

R-15 E.

R.D.

SPRINGS.

T.

9

S.

Subdivisions

more

acres

9. 60 CFS OR 40 inches

Permit No. 26586

Examination for Completion of Works & Beneficial Use

County Gooding

Sec. 11 T. 9 S R. 15 E. B.M.

Quantity: 300 c.f.s.

Source: Niagara Springs

P.D.: Lot 3, Sec. 11, T. 9 S. R. 15 E. B.M.

Use: Irrigation & Domestic

Filed: Oct. 23, 1956

Due: Oct. 25, 1963

Extension:

Completion of Works:

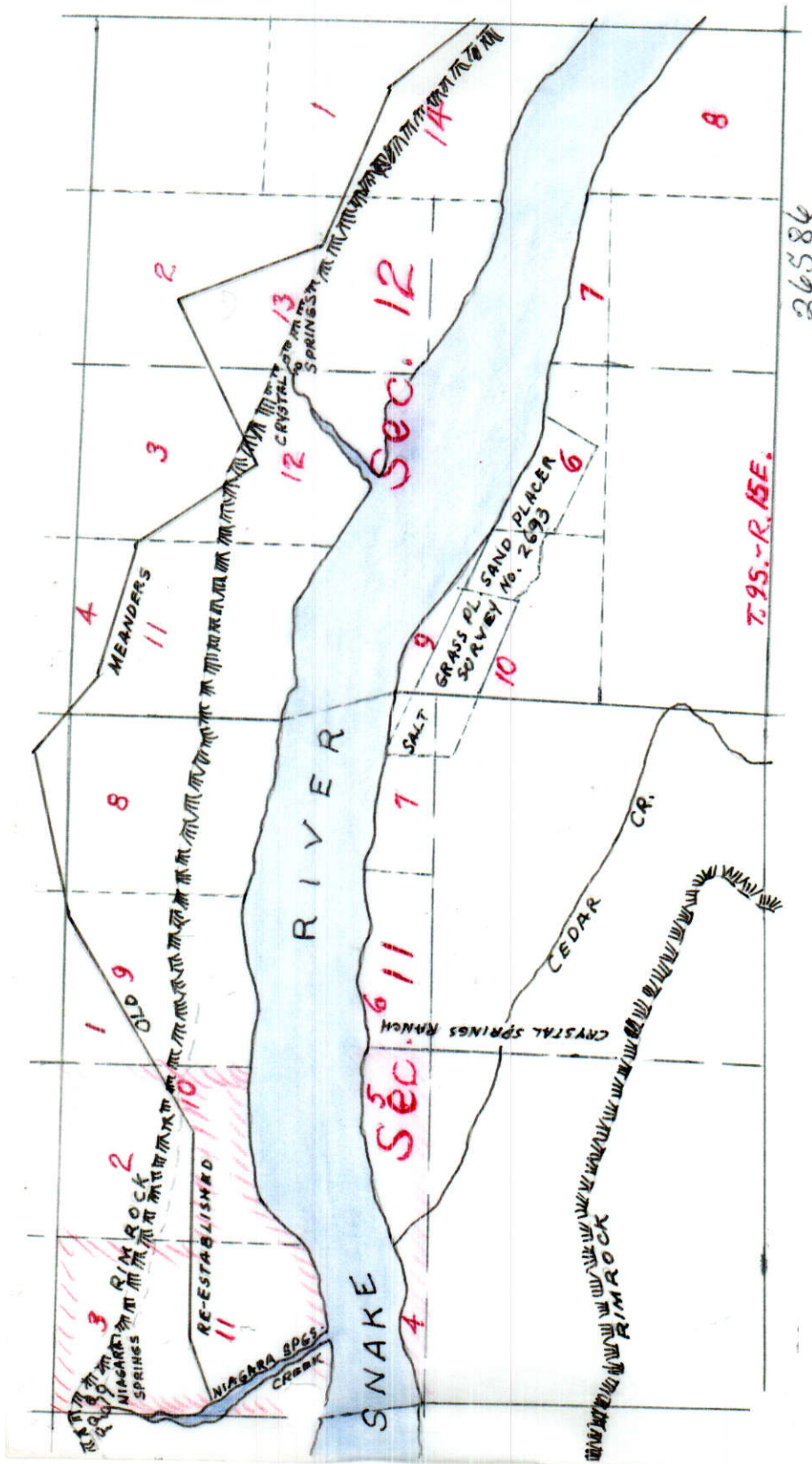
Other Rights: Probably a water right by Judge Mays in bygone days.

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.

RECEIVED
JUL 16 1962

Department of Reclamation



26584

T. 9S. - R. 15E.

AFFIDAVIT OF PUBLICATION

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

NOTICE is hereby given that at 10:00 a.m., on the 9th day of October, 1961, at 518 Front Street, Boise, County of Ada, State of Idaho, before T. D. Biladeau, Notary Public, at 518 Front Street, Boise, Idaho, proof will be submitted of the completion of works for the diversion of 3.0 cubic feet per second of the waters of Niagara Spring, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 26586 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: State of Idaho, Department of Fish and Game, Boise, 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 3.0 cubic feet per second.

3. The use to which said water has been applied is for irrigation and domestic use purposes, and the amount applied to beneficial use is 3.0 cubic feet per second.

4. The point of diversion of said water is S.22° East a distance of 350 feet from the northwest corner of Sec. 11, T. 9 S., R. 15 E., B.M., and is in Lot 3 of Sec. 11, T. 9 S., R. 15 E., B.M.

5. The place where said water is used is Lots 3, 10 and 11 of Sec. 11, T. 9 S., R. 15 E., B.M. Total 40 acres.

6. The date of priority which said user is prepared to establish is October 25, 1956.

Geo. N. Carter
State Reclamation Engineer

45-48

RECEIVED
OCT 11 1961

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 *for*

consecutive weeks. The first publication having been made on the *7th* day of *Sept*, 196*1*, and the last publication having been made on the *28th* day of *Sept*, 196*1*

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.

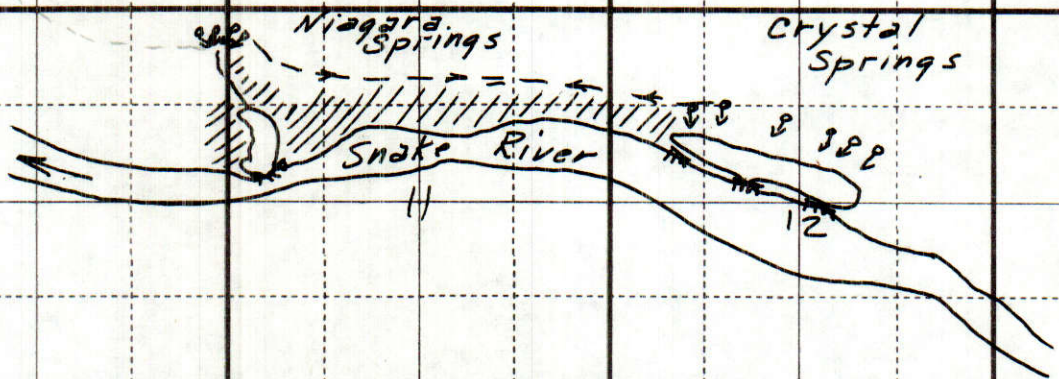
Leland G. Burress
Subscribed and sworn to before me this *1st* day of *October*, 196*1*

Leland G. Burress
Notary Public

26586

T9S, R15E B M

N



LEGEND

- Proposed dams or dikes
- o Springs
- > Canals
- ||||| Irrigated lands

Permit Map No. 26586
As Approved
MARK R. KULP
State Reclamation Engineer
JUL 25 1956

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Requiring)
Measuring Devices on Diversions)
of Water From Niagara Springs and)
Niagara Springs Creek)
_____)

ORDER

The Director of IDWR makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. The public has demonstrated a concern as to the depletion of flows in Niagara Springs and Niagara Springs Creek. The department has been requested by concerned right holders and citizens to determine rates of diversion from the stream, and a petition has been received requesting the department to require measuring devices. Department staff has been unable to obtain accurate measurements of the rates of flow at all diversions.

2. There are six (6) existing diversions from Niagara Springs (the springs) and Niagara Springs Creek (the creek).

3. Not all of the diversions from the springs and creek presently have adequate measuring devices.

4. Diversion rights on the springs and creek consist of licenses and beneficial use claims.

5. The maximum permissible rates of diversion under the licensed rights are known and the uses under the claimed rights are well enough

defined to determine a maximum permissable rate of diversion.

CONCLUSIONS OF LAW

1. Section 42-602, Idaho Code, provides in relevant part:

It shall be the duty of the department of water resources to have immediate direction and control of the distribution of water from all of the streams to the canals and ditches diverting therefrom. The department must execute the laws relative to the distribution of water in accordance with rights of prior appropriation.

2. Section 42-701, Idaho Code, provides in relevant part:

The appropriators or users of any public waters of the state of Idaho shall ... construct and maintain, when required by the department, a rating flume or other measuring device at such point as is the most practical in such canal or ditch for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said ditch from the stream.

3. The Director of IDWR has the authority and duty to order the installation and maintenance of measuring devices for diversions from Niagara Springs and Niagara Springs Creek. The Director has the authority on his own motion to initiate a proceeding to require measuring devices.

4. There is a need for installation of measuring devices to properly determine the amount of water diverted from Niagara Springs and Niagara Springs Creek, and to insure that water is diverted in accordance with rights of prior appropriation.

ORDER

THEREFORE, THE DIRECTOR ON HIS OWN MOTION PURSUANT TO SECTIONS 42-602 AND 42-701, IDAHO CODE, HEREBY ORDERS THAT:

1. Each holder of a water right for diversion of water from Niagara Springs or Niagara Springs Creek shall install and maintain at

the point(s) of diversion a measuring device with provision for continuously recording and monitoring the diverted flows in a manner acceptable to IDWR. The Director may waive this requirement upon written request and his determination that the diversion capacity has a significant effect on stream flow.

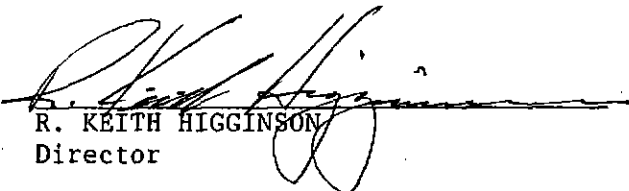
2. The installation shall also be readily accessible to IDWR personnel.

3. The water right holder shall provide to IDWR a description of the device to be installed and plans for its construction for review and approval prior to the start of construction.

4. All diversion rate data collected shall be submitted to the department within 30 days of collection or as otherwise requested by the Director.

IT IS FURTHER hereby ORDERED that the measuring devices be installed and operable by May 1, 1988.

Dated this 7th day of April, 1988.


R. KEITH HIGGINSON
Director

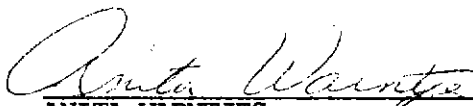
CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 7th day of April, 1988, a true and correct copy of the foregoing MEASURING DEVICE INSTALLATION ORDER was mailed, postage prepaid to:

Earl Hardy
Rim View Trout Co.
1301 Vista Avenue
Boise, ID 83705

Jerry Conley
Idaho Dept. of Fish and Game
600 S. Walnut
Boise, ID 83707

Robert O'Connor, Chairman
Idaho Power Co.
P. O. Box 70
Boise, ID 83707



ANITA WARNTJES

Idaho Department of Water Resources

State of Idaho
License and Certificate of Water Right

Water License No. 26586

Amount .80 c.f.s.

Water District No.

Priority October 23, 1956

ROSS LEONARD, Acting for and in behalf of the State of Idaho
THIS IS TO CERTIFY that for the use and benefit of the DEPARTMENT OF FISH AND GAME

of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 23, 1956; that Permit No. 26586
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
.80 second feet, was issued thereunder on July 23, 1962, showing that said works
were completed on the 9th day of October, 1961; and that on the 9th
day of October, 1961, ROSS LEONARD, Acting for and in behalf of the
STATE OF IDAHO, for the use and benefit of the DEPARTMENT OF FISH AND GAME
of Boise, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Niagara Springs
, a tributary of Snake River, for the purpose of irrigation & domestic
use, under Use Permit No. 26586 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
12 of Licenses at page 7347, on the 23 day of July, 1962;

The right hereby confirmed dates from October 23, 1956;

The Point of Diversion is located Lot 3

in the 1/4 1/4, Sec. 11, Tp. 9 S., R. 15 E., B. MGooding County

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 .80 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S.	15 E.	11	Lots 3 10 11	55	45

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
23rd day of July, 1962.

RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

36 2711

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

36-2711

APPLICATION No. 34498
 PERMIT No. 26586
 DISTRICT No.

Idaho Department of Fish and Game
 518 Front Street
 Boise, Idaho

1. Name of Applicant: ROSS LEONARD, ACTING FOR AND IN BEHALF OF THE STATE OF IDAHO, FOR THE USE AND BENEFIT OF THE DEPARTMENT OF FISH AND GAME

Postoffice address: Boise County: Ada State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: three cubic feet per second.

3. Source of water supply: Niagara Springs which is a tributary of Snake River

4. Location of point of diversion: S. 22° E. 350 feet distant from the northwest corner of Section 11, T. 9 S., R. 15 E., B. M., and is in the Lot 11 of Section 11, T. 9 S., R. 15 E., B. M., County of Gooding

5. Water is to be used for Irrigation and domestic use

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

(a) Point of use of water: feet distant from corner of Section T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B. M., in the of Section , T. , R. , B. M.

7. Estimated cost of works: \$1500.00

8. Kind of works: Canal and pipe lines

9. Height of dam feet; length of dam at top feet; length of dam at bottom feet; material used in dam:

10. Size of headgate: Width two feet; height two feet.

11. Ditch: Width at bottom one feet; width at water line two feet; depth of water one feet; dimensions of flume:

Diameter of pipe one inches; length of conduit three-fourths miles.

Average grade per mile two feet.

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

13. The time required for the complete application of the water to the proposed use is two 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: The lands were irrigated in past years by Judge Mays, the Patentee, of the lands. However, no license for water use has been found of record by the Fish and Game Department.

16. (a) Is reservoir to be used? 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.

STATE OF IDAHO, Department of Fish and / Game *Applicant.*

By ROSS LEONARD
Director

~~Agent~~

Date of first receipt at Department of Reclamation: 8:00 A.M. October 23, 1956

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 26586

Recorded in Book 94 Page 26586 Approved Oct. 25, 1956

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 December 25, 1956 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 April 25, 1959

The whole of said work to be completed on or before October 25, 1961

Beneficial use of water appropriated in accordance herewith, to be made on or before October 25, 1963

WITNESS My hand this 25th day of October, 1956

MARK R. KULP
State Reclamation Engineer.

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

and JAS. H. YOUNG, 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 25th

day of October, 19 56.

STATE OF IDAHO

Countersigned:

(SEAL)

By ROBERT E. SMYLIE

By JAS. H. YOUNG

Governor.

Secretary of State.

REMARKS: Waters of Niagara Springs at its east spring would be conveyed easterly by canal and pipe line, where needed, to its places of use. A pipe line would also be installed for convenience in domestic use of the waters.

14.

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	
9 S.	15 E.	11	X	X			X	X	X	X								55	
AFFIDAVIT OF PERMISSION TO FILE ON SPRINGS																			
I, Ross Leonard, acting for and in behalf of the State of Idaho, Department of Fish and Game, state of Idaho, do hereby certify that the Dept. of Fish and Game is the licensee of the land on which the spring mentioned in the application is located, to-wit: Niagara Springs, East 427 feet of Lots 1 & 9, Sec. 10, and Lots 3 & 11, Sec. 11, T. 9 S., R. 15 E., B.M.																			
STATE OF IDAHO County of Ada			) ss.			ROSS LEONARD Ross Leonard, Director IDAHO DEPARTMENT OF FISH AND GAME													
On this _____ day of _____, 195____, before me, a Notary Public for the State of Idaho, residing at Boise, Idaho, personally appeared ROSS LEONARD known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that he executed the same.																			
Witness my hand and seal, the day and year in this certificate first above written.																			
My commission expires _____																			
_____ Notary Public																			

Permit No. 26586 ←
CERTIFICATE OF COMPLETION OF WORKS

✓
TO ALL WHOM IT MAY CONCERN:

This is to certify that ROSS LEONARD, Acting for and in behalf of the State of Idaho, for the use and benefit of the DEPARTMENT OF FISH AND GAME of Boise, County of Ada, and State of Idaho, the holder of Permit No. 26586, issued upon Application No. 34498, bearing date of priority of October 23, 1956, authorizing the diversion of 3.0 second feet of waters of Niagara Springs, County of Gooding, State of Idaho, for irrigation 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 .80 second feet of the waters of Niagara Springs, tributary to the Snake River; that the point of diversion of said waters Lot 3, Section 11, T. 9 S., R. 15 E., B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

45 acres in Lots 3, 10 and 11, Section 11, T. 9 S., R. 15 E., B. M.

Witness my hand this 23rd day of July A. D., 1962

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made: October 9, 1961

LICENSE ISSUED FOR 80 SEC. FT.
page 7347

* For informational purposes

RE: 36-2680
36-2711 ✓
36-2704
36-4032
36-4020
36-7167

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Requiring)
Measuring Devices on Diversions)
of Water From Niagara Springs and)
Niagara Springs Creek)
_____)

ORDER

The Director of IDWR makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. The public has demonstrated a concern as to the depletion of flows in Niagara Springs and Niagara Springs Creek. The department has been requested by concerned right holders and citizens to determine rates of diversion from the stream, and a petition has been received requesting the department to require measuring devices. Department staff has been unable to obtain accurate measurements of the rates of flow at all diversions.

2. There are six (6) existing diversions from Niagara Springs (the springs) and Niagara Springs Creek (the creek).

3. Not all of the diversions from the springs and creek presently have adequate measuring devices.

4. Diversion rights on the springs and creek consist of licenses and beneficial use claims.

5. The maximum permissible rates of diversion under the licensed rights are known and the uses under the claimed rights are well enough

defined to determine a maximum permissible rate of diversion.

CONCLUSIONS OF LAW

1. Section 42-602, Idaho Code, provides in relevant part:

It shall be the duty of the department of water resources to have immediate direction and control of the distribution of water from all of the streams to the canals and ditches diverting therefrom. The department must execute the laws relative to the distribution of water in accordance with rights of prior appropriation.

2. Section 42-701, Idaho Code, provides in relevant part:

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3. The Director of IDWR has the authority and duty to order the installation and maintenance of measuring devices for diversions from Niagara Springs and Niagara Springs Creek. The Director has the authority on his own motion to initiate a proceeding to require measuring devices.

4. There is a need for installation of measuring devices to properly determine the amount of water diverted from Niagara Springs and Niagara Springs Creek, and to insure that water is diverted in accordance with rights of prior appropriation.

ORDER

THEREFORE, THE DIRECTOR ON HIS OWN MOTION PURSUANT TO SECTIONS 42-602 AND 42-701, IDAHO CODE, HEREBY ORDERS THAT:

1. Each holder of a water right for diversion of water from Niagara Springs or Niagara Springs Creek shall install and maintain at

*
the point(s) of diversion a measuring device with provision for continuously recording and monitoring the diverted flows in a manner acceptable to IDWR. The Director may waive this requirement upon written request and his determination that the diversion capacity has a significant effect on stream flow.

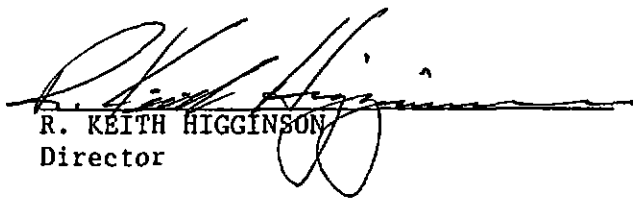
2. The installation shall also be readily accessible to IDWR personnel.

3. The water right holder shall provide to IDWR a description of the device to be installed and plans for its construction for review and approval prior to the start of construction.

4. All diversion rate data collected shall be submitted to the department within 30 days of collection or as otherwise requested by the Director.

IT IS FURTHER hereby ORDERED that the measuring devices be installed and operable by May 1, 1988.

Dated this 7th day of April, 1988.


R. KEITH HIGGINSON
Director

April 6, 1988

138489
CERTIFIED MAIL

Robert O'Connor, Chairman
Idaho Power Company
P. O. Box 70
Boise, ID 83707

Dear Mr. O'Connor:

RE: MEASURING DEVICE INSTALLATION ORDER - NIAGARA SPRINGS AND
NIAGARA SPRINGS CREEK

Enclosed is an order which requires the installation and maintenance of a measuring device for each diversion from Niagara Springs and Niagara Springs Creek. Requests for a waiver of this requirement will be considered upon receipt of written request if the capacity of the diversion creates an insufficient effect on stream flows.

Please note the measuring device is to be installed and operable on or before May 1, 1988. The department has information available upon request relative to typical types of measuring devices which are acceptable. Department approval of the device and installation plans is required prior to beginning construction.

You have the right to an administrative hearing and judicial review of this order under the provisions of Sec. 42-1701A, Idaho Code. Any request for hearing must be received by the department in writing within 21 days after receipt of this order.

If you have questions relative to specific location of the measuring device, please feel free to contact our Southern Regional office in Twin Falls (phone 734-3578).

Sincerely,

NORMAN C. YOUNG
Administrator, Resources Administration Division

c: S. Region
Robert Stahman
Steve Goddard
Rinda Ray Just
William Ringert

April 6, 1988

138490
CERTIFIED MAIL

Jerry Conley
Idaho Dept. of Fish and Game
600 S. Walnut
Boise, ID 83707

Dear Mr. Conley:

RE: MEASURING DEVICE INSTALLATION ORDER - NIAGARA SPRINGS AND
NIAGARA SPRINGS CREEK

Enclosed is an order which requires the installation and maintenance of a measuring device for each diversion from Niagara Springs and Niagara Springs Creek. Requests for a waiver of this requirement will be considered upon receipt of written request if the capacity of the diversion creates an insufficient effect on stream flows.

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Sincerely,

NORMAN C. YOUNG
Administrator, Resources Administration Division

c: S. Region
Robert Stahman
Steve Goddard
Rinda Ray Just
William Ringert

April 6, 1988

138491
CERTIFIED MAIL

Earl Hardy
Rim View Trout Co.
1301 Vista Avenue
Boise, ID 83705

Dear Mr. Hardy:

RE: MEASURING DEVICE INSTALLATION ORDER - NIAGARA SPRINGS AND
NIAGARA SPRINGS CREEK

Enclosed is an order which requires the installation and maintenance of a measuring device for each diversion from Niagara Springs and Niagara Springs Creek. Requests for a waiver of this requirement will be considered upon receipt of written request if the capacity of the diversion creates an insufficient effect on stream flows.

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Sincerely,

NORMAN C. YOUNG
Administrator, Resources Administration Division

c: S. Region
Robert Stahman
Steve Goddard
Rinda Ray Just
William Ringert

Ringert, Clark, Harrington, Reid, Christenson & Kaufman

CHARTERED
LAWYERS

WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JAMES G. REID
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN
MICHAEL J. GAFFNEY
LAURA E. BURRI
LEA C. ADAMS

SAMUEL KAUFMAN (1921-1988)

599 WEST BANNOCK STREET
P.O. BOX 2773
BOISE, IDAHO 83701
TELEPHONE (208) 342-4591

APR 01 1988

March 31, 1988

Department of Water Resources

Mr. Stephen V. Goddard
Deputy Attorney General
Idaho Department of Fish & Game
600 South Walnut, P. O. Box 25
Boise, ID 83707

Ms. Rinda Ray Just
Deputy Attorney General
Idaho Department of Parks
and Recreation
Statehouse Mail
Boise, ID 83720

Re: Petition for Installation and Maintenance
of Measuring Devices on Niagra Springs Creek

Dear Mr. Goddard and Ms. Just:

A copy of your joint Petition for Installation of Measuring Devices, directed to the Idaho Department of Water Resources, was received in my office on March 17, 1988. Since the mailing list did not name Rim View Trout Company, I assume that the mailing was intended to effect service on Rim View Trout Company through me, as its attorney.

I have not been authorized to accept service on behalf of Rim View Trout Company in this matter. If you want me to request such authorization, I will be glad to do so.

Please advise.

Yours very truly,



W. F. Ringert

WFR:am

cc: R. Keith Higginson✓
Rim View Trout Company

JIM JONES
ATTORNEY GENERAL
STATE OF IDAHO

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

STEPHEN V. GODDARD
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut, P.O. Box 25
Boise, ID 83707
Telephone (208) 334-3715

RINDA RAY JUST
Deputy Attorney General
Idaho Department of Parks and Recreation
STATEHOUSE MAIL
Boise, ID 83720
Telephone (208) 334-2154

Attorneys for Petitioners

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IDAHO DEPARTMENT	)	
OF PARKS AND RECREATION	)	PETITION FOR INSTALLATION
AND IDAHO DEPARTMENT	)	AND MAINTENCE OF MEASURING
OF FISH AND GAME,	)	DEVICES
	)	
Petitioners	)	SOURCE: NIAGRA SPRINGS
	)	COUNTY: GOODING

Come now the petitioners herein, the Idaho Department of Fish and Game (Fish and Game) and the Idaho Department of Parks and Recreation (Parks) and request that the director of the department of water resources (IDWR) exercise the authority granted the department in Idaho Code §42-701 to require appropriators of water from Niagra Springs and Niagra Springs Creek to locate, install, and maintain such suitable measuring devices and regulating works as are determined by IDWR engineers to be necessary to assure proper distribution of the waters of Niagra Springs.

PETITION - Page 1 of 3

RECEIVED
MAR 17 1988

Department of Water Resources
Department of Water Resources

Idaho Code §42-701 provides in relevant part:

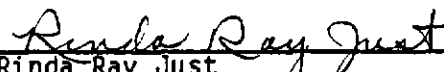
The appropriators or users of any public waters of the state of Idaho shall... construct and maintain, when required by the department, a rating flume or other measuring device at such point as is most practical in such canal or ditch for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said ditch from the stream.

This request is based on evidence contained in the record in the case of In The Matter of Application For Permit To Appropriate Water No. 36-7200. Flow records submitted into the record in that proceeding suggest two things: First, that record keeping by some appropriators is non-existent, or sporadic, or when available, unverifiable; and second, that over-appropriation is not uncommon.

The Idaho Department of Parks and Recreation is holder of permit no. 36-7200 for all unappropriated water up to 264 cfs. in Niagra Springs and Niagra Springs Creek from the headwaters of the spring to and including the lowermost Idaho Power Company diversion. Memorandum Decision and Order on Rehearing, p. 24, January 29, 1988. Parks can only receive its permitted water if prior upstream appropriators do not over-appropriate. Since only one of the several upstream appropriators (Idaho Power Company) currently maintains a verifiable measuring device on its diversion, Parks has no way of knowing if it is receiving the water to which it is entitled. Parks will never be able to determine if it is receiving the water to which it is entitled until appropriate measuring devices are placed on the existing diversions in easily accessible locations and until readings are taken on a regular basis. Both the obligation and authority to assure the distribution of waters from Niagra Springs in accordance with rights of prior appropriation rest with the department of water resources. Idaho Code §42-602, 42-701.

Petitioners respectfully request that the director of the department assume the obligations imposed upon him by statute by ordering the location, installation, and maintenance of such suitable measuring devices and regulating works as are determined by IDWR engineers to be necessary to assure proper distribution of the waters of Niagra Springs.

DATED this 14th day of March, 1988.


Rinda Ray Just
Deputy Attorney General
Idaho Department of
Parks and Recreation


Stephen V. Goddard
Deputy Attorney General
Idaho Department of
Fish and Game

CERTIFICATE OF MAILING

I hereby certify that I served true and correct copies of the following document on the persons listed below by mailing in the U.S. mail, first class, with correct postage affixed thereto on this 16th day of March, 1988.

DOCUMENT SERVED: PETITION FOR INSTALLATION OF MEASURING DEVICES

PERSONS SERVED:

Robert Stahman
Idaho Power Co.
P.O. Box 70
Boise, Idaho 83707

William F. Ringert
P.O. Box 2773
Boise, Idaho 83704

Steve Goddard
Idaho Dept. of Fish and Game
P.O. Box 25
Boise, ID 83707

A. Lynne Krogh-Hampe
Deputy Attorney General
Idaho Department of Water
Resources
Statehouse Mail
Boise, ID 83720

Rinda Ray Just
Deputy Attorney General

WATER RIGHT NUMBER 36-2711

OWNER LAST NAME - STATE OF IDAHO FIRST NAME - ORIG OWNER -
ADDRESS LINE 1 - DEPT. OF FISH & GAME ADDRESS LINE 2 - BOX 25
ADDRESS LINE 3 - CITY - BOISE STATE - ID ZIP CODE - 83720
SOURCE - NIAGARA SPRINGS TRIBUTARY OF - SNAKE RIVER
STAGE - LICENSE STATUS - PRIORITY - 10-23-1956 COUNTY - GOODING TOTAL DIV. RATE - .8000 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - NWNW 11 09S 15E LOT 03 REDIV - 272.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 599.0
FROM - TO - USE - IRRIGATION USE DIV. RATE - .8000 CFS USE DIV. VOLUME - .00 AFA
FROM - TO - USE - DOMESTIC USE DIV. RATE - .0000 CFS USE DIV. VOLUME - .00 AFA
USE - IRRIGATION PLACE OF USE - TWN 09S RNG 15E SEC 11 TRACT NWNW LOT 03 AC TRACT NENW LOT 10 AC
TRACT SWNW LOT 11 AC
DEGREE NAME - DATE - TOTAL ACRES 0
REMARKS - AC. IRR. = 45.
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLD NO. - 26586
PROOF MADE - FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS -

IDENT. NO. 36-2711

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

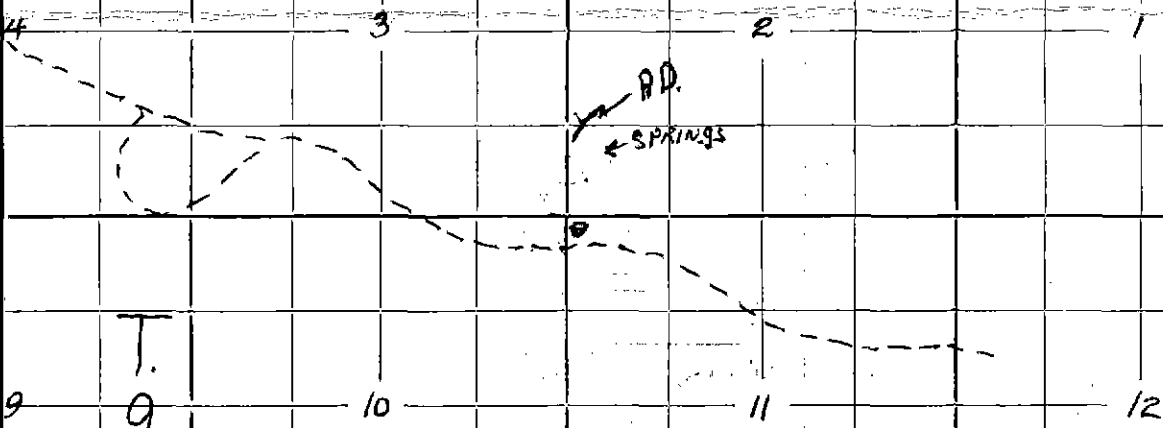
PERMIT NO. m 26586

REPORT ON PROOF OF Completion of Works & Beneficial Use

Ross Leonard, Director, Idaho Department of Fish & Game
518 Front Street, Boise, Idaho

TO WENDELL

R-15E.



T.
9
S.

Subdivisions

area

acres

Q 80 CFS OR 40 inches

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 26586

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

1. Name of applicant Idaho State Department of Fish and Game

2. Source of water supply: Niagara Springs

3. Location of point of diversion: Is in the _____ Lot 3 of Section 11

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

4. Describe works as they exist, giving dimensions and capacities of same: 500' of 6" main line to the park, gravity forced water through a sprinkler system

5. Water is used for: irrigation and domestic

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):

55 acres in W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ Sec. 11., Twp. 9 S., Rge. 15 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?

Remarks: Mr Terry Gates along

measurement was made by taking pressure readings along each lateral 3 lines 43 nozzles size 3/4
also an additional 10" for a overflow into open ditch

This examination was made on the _____ day of July, 1962

(Signed) Ron Heberger Examiner.

26586

Ross Leonard, Director, Idaho Dep't. Fish & Game
518 Front Street, Boise, Idaho

Permit No. 26586

Examination for Completion of Works & Beneficial Use

County Gooding

Sec. 11 T. 9 S. R. 15 E. B.M.

Quantity:

Source:

P.D.:

Use:

Filed:

Due:

Extension:

Completion of Works:

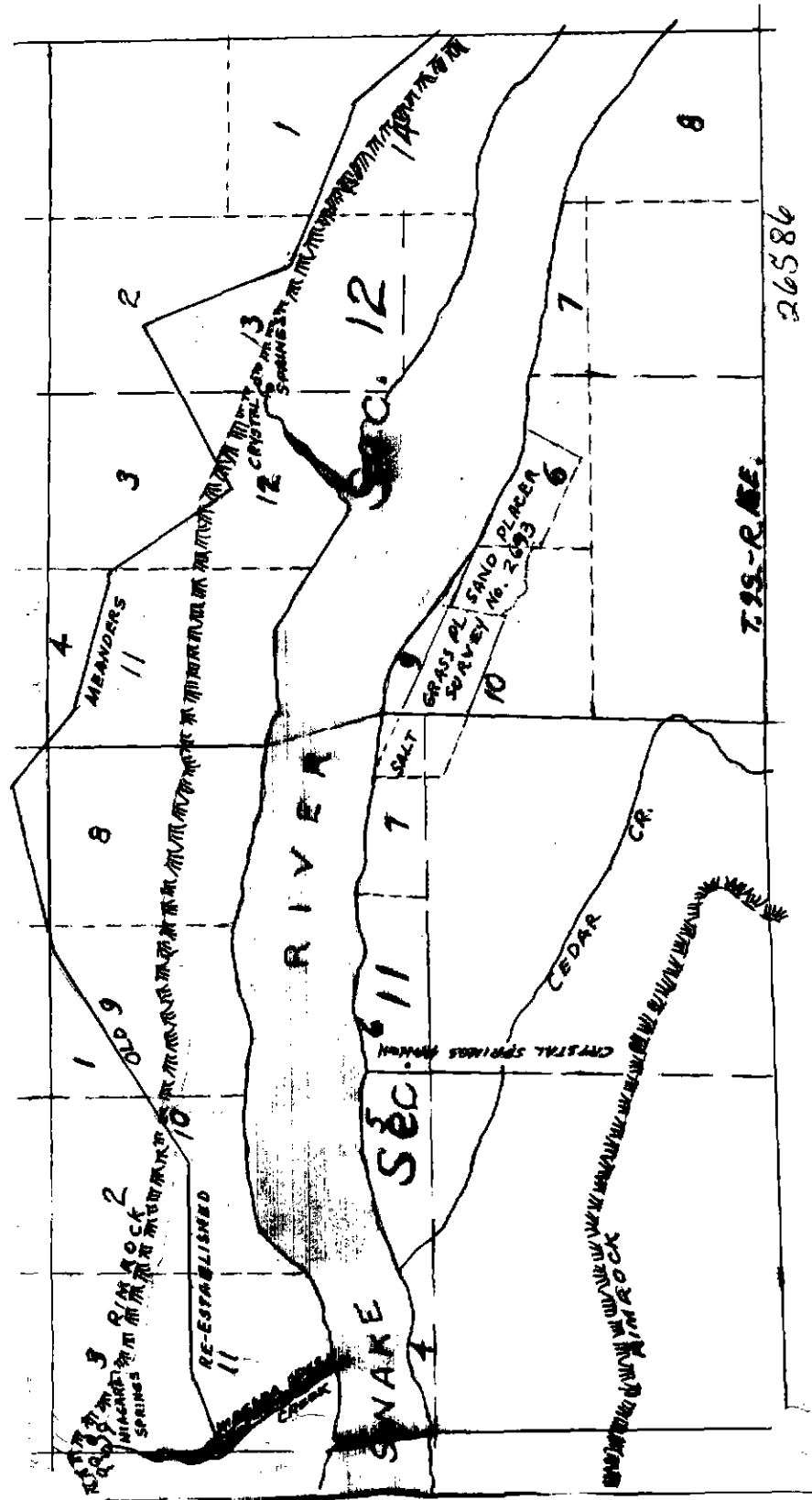
Other Rights:

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.

RECEIVED
JUL 16 1932

Department of Reclamation



July 23, 1962

Re: Permit No. 26586

Idaho Dept. of Fish and Game
BUILDING

Gentlemen:

Enclosed is Certificate of Completion of Works and
License and Certificate of Water Right issued on Permit No.
26586.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Kule
Chief Clerk

MR:ew

Enc. certificates (2)

26586

There is about 45 acres
under the sprinkler system

26586

MS

32

45

1284444

41

112

44 (191)

26586

33.10

15

178

31.1

30

October 12, 1961

Re: Permit No. 26586

Ross Leonard, Director
Department of Fish and Game
518 Front Street
Boise, Idaho

Dear Mr. Leonard:

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. 26586.

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 and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

26586

RECEIVED
OCT 10 1961

STATE OF IDAHO Department of Reclamation

ROBERT E. SMYLLIE
GOVERNOR

COMMISSION
GLENN STANGER IDAHO FALLS
R. J. HOLMES TWIN FALLS
ARLIE JOHNSON BOISE
TOM FELTON MOSCOW
FRANK CULLEN COEUR D'ALENE

ROSS LEONARD
DIRECTOR

Department of Fish and Game

October 9, 1961

Permit No. 26586
Niagara Springs

Mr. Geo. N. Carter
State Reclamation Engineer
State House
Boise, Idaho

Dear Sir:

Enclosed herewith are deposition of holder and depositions of witnesses in proof of application of water to beneficial use and completion of works, pertaining to the Department of Fish and Game's application for water license, Permit No. 26586.

Very truly yours,

Ross Leonard
Ross Leonard, Director

Enclosures



26586

AFFIDAVIT OF PUBLICATION

RECEIVED

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

NOTICE is hereby given that at 10:00 a.m., on the 1st day of October, 1961, at the Boise, Idaho, County of Gooding, Idaho, before T. D. Bladen, Notary Public, at 512 Front Street, Boise, Idaho, present and submitted to the completion of works for the diversion of 3.0 cubic feet per second of the waters of Niagara Spring, and of the application to beneficial use of said water, in accordance with permit No. 26586 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: State of Idaho, Department of Fish and Game, Boise, 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 3.0 cubic feet per second.
3. The use to which said water has been applied is for irrigation and domestic use purposes, and the amount applied to beneficial use is 3.0 cubic feet per second.
4. The point of diversion of said water is S.22° East a distance of 350 feet from the northwest corner of Sec. 11, T. 9 S., R. 15 E., B.M., and is in Lot 3 of Sec. 11, T. 9 S., R. 15 E., B.M.
5. The place where said water is used is Lots 3, 10 and 11 of Sec. 11, T. 9 S., R. 15 E., B.M. Total 40 acres.
6. The date of priority which said user is prepared to establish is October 25, 1956.

Geo. N. Carter
State Reclamation Engineer

45-48

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 five consecutive weeks. The first publication having been made on the 7th day of Sept, 1961, and the last publication having been made on the 28th day of Sept, 1961 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

1st day of October, 1961

Leland G. Burress

Notary Public

26586

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 10 1967

Department of Reclamation

Permit No. 26586

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.

Ans. Ross Leonard, 518 Front St., Boise, acting for and in behalf of the Idaho
Department of Fish and Game, as its Director.

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

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 26586 dated October 25, 1956. The Department proposes to establish
priority date of October 23, 1956.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Source of water is Niagara Springs. The point of diversion is S. 22° E. a distance
of 350 feet from the northwest corner of Section 11, Township 9 South, Range 15 East,
Boise Meridian, and is in Lot 3 of said Section 11.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. A concrete collection box, 1000 feet of 6-inch pipe and 1200 feet of 4-inch
sprinkler pipe with 20 nozzles. Operating head is 150 feet of drop within the 1000 feet
of 6-inch pipe and also an open ditch one foot wide at bottom, 2 feet wide at water level.
The works are capable of conducting 3 c.f.s. of water to its place of use.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation and domestic uses. Lands are irrigated in
Lots 3, 10, and 11, Sec. 11, T. 9S., R. 15E. Approximately 55 acres are
irrigated.

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

Ans. _____

26586

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Domestic use by the public

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 0.05 c.f.s.

Ques. 9. 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.

Ans.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Waters were diverted in August of 1960 in the amount of 3 c.f.s. by gravity flowthrough the above designated pipeline and sprinkling system.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None

STATE OF IDAHO, Dept. of Fish and Game

(Sign) By

Ross Leonard, Director

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 Boise, County of Ada

State of Idaho, on this 9th day of October, A. D. 1961

My commission expires Nov. 21, 1964

26586

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 10 1936
Department of Reclamation

PERMIT NO. 26586

Proof of Application of Water to Beneficial Use
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.

Ans. Vernon B. Rich, of legal aged, employed by Department of Fish and Game,
518 Front Street, Boise, Idaho.

Ques. 2. Are you acquainted with Ross Leonard, the
holder of Permit No. 26586? How long have you known him and where does
he reside?

Ans. I have known him for longer than 8 years. He resides in Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 26586, and are you
familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for
conveying water from point of diversion to place of use.

Ans. Water source is Niagara Springs. Point of diversion is South 22° East a
distance of 350 feet from the northwest corner of Sec. 11, T. 9 S., R. 15 E., B.M.
Water flows through a concrete collection box into 1000 feet of 6-inch pipe and is
distributed through 1200 feet of 4-inch sprinkler pipe and also through an open ditch.

Ques. 5. How many second feet of water do you estimate said works will safely
conduct to place of use, and how much water have you seen being so conveyed?

Ans. The works will conduct 3 c.f.s. of water to its place of use and I have
seen such water being so conveyed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation,
give each subdivision in which water has been used and number of acres irrigated in
each subdivision.) State whether cultivated or natural meadow land and the nature
of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation and domestic use. Lands are irrigated in
Lots 3, 10, and 11, Sec. 11, T. 9 S., R. 15 E., B.M. Approximately 55 acres are
irrigated.

26586

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

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.

Ans. The land reclaimed is a sandy soil and will require approximately 1 to 2 inches of water per acre for profitable cultivation.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. In July, 1961, I observed water in the amount of 3 c.f.s. being distributed through these works to its place of use.

(Signed)

Vernon B. Rich

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 Boise, County of Ada, State of Idaho, on this 9th day of October, A. D. 1961.

W. D. Siladuan

Notary Public.

My commission expires November 21, 1964.

26586

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
OCT 10 1961

Department of Reclamation

PERMIT NO. 26586

Proof of Application of Water to Beneficial Use
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.

Ans. I.E. (Ivols) Sies, of legal age, employed by Department of Fish and Game,
518 Front Street, Boise, Idaho.

Ques. 2. Are you acquainted with Ross Leonard, the holder of Permit No. 26586? How long have you known him and where does he reside?

Ans. I have known him for longer than 8 years. He resides in Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 26586, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Water source is Niagara Springs. Point of diversion is South 22° East a
distance of 350 feet from the northwest corner of Sec. 11, T. 9 S., R. 15 E., B.M.
Water flows through a concrete collection box into 1000 feet of 6-inch pipe and is
distributed through 1200 feet of 4-inch sprinkler pipe and also through an open ditch.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. The works will conduct 3 c.f.s. of water to its place of use and I have
observed such water being so conveyed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation and domestic uses. Lands are irrigated in
Lots 3, 10, and 11, Sec. 11, T. 9 S., R. 15 E., B.M. Approximately 55 acres are
irrigated.

26586

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

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.

Ans. The land reclaimed is a sandy soil and will require approximately 1 to 2
inches of water per acre for profitable cultivation.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. In July, 1961, I observed water in the amount of 3 c.f.s. being distributed
through these works to its place of use.

TE Liro
(Signed)

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 Boise,
County of Ada, State of Idaho, on this 9th day of October,
A. D. 1961.

TR Siladuan

Notary Public.

My commission expires Nov. 21, 1964.

26586

September 5, 1961

Re: Permit No. 26586
Idaho Dept. of Fish and Game

Gooding Leader
Gooding, Idaho

Gentlemen:

Enclosed is a copy of the Notice of Proof of Completion of Works and Application of Water to Beneficial Use, which should have been published in your newspaper on August 17th.

We called the Fish and Game Department and they requested that the proofs be made on October 9, 1961, which gives your paper sufficient time to publish for the four weeks, prior to that date.

Please mail us a copy of the first publication, as soon as possible after it is published.

Very truly yours,

GEO. M. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. publication notice

26586

THE GOODING LEADER

Printing - Publishing

RECEIVED

SEP 5 1961

Department of Reclamation

WEST 4-4911

P. O. BOX 56 • GOODING, IDAHO

Sept. 1, 1961

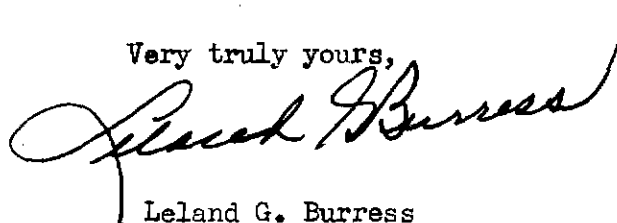
Re: Permit No 26586
Idaho Dept. of Fish and Game

Ralph W. Thomas
Deputy State Reclamation Engineer
State of Idaho Dept. of Reclamation
Statehouse
Boise, Idaho

Dear Mr. Thomas:

To our knowledge we have never received a legal notice relative to Permit No. 26586. We check the Department of Reclamation mail very closely. We are most interested in legal advertising and make every effort to see that no mistakes are made. If we receive a copy of this legal before noon Wednesday, Sept. 6th we will make sure it appears in the Sept. 7th issue of the LEADER.

Very truly yours,



Leland G. Burress
Publisher
The Gooding LEADER
Gooding, Idaho

26586

August 30, 1961

Re: Permit No. 26586
Idaho Dept. of Fish and Game

The Gooding Leader
Gooding, Idaho

Gentlemen:

On August 14th a Notice for Publication was mailed to your paper for publication, to be published four weeks prior to September 11, 1961, the date set for proof.

On August 28th, we wrote asking for a tear sheet or copy for checking purposes and received the paper, with a notice for the Bureau of Highways marked, but we could find no publication on the above numbered permit for the Fish and Game Department. This notice should be in the August 17th edition in order for the four publications to be made prior to September 11th.

Please let us hear from you in this matter.

The proof of the Highway Department is being forwarded to them.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

26586

August 28, 1961

Re: Permit No. 26586
State of Idaho Dept. of Fish and Game

The Gooding Leader
Gooding, Idaho

Gentlemen:

On August 14th, we mailed you a Notice for Publication requesting a tear sheet or copy of the first publication, for proofing purposes.

To date we have not received such copy and ask that one be mailed into this office as soon as possible.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rula
Chief Clerk

RT:EPR
ew

26586

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

August 14, 1961

Re: Permit No. 26586

DEPOSITIONS ARE OF NO VALUE

UNLESS AFFIDAVIT OF PUBLICATION

IS ATTACHED

State of Idaho,
Department of Fish and Game,
518 Front St.,
Boise, Idaho.

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 26586. The proofs are to be made at 10:00 o'clock A.M., on the 11th day of September, 1961 ~~1959~~ before E. D. Biladeau, 518 Front St., Boise, Idaho, Notary Public.

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.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. 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, the 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,

GEO. N. CARTER
State Reclamation Engineer

By:

~~Edna P. Carter~~
Edna P. Carter
Chief Clerk

Encl.

EPH:
cc: Notary

26586

Please disregard this Form as the Engineer's inspection will take care of the completion of works.

Edna
8/14/61

26586

Permit No. 16586STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada

SS.

~~Ross Leonard, acting for and in~~ ^{behalf of the Idaho Department of Fish and Game} being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 26586, and that his postoffice address is 518 Front Street, Boise, State of IdahoSecond: That the name of the stream from which said water is to be diverted is Niagara SpringsThird: That the point of diversion of said water is S. 22° E. a distance of 350 feet from the northwest corner of Sec. 11, T. 9 S., R. 15 E., B.M., and is in Lot 3 of said Section 11.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by October 25, 1961Fifth: That the use for which said water is intended is for irrigation and domestic uses.Sixth: That on the date above mentioned, the works constructed under said permit were ~~(or)~~ were not fully completed and consisted of the following:I. Kind of Works: A pipeline and open canal

(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work:

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir acre feet.(c) Size of headgate: Width 2 feet, height 2 feet.(d) Conduit Canal width at bottom one feet, width at water line 2

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water one feet; diameter of pipe 6 1/2 inches, ^{reduced to 4"} average grade per mile is 250 feet. Length of conduit is 2200 ft. ~~miles~~Seventh: That said works are capable of conducting to the place of intended use 3.0 cubic second feet of water.Eighth: That water appropriated under said permit is available for 40 acres of land described as follows: Lots 3, 10, and 11, Sec. 11, T. 9 S., R. 15 E., B.M.Ninth: Remarks:—That

STATE OF IDAHO, Department of Fish and Game

By Ross Leonard (SIGN HERE)

Director

Subscribed and sworn to before me this 9th day of August, 1961

NOTARY PUBLIC

My commission expires Nov. 21, 1964

Permit No. 2 6586 ✓STATE OF IDAHO
Department of ReclamationRECEIVED
AUG 11 1961

Proof of Completion of Works

Department of Reclamation

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada }

ss.

Ross Leonard, acting for and in behalf of the Idaho Department of Fish and Game, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 26586, and that his postoffice address is 518 Front Street, Boise, Idaho.

Second: That the name of the stream from which said water is to be diverted is _____

✓ Niagara SpringsThird: That the point of diversion of said water is S. 22° E. a distance of 350 feet from the northwest corner of Sec. 11, T. 9 S., R. 15 E., B.M., and is in Lot 3 of said Section 11.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by October 25, 1961.Fifth: That the use for which said water is intended is for irrigation and domestic uses.Sixth: That on the date above mentioned, the works constructed under said permit were ~~(are)~~ fully completed and consisted of the following:✓ I. Kind of Works: A pipeline and open canal

(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work: _____

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir _____ acre feet.

✓ (c) Size of headgate: Width 2 feet, height 2 feet.(d) Conduit Canal width at bottom one feet, width at water line 2

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water one feet; diameter of pipe 6" reduced to 4" inches, average grade per mile is 250 feet. Length of conduit is 2200 ft. miles.

Seventh: That said works are capable of conducting to the place of intended use _____

✓ 3.0 cubic second feet of water.Eighth: That water appropriated under said permit is available for 40 acres of land described as follows: Lots 3, 10, and 11, Sec. 11, T. 9 S., R. 15 E., B.M.

Ninth: Remarks:—That _____

STATE OF IDAHO, Department of Fish and Game
By Ross Leonard Director
Ross Leonard, (SIGN HERE)Subscribed and sworn to before me this 9th day of August, 1961

NOTARY PUBLIC

My commission expires Nov. 21, 1964

26586

1200 .
6-28-61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. 26586
State of Idaho
Department of Fish and Game

Date: August 14, 1961

The Gooding Leader,
Gooding, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **September 11, 1961** the date set for proof;

the expense of the publication is to be paid by the applicant

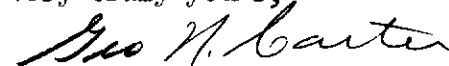
State of Idaho,
Department of Fish and Game

of 518 Front St., Boise, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication.**

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

26586

RECEIVED
AUG 11 1961

STATE OF IDAHO Department of Reclamation

ROBERT E. SMYLLIE
GOVERNOR

COMMISSION
GLENN STANGER IDAHO FALLS
R. J. HOLMES TWIN FALLS
ARLIE JOHNSON BOISE
TOM FELTON MOSCOW
FRANK CULLEN COEUR D'ALENE

ROSS LEONARD
DIRECTOR

Department of Fish and Game

August 9, 1961

Niagara Spring
Permit No. 26586

Geo. N. Carter
State Reclamation Engineer
State House
Boise, Idaho

Dear Sir:

Enclosed herewith in duplicate are affidavit of holder in proof of completion of works and notice of proof of completion of works and application of water to beneficial use, as well as authorization to have the notice of proof published in the Gooding Leader.

Very truly yours,

Ross Leonard
Ross Leonard
Director

Enclosures

26586



Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 9, 1961

(P. O.) 518 Front Street, Boise, 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.

STATE OF IDAHO, Department of Fish and Game

By

Ross Leonard
Ross Leonard, Director

(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.

Engineer.

26586

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

NOTICE is hereby given that at 10:00 A. M., on the 7 ^{October} ~~September~~ day of September 1961, at 518 Front Street, Boise, County of Ada, State of Idaho, before T. D. Biladeau, Notary Public, at (address) 518 Front Street, proof will be submitted of the completion of works for the diversion of 3.0 cubic feet per second of the waters of Niagara Spring, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 26586, 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: State of Idaho, Department of Fish and Game, Boise, 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 3.0 cubic feet per second.

3. The use to which said water has been applied is for irrigation and domestic use purposes, and the amount applied to beneficial use is 3.0 cubic feet per second.

4. The point of diversion of said water is S. 22° East a distance of 350 feet from the northwest corner of Sec. 11, T. 9 S., R. 15 E., B.M., and is in Lot 3 of Sec. 11, T. 9 S., R. 15 E.B.

5. The place where said water is used is Lots 3, 10, and 11 of Sec. 11, T. 9 S., R. 15 E.B.M.

Total 40 acres

6. The date of priority which said user is prepared to establish is October 25, 1956.

GEO. N. CARTER

State Reclamation Engineer

26586

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho

Aug. 1, 1961

Re: Permits No. ~~26585~~
26586

Idaho Dept. of Fish and Game
518 Front St.
Boise, Idaho

Dear Sir:

Under the terms of your permit No. ~~26585~~
26586 you are required to complete your diversion works on or before Oct. 25, 1961. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

GEO. N. CARTER

STATE RECLAMATION ENGINEER

Form 6 (2)

26586

November 13, 1956

RE: Permits Nos. 26585 and 26586

Idaho Department of Fish and Game
518 Front Street
Boise, Idaho

ATTENTION: Ross Leonard

Dear Mr. Leonard:

We enclose Permits Nos. 26585 and 26586 and direct attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Rshll
Enc.

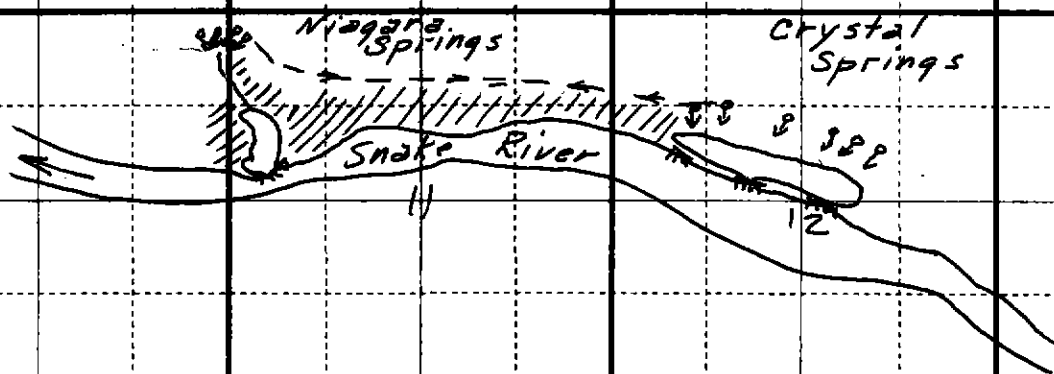
26586

NAME OF APPLICANT State of Idaho, Dept of Fish & Game

Form No. 0

T9S, R15E B M

N
↑
○
↓



LEGEND

||||| Proposed dams or dikes

○ Springs

—> Canals

||||| Irrigated lands

Permit Map No. 26586

As Approved

MARK R. KULP

State Reclamation Engineer

OCT 25 1956

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

NOTICE is hereby given that at 10:00 a.m., on the 9th day of October, 1961, at 518 Front Street, Boise, County of Ada, State of Idaho, before T. D. Biladeau, Notary Public, at 518 Front Street, Boise, Idaho, proof will be submitted of the completion of works for the diversion of 3.0 cubic feet per second of the waters of Niagara Spring, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 26586, 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: State of Idaho, Department of Fish and Game, Boise, 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 3.0 cubic feet per second.

3. The use to which said water has been applied is for irrigation and domestic use purposes, and the amount applied to beneficial use is 3.0 cubic feet per second.

4. The point of diversion of said water is S.22° East a distance of 350 feet from the northwest corner of Sec. 11, T. 9 S., R. 15 E., B.M., and is in Lot 3 of Sec. 11, T. 9 S., R. 15 E., B.M.

5. The place where said water is used is Lots 3, 10 and 11 of Sec. 11, T. 9 S., R. 15 E., B.M. Total 40 acres.

6. The date of priority which said user is prepared to establish is October 25, 1956.

Geo. N. Carter
State Reclamation Engineer