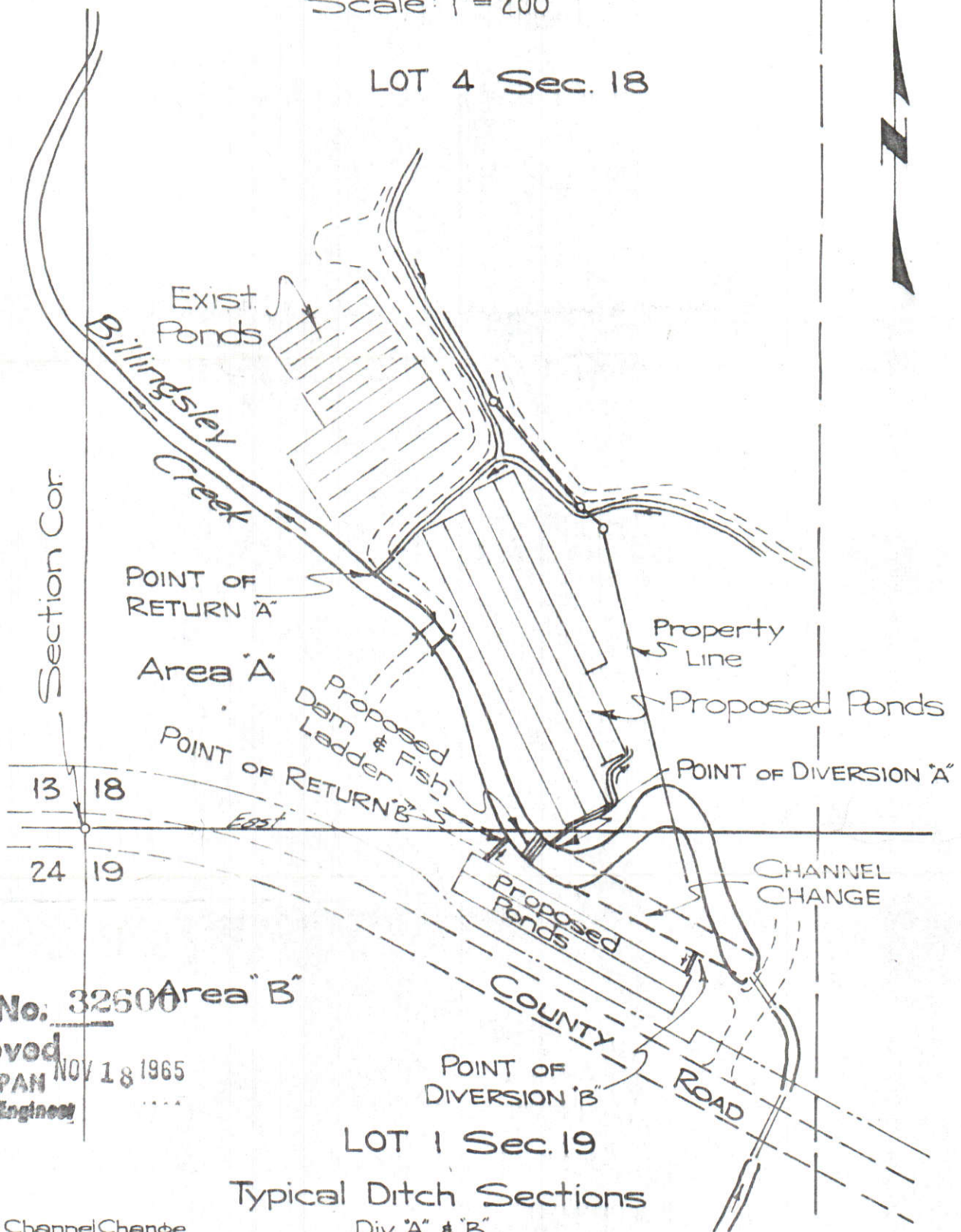


T.7S, R.14E., B.M.
Gooding County, Idaho
Scale: 1"=200'

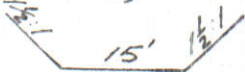
LOT 4 Sec. 18



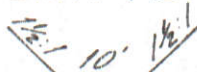
Permit Map No. 32600
As Approved
CARL E. TAPPAN
State Reclamation Engineer
NOV 18 1965

Typical Ditch Sections

Channel Change



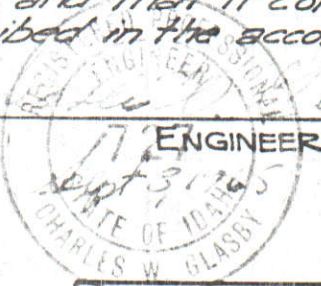
Div. 'A' & 'B'



I, Charles W. Glasby, of Twin Falls, Idaho, an engineer licensed in the State of Idaho, do hereby certify this map was made from a plat of an actual survey which I reviewed at the site on September 1, 1965, and that it correctly represents the works described in the accompanying application.

Distance & Bearing
from SW Cor. Sec. 18

Point of Div. 'A'
S 88° E 640'
Point of Return 'A'
N 49° E 520'
Point of Div. 'B'
S 79° E 850'
Point of Return 'B'
S 88° E 570'



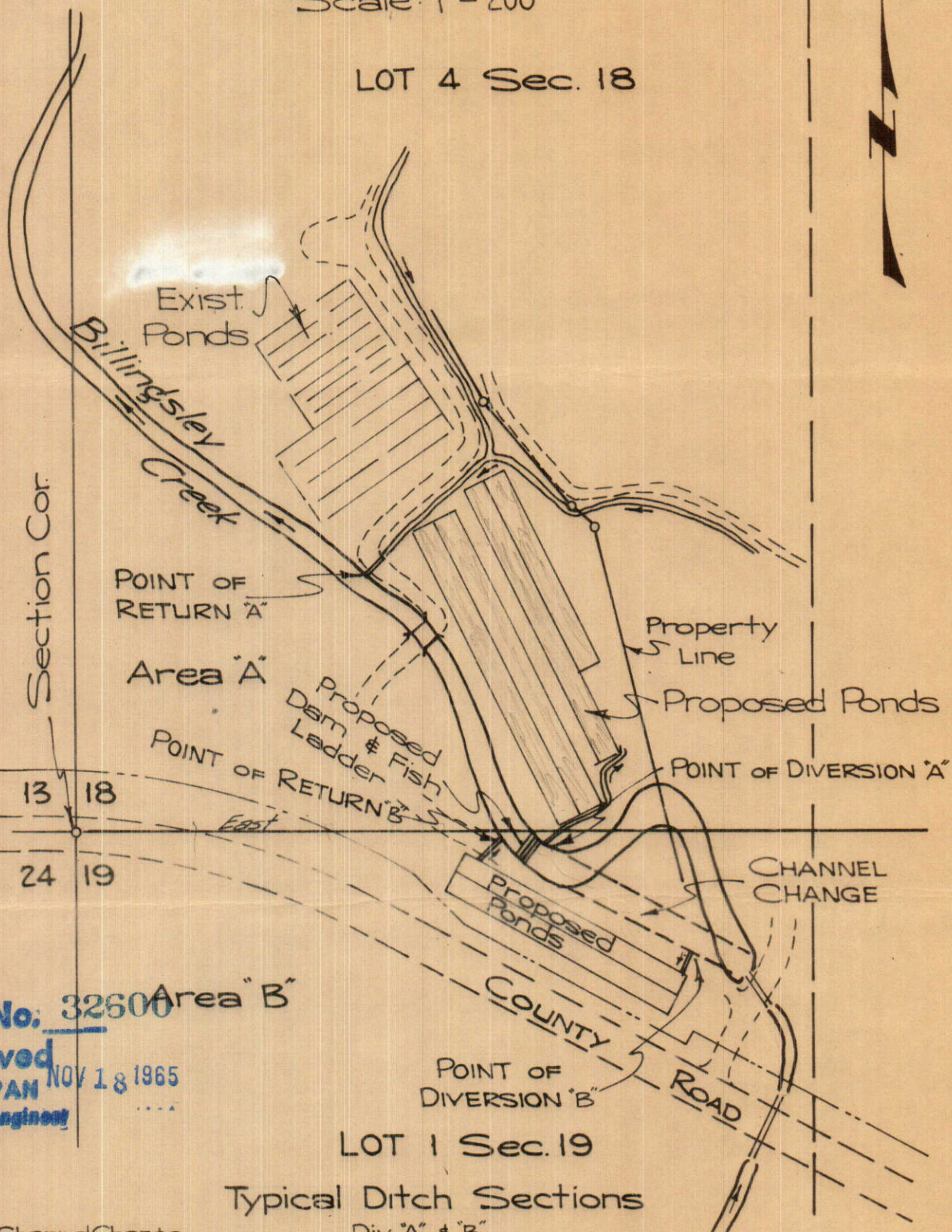
APPLICATION EXHIBIT FOR
WATER DIVERSION PERMIT
IDAHO SPRINGS TROUT CO.

CHARLES W. GLASBY CONSULTING ENGINEER
925 SHOSHONE ST. N. TWIN FALLS, IDAHO
DRAWN BY Manning DATE 9/2/65

32600

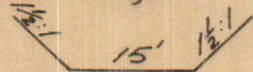
T.7S., R.14E., B.M.
 Gooding County, Idaho
 Scale: 1"=200'

LOT 4 Sec. 18

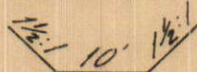


Permit Map No. 32600
As Approved
CARL E. TAPPAN NOV 18 1965
 State Reclamation Engineer

Channel Change



Div. 'A' & 'B'

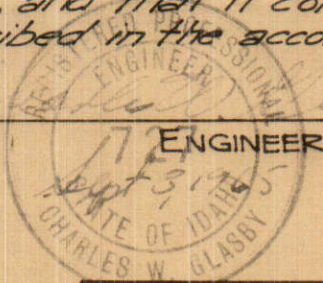


Typical Ditch Sections

I, Charles W. Glasby, of Twin Falls, Idaho, an engineer licensed in the State of Idaho, do hereby certify this map was made from a plat of an actual survey which I reviewed at the site on September 1, 1965, and that it correctly represents the works described in the accompanying application.

Distance & Bearing
 from SW Cor. Sec. 18

Point of Div. 'A'
 S 88° E 640'
 Point of Return 'A'
 N 49° E 520'
 Point of Div. 'B'
 S 79° E 850'
 Point of Return 'B'
 S 88° E 570'



**APPLICATION EXHIBIT FOR
 WATER DIVERSION PERMIT
 IDAHO SPRINGS TROUT CO.**

CHARLES W. GLASBY CONSULTING ENGINEER
 925 SHOSHONE ST. N. TWIN FALLS, IDAHO
 DRAWN BY Manning DATE 9/2/65

32600

Rge. 14E.

Trp. 7S.

Hagerman

18

lot A
Pot

AB's

19

allow 100 cfs
for fish culture

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 32600

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant Robert A. Erkins - Snake Springs Trust Co.

2. Source of water supply: Billingsley Creek

3. Location of point of diversion: Is in the Lot 1 of Section 19

T. 7 S. R. 14 E, B.M. County of Gooding

4. Describe works as they exist, giving dimensions and capacities of same:

Diversion dam in Billingsley Creek diverts water to two ponds approximately 300' x 100' and 3' deep, and one pond approximately 200' x 40' and 3' deep for fish rearing.

5. Water is used for: Fish propagation and domestic use

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Lot 4, S. 18, T. 7 S, R. 14 E, B.M.

Lot 1, S. 19, T. 7 S, R. 14 E, B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake R.

Remarks:

Diverted water depends on upstream irrigation use and was over 100 cfs at inspection.

This examination was made on the 9th day of Feb, 1967

(Signed) Don Watts Examiner.

Plat 32600 PW

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
 6. Give general characteristics of soils, topography, and crops raised.
-

Idaho Springs Trout Co.
Robert A. Erkins *dam in Billingsley Cr.*
Box 322, Buhl, Idaho *5' by 2' fish ladder*

Permit No. 32600 ✓

Examination for Completion of Works & Beneficial Use

County Gooding ✓

Quantity: 100 c.f.s. *Sec. 19 T.7S R. 14 E, B.M.*

Source: Billingsley Creek

P.D.: Lot 1, S. 19, T. 7 S, R. 14 E, B.M.

Use: Fish propagation & domestic use

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: October 5, 1965

Due: November 18, 1966

Made September 6, 1966

Priority: Oct. 5, 1965

AFFIDAVIT OF PUBLICATION

RECEIVED
SEP 8 1966

Department of Reclamation

STATE OF IDAHO,

SS.

COUNTY OF GOODING

NOTICE OF PROOF OF COMPLETION OF WORKS

and APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that on the 6th day of September, 1966, at Twin Falls, County of Twin Falls, State of Idaho, before Harry Povey, Notary Public, at 115 Second St. West, proof will be submitted of the completion of works for the diversion of 100 cubic feet per second of the waters of Billingsley Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 32600, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Idaho Springs Trout Company, Box 546, Buhl, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 100 cubic feet per second.

3. The use to which said water has been applied is fish propagation and domestic purposes, and the amount applied to beneficial use is 100 cubic feet per second.

4. The points of diversion of said water are S 88 deg. 640 ft. and S 79 Deg. 850 ft. from SW corner of Sec. 18; Lot 1, Sec. 19, T. 7 S., R. 14 E., B.M.

5. The place where said water is used is Lot 1, Sec. 19; Lot 4, Sec. 18, T. 7 S., R. 14 E., B.M.

6. The date of priority which said user is prepared to establish is October 5, 1965.

R. KEITH HIGGINSON, Deputy
State Reclamation Engineer
(40-43)

40-43

I, *Leland G. Burress*, do solemnly swear that I am the printer and publisher of THE GOODING LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached hereto was

published in said newspaper *four* consecutive weeks, the first publication having been made on the *28th* day of *July*, 196*6*, and the last publication having been

made on the *18th* day of *August*, 196*6* that said notice was published in the regular and entire issue of every number of the paper during that period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in *Gooding, Gooding County, Idaho*, for a period of more than 78 weeks prior to the first publication of the attached notice.

Leland G. Burress
Subscribed and sworn to before me this

18th day of *August*, 196*6*

Ruth Burress
Notary Public

32600

AFFIDAVIT OF PUBLICATION

RECEIVED
AUG 30 1966

Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS

and APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that on the 6th day of September, 1966, at Twin Falls, County of Twin Falls, State of Idaho, before Harry Povey, Notary Public, at 115 Second St. West, proof will be submitted of the completion of works for the diversion of 100 cubic feet per second of the waters of Billingsley Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 32600, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Idaho Springs Trout Company, Box 546, Buhl, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 100 cubic feet per second.

3. The use to which said water has been applied is fish propagation and domestic purposes, and the amount applied to beneficial use is 100 cubic feet per second.

4. The points of diversion of said water are S. 88 deg. 640 ft. and S. 79 Deg. 850 ft. from SW corner of Sec. 18, Lot 1, Sec. 19, T. 7 S., R. 14 E., B.M.

5. The place where said water is used is Lot 1, Sec. 19, Lot 4, Sec. 18, T. 7 S., R. 14 E., B.M.

6. The date of priority which said user is prepared to establish is October 5, 1965.

R. KEITH HIGGINSON, Deputy
State Reclamation Engineer
(40-43)

40-43

STATE OF IDAHO, }
COUNTY OF GOODING } SS.

I, Leland G. Burress, do solemnly swear that I am the printer and publisher of THE GOODING LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached hereto was

published in said newspaper four
consecutive weeks, the first publication having

been made on the 28th day of July,
196 6, and the last publication having been

made on the 18th day of August, 196 6
that said notice was published in the regular
and entire issue of every number of the paper
during that period and time of publication, and
that the said notice was published in the news-
paper proper, and not in the supplement thereof.

That said newspaper has been printed and
published continuously in Gooding, Gooding
County, Idaho, for a period of more than 78
weeks prior to the first publication of the at-
tached notice.

Leland G. Burress
Subscribed and sworn to before me this

18th day of August, 196 6

Ruth Burress
Notary Public

32600

HAWLEY TROXELL ENNIS & HAWLEY
ATTORNEYS AND COUNSELORS

MAY 6 1981

Department of Water Resources

ONE CAPITAL CENTER
POST OFFICE BOX 1617
BOISE, IDAHO 83701

TELEPHONE
(208) 344-6000

ROBERT I. TROXELL
JESS B. HAWLEY, JR.
PAUL B. ENNIS
JOHN T. HAWLEY
THOMAS A. MILLER
M. NEAL NEWHOUSE
CRAIG L. MEADOWS
ROBERT L. BILOW
JOSEPH D. MCCOLLUM, JR.
WAYNE B. SLAUGHTER, JR.
GARY D. BABBITT
P. CRAIG STORTI
MERLYN W. CLARK
RICHARD F. GOODSON
CARL W. HARDEN
PHILLIP M. BARBER
EDWIN V. APEL, JR.
KAREN L. LANSING
EUGENE A. RITTI
RICHARD G. SMITH
JOHN F. KURTZ, JR.
P. MARK THOMPSON
LINDA L. HOLDEMAN

May 6, 1981

State of Idaho
Department of Water Resources
450 West State Street
Boise, Idaho 83720

RE: Water License Nos. 32600/36-3734,
28339/36-2414,
27848/36-2379,
17850/36-2703 and
18605/36-2048,

Claims to a Water Right Nos. 36-4011, 36-4013
and 36-4014 and Water Permit No. 36-7148,
Thousand Springs Trout Farms, Inc.

Gentlemen:

We write as attorneys for Thousand Springs Trout Farms, Inc. Our client has recently sold and subleased to Clear Springs Trout Co. real property which it owned or leased within the State of Idaho. Pursuant to the agreement between said parties, all of Thousand Springs Trout Farms, Inc.'s interest in and to the above referenced Water Licenses, Claims to a Water Right and Water Permit appurtenant to the land in question was also transferred and assigned to Clear Springs Trout Co. As collateral security for the deferred balance of the purchase price, Clear Springs Trout Co. has mortgaged to Thousand Springs Trout Farms, Inc. all of its newly acquired right, title and interest in and to the above referenced Water Licenses, Claims to a Water Right and Water Permit.

Please find the following enclosed in connection with the above referenced matter:

1. Three original Notice of Lienholder's Interest concerning Claims to a Water Right Nos. 36-4011, 36-4013 and 36-4014 and one copy thereof.
2. Executed original and one copy of the Assignment of Permit No. 36-7148 from Thousand Springs Trout Farms, Inc. to Clear Springs Trout Co.

HAWLEY TROXELL ENNIS & HAWLEY

Department of Water Resources

Page Two

May 6, 1981

3. Executed original and one copy of the Assignment of Permit No. 36-7148 from Clear Springs Trout Co. to Thousand Springs Trout Farms, Inc. as collateral security for the deferred balance of the purchase price.

4. Four copies of this letter.

I have enclosed a copy of this letter for you to place in each one of your files concerning the above referenced Water Licenses.

Please file and acknowledge the enclosed original Notice of Lienholder's Interest. Please return to our office as soon as possible the copy of the enclosed Notice of Lienholder's Interest stamped with your filing data and acknowledged by the Department of Water Resources.

Would you also file the enclosed Assignment of Permit No. 36-7148 from Thousand Springs Trout Farms, Inc. to Clear Springs Trout Co. and subsequent thereto, file the Assignment of Permit No. 36-7148 from Clear Springs Trout Co. to Thousand Springs Trout Farm, Inc. as collateral security for the deferred balance of the purchase price. Please return to our office the enclosed copy of each Assignment of Permit stamped with your filing data.

If you have any questions whatsoever concerning this matter, please give me a call. Thank you in advance for your usual time and consideration.

Very truly yours,

RICHARD F. GOODSON

RFG:pe

encls.

cc: Mr. George T. Hill

Mr. John Hepworth

State of Idaho License and Certificate of Water Right

Water License No. 32600

Amount 100.0 c.f.s.

Water District No.

Priority October 5, 1965

THIS IS TO CERTIFY that IDAHO SPRINGS TROUT COMPANY
of Buhl, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 5, 1965; that Permit No. 32600
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
100.0 second feet, was issued thereunder on March 28, 1967, showing that said works
were completed on the 6th day of September, 1966; and that on the 6th
day of September, 1966, IDAHO SPRINGS TROUT COMPANY

of Buhl, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Billingsley
Creek, a tributary of the Snake River, for the purpose of fish propagation and
domestic^{use}, under Use Permit No. 32600 of the Department of Reclamation,
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

14 of Licenses at page 8742, on the 28 day of March, 1967;

The right hereby confirmed dates from October 5, 1965;

The Point of Diversion is located in two points
in Lot 1,

~~xxxx~~ ~~xx~~ ~~xx~~ Sec. 19, Tp. 7 S., R. 14 E., B. M., County of Gooding.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 100.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	14 E.	18 19	Lot 4 Lot 1	None None	None None
			For fish propagation and domestic use.		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

28th day of March, 1967.

s/ R. Keith Higginson
State Reclamation Engineer.

(SEAL)

37-2717
36-2734

State of Idaho

License and Certificate of Water Right

Water License No. G-32212Amount 0.025 c.f.s.

Water District No. _____

Priority January 8, 1965

THIS IS TO CERTIFY that THE UNITED STATES OF AMERICA, FOREST SERVICE of Ogden, Utah, made application for a permit to appropriate the public waters of the State of Idaho, dated January 8, 19 65; that Permit No. G-32212 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.025 second feet, was issued thereunder on March 27, 19 67, showing that said works were completed on the 15th day of November, 19 65; and that on the 15th day of November, 19 65, THE UNITED STATES OF AMERICA, FOREST SERVICE

of Ogden, State of Utah, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of domestic use, under Use Permit No. G-32212 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 14 of Licenses at page 8741, on the 27 day of March, 19 67; The right hereby confirmed dates from January 8, 19 65;

The Point of Diversion is located in the SW 1/4 NW 1/4, Sec. 33, Tp. 13 N., R. 43 E., B. M., County of Fremont.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.025 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 N.	43 E.	33	SW 1/4 NW 1/4 For domestic use at Box Canyon Campground	None	None

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 27th day of March, 19 67.

s/ R. Keith Higginson
State Reclamation Engineer.

(SEAL)

Harry Povey, Attorney at Law
P. O. Box 344,
Twin Falls, Idaho.

37-2700

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 40701
PERMIT No. 32600
DISTRICT No.

1. Name of Applicant: Idaho Springs Trout Company

Postoffice address: Box 546, Buhl

County: Twin Falls

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: December 8, 1958 - incorporated in Idaho

(b) Amount of capital stock: \$25,000.00

(c) Amount paid in: \$2,010.00

(d) Names and addresses of directors: Robert A. Erkins, Box 546, Buhl, Idaho

Bernardine M. Erkins, Box 546, Buhl, Idaho; Harry Povey, Box 344, Buhl, Idaho;

II. The financial resources of the applicant are:

(a) Cash on hand: \$20,000.00

(b) Treasury stock: \$22,990.00

(c) Bond to be issued: None

(d) Other resources: Equity in trout farm here involved, trout and equipment cubic feet per second.

2. Quantity of water claimed: One Hundred (100)

3. Source of water supply: Billingsley Creek

which is a tributary of Snake River

4. Location of point of diversion: S. 88 deg. E. 640
S. 79 deg. E. 850

feet distant from the SW
SW

corner of Section 18, T. 7 S, R. 14 E, B.M., and is in the Lot 1

of section 19, T. 7 S, R. 14 E, B. M., County of Gooding

5. Water is to be used for Fish propagation and domestic use

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: NE 600 feet distant from SW corner of Section 18
SE 500-800 SW 18
T. 7 S, R. 14 E, B.M., in the Lot 4 of Section 18, T. 7 S, R. 14 E, B.M.
7 S 14 E Lot 1 19 7 S 14 E.

(b) Amount of power generated: None H.P., under feet head.

(c) Water is to be returned to Billingsley Creek at a point N. 49 deg. E. 520 feet
Billingsley Creek S. 88 deg. E. 570
distant from the SW corner of Section 18, T. 7 S, R. 14 E, B.M., in the Lot 4
of Section 18, T. 7 S, R. 14 E, B.M. Lot 1
19 7 S 14 E.

7. Estimated cost of works: \$ 15,000.00

8. Kind of works: Dam, ditches, fish ponds and fish ladder

9. Height of dam 5 feet; length of dam at top 12 feet; length of dam at bottom 12

feet; material used in dam: Steel reinforced concrete base and sides of dam
wooden dam boards for fish ladder

10. Size of headgate: Width 6 feet; height 5 feet.
6 5

11. Ditch: Width at bottom 10 feet; width at water line 21 feet; depth of water 3 1/2 feet;
10 19 3

dimensions of flume: No flume
No flume

Diameter of pipe No pipe inches; length of conduit 200 ft.
No pipe 60 ft. miles

Average grade per mile 10 feet.
5

12. The time required for the completion of such work is one years.

13. The time required for the complete application of the water to the proposed use is three additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none

16. (a) Is reservoir to be used? no If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

Idaho Springs Trout Company

Applicant.

By s/ Bernardine M. Erkins
Vice President

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. October 5, 1965

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 32600

Recorded in Book 114 Page 32600 Approved November 18, 1965

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before January 18, 1966

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before May 18, 1966

The whole of said work to be completed on or before November 18, 1966

Beneficial use of water appropriated in accordance herewith, to be made on or before November 18, 1969

WITNESS My hand this 18th day of November, 1965

s/ CARL E. TAPPAN

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho,

and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 18th

day of November, 1965.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

Secretary of State.

By s/ ROBERT E. SMYLIE

Governor.

REMARKS: The accompanying map shows that it is proposed to eliminate a bend in Billingsley Creek and straighten the channel (Channel Change) and the old channel will be filled in. A dam and fish ladder will be constructed in the channel of Billingsley Creek (Proposed Dam and Fish Ladder)

14. Water will be diverted on the north side of the creek above the dam (Point of Diversion A) and conveyed by ditch to four fish ponds to be constructed (Proposed Ponds) and water will be returned to Billingsley

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 $\frac{1}{4}$		
			Creek by ditch from the northerly end of the ponds (Point of Return "A")																	
			Water will be diverted on the south side of the creek above the dam (Point of Diversion "B") and conveyed by ditch to two fish ponds to be constructed (Proposed Ponds) and water will be returned to Billingsley Creek by ditch from the westerly end of the ponds (Point of Return "B").																	

Permit No. 32600 +
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that IDAHO SPRINGS TROUT COMPANY of Buhl, County of Twin Falls, and State of Idaho, the holder of Permit No. 32600, issued upon Application No. 40701 bearing date of priority of October 5, 1965, authorizing the diversion of 100.0 second feet of waters of Billingsley Creek, a tributary of the Snake River, County of Gooding, State of Idaho, for fish propagation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 100.0 second feet of the waters of Billingsley Creek, a tributary of the Snake River; that the point of diversion of said waters is in two points in Lot 1, Sec. 19, T. 7 S, R. 14 E, B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: Lot 1, Sec. 19; Lot 4, Sec. 18, T. 7 S, R. 14 E, B.M.

Proof of Completion of Works made: September 6, 1966.

Witness my hand this 28th day of March, A.D. 1967.

S/ R. KEITH HIGGINSON
State Reclamation Engineer

LICENSE ISSUED FOR 100.0 SEC. FT.
LICENSE PAGE NO. 8742

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Check
33695

Idaho Springs, Boise, Idaho, March 17, 1967
RECEIVED FROM Robert A. Erkins of Idaho \$ 37.00
Thirty Seven Dollars and 00/100 DOLLARS

FOR

Carey Act Trust Fund	- - -	\$	
Application for Permit No.	- - -	\$	
Proofs	- - -	\$	<u>37.00</u>
Certified Copy	- - -	\$	
Recording Deed	- - -	\$	
Certificate	- - -	\$	
TOTAL	- - -	\$	<u>37.00</u>

R. T. Thompson
State Reclamation Engineer

By Mary Leach

Permit No. 32600

Idaho Springs Trout Company
c/o Robert A. Erkins
P. O. Box 546
Buhl, Idaho

Gentlemen:

Our field examiner's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. 32600 shows the dam is capable of conveying 5000 miner's inches, or 100 c.f.s.

Upon receipt of the statutory fees, totaling \$37.00, we will issue the Certificate of Completion of Works for 100 c.f.s. and the License and Certificate of Water Right for 100 c.f.s. confirming the right, with priority of October 5, 1965, to the use of surface water from Billingsley Creek, with the point of diversion in Lot 1, Sec. 19, T. 7 S, R. 14 E, B.M. for use in Lot 4, Sec. 18; Lot 1, Sec. 19, T. 7 S, R. 14 E, B.M. for fish culture purposes.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:inw

32600

Permit No. 32600

Certificate of Completion
of Work

Dated March 28, 1967

Stream Billingsley Creek

County Gooding

Amount 100.0 c.f.s.

Date of Priority October 5, 1965

Recorded in Book 114

of Permits, page 32600

March 28, 1967

Re: Permit No. 32600

Idaho Springs Trout Company
c/o Mr. Robert A. Erkins
P. O. Box 546
Buhl, Idaho 83316

Gentlemen:

Enclosed is the Certificate of Completion of
Works and License and Certificate of Water Right
on the above numbered permit.

Also enclosed is departmental receipt No.
33695 in the amount of \$37.00 covering the fees.

Thank you.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:dj

Enc: Certificates
Receipt for \$37.00.

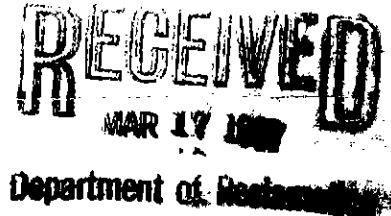
32600

IDAHO SPRINGS TROUT CO., INC.

P. O. Box 65

Buhl, Idaho

March 15, 1967



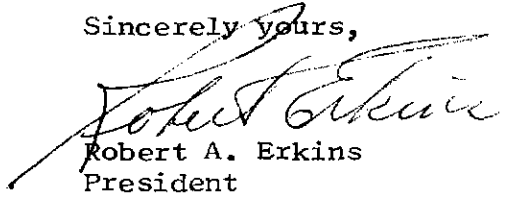
Mr. M. Russell Bosch
Office Manager
Department of Reclamation
107 State House
Boise, Idaho 83701

Dear Mr. Bosch:

This will acknowledge your letter of March 13 with reference to Permit No. 32600.

Enclosed is our check in the amount of \$37.00 so that you can issue us the Certificate of Completion of Works for 100 c.f.s. as well as the License and Certificate of Water Right for 100 c.f.s. confirming the right.

Sincerely yours,


Robert A. Erkins
President

RAE:mb
Enclosure

32600

March 13, 1967

Permit No. 32600

Idaho Springs Trout Company
c/o Robert A. Erkins
P. O. Box 546
Buhl, Idaho

Gentlemen:

Our field examiner's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. 32600 shows the dam is capable of conveying 5000 miner's inches, or 100 c.f.s.

Upon receipt of the statutory fees, totaling \$37.00, we will issue the Certificate of Completion of Works for 100 c.f.s. and the License and Certificate of Water Right for 100 c.f.s. confirming the right, with priority of October 5, 1965, to the use of surface water from Billingsley Creek, with the point of diversion in Lot 1, Sec. 19, T. 7 S, R. 14 E, B.M. for use in Lot 4, Sec. 18; Lot 1, Sec. 19, T. 7 S, R. 14 E, B.M. for fish culture purposes.

Very truly yours,

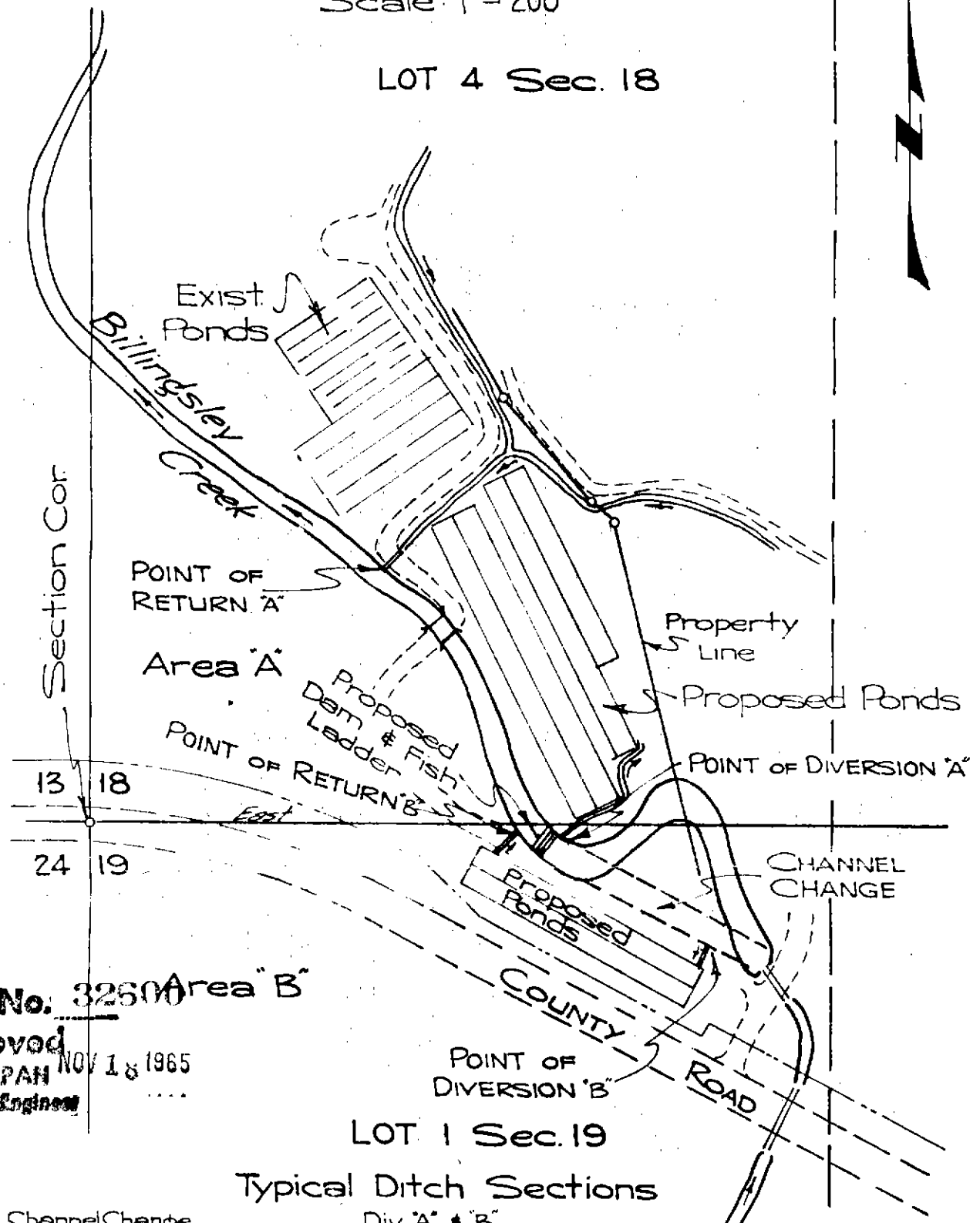
M. Russell Bosch
Office Manager

MRB:nw

32600

T.7S, R.14E, B.M.
Gooding County, Idaho
Scale: 1"=200'

LOT 4 Sec. 18



Permit Map No. 32500
As Approved
CARL E. TAPPAN
State Reclamation Engineer
NOV 18 1965

LOT 1 Sec. 19

Typical Ditch Sections

Channel Change

Div. A & B

I, Charles W. Glasby, of Twin Falls, Idaho, an engineer licensed in the State of Idaho, do hereby certify this map was made from a plat of an actual survey which I reviewed at the site on September 1, 1965, and that it correctly represents the works described in the accompanying application.

Distance & Bearing
from SW Cor. Sec. 18

Point of Div. A
S 88° E 640'
Point of Return A
N 49° E 520'
Point of Div. B
S 79° E 850'
Point of Return B
S 88° E 570'

ENGINEER

APPLICATION EXHIBIT FOR
WATER DIVERSION PERMIT
IDAHO SPRINGS TROUT CO.

CHARLES W. GLASBY CONSULTING ENGINEER
925 SHOSHONE ST. N. TWIN FALLS, IDAHO
DRAWN BY Manning DATE 9/2/65

**NOTICE OF APPLICATION FOR
PERMIT TO APPROPRIATE THE
PUBLIC WATERS OF THE STATE
OF IDAHO, IN ACCORDANCE
WITH THE PROVISIONS OF
SECTION 42-203, IDAHO CODE**

NOTICE IS HEREBY GIVEN
THAT, The Idaho Springs Trout
Company of Buhl, Idaho, has made
application No. 40701 on the 5th
day of October, 1965, to appropriate
100 cubic feet per second of the
waters of Billingsley Creek for
fish propagation and domestic use.

That the point of diversion is lo-
cated: two points of diversion lo-
cated in Lot 1, Section 19, T. 7 S.,
Rge. 14 E., B.M.

That the place of use is in Lot
4, Section 18, and Lot 1, Section
19, Twp. 7 S., Rge. 14 E., B. M.

That any protests against the
approval of this application must
be filed in the Department of Re-
clamation at Boise, Idaho, within
forty (40) days from the date of
this notice, and such protest shall
state the name and address of the
protestant, and shall clearly set
forth his objection to the approval
of said application.

Dated this 5th day of October,
1965.

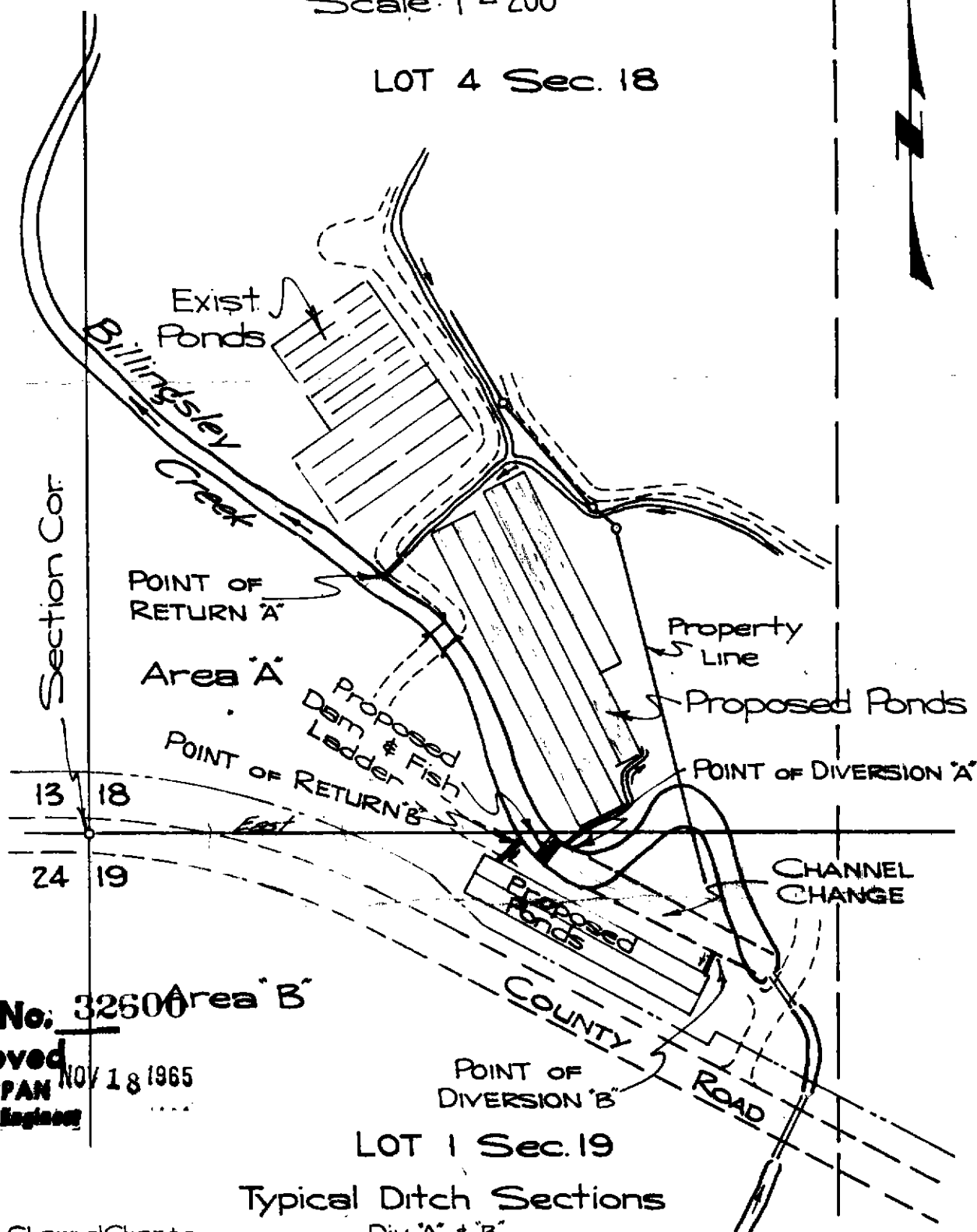
Ralph Thomas, Deputy State Re-
clamation Engineer

3260 U 51.1

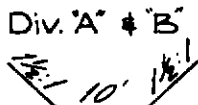
NOTICE OF THE ANNUAL

T.7S, R.14E, B.M.
Gooding County, Idaho
Scale: 1"=200'

LOT 4 Sec. 18



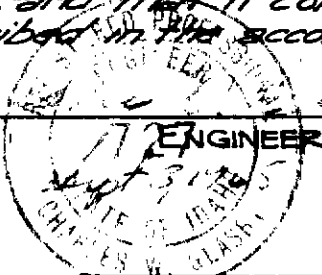
Permit Map No. 32600
As Approved
CARL E. TAPPAN
State Reclamation Engineer
NOV 18 1965



I, Charles W. Glasby, of Twin Falls, Idaho, an engineer licensed in the State of Idaho, do hereby certify this map was made from a plat of an actual survey which I reviewed at the site on September 1, 1965, and that it correctly represents the works described in the accompanying application.

Distance & Bearing
from SW Cor. Sec. 18

Point of Div. A
S 88° E 640'
Point of Return A
N 49° E 520'
Point of Div. B
S 79° E 850'
Point of Return B
S 88° E 570'



APPLICATION EXHIBIT FOR
WATER DIVERSION PERMIT
IDAHO SPRINGS TROUT CO.

CHARLES W. GLASBY CONSULTING ENGINEER
925 SHOSHONE ST. N. TWIN FALLS, IDAHO
DRAWN BY Manning DATE 9/2/65

32600

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 32600

REPORT ON PROOF OF Completion of Works & Beneficial Use

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 32600

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant Robert A. Erkins -

2. Source of water supply: Billingsley Creek

3. Location of point of diversion: Is in the Lot 1 of Section 19

T. 7 S. R. 14 E, B.M. County of Gooding

4. Describe works as they exist, giving dimensions and capacities of same:

Diversion dam ~~from~~ ⁱⁿ Billingsley Creek diverts water to two ponds approximately 300' x 100' and 3' deep, and one pond approximately 200' x 40' and 3' deep for fish rearing.

5. Water is used for: Fish propagation and domestic use

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Lot 4, S. 18, T. 7 S, R. 14 E, B.M.

Lot 1, S. 19, T. 7 S, R. 14 E, B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake R.

Remarks:

Diverted water depends on upstream irrigation use and was over 100 ft at inspection

This examination was made on the 9th day of Feb., 19 57

(Signed) Don Matter Examiner.

Plat 32600 DW

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
 6. Give general characteristics of soils, topography, and crops raised.
-

Robert A. Erkins *dam in Billingsley Cr.*
Box 322, Buhl, Idaho *5' high fish ladder*

Permit No. 32600 ✓

Examination for Completion of Works & Beneficial Use

County Gooding

Sec. 19 T. 7 S. R. 14 E. B.M.

Quantity: 100 c.f.s.

Source: Billingsley Creek

P.D.: Lot 1, S. 19, T. 7 S, R. 14 E, B.M.

Use: Fish propagation & domestic use

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: October 5, 1965

Due: November 18, 1966

Made September 6, 1966

Filed Oct 5, 1965

32600

September 15, 1966

Re: Permit No. 32600

Robert A. Erkins
Box 332
Buhl, Idaho

Dear Mr. Erkins:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the ~~Gooding Leader~~ all submitted in proof of completion of works and beneficial use on Permit No. ~~32600~~.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try to contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:nw

32600

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 32600

* * * * *

RECEIVED
SEP 8 1966
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

Arlie M. Partin, age 36, Hagerman, Idaho, Fish Hatchery Foreman, Idaho
Springs Trout Farm, R.F.D. Hagerman, Idaho

Ques. 2 Are you acquainted with Idaho Springs Trout Company, the holder of

Permit No. 32600? How long have you known him and where does he reside?
Have been acquainted with the corporation and its officers since its
incorporation in 1958. Its registered office is near Buhl, Idaho.

Ques. 3. Have you read or heard said Permit No. 32600 read, and are you familiar
with its provisions and conditions: Yes x No. _____

Ques. 4. State source of water supply: Billingsley Creek, tributary of Snake
River
Give location of places of diversion, showing subdivision, section, township and range
In Lot 1, Sec. 19, T. 7S, R. 14 EBM.

Describe works for conveying water to place of use: Concrete dam in Billingsley Creek
Concrete ditches and pipes
carrying water to fish ponds. Water returned from fish ponds to
Billingsley Creek below dam.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: At least 150 cfs. How much water have you seen being so
conveyed? I would estimate at least 100 cfs.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

32600

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Lot 4, Sec. 18 and Lot 1, Sec. 19, T. 7 S., R. 14 E. R. M.

Used for trout hatchery, raising trout and domestic use.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? None whatever

Ques. 10. When did you first see this water used? About 20 cfs was used in Feb. 1966

Other times you have seen such use: Have seen it used since February, 1966 and gradually increased to about 100 cfs. at the present time.

(Signed):

Archie M. Parker

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in

Twin Falls, County of Twin Falls, State of Idaho, on

this 6th day of September, A. D. 19 66

(SEAL)

Harry Pate

Notary Public for the State of Idaho

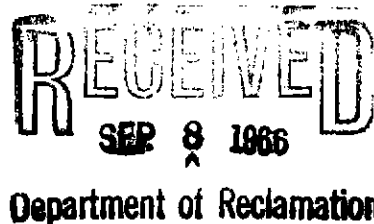
Residing at Twin Falls, Idaho

My commission expires Nov. 4, 1968

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 32600



PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

John D. Erickson, age 27, RFD Buhl, Idaho, Hatchery Superintendent and
fish biologist, Snake River Trout Co., P.O.Box 322, Buhl, Idaho

Ques. 2 Are you acquainted with Idaho Springs Trout Co., the holder of
Permit No. 32600? How long have you known him and where does he reside?

I have been acquainted with the corporation and its officers since its
incorporation in 1958.

Ques. 3. Have you read or heard said Permit No. 32600 read, and are you familiar
with its provisions and conditions: Yes x No.

Ques. 4. State source of water supply: Billingsley Creek, Tributary Snake River

Give location of place of diversion, showing subdivision, section, township and range

Lot 4, Sec. 18 and Lot 1, Sec. 19, T. 7 S., R. 14 E.B.M.

Dam in Billingsley Creek.

Describe works for conveying water to place of use: Headgates and concrete pipe
from dam to ponds on each side of creek, water returned to Billingsley
Creek below fish ponds. Fish ladder in creek at dam.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: I would say about 170 cfs How much water have you seen being so
conveyed? I would estimate about 100 cfs.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Place of use in Lot 4, Sec. 18 and Lot 1, Sec. 19, T. 7 S., R. 14 E.B.M.
Water used for trout propagation and domestic use.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? None

Ques. 10. When did you first see this water used? In Feb. 1966 about 20 cfs.

Other times you have seen such use: Since February 1966 I have seen the amount of water increased from time to time to about 100 cfs. at present time.

(Signed):

* John D. Erickson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in

Twin Falls, County of Twin Falls, State of Idaho, on
this 6th day of September, A. D. 1966

(SEAL)

Harry Pate

Notary Public for the State of Idaho

Residing at Twin Falls, Idaho

My commission expires Nov. 4, 1968

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho
Permit No. 32600

RECEIVED
SEP 8 1966
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

~~and Completion of Works~~

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: Robert A. Erkins
Residence near Buhl, Idaho, President and manager Idaho Springs Trout Co.
and Snake River Trout Co. Box 322, Buhl, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business
(if foreign corporation, give name of postoffice of statutory agent), your
position with reference to same, and your authority for appearing in its behalf:

near
Idaho Springs Trout Company, principal place of business/Buhl, Idaho
of which I am president, authority to appear by Board of Directors.

Ques. 3. State number, approval date of permit, and date of priority: 32600

Approved November 18, 1965, date of priority October 5, 1965

Ques. 4. State source of water supply: Billingsley Creek tributary of Snake River
Give location of point of diversion, showing subdivision, section, township and range

Points of diversion are S 88 deg. 640 feet and S. 79 deg. 850 feet
from SW corner of Sec. 18, T. 7 S., R. 14 E.B.M.

Ques. 5. Describe your works of diversion: (see below)

_____; state amount of water they are capable of con-
veying from point of diversion to place of use: over 100 cfs; Give name of canal or ditch

or other works by which water is conducted to such place of use: no names

_____; if a well, state depth of well ---; depth and size of

casing ---; depth to water ---; if pump is used,

state discharge of pump: ---; tell how it was measured or determined ---

----; if sprinkler irrigation, give number and size

of nozzles and operating pressure: ----

Ques. 6. State for what purpose water is used: Water is used for fish propagation
(If for irrigation, name each subdivision in which used and number of acres in
each subdivision that have actually been irrigated with said water:

and domestic use.. Trout ponds now constructed presently contain about
120,000 pounds of rainbow trout and since construction have contained
up to 200,000 pounds and will accommodate 300,000 pounds.

Ques. 5. Dam in Billingsley Creek, steel reinforced, base and sides 5 ft.
high, 12 ft. wide at top and bottom; headgates each side of stream 6 ft.
wide and 5 ft. high; water delivered through ditch 10 ft. wide at bottom
21 ft. wide at waterline and 3 feet deep to trout ponds on ^{northeast} southwest side
of creek and through ditch 10 ft. wide at bottom, 19 ft. wide at waterline
and 3 ft. deep to trout ponds on southwest side of creek. Will convey
in excess of 100 cfs. Water returned to Billingsley Creek below dam.
Fish ladder constructed in dam.

32600

State nature of all improvements which have been made as a direct result of said use:

answered above

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: -----

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Places of use: NE 600 feet and SE 500-800 feet from SW corner of
Sec. 16, T. 7 S., R. 14 E.B.M. Water is used for fish propagation
and domestic use.

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: 20 cfs. Feb. 1966 - Time used since first use:

Used continuously since increasing to 100 cfs. in May, 1966
and that amount to the present time.

Ques. 10. Describe all other water rights appurtenant to same place of use: -----

None

(sign) Robert E. Ekins

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Twin Falls, County of Twin Falls

State of Idaho, on this 6th day of September, A. D. 19 66.

(SEAL)

My commission expires: Nov. 4, 1968

Harry Lutz
Notary Public for Idaho;
Residing at Twin Falls, Idaho

AFFIDAVIT OF PUBLICATION

RECEIVED
SEP 8 1966

Department of Reclamation

STATE OF IDAHO,

SS.

COUNTY OF GOODING

NOTARY PUBLIC
My commission expires on _____
I, _____, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my files.

Notary Public

AFFIDAVIT OF PUBLICATION
I, _____, do hereby swear that the foregoing is a true and correct copy of the original as the same appears in my files.

Notary Public

1. The undersigned, _____, do hereby swear that the foregoing is a true and correct copy of the original as the same appears in my files.

Notary Public

2. The undersigned, _____, do hereby swear that the foregoing is a true and correct copy of the original as the same appears in my files.

Notary Public

3. The undersigned, _____, do hereby swear that the foregoing is a true and correct copy of the original as the same appears in my files.

Notary Public

4. The undersigned, _____, do hereby swear that the foregoing is a true and correct copy of the original as the same appears in my files.

Notary Public

5. The undersigned, _____, do hereby swear that the foregoing is a true and correct copy of the original as the same appears in my files.

Notary Public

6. The undersigned, _____, do hereby swear that the foregoing is a true and correct copy of the original as the same appears in my files.

Notary Public

R. K. _____, Deputy
State Reclamation Engineer
(40-43)

I, *Leland G. Burress*, do solemnly swear that I am the printer and publisher of THE GOODING LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached hereto was

published in said newspaper *four* consecutive weeks, the first publication having been made on the *28th* day of *July*, 196*6*, and the last publication having been

made on the *18th* day of *August*, 1966 that said notice was published in the regular and entire issue of every number of the paper during that period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in *Gooding, Gooding County, Idaho*, for a period of more than 78 weeks prior to the first publication of the attached notice.

Leland G. Burress
Subscribed and sworn to before me this

18th day of *August*, 196*6*

Ruth Burress
Notary Public

HARRY POVEY

ATTORNEY AT LAW

115 2ND STREET WEST
TWIN FALLS, IDAHO

TELEPHONE 733-3181

P. O. Box 344

September 7, 1966

RECEIVED
SEP 8 1966

Department of Reclamation

Mr. R. Keith Higginson
State Reclamation Engineer
Department of Reclamation
Capitol Building
Boise, Idaho.

In re Permit No. 38600
Idaho Springs Trout Co.

Dear Mr. Higginson:

In connection with proof of completion of works and of beneficial use under the above permit I am enclosing herewith depositions of Robert A. Erkins, president of Idaho Springs Trout Company and of John D. Erickson and Arlie M. Partin. I trust that you will find the same in order and that the inspection of your office may be made in due course and water license duly issue.

If the inspector from your office will notify either me or Mr. Erkins at Snake River Trout Co. Box 322, Buhl, Idaho when he expects to make his inspection we will be glad to meet him at the Idaho Springs Trout Farm and assist him in any way possible.

Will you kindly acknowledge receipt of this letter and enclosures and advise me when it is likely that the inspection may be made.

Thanking you, I remain,

Very truly yours,

Harry Povey

HP/p

Encs.

cc: Robert A. Erkins

*Phone
733-7373*

32600

HARRY POVEY

ATTORNEY AT LAW
115 2ND STREET WEST
TWIN FALLS, IDAHO

TELEPHONE 733-3181

August 29, 1966

RECEIVED

AUG 30 1966

WATER RESOURCES
DIVISION

Mr. Carl E. Tappan
State Reclamation Engineer
Department of Reclamation
Capitol Building
Boise, Idaho.

In re Permit 32600
Idaho Springs Trout Co.

Dear Mr. Tappan:

Enclosed herewith please find Affidavit of Publication of Notice of Proof of Completion and Application of water to Beneficial Use under the above permit. Will you please file the same.

Thanking you and with kind regards, I remain,

Very truly yours,

Harry Povey

HP/p
Enc.

RECEIVED
AUG 30 1966

Department of Reclamation

32600

Department of Reclamation

STATE OF IDAHO, }
COUNTY OF GOODING } SS.

I, *Leland G. Burress*, do solemnly swear that I am the printer and publisher of THE GOODING LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached hereto was

published in said newspaper.....
consecutive weeks, the first publication having
been made on the 25th day of July,
1966, and the last publication having been

made on the 18th day of August, 1966.....
that said notice was published in the regular
and entire issue of every number of the paper
during that period and time of publication, and
that the said notice was published in the news-
paper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in *Gooding, Gooding County, Idaho*, for a period of more than 78 weeks prior to the first publication of the attached notice.

attached notice.

Edward R. Burren

Subscribed and sworn to before me this

18th day of *August*, 196*6*

Arthur Burren

Notary Public

32600

Re: Permit No. 32600

July 21, 1966

Harry Povey
Attorney at Law
Box 344
Twin Falls, Idaho

Dear Mr. Povey:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 32600 in the name of Idaho Springs Trout Company. Final Proof is to be made before you, as Notary on the 6th day of September, 19 66, at 11:00 o'clock at 115 Second St. West, Idaho.

As of this date, we have mailed the Notice to the Gooding Leader, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to ~~you~~ **Robert Erkins.**

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

M. Russell Bosch
Office Manager

Encl.

cc: Applicant **Robert Erkins**

32600

Re: Permit No. 32600

July 21, 1966

Gooding Leader
Gooding, Idaho

Gentlemen:

Enclosed you will find a legal notice which we wish to have published for four consecutive weeks prior to September 6, 1966. The expense of the publication is to be paid by Robert Erkins, President, Idaho Springs Trout Company of Box 546, Buhl, Idaho to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking at least one week prior to the first publication.

Very truly yours,

XXXXXXXXXXXXXXXXXXXX
CARL E. TAPPAN
Deputy State Reclamation Engineer

RKH:mr

Enc. legal notice

32600

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that ~~at~~ on the 6th day of September
19 66, at Twin Falls, County of Twin Falls, State of Idaho, before
Harry Povey, Notary Public, at (address) 115 Second St. West
_____, proof will be submitted of the completion of works for the diversion of
100 cubic feet per second of the waters of Billingsley Creek
_____, and of the application to beneficial use of said water, in accordance with
the terms and conditions of Permit No. 32600, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is: Idaho Springs Trout Company, Box 546, Buhl, Idaho

2. Said works of diversion will be fully completed on the date set for such completion
and the amount of water which said works are capable of conveying to the place of use is
100 cubic feet per second.

3. The use to which said water has been applied is fish propagation and
domestic purposes, and the amount applied to beneficial use is 100 cubic
feet per second.

4. The point^s of diversion of said water ~~is~~ are S 88 deg. 640 ft. and S 79 Deg.
850 ft. from SW corner of Sec. 18; Lot 1, Sec. 19, T. 7 S., R. 14 E., B.M.

5. The place where said water is used is Lot 1, Sec. 19; Lot 4, Sec. 18,
T. 7 S., R. 14 E., B.M.

6. The date of priority which said user is prepared to establish is October 5, 1965

R. KEITH HIGGINSON

Deputy State Reclamation Engineer

RECEIVED
JUL 20 1966

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE Department of Reclamation

NOTICE is hereby given that at 10:00 A.M., on the 6th day of September
1966, at Twin Falls, County of Twin Falls, State of Idaho, before
Harry Povey, Notary Public, at (address) 115 Second St. West
_____, proof will be submitted of the completion of works for the diversion of
100 cubic feet per second of the waters of Billingsley Creek
_____, and of the application to beneficial use of said water, in accordance with
the terms and conditions of Permit No. 32600, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is: Idaho Springs Trout Company, Box 546, Buhl, Idaho

2. Said works of diversion will be fully completed on the date set for such completion
and the amount of water which said works are capable of conveying to the place of use is
100 cubic feet per second.

3. The use to which said water has been applied is fish propagation and
domestic purposes, and the amount applied to beneficial use is 100 cubic
feet per second.

4. The points of diversion of said water ~~are~~ are: S 86 deg. 640 ft and S 79 deg.
850 ft. from SW corner of Sec. 18, T. 7 S., R. 14 E.B.M. Lot 1, Sec. 19, Twp 7S, R. 14E.

5. The place where said water is used ~~is~~ are: NE 600 feet and SE 600-800 feet
from SW corner of Sec. 18, T. 7 S., R. 14 E.B.M. Water returned to
Billingsley Creek at points N. 49 deg. E. 520 feet and S 86 deg. E
570 feet from SW corner Sec. 18, T. 7 S. R. 14 E.B.M. total acres.
lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

6. The date of priority which said user is prepared to establish is October 5, 1965

State Reclamation Engineer

32600

RECORDED
JUL 20 1966NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

NOTICE is hereby given that at 10:00 A M., on the 6th day of September 1966, at Twin Falls, County of Twin Falls, State of Idaho, before Harry Povey, Notary Public, at (address) 115 Second St. West, proof will be submitted of the completion of works for the diversion of 100 cubic feet per second of the waters of Billingsley Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 32600, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Idaho Springs Trout Company, Box 546, Buhl, Idaho
2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 100 cubic feet per second.
3. The use to which said water has been applied is fish propagation and domestic purposes, and the amount applied to beneficial use is 100 cubic feet per second.
4. The points of diversion of said water ~~are~~ are: S 88 deg. 640 ft and S 79 deg. 850 ft. from SW corner of Sec. 18, T. 7 S., R. 14 E.B.M.
5. The places where said water is used ~~is~~ are: NE 600 feet and SE 500-800 feet from SW corner of Sec. 18, T. 7 S., R. 14 E.B.M. Water returned to Billingsley Creek at points N. 49 deg. E. 520 feet and S 88 deg. E 570 feet from SW corner Sec. 18, T. 7 S. R. 14 E.B.M. ~~XXXX~~ ~~XXXX~~
6. The date of priority which said user is prepared to establish is October 5, 1965

State Reclamation Engineer

32600

RECEIVED
JUL 20 1966

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE **Department of Reclamation**

(Date) July 12, 1966

(P. O.) Buhl, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the Gooding Leader of
Gooding, Idaho Published in
the county in which the works are situated.

IDAHO SPRINGS TROUT COMPANY

By Robert Perkins
President

(In case of canals or other works designed to divert and
carry more than 50 cubic feet of water per second, the following certificate
must be signed by a well known and competent engineer)

I hereby certify that the facts set forth in the attached
notice are true.

Walter D. Slasky
Engineer

32600

HARRY POVEY

ATTORNEY AT LAW

115 2ND STREET WEST
TWIN FALLS, IDAHO

TELEPHONE 733-3181

July 18, 1966

RECEIVED
JUL 20 1966

P. O. Box 344

Department of Reclamation

Mr. Carl E. Tappan
State Reclamation Engineer
Department of Reclamation
Capitol Building
Boise, Idaho.

In re Permit 32600
Idaho Springs Trout Co.

Dear Mr. Tappan:

In accordance with your letter of March 11, 1966 I am herewith enclosing your Form No. 11, authorization for publication, executed by Robert Erkins, president of Idaho Springs Trout Co. for publication of Notice in the Gooding Leader, Gooding, Idaho, and certificate of Charles W. Glassby Engineer

I am also enclosing herewith, in duplicate, notice of proof of completion of works and application of water to beneficial use under the above permit for publication. I did not think these papers would reach you in time for a first publication this week, but it will permit publication July 28th and last publication August 18 with hearing September 6, 1966.

Please send me an extra set of depositions for my files. *Date*

Thanking you and with kind regards, I remain

Very truly yours

Harry Povey

HP/p
cc: Robert A. Erkins

32600

March 11, 1966

RE: Permit No. 32600
Idaho Springs Trout Company

Harry Povey
Attorney at Law
Box 344
Twin Falls, Idaho

Dear Mr. Povey:

Enclosed find the forms requested by your letter of
March 10.

Profiles and cross sections will not be required in con-
junction with the proofs.

Very truly yours,

Donald J. Watts
Office Engineer

DJW:mr

Enc. Forms 36A, 11, Instructions

32600

TELEPHONE 733-3181

HARRY POVEY
ATTORNEY AT LAW
115 2ND STREET WEST
TWIN FALLS, IDAHO

March 10, 1966

RECEIVED
MAR 11 1966

P. O. Box 344

Mr. Carl Tappan
State Reclamation Engineer
Department of Reclamation
Capitol Building,
Boise, Idaho.

Department of Reclamation

In re Idaho Springs Trout Co.
Permit No. 32600

Dear Mr. Tappan:

Idaho Springs Trout Company will be ready in the near future to make proof of completion of works and proof of beneficial use under the above permit.

Will you please send me the necessary forms for the giving of notice and the depositions, with an extra set so I may make copies for my files.

In checking Idaho Code, sec. 42-214 I notice that in case of all canals or other works designed to divert and carry more than fifty cubic feet per second (the above permit calls for 100 cfs.) the facts set forth in the notice to the department of reclamation shall be certified to by a well known and competent irrigation engineer. Mr. Charles Glasby, local engineer, has supervised this construction. I believe that you require a certificate in the published notice as follows:

"I hereby certify that the facts set forth
in the attached notice are true.

Engineer."

Idaho Code, sec. 42-214 also provides that the department of reclamation may, in the case of canals designed to divert fifty cubic feet per second or more, demand that profiles and cross-sections, showing the grade and the finished condition of such works, be filed with it in support of the claims which may be made in relation to the finished condition of such works, by the person or persons holding such permit. Will you require these profiles and cross sections in connection with this proof under the above permit?

Very truly yours,

Harry Povey

HP/p

32600

November 23, 1965

Re: Permit No. **32600**
Idaho Springs Trout Company

Mr. Harry Povey,
Attorney at Law,
Box 344,
Twin Falls, Idaho.

Dear Mr. Povey:

We enclose Permit No. **32600** in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. **32948** which was issued covering payment in the amount of \$ **29.75** for the filing fee of the above mentioned permit.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.

EPR:pmk

cc: **Idaho Springs Trout Co.,**
Box 346
Buhl, Idaho

32600

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 42-203, IDAHO CODE

NOTICE IS HEREBY GIVEN THAT, The Idaho Springs Trout Company of Buhl, Idaho, has made application No. 40701 on the 5th day of October, 1965, to appropriate 100 cubic feet per second of the waters of Billingsley Creek for fish propagation and domestic use.

That the point of diversion is located: two points of diversion located in Lot 1, Section 19, T. 7 S., Rge. 14 E., B.M.

That the place of use is in Lot 4, Section 18, and Lot 1, Section 19, Twp. 7 S., Rge. 14 E., B. M.

That any protests against the approval of this application must be filed in the Department of Reclamation at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said application.

Dated this 5th day of October, 1965.

Ralph Thomas, Deputy State Reclamation Engineer 51-1

RECEIVED
NOV 1 1965

Department of Reclamation

STATE OF IDAHO,
COUNTY OF GOODING }

SS. _____

I, Leland G. Burress, do solemnly swear that I am the printer and publisher of THE GOODING LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached hereto was

published in said newspaper three consecutive weeks, the first publication having

been made on the 14th day of October

196 5, and the last publication having been

made on the 28th day of October, 196 5

that said notice was published in the regular and entire issue of every number of the paper during that period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in Gooding, Gooding County, Idaho, for a period of more than 78 weeks prior to the first publication of the attached notice.

Leland G. Burress

Subscribed and sworn to before me this

28th day of October, 1965

Ruth Burress
Notary Public

Permit Map No. 32500

As Approved

CARL E. TAPPAN

State Reclamation Engineer

NOV 18 1965

32600

AFFIDAVIT OF PUBLICATION

RECEIVED
NOV 5 1965

Department of Reclamation

STATE OF IDAHO, }
COUNTY OF GOODING } SS.

**NOTICE OF APPLICATION FOR
PERMIT TO APPROPRIATE THE
PUBLIC WATERS OF THE STATE
OF IDAHO, IN ACCORDANCE
WITH THE PROVISIONS OF
SECTION 42-203, IDAHO CODE**

NOTICE IS HEREBY GIVEN
THAT, The Idaho Springs Trout
Company of Buhl, Idaho, has made
application No. 40701 on the 5th
day of October, 1965, to appropriate
100 cubic feet per second of the
waters of Billingsley Creek for
fish propagation and domestic use.

That the point of diversion is lo-
cated: two points of diversion lo-
cated in Lot 1, Section 19, T. 7 S.,
Rge. 14 E., B.M.

That the place of use is in Lot
4, Section 18, and Lot 1, Section
19, Twp. 7 S., Rge. 14 E., B. M.

That any protests against the
approval of this application must
be filed in the Department of Re-
clamation at Boise, Idaho, within
forty (40) days from the date of
this notice, and such protest shall
state the name and address of the
protestant, and shall clearly set
forth his objection to the approval
of said application.

Dated this 5th day of October,
1965.

Ralph Thomas, Deputy State Re-
clamation Engineer 51-1

I, *Leland G. Burress*, do solemnly swear
that I am the printer and publisher of THE
GOODING LEADER, a weekly newspaper of general
circulation, published once each week at Good-
ing, Idaho; that the notice attached hereto was

published in said newspaper *Three*
consecutive weeks, the first publication having
been made on the *14th* day of *October*
196 *5*, and the last publication having been

made on the *28th* day of *October* 196 *5*
that said notice was published in the regular
and entire issue of every number of the paper
during that period and time of publication, and
that the said notice was published in the news-
paper proper, and not in the supplement thereof.

That said newspaper has been printed and
published continuously in *Gooding, Gooding*
County, Idaho, for a period of more than 78
weeks prior to the first publication of the at-
tached notice.

Leland G. Burress
Subscribed and sworn to before me this

28th day of *October*, 196 *5*

Ruth Burress
Notary Public

HARRY POVEY

ATTORNEY AT LAW

115 2ND STREET WEST
TWIN FALLS, IDAHO

TELEPHONE 733-3181

P. O. Box 344

November 4, 1965

RECEIVED
NOV 5 1965

Mr. Ralph W. Thomas
Deputy State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho.

Department of Reclamation

In re Application No. 40701
Idaho Springs Trout Company

Dear Mr. Thomas:

Enclosed herewith find affidavit of publication
by The Gooding Leader of the publication of notice in con-
nection with the above application for permit.

I assume that if no protests are filed by
November 15, 1965 the permit will be issued and you will
notify me as to the amount of bond required by your office.

With kind regards, I remain,

Very truly yours,

Harry Povey

HP/p
cc: Robert A. Erkins
Enc.

32600

October 19, 1965

RE: Idaho Springs Trout Company
Water Application No. 40701

Department of Fish and Game
State of Idaho
B U I L D I N G

Attention: Ted Biladeau, Assistant
Federal Aid Coordinator

Dear Mr. Biladeau:

Enclosed are copies of Permit Application No. 40701 and
Application sketch map as requested by telephone this date.

Detailed plans of all works including the fish ladder
have not yet been received, but if and when received from the
applicant, we will forward a copy of the ladder plans to you.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

H. Petri
Office Manager

HP:ejw

Encl: photocopies

32600

HARRY POVEY

ATTORNEY AT LAW

115 2ND STREET WEST
TWIN FALLS, IDAHO

TELEPHONE 733-3181

P. O. Box 344

October 6, 1965

RECEIVED
OCT 7 1965

Mr. Ralph W. Thomas
Deputy State Reclamation Engineer
Department of Reclamation
107 State House,
Boise, Idaho.

Department of Reclamation

In re Application No. 40701
Idaho Springs Trout Company

Dear Mr. Thomas:

I wish to thank you for your letter of October 5, 1965 enclosing three copies of notice for publication in connection with the above application for permit.

I have forwarded the original to the Gooding Leader with instructions to publish the same in the issues of that newspaper published October 14, October 21 and October 28, 1965 and will forward to you affidavit of publication when the publication is complete. I am enclosing your copy of the notice, upon which I have acknowledged service in behalf of Idaho Springs Trout Company.

You will notice that I specified November 15, 1965 as the last date for protest. I did so because 40 days from the date of the notice, October 5, 1965 would end on November 14, 1965 which is a Sunday.

Very truly yours,

Harry Povey

HP/p
Enc.

cc: Robert A. Erkins

32600

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO IN ACCORDANCE WITH THE PROVISIONS OF

SECTION 42-203, IDAHO CODE

NOTICE IS HEREBY GIVEN THAT, The Idaho Springs Trout Company of Buhl, Idaho, has made application No. 40701 on the 5th day of October, 1965, to appropriate 100 cubic feet per second of the waters of Billingsley Creek for fish propagation and domestic use.

That the point of diversion is located: two points of diversion are located in Lot 1, Section 19, T. 7 S., Rge. 14 E., B. M.

That the place of use is in Lot 4, Section 18, and Lot 1, Section 19, Twp. 7 S., Rge. 14 E., B. M.

That any protests against the approval of this application must be filed in the Department of Reclamation at Boise, Idaho, within forty days (40) from the date of this notice, and such protest shall state the objection to the approval of said application.

Dated this 5th day of October, 1965.

Deputy State Reclamation Engineer

Date of First Publication _____

Date of Last Publication _____

Last date for Protest: _____

SERVICE OF THE FOREGOING, by copy, is hereby acknowledged
this _____ day of _____, 1965

Applicant

By: _____

32600

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF
SECTION 42-203, IDAHO CODE

NOTICE IS HEREBY GIVEN THAT, The Idaho Springs Trout Company
of Buhl, Idaho, has made application No. 40701 on the 5th day of October,
1965, to appropriate 100 cubic feet per second of the waters of Billingsley
Creek for fish propagation and domestic use.

That the point of diversion is located: two points of diversion
located in Lot 1, Section 19, T. 7 S., Rge. 14 E., B. M.

That the place of use is in Lot 4, Section 18, and Lot 1, Section
19, Twp. 7 S., Rge. 14 E., B. M.

That any protests against the approval of this application must
be filed in the Department of Reclamation at Boise, Idaho, within forty
(40) days from the date of this notice, and such protest shall state the
name and address of the protestant, and shall clearly set forth his
objection to the approval of said application.

Dated this 5th day of October, 1965.

Ralph Thomas

Deputy State Reclamation Engineer

Date of First Publication _____

Date of Last Publication _____

Last date for Protest _____

SERVICE OF THE FOREGOING, by copy is hereby acknowledged this
_____ day of _____, 1965.

Applicant

By:

32600

RECEIVED
OCT 7 1965

Department of Reclamation

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF
SECTION 42-203, IDAHO CODE

NOTICE IS HEREBY GIVEN THAT, The Idaho Springs Trout Company of Buhl, Idaho, has made application No. 40701 on the 5th day of October, 1965, to appropriate 100 cubic feet per second of the waters of Billingsley Creek for fish propagation and domestic use.

That the point of diversion is located: two points of diversion located in Lot 1, Section 19, T. 7 S., Rge. 14 E., B. M.

That the place of use is in Lot 4, Section 18, and Lot 5, Section 19, Twp. 7 S., Rge. 14 E., B. M.

That any protests against the approval of this application must be filed in the Department of Reclamation at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to the approval of said application.

Dated this 5th day of October, 1965.

Ralph Thomas

Deputy State Reclamation Engineer

Date of First Publication October 14, 1965

Date of Last Publication October 28, 1965

Last date for Protest November 15, 1965

SERVICE OF THE FOREGOING, by copy is hereby acknowledged this

6th day of October, 1965.

IDAHO SPRINGS TROUT COMPANY

Applicant

By:

Harry Poley
Agent

32600

October 5, 1965

Re: Application No. 40701
Idaho Springs Trout Co.

Harry Povey
Attorney at Law
P. O. Box 344
Twin Falls, Idaho

Dear Mr. Povey:

Enclosed are three copies of a legal notice for publication in a Gooding County paper for three consecutive weekly issues, first publication to be within 10 days of your receipt of notice.

Complete each copy by acknowledging receipt and inserting dates of publication. Send one copy to this office, save one copy for your file and give the original to the paper.

File the Affidavit of Publication in this office prior to the last date for protest.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. 3 copies of legal notice

32600

HARRY POVEY

ATTORNEY AT LAW

115 2ND STREET WEST
TWIN FALLS, IDAHO

TELEPHONE 733-3181

P. O. Box 344

October 4, 1965

Mr. Ralph W. Thomas
Deputy State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho.

In re Idaho Springs Trout Co.

Dear Mr. Thomas:

In accordance with the telephone conversation Mr. Erkins and I had with you recently the application for permit has been amended to reduce the amount of water applied for from 150 cubic feet per second to 100 cubic feet per second.

Enclosed herewith please find application for permit, maps in duplicate and check of Idaho Springs Trout Company for \$29.75 to cover your fees.

Also in accordance with your suggestion I am enclosing herewith letter of Mr. Robert A. Erkins containing his reasons for requiring such a large amount of water, and trust this will justify your approval of the application.

Very truly yours,

Harry Povey

HP/p

32600

Mr. Ralph W. Thomas
Page Two
October 1, 1965

If you have any particular questions about this request for water, please let either Mr. Harry Povey or myself know. The bulk of the water in Billingsley Creek that we are requesting rises immediately above the hatchery in an area of small ravines. We feel that there is little or no opportunity of anyone using this water above us due to the extremely costly problem of having to pump it up on to adjacent lands which already are supplied with an ample amount of water for irrigation purposes and have been since the early 1900s.

Very truly yours,


Robert A. Erkins
President

RAE:mb

32600

IDAHO SPRINGS TROUT CO., INC.

P. O. Box 65

Buhl, Idaho

October 1, 1965

Mr. Ralph W. Thomas, Deputy
State Reclamation Engineer
107 State House
Boise, Idaho 83701

Dear Mr. Thomas:

The Idaho Springs Trout Company is applying for a large amount of water from Billingsley Creek for the purpose of operating an addition to our present trout farm, located in the Hagerman Valley.

The area covered by this trout farm addition will be larger than our present farm operation although production will probably not be as great. The purpose of this addition is to produce large fish (11½ inches and larger) and we feel to do this that we need both a large area of water and a large quantity of water flowing through that area to achieve our purposes.

We have experimented with trout production in the Billingsley Creek water for the past year, and find the growth to be excellent if the fish are not overly crowded. The reason for this is that Billingsley Creek picks up a fair amount of sediment and a high algae content, the latter of which drops the oxygen content of the water during the dark hours to a low of approximately seven parts per million about 4:00 in the morning. During the daylight hours, the oxygen seems to hold at nine parts per million. Since trout do not do well with lower oxygen content in the water unless there is ample water available for them, we desire to use as much flow of the stream as possible. This increased oxygen in the increased flow available to each fish will reduce the possibility of disease, while at the same time increasing the probability of growth rate.

Also, this stream is subject to runoffs of farm water upstream which carries a high content of silt at certain times, and when this happens the added flow of water will help the trout in the ponds.

The additional flow of water will also mean that we can obtain a steady movement of water throughout the entire length of these extremely long ponds, and thereby make the bottom end of the pond as productive as the upper end of the pond. Because the terrain in the valley is extremely flat, there is little opportunity to obtain any drop from one pond to the next in the event that these ponds were shortened up, so we have therefore planned on very long raceways. We do, however, anticipate placing pipe lines so that fresh water from the stream does enter the raceways, not only at the head, but about at the mid point of the raceway also.

32600

Sept. 22, 1965

Re: Application for Permit
Idaho Springs Trout Co.

Harry Povey
Attorney at Law
P. O. Box 344
Twin Falls, Idaho

Dear Mr. Povey:

Returned herewith is the application for permit claiming 150 c.f.s. of water from Billingsley Creek. Also enclosed is a supply of Form 1 you requested.

I still think the amount of water claimed is excessive.

A report in our office shows the average trout farm in your area uses one c.f.s. of water for each 10,000 pounds of trout per year. You show 250,000 pounds annual production in your letter of September 21st.

It is true we would approve an application for permit for 150 c.f.s. if that amount would be used beneficially, however it seems the proposed use does not require such an amount of water. You know that the statutes and court cases require that the water be used beneficially.

Approval of your application would effectively close Upper Billingsley Creek for all future diversions until the water license could be issued.

Reduce the amount of water claimed to a reasonable amount or show proof why the amount claimed is necessary when you return the application with the proper filing fee.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ev
Enc. application

22680

Sept. 14, 1965

Re: Application for Permit
Idaho Springs Trout Co.

Harry Povey
Attorney at Law
P. O. Box 344
Twin Falls, Idaho

Dear Mr. Povey:

Returned herewith is the application for permit with attached check for \$42.25 filing fee. Also enclosed is copy of Regulations and Instructions.

Page 2 of the Regulations requires that the point of diversion shall be tied to a government survey corner by bearing and distance. The distances given in the application do not agree with the map. Location of point of diversion (A) is in error.

Comparing sizes of the old fish ponds and the proposed fish ponds, the amount of water claimed appears to be excessive.

Page 3 of the application could be eliminated by interlining in the double spaced form.

Kindly correct and return for processing.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. application with attached check
Regulations and Instructions

32600

TELEPHONE 733-3181

HARRY POVEY
ATTORNEY AT LAW
115 2ND STREET WEST
TWIN FALLS, IDAHO

September 13, 1965

RECEIVED
SEP 14 1965

P. O. Box 344

Mr. Carl E. Tappan,
State Reclamation Engineer
Capitol Building,
Boise, Idaho.

Department of Reclamation

In re Idaho Springs Trout Company

Dear Mr. Tappan:

Enclosed herewith please find application of Idaho Springs Trout Company for permit to appropriate 150 second feet of the waters of Billingsley Creek in Gooding County, together with map in duplicate prepared and certified by Charles W. Glasby, Engineer.

I had some correspondence with your office in May, 1962 concerning the flow of Billingsley Creek and I herewith enclose copy of letter of Mr. Thomas dated May 22, 1962.

Will you please send me the necessary notice for publication and I will have the same published in the Gooding Leader.

Check for \$42.25 is herewith enclosed to cover filing fees.

Trusting you will find this application in order and with kind regards, I remain,

Very truly yours,

Harry Povey

HP/p
Encs.

32600

ROBERT E. SMYLLIE
Governor



GEO. N. CARTER
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE

May 22, 1962

RECEIVED
SEP 14 1965

Department of Reclamation

RE: Application for Permit
Idaho Springs Trout Company

Harry Povey
Attorney at Law
115 2nd St West
Twin Falls, Idaho

Dear Mr. Povey:

Your letter of May 21 in regard to a proposed application for a permit to use all of the water of Billingsley Creek for trout production has been received.

It is necessary to apply for a definite amount of water. The amount of water reported by Mr. Thompson was taken from a few random measurements made by the U. S. Geological Survey. It is possible that the minimum flow will be below 100 c.f.s. and probable that the maximum flow will be over 150 c.f.s. We believe that an application for 150 c.f.s would be acceptable.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr



32600

May 22, 1962

RE: Application for Permit
Idaho Springs Trout Company

Harry Povey
Attorney at Law
115 2nd St West
Twin Falls, Idaho

Dear Mr. Povey:

Your letter of May 21 in regard to a proposed application for a permit to use all of the water of Billingsley Creek for trout production has been received.

It is necessary to apply for a definite amount of water. The amount of water reported by Mr. Thompson was taken from a few random measurements made by the U. S. Geological Survey. It is possible that the minimum flow will be below 100 c.f.s. and probable that the maximum flow will be over 150 c.f.s. We believe that an application for 150 c.f.s would be acceptable.

Very truly yours,

CHAS. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mz

32600

RECEIVED

MAY 22 1962

Department of Reclamation

HARRY POVEY
ATTORNEY AT LAW
115 2ND STREET WEST
TWIN FALLS, IDAHO

TELEPHONE 733-3181

May 21, 1962

Mr. George N. Carter
State Reclamation Engineer
Capitol Building,
Boise, Idaho.

Attention Roy W. Thompson.

Dear George:

I represent Idaho Springs Trout Co. which operates trout hatcheries in a portion of Sections 18 and 19, Township 7 South, Range 14 W.B.M. Mr. Thompson wrote me April 16, 1962 advising that the estimated flow of Billingsley Creek through these sections was 100 cubic feet per second during the spring and summer months with diversion taken out above, and 150 cubic feet per second during the winter months.

Idaho Springs Trout Company desires to straighten the channel of Billingsley Creek where it flows through the property they operate and to put in additional fish tanks and utilize all of the water of Billingsley Creek through their hatcheries and return it into the natural channel a short distance downstream.

After a survey has been made I expect to file an application for permit along the above lines. I have some hazy recollection that your office will not grant a permit covering the complete flow of a stream without describing the exact number of cubic feet per second. As the proposed construction will eliminate the old channel there would be no place for water in excess of the amount covered by the permit to go. Under these circumstances I will appreciate your advice and suggestions as to whether it would not be advisable to make application for 150 feet as that seems to be about the maximum during the year.

Thanking you for an early reply and with kindest regards to you both, I remain,

Very truly yours,

Harry Povey

HP/p
cc: Robert A. Erkins

32600