more than one-fourth (1/4) of the stockholders in person or by written notice object thereto. A committee of three (3) shall thereupon be elected to liquidate the assets of the corporation and each share of capital stock according to the amount thereon shall be entitled to its proportion of its proceeds after all debts of the corporation have been paid.

IN WITNESS WHEREOF, we have hereunto set our hands
this 7 day of May, 1971.

Richard Kaster
Richard Kaster

Edith Kaster
Edith Kaster

Theodore V. Behm
Theodore V. Behm

STATE OF IDAHO }
County of Twin Falls } ss.

On this 7 day of May, 1971, before me, the undersigned, a Notary Public in and for said County and State, personally appeared RICHARD KASTER, EDITH KASTER, AND THEODORE V. BEHM, known to me to be the persons whose names are subscribed the foregoing instrument and acknowledged to me that they 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

STATE OF IDAHO

County of Twin Falls

ss.

I certify that the foregoing is a true copy of the original exhibited to me this 17th day of May, 1971.



Lawrence
NOTARY PUBLIC for Idaho
Residing at Buhl, Idaho

43779

No. _____

Articles of Incorporation
of

**HACKMAN VALLEY TROUT COMPANY,
INC.**

Place of business Buhl, Idaho
Existence Perpetual
Capital Stock 10,000 shares

STATE OF IDAHO
Department of State
Boise, Idaho

Approved, filed and admitted to the records of articles of incorporation of the State of Idaho and certificate issued this 10th

day of May 19 71
at 8:00 o'clock A. M.

FEES PAID

Filing	\$ <u>100.00</u>
Recording	<u>6.00</u>
Cert. Copy	<u>6.00</u>
License Tax	<u>45.00</u>

TOTAL \$ 157.00

Pete T. Conaturo

SECRETARY OF STATE

BY *Margaret Lawrence*
CORPORATION CLERK

Filed by T. V. Schae, Attorney at Law & Notary Public, Buhl, ID

Dec. 1 1968

RECEIVED

DEC 6 1968

Department of Reclamation

Dear Sirs

I am sending another drawing with more information for the water filing on Box Canyon Springs.

We figured four 36" pipelines would carry the 300 cubic feet per second of water by using a fall of 1.2 feet for each 100 feet across the Snake River. My engineer says to figure the same as if the pipe would be on the surface because the additional drop at the head would equalize the extra rise on the lower end.

Our plans are for a production of 2 million pounds of trout per year at the end of five years. This could change if disease or other problems enter into the situation. I do not plan on using sulfa drugs to control disease in the fish at this hatchery which is commonly used in other hatcheries in the area. This is my reason for asking for the large amount of water. If you will notice in the

36 7640

drawings we show an overflow on the Box Canyon side of the river and another overflow on the hatchery side to by pass the water so we could dry up any or all of the ponds. This should be done each year for sanitary purposes.

I might add that we do not intend to interfere with the natural beauty of the Box Canyon Springs or with the natural passage of wild fish in and out of the Springs any more than is needed to divert the water as close to the Snake River as possible. If you need more information please advise.

Thank you very much

Richard Kaster

December 4, 1968

Re: Application No. 36-7040

Mr. Richard Kaster
Route 4
Buhl, Idaho 83316

Dear Mr. Kaster:

As per our telephone discussion of Monday, December 2, 1968, this office will require additional information prior to approving your application for permit 36-7040. We need further justification for the 300 cubic feet per second requested in your application. Please submit the following to us:

1. The proposed size of the pipeline and inverted siphon involved in conveying the water to the south side of the river.
2. A more detailed description of the point of diversion and method by which you intend to develop the water from the Box Canyon Creek.
3. The total difference in elevation between the point of diversion and point where the water would enter the fish hatchery.
4. The total length of the pipeline and inverted siphon.
5. Specifications for the fish hatchery including the size and length of the raceway, the pounds of fish to be produced within a given length of time, and other data pertinent to an evaluation of the hatchery itself.
6. A detailed description as to how the water will be returned to the river and what provisions you are making for such.

36 7040

Page Two
December 4, 1968
Richard Kaster

If you have detailed engineering plans of the diversion works, pipeline, and hatchery these would suffice.

You should keep in mind the Department of Fish and Game may place upon you conditions requiring screens and a fish ladder at the point of diversion.

We do not wish to delay you in your project but we do feel that we do have the responsibility of fully evaluating a project which would develop such a large amount of water.

If you have any questions, please contact me.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

DON SAMUELSON, Governor
COMMISSION
GLENN STANGER, Idaho Falls
R. J. HOLMES, Twin Falls
ARLIE JOHNSON, Boise
WILLIAM B. DURBON, Moscow
RAY SIMS, Bonners Ferry

IDAHO FISH AND GAME DEPARTMENT

JOHN R. WOODWORTH, Director

POST OFFICE BOX 25
600 SOUTH WALNUT STREET
BOISE, IDAHO 83707

November 4, 1968

RECEIVED

NOV 5 1968

Mr. Donald W. McEldowney
Water Rights Clerk
Department of Reclamation
Statehouse
Boise, Idaho

Department of Reclamation

Dear Mr. McEldowney:

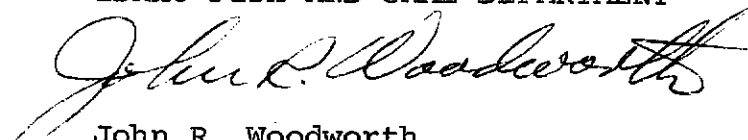
344-8471

We have reviewed the application No. 42798 for diversion of 300 cubic feet per second of water from Box Canyon across Snake River to a rearing pond site on the south side of the river.

Box Canyon supports an important trout fishery and also is an important spawning ground for trout from Snake River and also from Box Canyon. We do not object to the granting of a permit to appropriate waters for the purpose so stated in the application. We recommend, however, that if the permit is granted it contain language that stipulates that proper fish screens would have to be installed in the diversion structure to prevent wild fish from entering the water supply to a commercial trout farm, and that a fish ladder be installed in the diversion dam which would permit free up-stream passage of fish. The permit should also stipulate that the pipes which carry Box Canyon water across Snake River must be buried so as not to present a hazard to navigation.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT


John R. Woodworth
Director

RECEIVED

Oct 18, 1968

OCT 21 1968

Dear Sirs

Department of Reclamation

I have just mailed a drawing showing a resume of capacity for use of 300 cubic feet per second of water from Box Canyon.

I also included a copy of The American Fishes and U. S. Trout news. Pages 5 and 6 have pictures of some of the hatcheries in the area which you might use as a comparison. Pages 7 and 8 show some of the problems created when not enough water is used in concrete raceways and earth ponds for the amount of fish. There is also some mention of fish disease which is always a problem with fish hatcheries.

Thank you very much

Richard Kaster

October 17, 1968

RE: Your application for permit 36-7040

Richard Kaster
Route #4
Buhl, Idaho 83316

Dear Mr. Kaster:

Our office has not received any protests to your filing. It is now past the date for accepting these protests so you could probably go ahead with your plans and specifications so we will know if the amount of water is justifiable.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

36 7040

September 26, 1968

Re: Application for a permit
(Identification No. 47-7044)

Richard Kaster,
Route 4
Buhl, Idaho 83316

Dear Mr. Kaster:

Pursuant to our telephone conversation, we are enclosing application forms and instruction to be used in filling out these forms. The existence of your application for a permit will be advertised in the Gooding Leader, Gooding, Idaho, on September 26, and October 3, 1968.

If you have any questions about filling out these application forms, please contact the Department of Reclamation.

Very truly yours,

C. Stephen Allred
Assistant State Reclamation
Engineer

CSA:tg

Enc: Application forms
and instructions

RECEIVED

SEP 24 1968

Department of Reclamation

**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that Richard Kaster, Route No. 4, Buhl, Idaho has on September 4, 1968 applied for permit under application No. 47-7044 to divert 300 cubic feet per second of water from Box Caanyon Creek, tributary of the Snake River. Water will be diverted by a small diversion dam, headgate, pipe and open pond and ditch within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 28, T. 8 S, R. 14 E, B.M., Gooding County and is to be used from January 1 to December 31 for fish propagation and recreation and from April 1 to November 1 for irrigation in the W $\frac{1}{2}$, sec. 28, T. 8 S, R. 14 E, B.M.

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

R. Keith Higginson
State Reclamation Engineer
9-26-2tc

36-
47-7044
C

September 30, 1968

Re: Application No. 47-7044
Richard Kaster

The Gooding Leader
P. O. Box 56
Gooding, Idaho 83330

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you can not 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. McKelowney
Appropriation Examiner

DWM:ks
enclosure: legal notice

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Richard Kaster, Route #4, Buhl, Idaho

has on September 4, 1968

applied for permit under application No. 47-7044 to divert ~~water~~

300 cubic feet per second ~~acre/foot~~ of water from January 7/1
Snake River
Box Canyon Creek, tributary of the /. Water will be diverted by a small

diversion dam, headgate, pipe and open pond and ditch within the SE 1/4.

NE 1/4, sec. 28, T. 8 S., R. 14 E., B.M., Gooding County

_____ and is to be used from January 1 to December 31 for fish
propagation and ~~fish~~ recreation and from April 1 to November 1 for irrigation
in the W₁, sec. 28, T. 8 S. R. 14 E. B.M.

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

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Gooding Leader, Gooding, Idaho
on September 26 and October 3
~~September 26~~