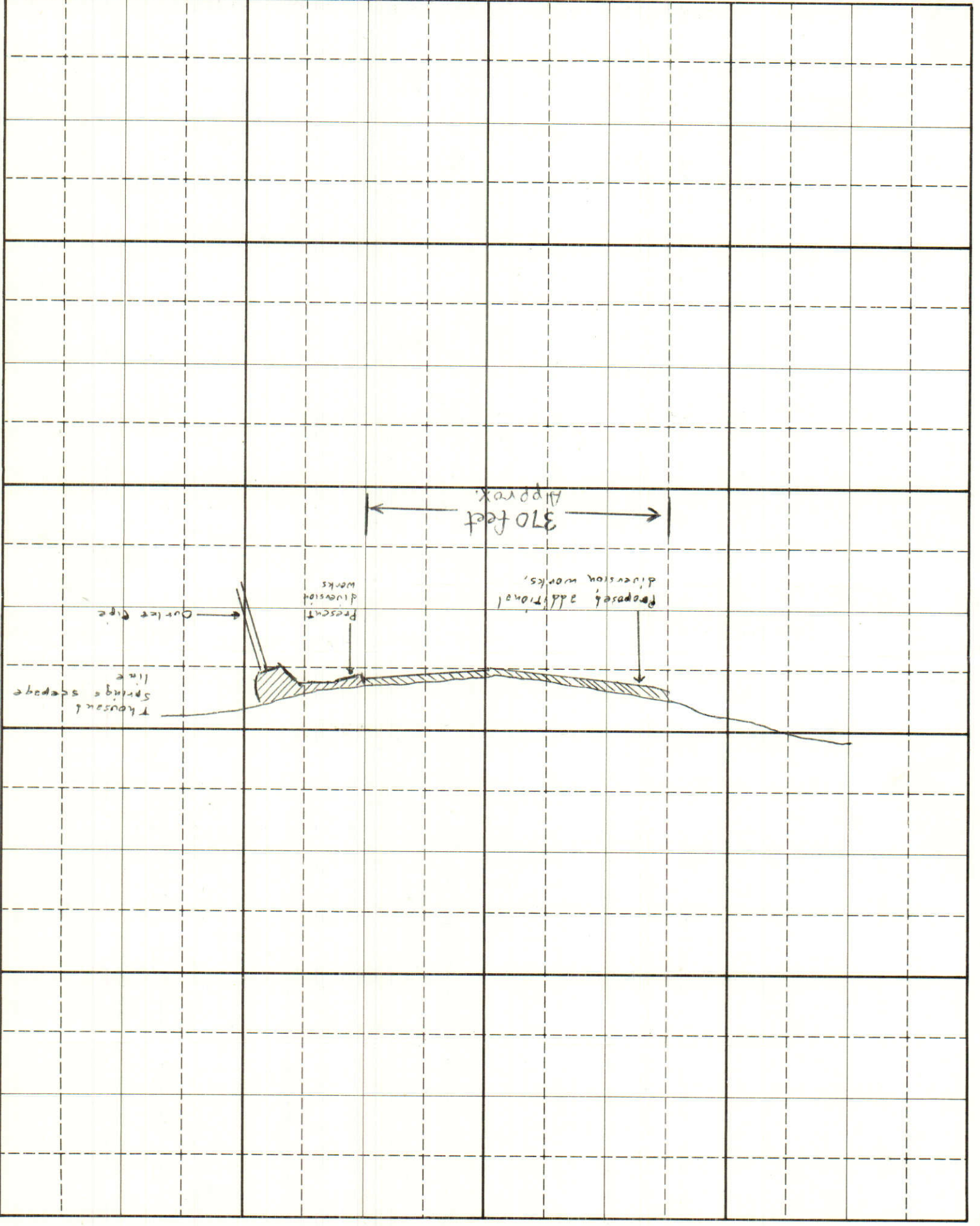
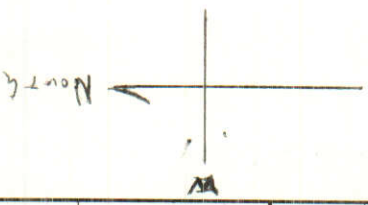


Michigan
JAN 19 1995

SCALE: 1/2" = 1 Mile. Draw Plan in Ink.



Michigan
JAN 19 1995

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT**

NO. 36-2703

Notice is hereby given that
Thousand Springs Trout
Farm, Inc., of P.O. Box 232,
Buhl, Idaho, has applied to
the Dept. of Water Admini-
stration for a change of the
point of diversion of the wa-
ters of Clear Springs, tribu-
tary to the Snake River. The
right sought to be changed
is evidenced by License No.
17850/36-2703 and is recorded
as follows:

Amount: 40 cfs

Priority: 11/23/1933

Point of diversion: Lot 5,
Sec. 2, Twp. 9S, Rge. 14E,
B.M., Gooding County.

The water is used for fish
hatchery purposes within the
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, Twp. 9S,
Rge. 14E, B.M. from January
1 to December 31.

**TO BE CHANGED AS
FOLLOWS**

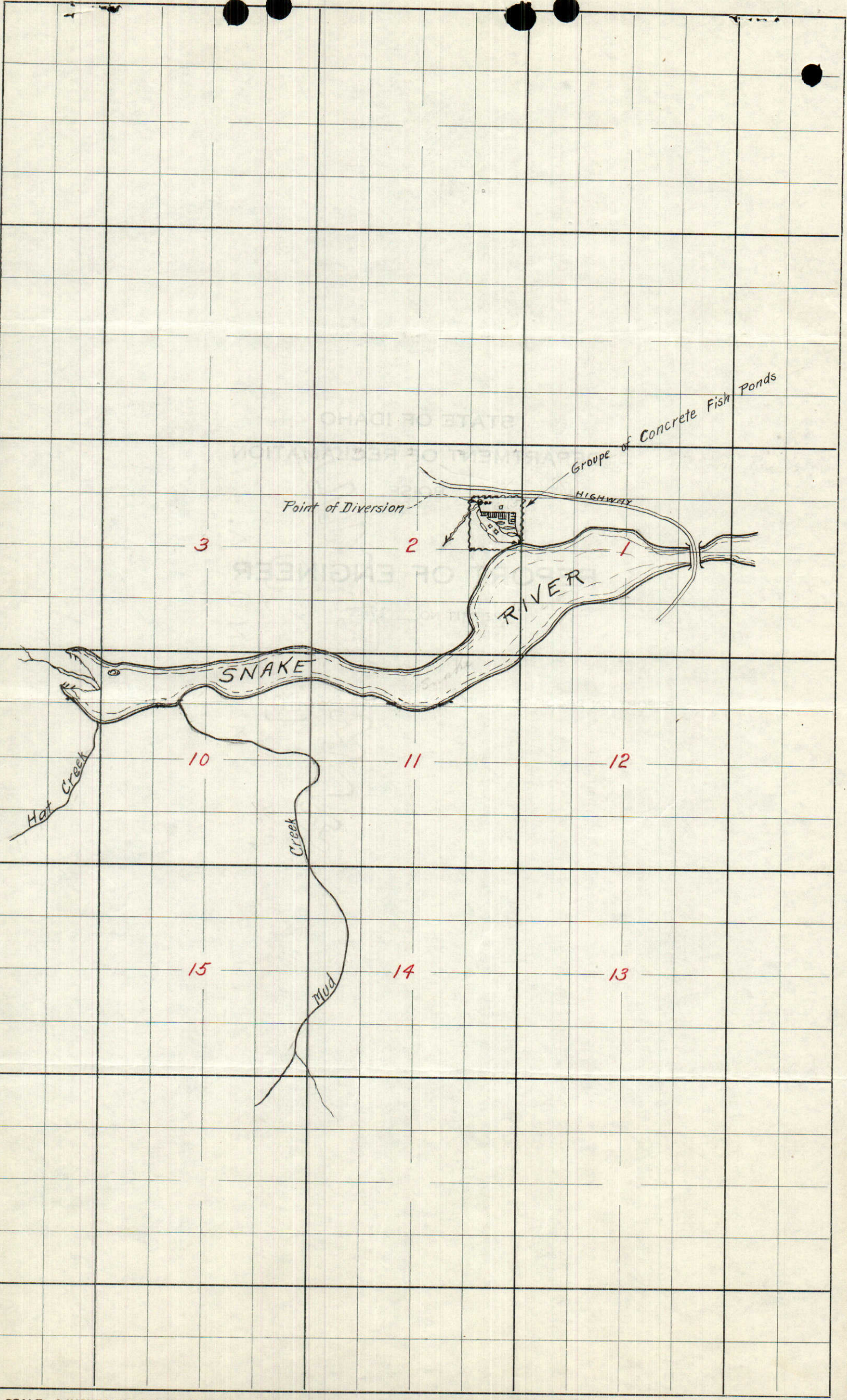
Point of diversion: Lot 5 (SE

$\frac{1}{4}$ NE $\frac{1}{4}$), Sec. 2, Twp. 9S,
Rge. 14E, B.M.

Any protest against approv-
al of the above proposed
change of water right must
be filed with the Idaho Dept.
of Water Administration,
Statehouse — Annex 2, Boise,
Idaho, on or before September
11, 1972.

R. KEITH HIGGINSON,
Director

8-24-2tc



HAROLD WM. MERRITT

SURVEYS
INVESTIGATIONS
REPORTS

CIVIL ENGINEER

IRRIGATION
CONSTRUCTION
ESTIMATES

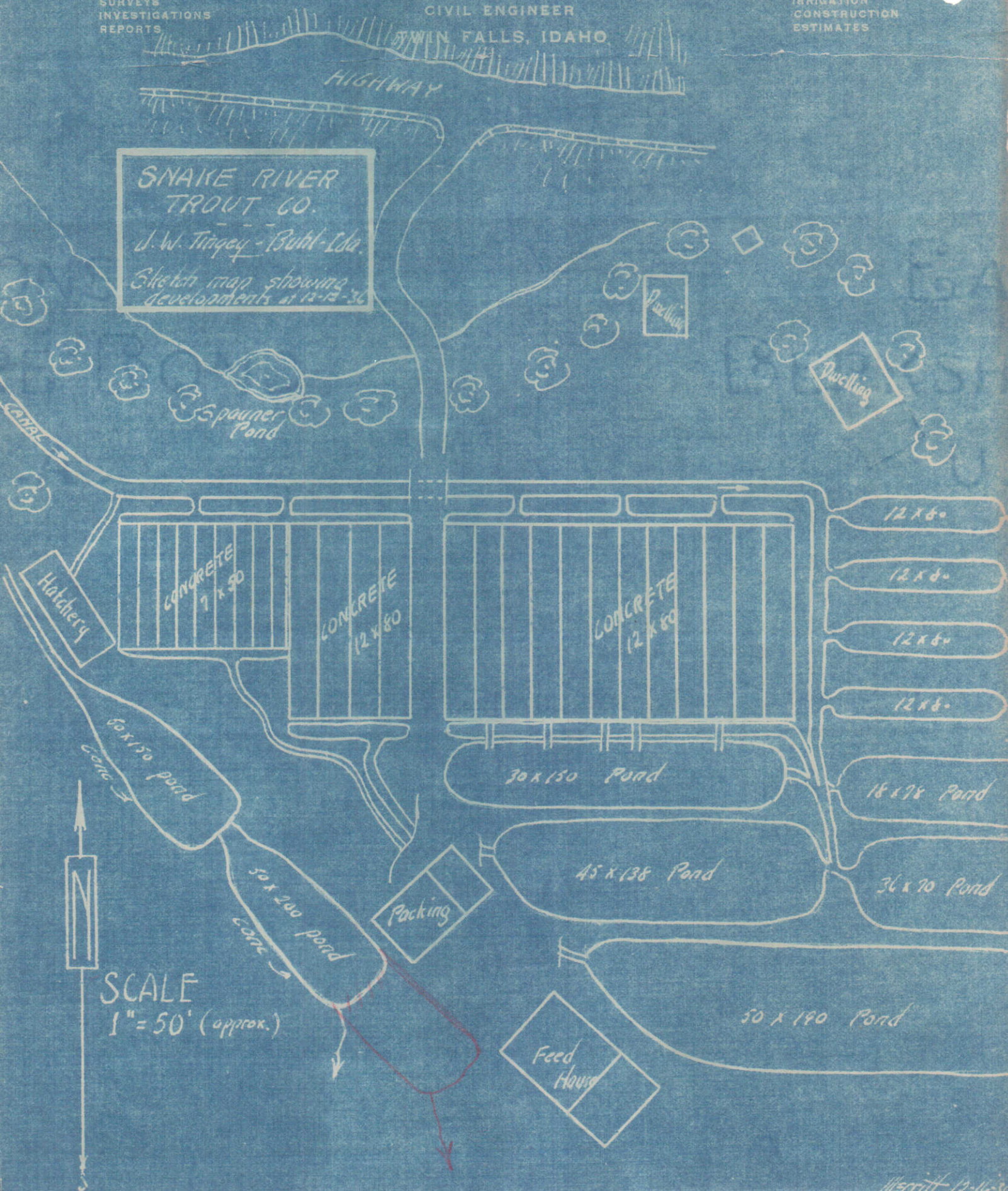
TWIN FALLS, IDAHO

HIGHWAY

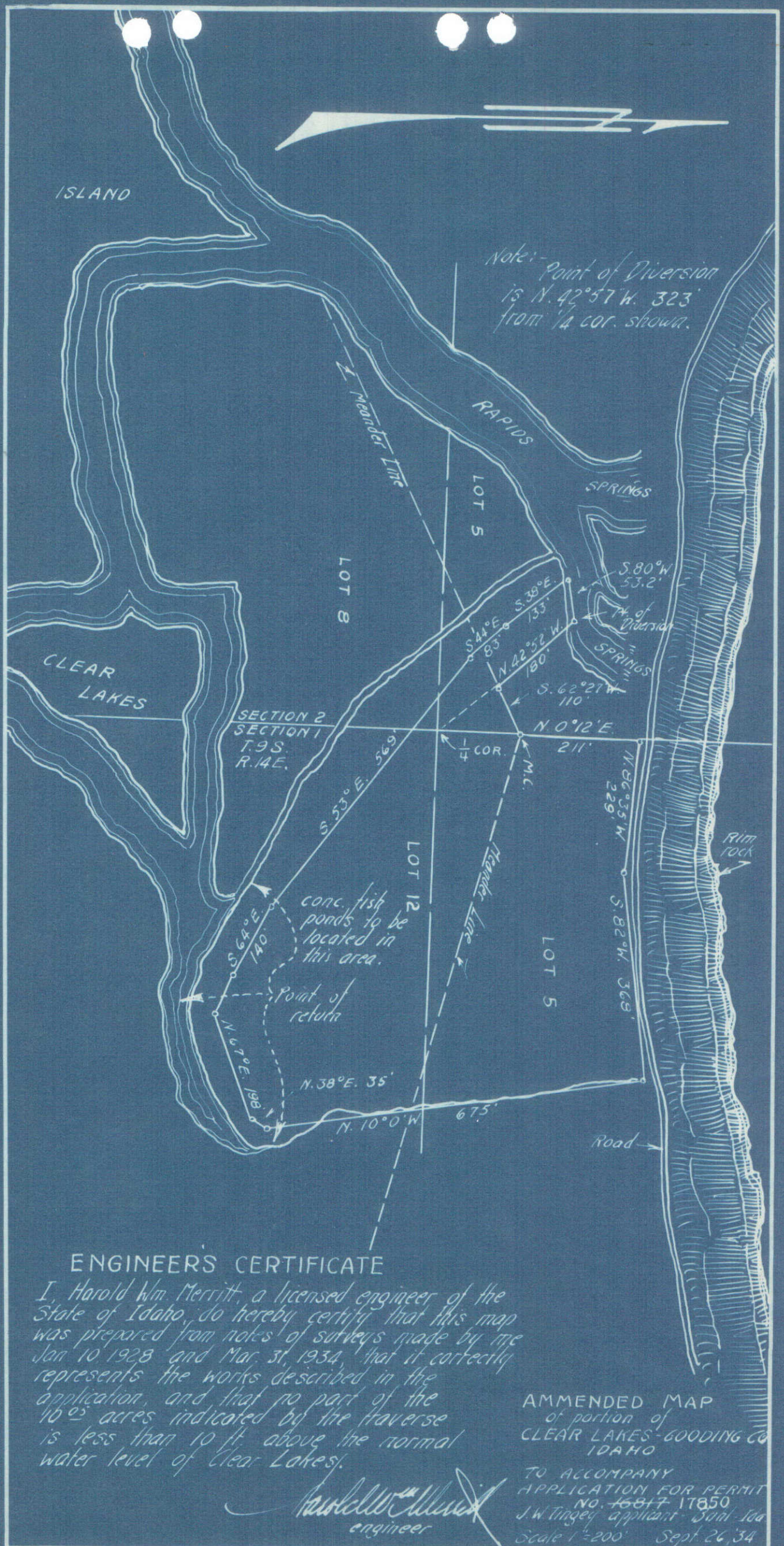
Snake River
Trout Co.

J. W. Tingey - Buhl-Ida.

Sketch map showing
developments at 12-12-36



Merritt 12-16-36



State of Idaho
License and Certificate of Water Right

Water License No. 17850
Water District No.

Amount 40.0 sec. ft.
Priority November 23, 1933

THIS IS TO CERTIFY that J. W. TINGEY
of Buhl, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 23, 1933; that Permit No. 17850
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
40.0 second feet, was issued thereunder on December 30, 1936, showing that said works
were completed on the 15th day of April, 1936; and that on the 15th
day of April, 1936,

J. W. TINGEY

of Buhl, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Clear Springs
, a tributary of Snake River, for the purpose of fish hatchery
, under Use Permit No. 17850 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 3851, on the 21st day of January, 1937;
The right hereby confirmed dates from November 23, 1933;

The Point of Diversion is located
in the $\frac{1}{4}$ Lot 5 $\frac{1}{4}$, Sec. 2, Tp. 9 S., R. 14 E., B. M. Gooding 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 40.0
cubic feet per second.

Description and location of use: At Mr. Tingey's fish hatchery in Snake River Canyon

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

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 Commissioner of Reclamation, affixed at Boise, Idaho,
this 21st day of January, 1937

R. W. FARIS
Commissioner of Reclamation

(SEAL)

MICROFILMED
JAN 19 1995

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

36-2703

Application No. 25001
Permit No. 17850
District No.

1. Name of Applicant: J. W. TINGEY

Postoffice address: Buhl County: Twin Falls State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation: June, 1928, P. O. Buhl, Idaho
(b) Amount of capital stock: \$30,000.00
(c) Amount paid in: \$29071
(d) Names and addresses of directors: J. W. TINGEY, ASEIMA TINGEY, SAM S. CARLTON, D. E. JONES
T. L. HOLMAN. ALL IN CARE OF SNAKE RIVER TROUT CO., BUHL, IDAHO.

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: Forty (40) cubic feet per second.

3. Source of water supply: Clear Springs which is a tributary of Clear Lakes and Snake River.

4. Location of point of diversion: N. 40°30' W. 330 feet distant from the $\frac{1}{4}$ corner of Sections 1 & 2, T. 9 S., R. 14 E., B. M., and is in the of Section , T. , R. , B. M., County of Gooding.

5. Water is to be used for: Fish hatchery and ponds.

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

10 acres immediately east of point of diversion. (See Map)

(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 Clear Lakes. (See Map) 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: \$ 16,750.00

8. Kind of works: Small diversion dam, ditches and ponds, hatchery and other buildings.

9. Height of dam 4 feet; length of dam at top 50 feet; length of dam at bottom 50 feet; material used in dam: Lava rock and concrete

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

11. Ditch: Width at bottom 6 feet; width at water line 8 feet; depth of water 2 feet; dimensions of flume:

Diameter of pipe inches; length of ~~conduit~~ ditch .05 miles.

Average grade per mile 20 feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 6 additional years.

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

15. (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 waters of the State of Idaho as herein set forth.

J. W. TINGEY

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 11:50 A.M. November 23, 1933.

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 17850

Recorded in Book 64 Page 17850 Approved November 27, 1933.

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 \$ 1,000.00 to be filed on or before January 26, 1934.

Work to begin on or before 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 27, 1936.

The whole of said work to be completed on or before November 27, 1938.

Beneficial use of water appropriated in accordance herewith, to be made on or before November 27, 1944.

Witness my hand this 27th day of November, 1933.

R. W. FARIS

Commissioner of Reclamation.

Remarks: While the source of water supply is Clear Springs, the water is actually diverted from a well defined channel which is fed by the springs, and the point of diversion is on land which I have leased for a period of ninety nine years.

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Affidavit for Change of Point of Diversion of Water Right Permit No. 17850																			
STATE OF IDAHO,) County of Twin Falls.) ss.																			
J. W. TINGEY, being first duly sworn, deposes and says: That his postoffice address is Buhl, Idaho. That he is the owner of and using a certain water right for 40 cubic feet per second of the water of Clear Springs, County of Gooding, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 17850, issued by the Commissioner of Reclamation, dated November 27, 1933, bearing date of priority of November 23, 1933, for the purpose of supplying water for fish hatchery, Gooding County, Idaho, and is the person to whom such right was so issued.																			
That the said waters are now diverted from said stream in Lot 5 of Section 2, Township 9 S., Range 14 East of Boise Meridian, County of Gooding, Idaho, and at a point N. 40° 30' W. a distance of 330' from the quarter corner common to Sections 1 and 2, T. 9 S., R. 14 E., as per map accompanying original application for Permit No. 17850.																			
That the affiant desires to change the point of diversion of said waters from the point above described to a point in said Lot 5 of Section 2, T. 9 S., R. 14 E., and at a point which is N. 42° 52' W. a distance of 323' from the above described quarter corner common to Secs. 1 and 2, T. 9 S., R. 14 East of Boise Meridian. Diversion to be made through the same ditch and for the same purpose as originally intended. Said new point of diversion to correspond to that shown on the amended map filed under above Permit No. 17850.																			
That his reasons for desiring to make such change are that the former point of diversion was apparently inside the lines a distance of a few feet onto property owned or leased by the Idaho Power Company. The location of the new point of diversion is such that it is on property leased by the affiant rather than on that of the Idaho Power Company.																			
That no one will be injured by such change and that such change will be made at affiant's own risk.																			
J. W. Tingey Affiant																			
Subscribed and sworn to before me this 11th day of February, 1936.																			
(SEAL)																			
Received and filed for record in the Department of Reclamation at Boise, Idaho at 9:00 A. M., Feb. 18, 1936.																			
W. Lee Howard, Notary Public Residing at Buhl, Idaho																			
R. W. FARIS Commissioner of Reclamation																			

Permit No. 17850

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that J. W. TINGEY of Buhl, County of Twin Falls, and State of Idaho, the holder of Permit No. 17850, issued upon Application No. 25001 bearing date of priority of November 23, 1933, authorizing the diversion of forty second feet of the waters of Clear Springs, County of Gooding, State of Idaho, for fish hatchery and ponds, 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 forty second feet of the waters of Clear Springs; that the point of diversion of said waters is in Lot 5, Sec. 2, T. 9 S., R. 14 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: No Irrigation.

Witness my hand this 30th day of December, A. D. 1936.

R. W. FARIS
Commissioner of Reclamation

Proof of Completion of Works made April 15, 1936
Certificate of Completion of Works issued December 30, 1936

LICENSE ISSUED FOR 40.0 SEC. FT.

page 3851 Vol 7

MEMORANDUM

To: Files 36-02048, 36-02703 and 36-07148 in the name of
Thousands Springs Trout Farms, Inc.

From: L. Glen Saxton *LS*

RE: STATUS OF APPLICATION FOR TRANSFER NO. 1945 FILED IN
1972 IN THE NAME OF THOUSAND SPRINGS TROUT COMPANY

Date: January 6, 1995

The department should consider that the application for transfer filed in connection with the files above are moot and should not be further considered by the department.

The reasons justifying no further action include the following:

1. The present owner of the water rights is different than the applicant for the transfer.
2. The change which was proposed appears to have been claimed on the Snake River Basin Adjudication claims filed on these rights. In addition, the present owner's attorney had no response relative to continuing interest in the application.
3. The files have been languishing in department files since 1981 without any indication of continuing interest.

MINOR CHANGES

JAN 19 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 26, 1994

Patrick D. Brown
Hepworth, Nungester & Lezamiz
P.O. Box 389
133 Shoshone St. N
Twin Falls, ID 83303-0389

RE: LICENSES 36-02048, 36-02703 AND 36-07148 AND CLAIM TO WATER
RIGHT NO. 36-04013

Dear Mr. Brown:

I have recently been reviewing protested matters which are pending before the department in an effort to update department files and to dispose of as many pending matters as possible. I am corresponding with you, since the adjudication data base shows that your client, Clear Springs Trout Company or Clear Springs Foods, Inc. is the owner of record of the above referenced water rights.

As background for you, department files show that on August 10, 1972, Thousand Springs Trout Co. (applicant) filed application for transfer no. 1945 (application) with the department involving the above referenced water rights. The application proposed to change the existing point of diversion by adding a second point of diversion in lot 5 (SE1/4NE1/4) Section 2, T9S, R14E. The proposed change was protested in September 1972 by Clear Lakes Trout Co. and by Clear Springs Trout Co.

In April 1981, Thousand Springs Trout Co. assigned the water rights to Clear Springs Trout Co. The recommendation of these rights in the SRBA shows multiple points of diversion in the SE1/4SE1/4NE1/4 Section 2, T9S, R14E, BM.

It appears that the protested application for transfer is now moot and needs no longer be considered as a contested matter for the following reasons:

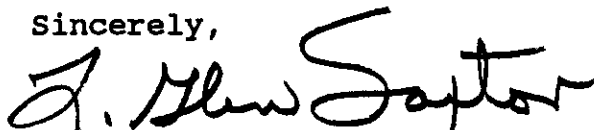
1. The present owner of the water rights is different than the applicant for the transfer.
2. The change proposed on the application may have already been made since the SRBA claims show multiple points of diversion in the SE1/4SE1/4NE1/4 Section 2, T9S, R14E, BM.

RECEIVED
JAN 19 1995

3. There apparently is no continuing interest in the protested transfer matter, since it has languished in department files since 1981 (for 13 years).

The purpose of this letter is to request any clarifying information you can provide in this matter. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. Glen Saxton".

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region

MAILED
JAN 18 1995

Identification No. 1945
Transfer No. 36.2703

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

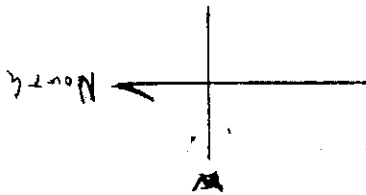
1. Name of Right Holder Thousand Springs Trout Farm, Inc.
Post office address P. O. Box 232, Buhl, Idaho 83316
2. Right obtained by:
a. Decree to Not Applicable in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court. County of _____.
- b. License No. 17850 issued by the State of Idaho, Department of Reclamation.
3. Source of water Clear Springs tributary to Snake River
(Name of stream or source)
4. Date of Priority November 23, 1933
5. Amount of water a. 40.0 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for fish hatchery from January 1 to December 31
(Month, Day) (Month, Day)
7. Original location of point of diversion is Lot 5 SE 1/4 NE 1/4 of Section 2,
Township 9 South, Range 14 East, B.M., in Gooding County;
Additional points of diversion, if any None
8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9 S	14 E	1										X							

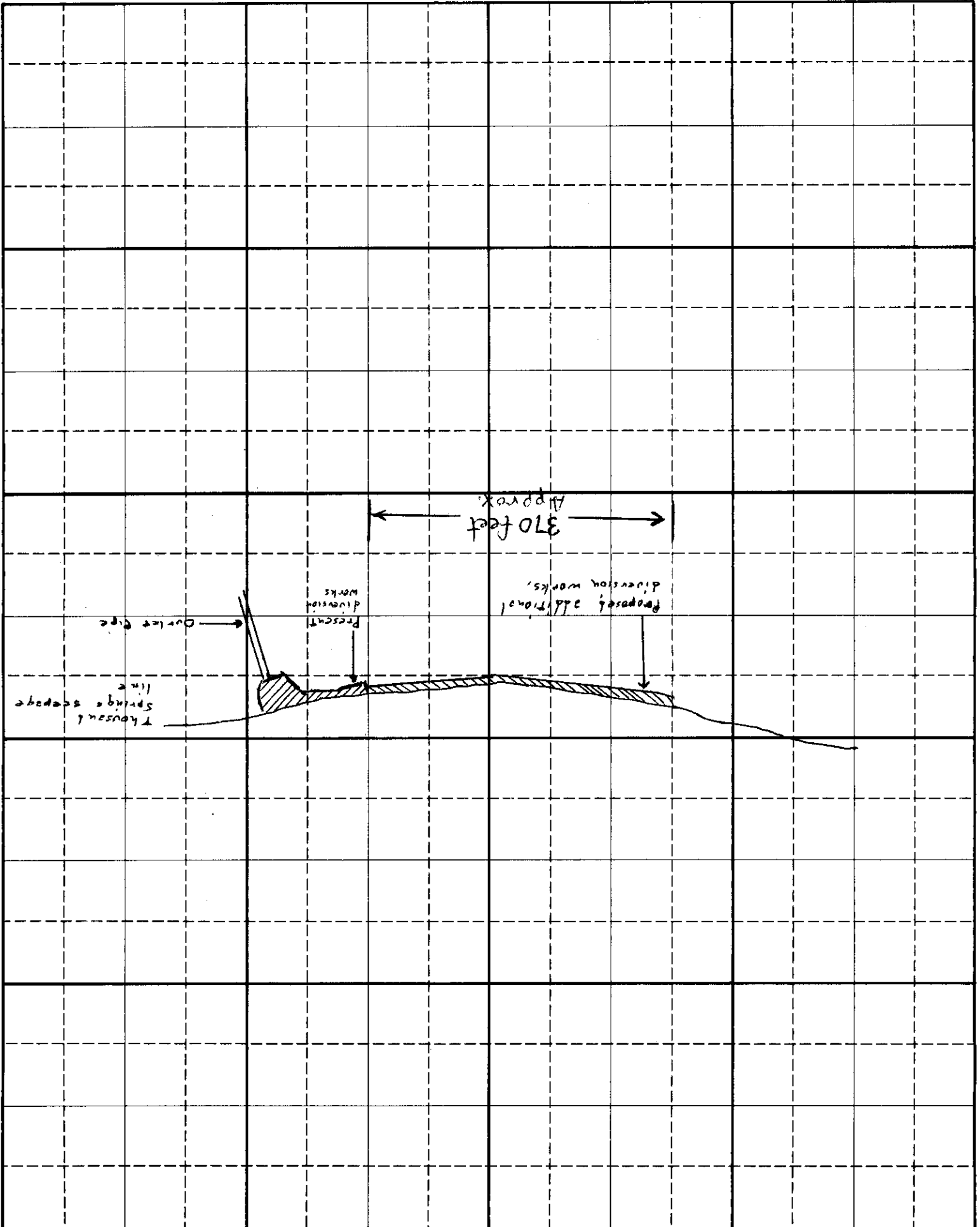
Total number of acres presently irrigated _____

Michael Bern
JAN 19 1995

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JAN 19 1998



SCALE: 1/6" = 1 Mile. Draw Plan in Ink.



9. If applicant was not the original holder of this right explain how it was acquired: Applicant ac-
quired the right by acquisition of Snake River Trout Company which
had acquired the right from J. W. Tingey, the original holder.

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 40.0 c.f.s. and/or _____ acre feet
- b. New point of diversion: Lot 5 SE 1/4 NE 1/4, Section 2, Township 9 South
Range 14 East, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: New diversion
will consist of enlarged concrete collection box (which was old
diversion method) to collect spring water which is then diverted
through 12 inch pipeline approximately 800 feet in length to place
of use.
- d. Is water to be conveyed to the lands previously irrigated? Yes X No _____
Water to be used for fish hatchery in same place.
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
Due to changes in flow of spring, old diversion no longer collects
and diverts the quantity of water to which applicant has prior
right. New diversion will enlarge existing diversion to extent
necessary to collect water to which applicant has an established
existing right.
- f. Do you intend to make the transfer permanent? Yes
- g. Do you intend to abandon completely the old point of diversion? No
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE Place of use not changed.

- a. Describe the new lands on which you wish to use your right.

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	

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JAN 19 1995

Total number of acres to be irrigated _____

- b. Do you intend to make the transfer permanent? Not applicable
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
Not applicable
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: Not applicable
- e. Indicate on the above plat the new land to be irrigated and the point of diversion. Not applicable

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

[Signature]
(signature of applicant)

Subscribed and sworn to before me this 25th day of July, 19 72

[Signature]
(notary public) for Idaho
Residing at Boise

My commission expires Jan 1, 1973

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

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

Witness my hand this _____ day of _____, 19 _____.

State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by <u>[Signature]</u> Date <u>8-10-72</u>	Protest filed by: _____ Date _____
Prelim. check by <u>[Signature]</u> Date <u>8/10/72</u>	_____
Fee received by <u>[Signature]</u> Date <u>8-11-72</u> Fee <u>\$30.00</u>	_____
Approved for publication by _____	_____
Published in _____ Dates _____	_____
Hearing held _____	_____
Watermaster Recommendation sent _____	_____

MINORITII MEN
JAN 10 1995

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MAY 7 1981

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. HARDER
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

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.

RECEIVED
JAN 19 1985

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

RECEIVED
JAN 19 1995

State of Idaho
Department of Water Resources

RECEIVED

ASSIGNMENT OF PERMIT

MAY 7 1981

THOUSAND SPRINGS TROUT FARMS, INC. hereby assign to CLEAR SPRINGS TROUT CO. a Delaware corporation
of P.O. Box 548, Buhl, Idaho 83316 corporation
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 36-7148
to appropriate the public waters of the State of Idaho.

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

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

Made this 29th day of April, 19 81.

THOUSAND SPRINGS TROUT FARMS, INC.

By Ross P. Oles President
Permit Holder

ATTEST:

Philip R. Davidson
Secretary
~~Spouse of Permit Holder~~

State of Idaho)
County of Jerome) ss.

On this 29th day of April, 19 81, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Van L. Roberts
Notary Public residing at
Twins Falls

My commission expires:

3-22-82

JAN 19 1995

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval of)
Applications for Transfer of Water Right No.'s)
36-2048, 36-2703 and 36-4013 and Application)
for Amendment to Water Right No. 36-7148 in)
the name of THOUSAND SPRINGS TROUT FARMS, INC.)

NOTICE OF CONFERENCE

AND/OR HEARING

On August 10, 1972, Thousand Springs Trout Farms, Inc. filed with the Department of Water Administration three (3) Applications for Transfer of Water Right No.'s 36-2048, 36-2703, and 36-4013 and one (1) Application for Amendment to Water Right No. 36-7148 to appropriate the public waters of the State of Idaho. In September, 1972, the Department received protests against approval of said applications from Earl M. Hardy and Clear Springs Trout Company.

The Department has set the matter of protests for conference and/or hearing for Thursday, February 7, 1974, at 9:00 a.m., in the office of the Department of Water Administration, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the applications. Any and all costs incurred by reason of such non-appearance may be assessed against such non-appearing parties.


BOBBY D. FLEENOR
Assistant Director

BDF:JC

MAILED
JAN 19 1995

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval of)
Applications for Transfer of Water Right No.'s)
36-2048, 36-2703, and 36-4013 and Application)
for Amendment to Water Right No. 36-7148 in)
the name of THOUSAND SPRINGS TROUT FARMS, INC.)
_____)

NOTICE OF CONFERENCE

AND/OR HEARING

On August 10, 1972, Thousand Springs Trout Farms, Inc. filed with the Department of Water Administration three (3) Applications for Transfer of Water Right No.'s 36-2048, 36-2703, and 36-4013 and one (1) Application for Amendment to Water Right No. 36-7148 to appropriate the public waters of the State of Idaho. In September, 1972, the Department received protests against approval of said applications from Earl M. Hardy and Clear Springs Trout Company.

The Department has set the matter of protests for conference and/or hearing for Tuesday, December 4, 1973, at 10:00 a.m., in the Gooding County Courthouse, Gooding, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the applications. Any and all costs incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 1 day of November, 1973.


BOBBY D. FLEENOR
Assistant Director

RECEIVED

BDF:JC

JAN 19 1995

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse -- Annex 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

December 20, 1973

Re: Application for Transfer of Water Right No.'s 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

Eberle, Berlin, Kading, Turnbow, & Gillespie
Attn: Warren E. Jones
Capital Park Plaza
300 N. 6th Street, Box 1368
Boise, Idaho 83701

Dear Mr. Jones:

We are proposing to set the date for hearing on the above referenced applications on February 7, 1974.

Please let us know if you have a conflict on that date, and if so, which days in February you would be available.

Sincerely,


BOBBY D. FLEENOR
Assistant Director

BDF:JC

cc: Thousand Springs Trout Farms, Inc.

MICROFILMED

JAN 19 1995

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

December 20, 1973

Re: Application for Transfer of Water Right No.'s 36-2048, 36-2703 & 36-4013
Application for Amendment to Water Right No. 36-7148

Parry, Robertson, Daly & Larson
Attn: John A. Rosholt
Idaho First National Bank Bldg.
P. O. Box 525
Twin Falls, Idaho 83301

Dear Mr. Rosholt:

We are proposing to set the date for hearing on the above referenced applications on February 7, 1974.

Please let us know if you have a conflict on that date, and if so, which days in February you would be available.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC

cc: Earl M. Hardy

RECEIVED

JAN 19 1974

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

December 20, 1973

Re: Application for Transfer of Water Right No.'s 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

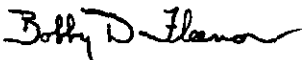
Clear Springs Trout Company
Attn: John C. Hepworth, Sec.
1020 Main Street
Buhl, Idaho 83316

Dear Mr. Hepworth:

We are proposing to set the date for hearing on the above referenced applications on February 7, 1974.

Please let us know if you have a conflict on that date, and if so, which days in February you would be available.

Sincerely,


BOBBY D. FLEENOR
Assistant Director

BDF:JC

RECEIVED
JAN 19 1974

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE
CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

T. H. EBERLE
JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
JOHN L. RUNFT
KENNETH L. PURSLEY
WILLIAM J. MCKLVEEN
DALE G. HIGER
WARREN E. JONES
PETER C. JENKINS
MARK S. GESTON
MICHAEL A. GREENE

December 10, 1973

TELEPHONE (208) 344-8533

JOHN B. BELL
COUNSEL

J. L. EBERLE (1980-1984)
DALE O. MORGAN (1974-1979)

Mr. Bobby D. Fleenor
Assistant Director
State of Idaho
Department of Water Administration
614 State Street
Statehouse - Annex 2
Boise, Idaho 83720

Re: Application for Transfer of Water Right Nos.
36-2048, 36-2703 and 36-4013; Application
for Amendment to Water Right No. 36-7148

Dear Mr. Fleenor:

In response to your letter dated December 4, 1973,
please be advised that this firm will be available for a
hearing in the above matter anytime after January 18, 1974,
with the exception of the following dates: February 4, 12
and 13; March 6; April 17 through 24.

If I can be of further assistance, please let me
know.

Yours truly,

Warren E. Jones

WEJ:gw
cc: Robert Erkins

RECORDED

JAN 19 1975

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

TELEPHONE
(208) 733-3722

December 6, 1973

DEC 8 1973

Department of Water Administration

Mr. Bobby D. Fleenor
Assistant to the Director
Idaho Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83720

RE: Application for Transfer of Water Right
No.'s 36-2048, 36-2703 and 36-4013,
and Application for Amendment to Water
Right No. 36-7148

Dear Bob:

My preference for a hearing date would be some time between the 22nd and the end of January, 1974. If other counsel have earlier dates in mind, right now my schedule would indicate that a hearing would be impossible for me only on the 2nd, 3rd, 8th, 15th, 17th, or the 21st. I could probably work it in any other day.

Sincerely,

John A. Rosholt
JOHN A. ROSHOLT

JAR:ddm

cc: Mr. Warren Jones
Mr. John Hepworth

IAN 19 1995

LAW OFFICES

HEPWORTH, NUNGESTER, FELTON, AND HART

PROFESSIONAL CENTER
1020 MAIN

AREA CODE 208
PHONE 543-4368

BUHL, IDAHO -- 83316

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

December 6, 1973

DEC 7 1973

Department of Water Administration

Department of Water Administration
614 State Street
Statehouse-Annex 2
Boise, Idaho 83720

Atten: Bobby D. Fleenor

Re: Application for Transfer of
Water Right - Thousand Springs
Trout Farms, Inc.

Dear Mr. Fleenor:

The only free time I have in December is before December 24, 1973.
I will be unable to schedule any hearing before February 1, 1974,
in the event we are unable to agree on a date this month.

Very truly yours,

HEPWORTH, NUNGESTER, FELTON & HART

John C. Hepworth

John C. Hepworth

bh

cc. John Rosholt

RECEIVED
JAN 19 1975
JAN 19 1975

December 4, 1973

Re: Application for Transfer of Water Right No.'s 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

Eberle, Berlin, Kading, Turnbow, & Gillespie
Attn: Warren E. Jones
Capital Park Plaza
300 N. 6th St., Box 1368
Boise, Idaho 83701

Dear Mr. Jones:

We are again trying to re-schedule the hearing for Thousand Springs Trout Farms, Inc., concerning the above referenced applications.

Would you please send us a schedule of your open dates, so that we may set the hearing when all parties are available.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC

cc: Thousand Springs Trout Farms, Inc.

JAN 19 1974
JAN 19 1995

December 4, 1973

Re: Application for Transfer of Water Right No.'s 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

Clear Springs Trout Company
Attn: John C. Hepworth, Sec.
1020 Main Street
Buhl, Idaho 83316

Dear Mr. Hepworth:

We are again trying to re-schedule the hearing for Thousand Springs Trout Farms, Inc., concerning the above referenced applications.

Would you please send us a schedule of your open dates, so that we may set the hearing when all parties are available.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC

RECEIVED
JAN 19 1995

December 4, 1973

Re: Application for Transfer of Water Right No.'s 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

Parry, Robertson, Daly & Larson
Attn: John A. Rosholt
Idaho First National Bank Bldg.
P. O. Box 525
Twin Falls, Idaho 83301

Dear Mr. Rosholt:

We are again trying to re-schedule the hearing for Thousand Springs Trout Farms, Inc., concerning the above referenced applications.

Would you please send us a schedule of your open dates, so that we may set the hearing when all parties are available.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC

cc: Earl M. Hardy

RECORDED
JAN 19 1995

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

RECEIVED
NOV 30 1973
Department of Water Administration
TELEPHONE
(208) 733-3722

November 29, 1973

DF

Mr. Bob Fleenor
Assistant to the Director
Idaho Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83720

RE: Transfer Applications No. 36-2048) Thousand Springs
36-2703) Trout Farm, Inc
36-4013)
Permit No. 36-7148)

Dear Bob:

As per our telephone conversation of today, on behalf of all counsel in the above matter, we hereby request that the hearing be vacated until a mutually agreeable date in January.

Thanks for your continuing cooperation.

Sincerely,

John A. Rosholt
JOHN A. ROSHOLT

JAR:ddm

JAN 19 1975

T. H. EBERLE
JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
JOHN L. RUNFT
KENNETH L. PURSLEY
WILLIAM J. MCKLVEEN
DALE G. HIGER
WARREN E. JONES
PETER C. JENKINS
MARK S. GESTON
MICHAEL A. GREENE

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE
CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

July 27, 1973

RECEIVED
JUL 30 1973
TELEPHONE (208) 344-8535

Department of Water Administration
JOHN B. BELL
COUNSEL
J. L. EBERLE (1890-1964)
DALE G. MORGAN (1914-1970)

Mr. Bobby D. Fleenor
Department of Water Administration
Statehouse - Annex No. 2
Boise, Idaho 83707

Re: Thousand Springs Trout Farm, Inc.

Dear Mr. Fleenor:

On August 10, 1972, Thousand Springs Trout Farm, Inc. filed with your office an Application for Amendment with respect to Permit to Appropriate the Public Waters of the State of Idaho No. 36-7148 and Application for Transfer of Water Right with respect to Water License No. 17850 and Claim to Water Right No. 364013 and Water License No. 18605. Although Thousand Springs Trout Farm, Inc. has been advised as long ago as September 14, 1972, that Mr. Earl M. Hardy had filed a protest regarding the above Applications and that we would be notified at a later date as to the time and place set for a conference or hearing to discuss the matters of protest, we have received no further information. Since that time, I have by telephone inquired what has happened to this matter and whether any further action is necessary on the part of Thousand Springs Trout Farms, Inc. to bring this matter to hearing, and in each instance I have been advised that nothing further need be done. 36-2703 36-2048

This letter is to inquire whether a date has been set for a conference or hearing and if not, why not? Thousand Springs Trout Farm, Inc. is anxious to have this matter heard and urges the Department of Water Administration to take whatever action is necessary to bring this matter to hearing. If you need any further information or assistance from us, we would be happy to provide it.

Yours truly,


Warren E. Jones

WEJ:gw
cc: T. H. Eberle

JUL 19 1973

Dept. of Water Admin.

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ INSURED ☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSEMENT	R. R. FEE	S. D. FEE	S. H. FEE	RESTRICTED DELIVERY FEE	REMARKS
1	24972 1000 Springs Trout Farms, Inc.		30							26 9148
2	P.O. Box 232									26 2048
3	Buhl, Idaho									26 4017
4	24973 Cheek, Pauline, Harding, Buntow, & Selley									26 2703
5	Attn: Warren C. Jones									
6	Capital Park Plaza 2001 W. 4th St. Boise									
7	Boise, Idaho									
8	24974 Carl M. Hardy, Id. Trout Processors									
9	1340 Vista, Boise, Id.									
10	24975 Clear Springs Trout Co.									
11	Attn: John C. Appeneth									
12	1030 Main Street									
13	Buhl, Idaho									
14										
15										
16										
17										
18										
19										
20										

CARDS FILED IN 36-7148

JAN 10 1995
 MICROFILMED

POSTMASTER, PER (Name of receiving employee)

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

TOTAL NUMBER OF PIECES LISTED BY SENDER

4

1 Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid - This Side Up."
 2 Special-handling charges apply only to third- and fourth-class parcels. Special-delivery service also includes special-handling service.

November 1, 1973

Gooding County Courthouse
Attn: Donna Scott
P. O. Box 417
Gooding, Idaho 83330

Dear Ms. Scott:

This is to confirm the use of the Gooding County Courthouse for conference &/or hearing to be held, by this office, on Tuesday, December 4, 1973, at 10:00 a.m.

Thank you for your cooperation in this matter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC

MICROFILMED
JAN 19 1995

October 29, 1973

Re: Permit No. 36-7148, Thousand Springs Trout Farms, Inc.

Eberle, Berlin, Kading, Turnbow, & Gillespie
Attn: Warren E. Jones
Capital Park Plaza
300 N. 6th St., Box 1368
Boise, Idaho 83701

Dear Mr. Jones:

Regarding the setting of a hearing for Thousand Springs Trout Farms, Inc. protested applications, we have received the dates in December when the other attorneys will be available for hearing.

Please let us know your date schedule as soon as possible, so that a hearing can be set.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc

RECEIVED
JAN 19 1995

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE
CHARTERED

T. H. EBERLE
JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
JOHN L. RUNFT
KENNETH L. PURSLEY
WILLIAM J. MCKLVEEN
DALE G. HIGER
WARREN E. JONES
PETER C. JENKINS
MARK S. GESTON
MICHAEL A. GREENE

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

TELEPHONE (208) 344-8535

JOHN B. BELL
COUNSEL
—
J. L. EBERLE (1890-1964)
DALE O. MORGAN (1914-1970)

October 29, 1973

Mr. Bobby D. Fleenor
Assistant Director
Department of Water Administration
Statehouse Annex No. 2
Boise, Idaho 83707

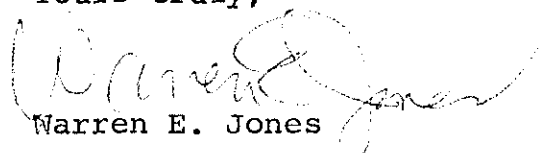
Re: Thousand Springs Trout Farms, Inc.

Dear Mr. Fleenor:

With respect to the hearing regarding the request by Thousand Springs Trout Farms, Inc. to change its point of diversion, which had previously been scheduled for November 1, 1973, please be advised that the following dates in December are acceptable to this law firm for a hearing: December 3 - 7 and December 17 - 21. Our preference would be for December 3 - 5 or December 17 - 18.

Please advise us as soon as the hearing date has been rescheduled.

Yours truly,


Warren E. Jones

WEJ:gw

JAN 19 1974

October 29, 1973

Re: Permit No. 36-7148, Thousand Springs Trout Farms, Inc.

Eberle, Berlin, Kading, Turnbow, & Gillespie
Attn: Warren E. Jones
Capital Park Plaza
300 N. 6th St., Box 1368
Boise, Idaho 83701

Dear Mr. Jones:

Regarding the setting of a hearing for Thousand Springs Trout Farms, Inc. protested applications, we have received the dates in December when the other attorneys will be available for hearing.

Please let us know your date schedule as soon as possible, so that a hearing can be set.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc

JAN 19 1974

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

TELEPHONE
(208) 733-3722

October 26, 1973

Mr. Bob Fleenor
Assistant to the Director
Idaho Department of Water Administration
State House--Annex 2
Boise, Idaho 83720

Re: Thousand Springs

Dear Bob:

During the week you called concerning the dates that I would be available in December for a re-setting on the protest against Thousand Springs' application.

My schedule seems to be such that I would be available probably on all working days except the following: 5th, 7th, 12th, 14th, 19th, 20th and 21st.

After you have cleared on everyone's schedule, please let me know as to the selected date.

Thanks for your consideration in vacating the hearing.

Sincerely,


JOHN A. ROSHOLT

JAR:ib

JAN 3 1974

October 19, 1973

Re: Applications for Transfer of Water Rights No.'s 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

Thousand Springs Trout Farms, Inc.
P. O. Box 232
Buhl, Idaho 83316

Gentlemen:

The conference &/or hearing set for November 1, 1973, in Gooding, Idaho, concerning the above referenced applications has been postponed until a later date.

After we have determined an acceptable date, from the schedules of the interested parties, a new conference &/or hearing will be set. We will then notify you of that date.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc

cc: Southern District Office

JAN 19 1974

October 19, 1973

Re: Applications for Transfer of Water Rights No.'s 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

Eberle, Berlin, Kading, Turbow & Gillespie
Attn: Warren E. Jones
Capital Park Plaza
300 N. 6th Str, Box 1368
Boise, Idaho 83701

Dear Mr. Jones:

The conference &/or hearing set for November 1, 1973, in Gooding, Idaho, concerning the above referenced applications, has been postponed until a later date.

After we have determined an acceptable date, from the schedules of the interested parties, a new conference &/or hearing will be set. We will then notify you of that date.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc

MICROFILMED

JAN 19 1995

October 19, 1973

Re: Applications for Transfer of Water Rights No.'s 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

Earl M. Hardy
Idaho Trout Processors
1340 Vista
Boise, Idaho 83705

Dear Mr. Hardy:

The conference &/or hearing set for November 1, 1973, in Gooding, Idaho, concerning the above referenced applications, has been postponed until a later date.

After we have determined an acceptable date, from the schedules of the interested parties, a new conference &/or hearing will be set. We will then notify you of that date.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc

cc: John A. Roeholt

MICROFILMED

JAN 19 1995

October 19, 1973

Re: Applications for Transfer of Water Rights No.'s 36-2048, 36-2703, & 36-4013
Application for Amendment to Water Right No. 36-7148

Clear Springs Trout Company
Attn: John C. Hepworth, Sec.
1020 Main Street
Buhl, Idaho 83316

Dear Mr. Hepworth:

The conference &/or hearing set for November 1, 1973, in Gooding, Idaho, concerning the above referenced applications, has been postponed until a later date.

After we have determined an acceptable date, from the schedules of the interested parties, a new conference &/or hearing will be set. We will then notify you of that date.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc

RECEIVED

JAN 19 1995

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

TELEPHONE
(208) 733-3722

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY (1913-1968)
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
ROBERT C. PAINE

October 17, 1973

Mr. Bobby D. Fleenor
Assistant to the Director
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 93720

Re: Transfer Applications No. 36-2048)
36-2703) Thousand Springs
36-4013) Trout Farm, Inc.
Permit No. 36-7148)

Dear Bob:

Earl Hardy has employed me to assist him in his protest of the above matters.

Apparently, these matters were set for hearing some time in the past, but that hearing date was vacated. Mr. Hardy tells me that he was promised that you would let him know of possible dates for setting a hearing. Today he told me that he has received a notice resetting the hearing for November 1st. The problem in a November 1st hearing date is basically mine. We anticipate a formal hearing in Washington D.C. on the American Falls replacement matter on approximately that date. November becomes an impossible month as far as my schedule is concerned.

If it would be possible, could we set this matter for hearing sometime after December 1st. Let me have your thoughts on the matter.

Sincerely,

John A. Rosholt
JOHN A. ROSHOLT

JAR:ddm
cc: Mr. John Hepworth
Mr. Warren E. Jones

JAN 19 1995

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval of)
Applications for Transfer of Water Right No.'s)
36-2048, 36-2703, and 36-4013 and Application)
for Amendment to Water Right No. 36-7148 in)
the name of THOUSAND SPRINGS TROUT FARM, INC.)

NOTICE OF CONFERENCE

AND/OR HEARING

On August 10, 1972, Thousand Springs Trout Farm, Inc. filed with the Department of Water Administration three (3) Applications for Transfer of Water Right No.'s 36-2048, 36-2703, and 36-4013 and one (1) Application for Amendment to Water Right No. 36-7148 to appropriate the public waters of the State of Idaho. In September, 1972, the Department received protests against approval of said applications from Earl M. Hardy and Clear Springs Trout Company.

The Department has set the matter of protests for conference and/or hearing for Thursday, November 1, 1973, at 10:00 a.m., in the Gooding County Courthouse, Gooding, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

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

Dated this 10 day of October, 1973.

Bobby D. Fleenor
BOBBY D. FLEENOR
Assistant Director

BDF:JC

MICROFILMED

JAN 19 1995

NAME AND
ADDRESS
OF SENDER

Dept. of Water Administration

Indicate type of mail

☐ INSURED

☐ C. O. D.

☒ CERTIFIED

Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	DUE SENDER IF C. O. D.	ENDORSE- MENT ¹	R. R. FEE	S. D. FEE	S. H. FEE ²	RESTRICTED DELIVERY FEE Remarks
1	24912 Thousand Springs Trout Farms		30			15			
2	P.O. Box 232								
3	Buhl, Idaho 83316								
4	24913 Etoile Berlin, Kading, Tur, Iowa								
5	Vallespie Attn: Universal Home								
6	Capital Park Plaza 300 N. 4th St.								
7	Box 1368 Boise Idaho 83701								
8	24914 Earl M. Hardy, Idaho Trout								
9	Processors, 1020 Vista, Boise								
10	24915 Clear Springs Trout Company								
11	Attn: John C. Hapworth, Inc.								
12	1020 Main St.								
13	Buhl, Idaho 83316								
14									
15									
16									
17									
18									
19									
20									

CARDS FILED IN 36-7148

MAILED

JAN 19 1995

TOTAL NUMBER OF
PIECES LISTED
BY SENDER

TOTAL NUMBER OF
PIECES RECEIVED
AT POST OFFICE

POSTMASTER, PER (Name of receiving employee)

¹ Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid—This Side Up."

² Special-handling charges apply only to third- and fourth-class parcels. Special-delivery service also includes special-handling service.

October 10, 1973

R

Gooding County Courthouse
Attn: Donna Scott
P. O. Box 417
Gooding, Idaho 83330

Dear Ms. Scott:

This is to confirm the use of the Gooding County Courthouse for conference and/or hearing to be held by this office on Thursday, November 1, 1973, at 10:00 am.

Thank you for your cooperation in this matter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC

RECORDED

JAN 19 1995

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE
CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

TELEPHONE (208) 344-8535

JOHN B. BELL
COUNSEL

J. L. EBERLE (1890-1964)
DALE O. MORGAN (1914-1970)

T. H. EBERLE
JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
JOHN L. RUNFT
KENNETH L. PURSLEY
WILLIAM J. MCKLVEEN
DALE G. HIGER
WARREN E. JONES
PETER C. JENKINS
MARK S. GESTON
MICHAEL A. GREENE

September 19, 1973

IDF

Mr. Bobby D. Fleenor
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83720

Re: Thousand Springs Trout Farms, Inc.

Dear Mr. Fleenor:

As you recall, pursuant to agreement among all parties concerned, the hearing which had been scheduled for August 21 with respect to the request by Thousand Springs Trout Farms, Inc. to change its point of diversion with respect to several water rights was vacated. Since that time, I have attempted to obtain agreement among all parties as to another date for this hearing, but have been unsuccessful. Mr. John C. Hepworth, who represents Clear Springs Trout Company has indicated to me that the only available dates he presently has open for a hearing are October 1, 2 or 9, 1973. At the present time, I would be available on October 2 or October 9, but not on October 1. I also have several other dates available in October. I have not heard from Mr. Earl Hardy with respect to what dates he is available.

Since I have had such a great amount of difficulty in obtaining agreement among the various parties involved in this matter, this letter is to request that the Department of Water Administration simply reschedule the hearing at a time convenient to the Department, and if any party has a serious objection, they can move for a continuance. This matter has been pending for quite some time, and I believe it is the desire of all parties to have it resolved, but it appears that the only way it will be resolved is if the Department of Water Administration sets the date for hearing.

Yours truly,

Warren E. Jones
Warren E. Jones

JAN 19 1995

WEJ:gw

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE
CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

August 13, 1973

T. H. EBERLE
JAMES L. BERLIN
R. B. KADING, JR.
R. M. TURNBOW
JAMES R. GILLESPIE
JOHN L. RUNFT
KENNETH L. PURSLEY
WILLIAM J. MCKLVEEN
DALE G. HIGER
WARREN E. JONES
PETER C. JENKINS
MARK S. GESTON
MICHAEL A. GREENE

TELEPHONE (208) 344-6535

AUG 15 1973

Department of Water Administration
JOHN B. BELL
COUNSEL
J. L. EBERLE
DALE O. MORGAN

BDF

36-7148

Mr. John C. Hepworth
Attorney at Law
1020 Main
Buhl, Idaho

Re: Thousand Springs Trout Farms, Inc.

Dear Mr. Hepworth:

In accordance with our telephone conversation of this date, I have notified the Department of Water Administration that it is acceptable to all parties to vacate the hearing on the applications of Thousand Springs Trout Farms to change its point of diversion which had previously been set for August 21, 1973. Mr. Bobby Fleenor of the Department of Water Administration has asked me to request that you notify him if you object to the postponement of this hearing.

After discussing the postponement with you and Mr. Hardy, it appears that there will not be a new date acceptable to all parties until the first of October. In order that we can reach a mutually acceptable date, I would appreciate your sending to me a list of your available dates. I will then pick a date satisfactory to everyone and have the Department of Water Administration reschedule the hearing.

Thank you for your cooperation.

Yours truly,

Warren E. Jones

WEJ:gw
cc: ~~Bobby~~ Fleenor

JAN 19 1995

1

EBERLE, BERLIN, KADING, TURNBOW & GILLESPIE
CHARTERED

ATTORNEYS AND COUNSELORS AT LAW
CAPITOL PARK PLAZA
300 NORTH SIXTH STREET
POST OFFICE BOX 1368
BOISE, IDAHO 83701

August 13, 1973

T. H. EBERLE
JAMES L. BERLIN
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R. M. TURNBOW
JAMES R. GILLESPIE
JOHN L. RUNFT
KENNETH L. PURSLEY
WILLIAM J. MCKLVEEN
DALE G. HIGER
WARREN E. JONES
PETER C. JENKINS
MARK S. GESTON
MICHAEL A. GREENE

RECEIVED
AUG 15 1973
JOHN B. BELL
COUNSEL
J. L. EBERLE (1890-1964)
J. O. MORGAN (1914-1970)
Department of Water Administration

Mr. Earl Hardy
Idaho Trout Processors
1340 Vista
Boise, Idaho

Re: Thousand Springs Trout Farms, Inc.

Dear Mr. Hardy:

In accordance with our telephone conversation of this date, I have notified the Department of Water Administration that it is acceptable to all parties to vacate the hearing on the applications of Thousand Springs Trout Farms to change its point of diversion which had previously been set for August 21, 1973. Mr. Bobby Fleenor of the Department of Water Administration has asked me to request that you notify him if you object to the postponement of this hearing.

After discussing the postponement with you and Mr. Hepworth, it appears that there will not be a new date acceptable to all parties until the first of October. In order that we can reach a mutually acceptable date, I would appreciate your sending to me a list of your available dates. I will then pick a date satisfactory to everyone and have the Department of Water Administration reschedule a hearing.

Thank you for your cooperation.

Yours truly,

Warren E. Jones

WEJ:gw
cc: ✓ Bobby Fleenor

JAN 19 1974

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval of)
Applications for Transfer of Water Right No.'s)
36-2048, 36-2703, and 36-4013 and Application)
for Amendment to Water Right No. 36-7148 in)
the name of THOUSAND SPRINGS TROUT FARM, INC.)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

On August 10, 1972, Thousand Springs Trout Farm, Inc. filed with the Department of Water Administration three (3) Applications for Transfer of Water Right No.'s 36-2048, 36-2703, and 36-4013 and one (1) Application for Amendment to Water Right No. 36-7148 to appropriate the public waters of the State of Idaho. In September, 1972, the Department received protests against approval of said applications from Earl M. Hardy and Clear Springs Trout Company.

The Department has set the matter of protests for conference and/or hearing for Tuesday, August 21, 1973, at 1:00 p.m., in the Gooding County Courthouse, Gooding, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

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

Dated this 7 day of August, 1973.


BOBBY D. FLEENOR
Assistant Director

MICROFILMED
JAN 19 1985

August 6, 1973

Gooding County Courthouse
Clerk of the District Court
624 Main
Gooding, Idaho 83330

Dear Sir:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Tuesday, August 21, 1973, at 1:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:JC

RECEIVED

JAN 19 1995

August 1, 1978

C
O
P
Y

Warren E. Jones
Eberle, Berlin, Kading, Turnbow & Gillespie
Attorneys and Counselors at Law
Capitol Park Plaza
300 N. Sixth Street
P.O. Box 1368
Boise, Idaho 83701

Dear Mr. Jones:

The hearing on the amendment to Permit No. 36-7148 and Transfer Nos. 36-4013, 17850/36-2703, and 18605/36-2048 is tentatively set for the week of August 20th.

You will receive a hearing notice shortly showing the exact time and place of the hearing.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

JAN 19 1995

September 26, 1972

Re: Transfer App. No. 36-2048, 36-2703, 36-4013
Permit No. 36-7148

Thousand Springs Trout Farm, Inc.
P.O. Box 232
Buhl, Idaho 83316

Gentlemen:

Enclosed please find a copy of the protest filed by Clear Springs Trout Company against the above referenced applications for transfer and the amending of Permit No. 36-7148.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of protest

cc: Southern District Office

MICROFILMED
JAN 19 1995

September 26, 1972

Re: Transfer App. No. 36-2048, 36-2703, 36-4013
Permit No. 36-7148
(Thousand Springs Trout Farm, Inc.)

Mr. John C. Hepworth, Sec.
Clear Springs Trout Company
1020 Main St.
Buhl, Idaho 83316

Dear Mr. Hepworth:

We acknowledge receipt of your protest against the above referenced applications for transfer and the amending of Permit No. 36-7148.

The following are the principle items we can consider at a conference and/or hearing in either approving or denying a transfer application:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

bc: Southern District Office

JAN 19 1975

September 14, 1972

Re: Transfer Applications No. 36-2048
36-2703
36-4013

Permit No. 36-7148

Thousand Springs Trout Farm, Inc.
P.O. Box 292
Buhl, Idaho 89316

Gentlemen:

Enclosed is a copy of the protest filed by Earl M. Hardy against the above referenced applications for transfer and the amending of Permit No. 36-7148.

The following are the principle items we can consider at a conference &/or hearing in either approving or denying a transfer application:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for a conference &/or hearing to discuss the matters of protest. If we may be of any assistance, please let us know.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

MICROFILMED

JAN 19 1995

BDF:DR
Enc: Copy of protest

September 14, 1972

Re: Transfer Applications No. 36-2048)

36-2703)

36-4013)

Thousand Springs Trout Farm, Inc.

Permit No. 36-7148

Mr. Earl M. Hardy
1840 Vista Avenue
Boise, Idaho 83705

Dear Mr. Hardy:

We acknowledge receipt of your protest against the above referenced applications for transfer and the amending of Permit No. 36-7148.

The following are the principle items we can consider at a conference &/or hearing in either approving or denying a transfer application.

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for a conference &/or hearing to discuss the matters of protest. If we may be of further assistance, please let us know.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

MICROFILMED
JAN 19 1995

1 HEPWORTH, NUNGESTER & FELTON
2 1020 Main Street
3 Buhl, Idaho 83316
4 Telephone: 543-4368

Accepted *ED*

8 STATE OF IDAHO

9 DEPARTMENT OF WATER ADMINISTRATION

10
11 In the Matter of Applications)
12 Number 36-2448, 36-2703, 36-4013) PROTEST
13 and 36-7148 of Thousand Springs)
14 Trout Farm, Inc.)

15 Comes now JOHN C. HEPWORTH, Secretary of CLEAR SPRINGS TROUT
16 COMPANY, a corporation, and respectfully alleges:

17 1. That Thousand Springs Trout Farm, Inc., has filed applica-
18 tions with the Department of Water Administration as follows:

- 19 a. A proposed change of water rights with respect to
20 Applications No. 36-2048 and 36-2703;
21 b. A proposed change of a Claim to a Water Right
22 No. 36-4013; and
23 c. An amendment to Application for Permit No. 36-7148.

24 2. Clear Springs Trout Company, an Idaho corporation, claims
25 rights and has issued to it permits in connection with the same
26 water source to which Thousand Springs Trout Farm, Inc.'s
27 applications relate. The applications and permits of Clear Springs
28 Trout Company are designated by the Department of Water Administra-
29 tion as being permits numbered:

30 36-2708

31 36-7218

32 3. That Clear Springs Trout Company and its assignee for
security purposes, Farmers' National Bank of Buhl, Idaho, protest

RECORDED
JAN 19 1965

1 the applications of Thousand Springs Trout Farm, Inc., set forth
2 above on the following basis:

3 a. That the proposed changes by Thousand Springs Trout
4 Farm, Inc., cannot be made without injuring the permits and
5 rights of Clear Springs Trout Company and its assignee,
6 Farmers' National Bank of Buhl, Idaho;

7 b. That the proposed changes and amendments by Thousand
8 Springs Trout Farm, Inc., if allowed, would constitute an
9 enlargement of any rights they now have and would thereby
10 injure other permit holders including Clear Springs Trout
11 Company and its assignee.

12 WHEREFORE, Clear Springs Trout Company and its assignee,
13 Farmers' National Bank of Buhl, Idaho, respectfully pray that
14 Application Nos. 36-2048, 36-2703, 36-4013, and 36-7148 of Thousand
15 Springs Trout Farm, Inc., be denied, disallowed and rejected and
16 that the Department of Water Administration refuse the applications
17 made thereunder.

18 DATED: September 11, 1972.

19 John C. Hepworth
John C. Hepworth

20 STATE OF IDAHO)
21 County of Twin Falls) ss.

22 JOHN C. HEPWORTH, being first duly sworn under oath, says:

23 That he is the secretary of Clear Springs Trout Company and is
24 the authorized attorney for Farmers' National Bank of Buhl, Idaho,
25 in connection with the applications of Thousand Springs Trout Farm,
26 Inc.; that he has read the above and foregoing and knows the con-
27 tents thereof and believes the facts stated therein to be true
28 and that this verification is made as secretary of Clear Springs
29 Trout Company and under his power of attorney from the Farmers'
30 National Bank of Buhl, Idaho.

31 Subscribed and sworn to before me this 11th day of September, 1972.
32 Lillian H. Buehler

Notary Public for Idaho
Residing at Twin Falls, Idaho

JAN 19 1995

PHONE 342-0090

EARL M. HARDY
BOISE, IDAHO 83705
September 8, 1972

1340
~~1220~~ VISTA AVENUE

Accepted 9/11/72
JDF

Re: Proposed Changes of Water Rights
Nos. 36-2048, 36-2703
Proposed Change of A Claim to a
Water Right No. 36-4013
Amendment to Application For Permit
No. 36-7148 - Thousand Springs Trout
Farms, Inc.

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

RECEIVED

SEP 8 1972

Dear Mr. Higginson:

Department of Water Administration

The undersigned hereby protests the above applications to change and enlarge the existing diversion works as proposed therein.

The undersigned, Clear Lakes Trout Co., is the owner of the following approved permits to appropriate water from the same source as that from which Thousand Springs Trout Farms, Inc. proposes to take additional water under the above applications:

No. 36-2659, dated June 24, 1966 for 100 c.f.s.
No. 36-7004, dated July 21, 1967 for 75 c.f.s.

The additional water which Thousand Springs Trout Farms, Inc. proposes to take under these applications runs into and is a part of the water appropriated by and presently being used by Clear Lakes Trout Co., Inc. under its approved applications set forth above.

All of the water adjacent to and west of the existing diversion of the applicant, Thousand Springs Trout Farms, Inc., is presently being used by the protestant herein and any extension of this existing diversion to the west as proposed by the applicant would decrease the amount of water available to the protestant and thereby cause injury to the Clear Lakes Trout Co., Inc. under the provisions of Sec. 42-108, I. C.

Under the above applications, it appears that Thousand Springs Trout Farms, Inc. is attempting to obtain additional water to that which it is entitled to based on the Claim to a Water Right No. 36-4013 and "Due to changes in flow of spring, old diversion no longer collects and diverts the quantity of water to which applicant has a prior right. New diversion will enlarge existing diversion to extent necessary to collect water to which applicant has an established existing right.", as stated by applicant in Item 10-e of the applications. Clear Lakes Trout Co., Inc. does not necessarily consider that said claim to a Water Right No. 36-4013 is either accurate or valid insofar as the 60 c.f.s. water claimed therein is concerned. Furthermore, all of the water measurements of the Clear

Microfilm
JAN 19 1995

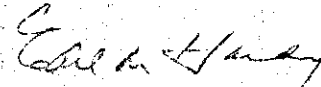
Mr. R. Keith Higginson
Page 2
September 8, 1972

Lake Spring available to Clear Lakes Trout Co., Inc. do not support that there is a decrease in spring flow which would necessitate the proposed changes in diversion, even if it were assumed that the applicant has an established and prior right for the quantity of water stated in said claim No. 36-4013, which protestant does not so assume. But rather, Clear Lakes Trout Co., Inc., assumes that by filing these applications to enlarge and extend its diversions constitutes an attempt by Thousand Springs Trout Farms, Inc. to enlarge its use of the water it is actually entitled to, contrary to Section 42-222, I. C.

It is requested that this letter be entered as a formal protest on behalf of the undersigned to the allowance of said applications and request that they be denied.

Respectfully yours,

CLEAR LAKES TROUT CO., INC.



By: Earl M. Hardy
President

EMH/skh

MICROFILMED
JAN 19 1995

RECEIVED

Affidavit of Publication

SEP 5 1972

Department of State, Idaho } ss.
County of Gooding

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

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 24 day of August, 1972, and the date of the last publication was on the 31 day of August, 1972

Mary Ann Hagen
Subscribed and sworn to before me this 31 day of August, 1972
(SEAL)

Audrey C. Belsher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....
Number of Insertions
Lines at 14¢
Lines at 10¢
TOTAL COST.....

COPY OF NOTICE

Title of Notice

Change of Water Rights

Title of Notice

Thousand Springs
Plaintiff Attorney

Trout Farm
Defendant

36-2703
Plaintiff

Bill to

Water Admin
Boise

PUBLICATION RATES:

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

MAILED
JAN 19 1995

No 1598

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT**

NO. 36-2703

Notice is hereby given that
Thousand Springs Trout
Farm, Inc., of P.O. Box 232,
Buhl, Idaho, has applied to
the Dept. of Water Admini-
stration for a change of the
point of diversion of the wa-
ters of Clear Springs, tribu-
tary to the Snake River. The
right sought to be changed
is evidenced by License No.
17850/36-2703 and is recorded
as follows:

Amount: 40 cfs
Priority: 11/23/1933
Point of diversion: Lot 5,
Sec. 2, Twp. 9S, Rge. 14E,
B.M., Gooding County.

The water is used for fish
hatchery purposes within the
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, Twp. 9S,
Rge. 14E, B.M. from January
1 to December 31.

**TO BE CHANGED AS
FOLLOWS**

Point of diversion: Lot 5 (SE

NE $\frac{1}{4}$), Sec. 2, Twp. 9S,
Rge. 14E, B.M.

Any protest against approv-
al of the above proposed
change of water right must
be filed with the Idaho Dept.
of Water Administration,
Statehouse — Annex 2, Boise,
Idaho, on or before September
11, 1972.

R. KEITH HIGGINSON,
Director

8-24-72

August 21, 1972

**Re: Transfer Nos. 36-2048, 36-2708, 36-4013
Permit No. 36-7148**

**Gooding County Leader
Box 56
Gooding, Idaho 83330**

Gentlemen:

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

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

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

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

(signature of claimant)

Very truly yours,

**BOBBY D. FLEENOR
Assistant Director**

Bill submitted _____ by _____

**BDF:DR
Enc: Legal notices (4)**

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse — Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

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

September 15, 1970

Re: License Nos. - 17850/36-2703
 18605/36-2048
Permit No. - 16817 - CANCELLED

Mr. Dennis Olson
Attorney-at-Law
425 "E" Street
Idaho Falls, Idaho 83401

Dear Mr. Olson:

Pursuant to your telephone request of September 14, 1970, we are enclosing copies of water licenses 17850/36-2703 and 18605/36-2048. Permit no. 16817 was cancelled and the file has been destroyed. We have in our microfilm records copies of the cancelled file should you need them in the future.

You will note from the copies of the licenses, they remain in the name of J. W. Tingey, and our records will not reflect any change of ownership under a license. To the best of our knowledge, the only thing that would affect the licenses would be the abandonment of the right or the forfeiture through five years of nonuse. We have no record of either action.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
ENCLOSURES

36-2703
17850

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 36-2703

Notice is hereby given that Thousand Springs Trout Farm, Inc., of P.O. Box 232, Buhl, Idaho, has applied to the Dept. of Water Administration for a change of the point of diversion of the waters of Clear Springs, tributary to the Snake River. The right sought to be changed is evidenced by License No. 17850/36-2703 and is recorded as follows:

Amount: 40 cfs

Priority: 11/23/1933

Point of diversion: Lot 5 , Sec. 2, Twp. 9 S, Rge. 14 E, B.M.,
Gooding County.

The water is used for fish hatchery purposes within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, Twp. 9 S, Rge. 14 E, B.M. from January 1 to December 31.

TO BE CHANGED AS FOLLOWS

Point of diversion: Lot 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Sec. 2, Twp. 9 S, Rge. 14 E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Dept. of Water Administration, Statehouse - Annex 2, Boise, Idaho, on or before September 11, 1972.

R. KEITH HIGGINSON

Director

Published in the Gooding County Leader at Gooding, Idaho, on August 24 and August 31, 1972.

JAN 19 1995

January 22, 1937

Re: Permit No. 17850

J. W. TINGEY
Buhl, Idaho

Dear Sir:

We are enclosing herewith, Certificate of Completion of Works together with a License and Certificate of Water Right, authorizing the appropriation of forty second feet of water for fish hatchery purposes under the terms of Permit No. 17850, and also our office receipt in the amount of \$19.00 for the fees you paid in connection with proof of completion of works and proof of beneficial use of the water.

A short time ago, the bonding company which executed your surety bond for the water filing, wrote to this office asking as to whether or not it would be necessary to renew the bond for another year. We advised them at that time that a Certificate of Completion of Works would be issued shortly, and the bond would therefore no longer be necessary. If you are billed for this premium again, you should advise the company that the bond is no longer required.

Very truly yours

Chief Clerk & Office Engineer

PLH/cj
encl

17850

December 30, 1936

Re: Permit No. 17850
J. W. Tingey

UNITED STATES FIDELITY & GUARANTY CO.
221 Kearns Bldg.
Salt Lake City, Utah

Gentlemen:

In reply to your letter of December 24th, please be advised that a Certificate of Completion of Works was issued under the above permit today, confirming the completion of the required works to a sufficient capacity to convey the quantity of water claimed.

A License and Certificate of Water Right will also be issued to Mr. Tingey within a day or so upon a basis of his final proof.

Very truly yours

Chief Clerk & Office Engineer

PLH/cj

17850



UNITED STATES FIDELITY AND GUARANTY COMPANY
SALT LAKE CITY OFFICE

E. A. BJORKKLUND
MANAGER

221 KEARNS BUILDING
SALT LAKE CITY, UTAH

December 24, 1936

State of Idaho
Department of Reclamation
Boise, Idaho

Re: J. W. Tingey - Buhl, Idaho - Water Permit #17850

Gentlemen:

Under date of December 22, 1933 the U. S. Fidelity and Guaranty Co. executed a surety bond on behalf of J. W. Tingey at Buhl, Idaho in the amount of \$1,000.00 in connection with water permit #17850. In our efforts to collect renewal premium we have been informed by the principal that he has completed his filing, and that he is no longer in need of this surety. We are therefore petitioning your department to confirm these facts and if possible discharge us from further liability hereunder.

We thank you for this courtesy.

Very truly yours,

E. A. Bjorklund, Manager

Robert A. Smith
By

RRS:MB

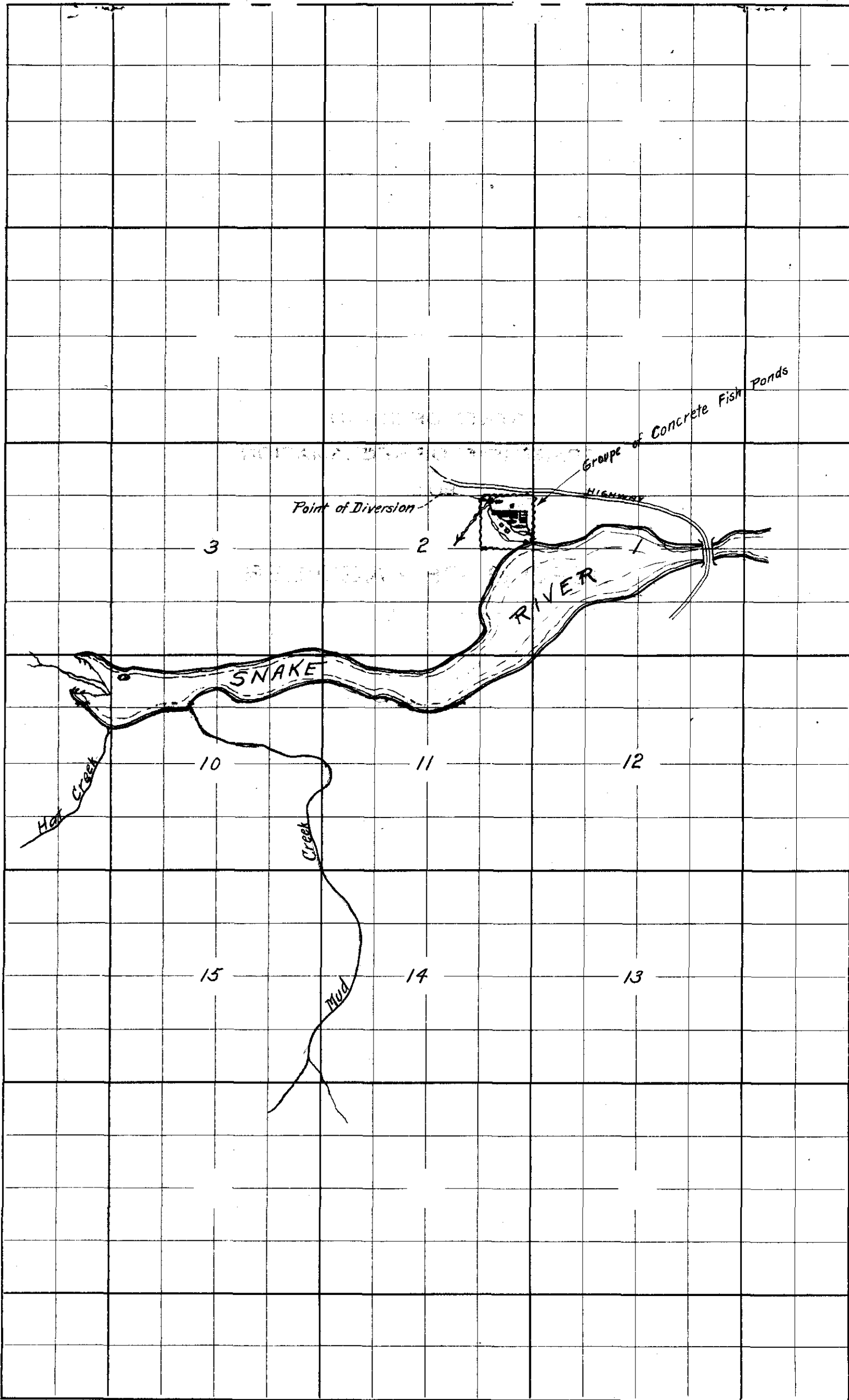
17850

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 17650

REPORT ON PROOF OF Comp. of Works & Ben. Use



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17850

This proof is for Comp. of Works & Ben. Use

In Water District No.

1. Name of applicant J. W. Tingey
2. Source of water supply: Clear Springs
3. Location of point of diversion: Is in the Lot 5 of Section 2
T. 9 S. R. 14 E. County of Gooding
4. Describe works as they exist, giving dimensions and capacities of same: Dam of rock and concrete 30 ft long x 2.5 ft high. Ditch 6 ft wide x 1.5 ft deep. 700 ft long and concrete lined. 29 concrete pools size from 50' x 7' x 4' to maximum, of 80' x 12', also several ponds of earth. Capacity of works is in excess of 40 cu. ft.
5. Water is used for: Fish Hatchery purposes
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 for other than irrigation):

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

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

Remarks: Water covered by this permit is returned directly to Snake River

This examination was made on the 4th day of May, 1936

(Signed) Frederick H. Johnson
Examiner.

J. W. Tingey
Buhl, Idaho.

Permit No. 17850.....

Examination for Comp. of Works & Ben. Use

County.....Gooding.....

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 a 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.
-

W. L. ALDRITT
CIVIL ENGINEER

IRRI
CON
EST

PAULS, IDAHO

RIVER
CO.
Buhl-Idaho
shown
15-1-15

Building

Dwelling

Spawner Pond

CONCRETE
7 x 90

CONCRETE
12 x 90

CONCRETE
12 x 90

12 x 60

12 x 60

12 x 60

12 x 60

30 x 150 Pond

18 x 98 Pond

45 x 138 Pond

36 x 90 Pond

Parking

50 x 190 Pond

50 Pond

50 x 200 Pond

(approx.)

April 21, 1936

Re: Permit No. 17850
J. W. Tingey

MR. BERT BOWLER,
County Clerk,
Gooding, Idaho

Dear Sir:

This will acknowledge receipt of the following papers, executed in connection with Permit No. 17850, to-wit:

Deposition of the holder, J. W. Tingey and depositions of witnesses, Harold Wm. Merritt and R. W. Hudelson, for proof of completion of works, depositions of the same parties in support of beneficial use proof and an affidavit of publication from the Gooding Leader of Gooding, Idaho.

These papers are in proper form and will be held in abeyance until such time as a field examination can be made by a representative of this office. After this examination has been made and the engineer's report is on file, Mr. Tingey will be advised as to the fees due in connection with these proofs, prior to the issuance of his certificate of completion of works and license.

Very truly yours,

R. W. PARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Ingr.

PLH/rg

cc - J. W. Tingey, Buhl, Idaho
Harold Wm. Merritt, Twin Falls, Idaho

17850

PUBLISHER'S AFFIDAVIT

COUNTY OF GOODING, }
STATE OF IDAHO } ss.

F. F. Swan being first
duly sworn, deposes and says that he is
Printer, of The
Gooding Leader, a newspaper of general cir-
culation in Gooding County, Idaho, published
weekly in the City of Gooding, in said County
and State; that said newspaper has been pub-
lished in said county uninterruptedly and
continuously for more than seventy-eight con-
secutive weeks prior to the first publication
of the attached notice; that a notice, of which
the annexed is a true copy, was published in
the said newspaper for at least four
consecutive issues, commencing with the issue
dated Mar. 12-, 1936 and ending
with the issue dated April 2- 1936
in the regular and entire issue of said news-
paper and not in any supplement thereof.

F. F. Swan
Affiant's Signature.

Subscribed and sworn to before me this
3rd day of April 1936

P. P. Kutzler
Notary Public.
Residing at Gooding, Idaho.

NOTICE OF PROOF OF COMPLE-
TION OF WORKS AND APPLICA-
TION OF WATER TO BENEFICIAL
USE.

Notice is hereby given that at 10 A.
M. on the 15th day of April, 1936, at
Gooding, County of Gooding, State of
Idaho, before Bert Bowler, County
Clerk, proof will be submitted of the
completion of works for the diversion
of Forty (40) cubic feet per second of
the waters of Clear Springs (tributary
of Clear Lake) and of the application
to beneficial use of said water in ac-
cordance with the terms and conditions
of Permit No. 17850, 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, are J. W. Tingey, P. O.
Box 615, 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 conducting to the place of use, in
accordance with the plans accompany-
ing the application for such permit, is
Forty cubic feet per second.

3. The use to which said water has
been applied is Trout Hatchery pur-
poses and the amount applied to bene-
ficial use is Forty cubic feet per sec-
ond.

4. The place where said water is
used is Lots 5 and 12 in Sec. 1 and
Lots 5 and 8 in Sec. 2, all in Township
Nine South (T. 9S.) Range Fourteen
East of Boise Meridian (R. 14 E. B.
M.) Gooding County, Idaho.

5. The date of priority which said
user is prepared to establish is No-
vember 23, 1932.

15-18 E. W. PARIS.

17850

PERMIT NO. 17,850

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. J. W. Tingey, Buhl, Idaho, Fish Farming, Buhl, Idaho

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Self

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. 17850, November 27, 1933, 40 second feet, Clear Springs, Lot 5 Sec. 2 Twp. 9 ~~SE~~ R. 14 E. B. M. Gooding County.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Operation of Commercial Fish Hatchery

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes, Nov. 27, 1933, Full amount of permit

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Works are complete, and comply with terms of permit ~~XXXX~~ in all respects

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Diversion Dam ~~XXXXXX~~ of stone and concrete, 30 ft. in length and 2 ft high approximately. Concrete lined canal, about 8 ft wide and about 2 ft deep. About 700 ft in length.

Cost approximately, \$1,000.00

(Sign here.)

J. W. Tingey

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 Gooding

County of Gooding, State of Idaho, on this 15

day of April A. D. 1936

Paul Bowler
Clerk District Court Notary Public

My Commission expires

17850

Permit No. 17850

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. Harold William ~~XXXXXX~~ Merritt, Twin Falls, Idaho

Engineer, Twin Falls, Idaho

Ques. 2. Are you acquainted with J. W. ~~Town~~ Tingey, the holder of Permit No. 17850, authorizing the diversion of 40 second-feet of the waters of ~~Clear~~ ^{Clear} Springs, at lot 5.2-9-14 for ~~XXXXXX~~ ^{fish hatchery} purposes? How long have you known him, and where does he reside?

Ans. since 1928, now resides at hatchery, post office Buhl, Idaho

Ques. 3. Have you read or heard read said Permit No. 17850, and are you familiar with its terms and conditions?

Ans. yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. rock & concrete diversion dam, about 30 ft long ~~XXXXXX~~

about 700 ft of concrete canal 8 ft in width and about 2 ft deep

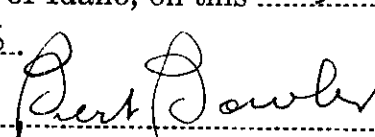
with adequate fall for carrying 40 second feet of water

(Sign here.)

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, at my office in Gooding

County of Gooding, State of Idaho, on this 15

day of April, A. D. 1936.


 Clerk District Court

17850

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 17850

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. R. W. Huddleson, Buhl, Idaho, Buhl, Idaho

Ques. 2. Are you acquainted with J. W. Tingey, the holder of Permit No. 17850, authorizing the diversion of 40 second-feet of the waters of Clear Springs, at lot 5, 2-9¹⁴ E. B. N. for fish hatchery purposes? How long have you known him, and where does he reside?

Ans. since 1929, now resides at hatchery, P. O. Buhl, Idaho

Ques. 3. Have you read or heard read said Permit No. 17850, and are you familiar with its terms and conditions?

Ans. yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. concrete & rock diversion dam, about 30 ft long and about 2 ft ~~2111~~ high. And a concrete canal about 700 ft long, 8 ft wide and about 2 ft deep and has sufficient fall to carry 40 second feet of water

(Sign here.)

R. W. Huddleson

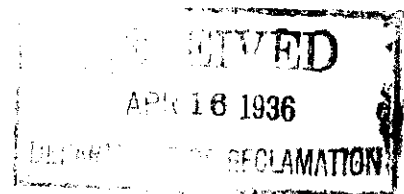
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Gooding

County of Gooding, State of Idaho, on this 15 day of April, A. D. 1936

Reed Bowler
clerk Dist. Court

17850

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.



PERMIT NO. 17850

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. J. W. Tingey, 52, Buhl, Idaho, Buhl, Idaho

Occupation, Fish Farming

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. Self

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

Ans. 17850, Nov. 23, 1933, Nov. 23, 1933, Commercial Fish Hatchery

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

Ans. Clear Springs, N. 42 degrees 57 M. West 323 ft from the 1/4 cor. common to Sec. 1 and 2 T. 9S. R. 14 E. B. M.

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.

Ans. Concrete and rock dam about 30 ft long and about 2 ft high concrete lined canal about 8 ft wide and about 2 ft deep and about 700 ft in length, capacity 40 second feet, no name.

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. Operating commercial fish hatchery, lots 5 & 8 Sec. 2 lots 5 & 12 Sec. 1 all in T. 9S. R. 14 E. B. M. Gooding County

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

Ans. Commercial fish hatchery

17850

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

Ans. 40 Sec. Ft.

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. Nov. 23, 1933, for operating commercial fish hatchery to
full extent

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

(Sign) J. W. Turley

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 Gooding, County of Gooding
State of Idaho, on this 15 day of April A. D. 1936

Earl Bowler

Clerk District Court

My commission expires _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17850

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. R. W. Huddleson, Buhl, Idaho- Buhl, Idaho

Ques. 2. Are you acquainted with J. W. Tingey, the holder of Permit No. 17850? How long have you known him and where does he reside?

Ans. since 1929, at fish hatchery P. O. address, Buhl, Idaho

Ques. 3. Have you read or heard read said Permit No. 17850, 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. Clear Springs, tributary of Clear Lakes. Point of diversion
lot 5 Sec 2 -9-14. Works consist of concrete & rock dam about
30 ft in length and 2 ft high and a concrete canal about 700 ft long
8ft wide and 2 ft deep with sufficient fall to carry 40 second feet of
water.

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. 40 S. F. 40 S. F.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. Commercial fish hatchery, lot 12, Sec. 1, T9, R14 ~~XXXX~~ E. B. M.
Gooding County

17850

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

Ans. Water has been used for fish hatchery purposes to the full
extent of 40 S. F.

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. _____

✓ 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. since 1929 I have observed the water herein applied for
being used for fish hatchery purposes at said place

(Signed) _____

P. W. Anderson

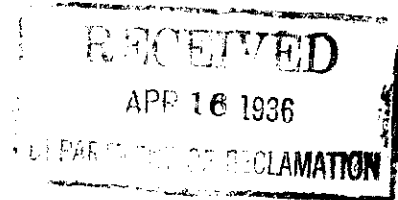
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Gooding, County of Gooding, State of Idaho, on this day of April, 15, 1936, A. D. 19____.

Clara Powell
Clerk District Court

~~Notary Public~~

My commission expires _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 17850

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. Harold Wm. Merritt, Twin Falls, Idaho, Twin Falls, Idaho

Ques. 2. Are you acquainted with Tingey, J. W., the holder of Permit No. 17850? How long have you known him and where does he reside?

Ans. Since 1928, now resides at hatchery, P. O. address Buhl, Idaho

Ques. 3. Have you read or heard read said Permit No. 17850, 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. Clear Springs, a tributary of Clear Lake and Snake River

point of diversion, N. 42 degrees 57 M. West 323 ft. from 1 corner common to Sec. 1 & 2-93 14 E.A.M.

Works consist of concrete and rock diversion dam about 30 ft in length and about 700 ft of concrete open conduit 8ft wide and adquet depth and fall to carry 40 sec. ft of water to be used

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. 40 S. F. , same

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. Water is used in a series of concrete ponds situated in lot 12 Sec. 1 -9-14 Gooding County and is then returned to original channel in said lot 12. Water is also used in hatchery building in said lot 12

17850

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

Ans. applied for fish hatchery purposes to its fullest capisity
of 40 second feet

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.

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. since 1928 I have measured the water on noumerious
occations and have seen it put to beneficial use contineously
~~since 1930 to the extent applied for~~

(Signed)

I hereby certify that the foregoing testimony was read to the above subbscriber 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 Gooding, County of Gooding, State of Idaho, on this day of April, 15, A. D. 1936.

Clerk District Court

Notary Public.

My commission expires

BERT BOWLER
CLERK DISTRICT COURT
AND EX-OFFICIO AUDITOR AND RECORDER

GOODING COUNTY
GOODING, IDAHO

RECEIVED
APR 15 1936
Department of Reclamation

April 15, 1936

State of Idaho
Department of Reclamation.

Boise, Idaho.

Gentlemen:

I am enclosing herewith, depositions in proof of completion of works and proof of beneficial use of water of J. W. Tingey as holder of permit No. 17850, also the depositions of Harold Wm Merritt and R. W. Hudelson as witnesses along with the affidavit of publication as required by statute.

Yours very truly,

Bert Bowler
Clerk

c c to J. W. Tingey

17850

RECEIVED
APR 16 1936
Department of Reclamation

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS
AND
PROOF OF BENEFICIAL USE OF WATER

Re: Permit No. 17850

BOISE, IDAHO,

April 6, 1936

MR. BERT BOWLER,
County Clerk,
Gooding, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of completion of works and beneficial use of water under Permit No. 17850

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On April 15, 1936, the date set for proof, the enclosed forms (two for permit holder and two each for two disinterested witnesses) should be filled out and sworn to, at Gooding, Idaho before Mr. Bert Bowler, County Clerk,

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

~~XXXXXXXXXXXX~~ R. W. FARIS,
Commissioner of Reclamation.

17850

F. F. Swan
Editor and Publisher

High Class
Commercial Printing

The Gooding Leader

Gooding County Seat Newspaper
Established 1908

Gooding, Idaho

March 7, 1936

17850
H.W. Faris,
Commissioner of Reclamation,
Boise, Idaho,

Dear Sir:-

This is to acknowledge receipt of order for
insertion of Legal Notice for J.W. Hingey, Buhl, Ida.,
Permit No. 17850, to be published four times, March 12,
March 19, March 26 and April 3, as you instruct.

Thanking you, we are

Very truly yours,

Gooding Leader,

By

F. F. Swan

17850

RECEIVED

MAR 9 1936

Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date March 6, 1936

Re: Permit No. 17850

EDITOR, GOODING LEADER
Gooding,
Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to April 15, 1936, the date set for proof, the expense of the publication to be paid by the applicant,

J. W. TINGEY, Box 615, Buhl, 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 of the first publication.

Very truly yours,

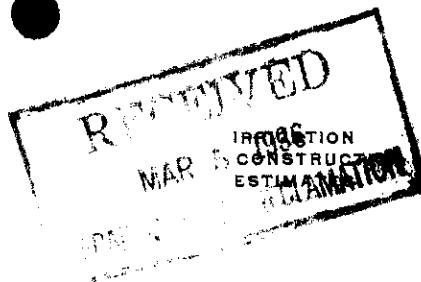
R. W. FARIS

Commissioner of Reclamation

17850

SURVEYS
INVESTIGATIONS
REPORTS

HAROLD WM. MERRITT
CIVIL ENGINEER
TWIN FALLS, IDAHO



MARCH, 3, 1936

Paul L. Henry,
Office Engineer,
Dept. of Reclamation,
Boise, Idaho.

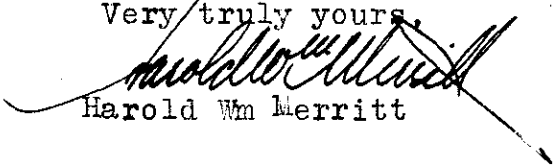
Re: 17850
J.W.Tingey

Dear Mr. Henry:

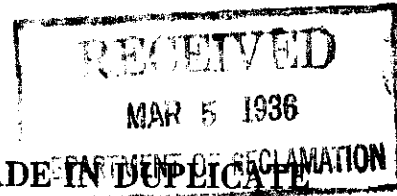
Enclosed is Notice
of Proof of Completion of Works and
Application of Water to Beneficial Use
in duplicate, together with authorization
for its publication by the holder
J.W.Tingey.

May I thank you at this time for
the forms received this morning.

Very truly yours,


Harold Wm Merritt

17850



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE

IN DUPLICATE

(Date) FEBRUARY, 20, 1936
(P. O.) BUHL, IDAHO.

TO THE COMMISSIONER OF RECLAMATION:

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.

J W Tinsley

(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.

17850

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

Notice is hereby given that at 10 A.M. on the 15th
day of APRIL, 1936, at GOODING, County of
GOODING State of Idaho, before BERT BOWLER, COUNTY CLERK
proof will be submitted of the completion of works for the diversion of FORTY (40)
cubic feet per second of the waters of CLEAR SPRINGS (TRIBUTARY OF CLEAR LAKES)
and of the application to beneficial use of said water in accordance with the terms and conditions
17850
of Permit No. 17850, heretofore issued by the DEPT. OF RECLAMATION of the State of Idaho.

1. The name and postoffice address of the person or corporation, holding said permit, are

J.W. TINGEY, P.O. Box 615 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 conducting to the place of use, in accordance with
the plans accompanying the application for such permit, is FORTY cubic feet per second.

3. The use to which said water has been applied is IRRIGATION AND DOMESTIC TROUT HATCHERY
purposes and the amount applied to beneficial use is FORTY cubic feet per second.

4. The place where said water is used is LOTS 5 and 12 IN SEC. 1 AND LOTS
5 and 8 IN SEC. 2, ALL IN TOWNSHIP NINE SOUTH (T.9S.) RANGE FOURTEEN
EAST OF BOISE MERIDIAN (R.14E.B.M.) GOODING COUNTY, IDAHO.

5. The date of priority which said user is prepared to establish is NOV. 23, 1933
FEB. 14, 1938

R. W. FARIS

17850

February 20, 1936

Re: Permit No. 17850
J. W. Tingey

MR. HAROLD WM. MERRITT,
Civil Engineer,
Twin Falls, Idaho

Dear Sir:

We are enclosing herewith Affidavit for Change of Point of Diversion, under the above numbered permit, which has been made a matter of record in this office and is being returned for the permit holder's files.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

G
Encl.

17850

February 18, 1938

Re: Permit No. 17850
J. W. Tingey

MR. HAROLD WM. MERRITT,
Civil Engineer,
Twin Falls, Idaho

Dear Mr. Merritt:

This will acknowledge receipt of the affidavit for change of point of diversion, executed by Mr. Tingey, in connection with Permit No. 17850. This instrument will be recorded immediately and returned to you and the record will then be in accordance with the amended map and the actual conditions on the grounds.

As we stated some time ago, when communicating with you, Mr. Tingey could proceed with his proofs immediately after the affidavit has been made a matter of record in this office. We are, therefore, enclosing herewith a notice for a joint publication, together with our form letter for Mr. Tingey's authorization to have the notice published in some county newspaper.

As you know, these proofs will not be due for some time, therefore, you may set the date for the proofs to meet with the convenience of both Mr. Tingey and yourself. We presume that he will offer them before you, as Notary Public, and as you will recall, from past experience, each of these proofs will require two witnesses. However, the same witnesses may act in both cases.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

PLH/rg
Encl.

By _____
Chief Clerk & Office Engineer

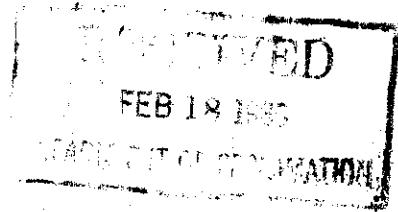
17850

SURVEYS
INVESTIGATIONS
REPORTS

HAROLD WM. MERRITT

CIVIL ENGINEER
TWIN FALLS, IDAHO

IRRIGATION
CONSTRUCTION
ESTIMATES



FEBRUARY, 13, 1936

Paul L. Henry,
Office Engineer,
Department of Reclamation,
Boise, Idaho.

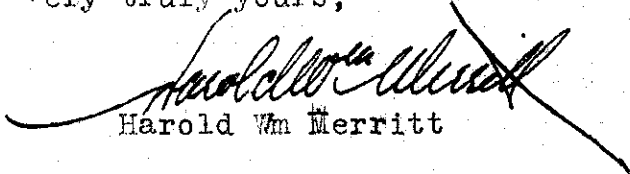
Re: 17850
J.W.Tingey

Dear Mr. Henry:

Enclosed is the affidavit of change of point of diversion which you requested in connection with the above permit. I am sure the same will be found satisfactory, and Mr. Tingey is ready to go ahead with the two proofs at this time if the necessary forms are forwarded.

Thanking you for your courtesies in this matter, I remain,

Very truly yours,


Harold Wm Merritt

17850

December 12, 1935

Re: Permit No. 17850
J. W. Tingey

MR. HAROLD WM. MERRITT,
Civil Engineer,
Twin Falls, Idaho

Dear Mr. Merritt:

I have your letter of December 4th relative to the above permit.

Proof of completion of works will be due under this permit on November 27, 1938 and proof of beneficial use will be due November 27, 1944. However, there is no objection to these proofs being offered at once and, furthermore, a joint publication can be made and thereby materially reduce the expense of advertising for Mr. Tingey. After the publication has been completed a separate set of depositions for each proof must be executed by Mr. Tingey and two witnesses, who are familiar with what has been done under the terms of the permit, on the date specified for proof.

We have the necessary forms for the proofs, but I believe that it would be well to settle the question concerning the point of diversion before the publication for such proofs is started. I note what you say with respect to the fact that the point of diversion has never been changed but simply described differently, in order to conform to another description. I have no doubt but what this is the case and but what the point of diversion has not actually been changed, from a physical standpoint, but there is a slight difference in the map submitted with application for Permit No. 17850 and the amended map dated September 26, 1934. For instance, the point of diversion on the original map is described as being N. 40° 30' W. 330' distant from the quarter corner common to Sections 2 and 3, T. 9 S., R. 14 E., whereas the amended map shows it as being N. 42° 52' W. 323' distant from this quarter corner. This, of course, is only a difference of 2° and 22' in bearing and a difference of 7' in distance. Nevertheless, the record should be corrected to conform with the latter description. The form which we mailed to you will suffice for the change of point of diversion and you may make such changes in the application, as you see fit, so that it will conform to this particular case. There will be no expense to Mr. Tingey in connection with this matter and after it has been made there will be no possibility of any question arising as to the correct description of the diversion.

Just as quickly as this affidavit has been made a matter of record, we shall be glad to furnish the forms for the proofs.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation
By _____
Chief Clerk & Office Engr.

PLH/rg

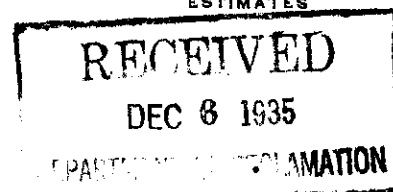
17850

SURVEYS
INVESTIGATIONS
REPORTS

HAROLD WM. MERRITT

CIVIL ENGINEER
TWIN FALLS, IDAHO

IRRIGATION
CONSTRUCTION
ESTIMATES



DECEMBER, 4, 1935

Mr. Paul Henry,
Office Engineer,
Bureau of Reclamation,
Boise, Idaho.

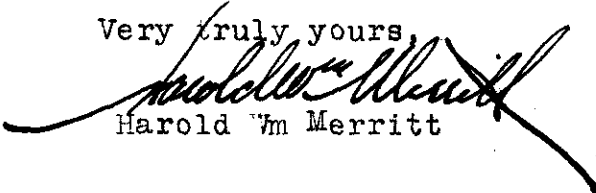
Re: 16817
J.W.Tingey

Dear Mr. Henry:

Mr. Tingey desires at this time to make Proof of Completion of Works and also Proof of Beneficial Use under above permit. I suggested to him that these could both be done at the same time unless your office objected. If you have no objection, I would appreciate your sending me the necessary forms for making these proofs. Would also appreciate your giving me the limiting date when proofs should be made, and whether there are to be any maps etc. required to accompany said proofs.

At one time you suggested that we file an affidavit showing change of pt. of diversion. I believe I have never done this in this case because the point was never changed, but simply described differently in order to conform to another description so that they might be more easily compared. Will you please give me an expression at this time as to your attitude in this matter.

Very truly yours,


Harold Wm Merritt

HTM/M

17850

December 12, 1934

Re: Permit No. 17850
J. W. Tingey

MR. HAROLD WM. MERRITT
Civil Engineer,
Twin Falls, Idaho

Dear Mr. Merritt:

It has come to my attention that there is some question as to the exact location of the point of diversion under the above permit.

As you know, at the time when application for Permit No. 17850 was filed, the point of diversion was given exactly as it was in Permit No. 16817, which had lapsed. The map which accompanied the application for Mr. Tingey's present permit, agreed with the point of diversion as described. However, several weeks ago you filed an amended map to show a correction of a portion of the traverse. I have had the impression all of the time that the point of diversion was not being changed. However, I find, upon further examination of the amended map, that the point of diversion is shown as being N. $45^{\circ} 57'$ W. 323' distant from the $\frac{1}{4}$ corner common to Sections 1 and 2, T. 9 S., R. 14 E., B. M.

The department provides a regular form of affidavit for change of point of diversion which, I believe, should be executed by Mr. Tingey in order to correct the permit record so that it will agree with the amended map. We are enclosing a copy for your convenience.

Awaiting your reply, we remain

Very truly yours,

R. W. PARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG
Encl.

17850

October 20, 1934

Re: Permit No. 17850

MR. HAROLD WM. MERRITT, C. E.
Bank & Trust Bldg.,
Twin Falls, Idaho

Dear Sir:

Reference is made to your letters of October 18th and 17th.

We are enclosing herewith notice in duplicate for a combined publication and also our form letter for your authorization to publish the notice in some one of your county newspapers. In other words, one notice will suffice for both proofs and the procedure will be just the same as outlined in our letter regarding Mr. Frame's permit.

We obtained three prints of the amended map which you mailed to this office a few days ago and placed them in the mail yesterday afternoon. There will be no charge for these prints since the amount is so little that it is not worth considering. You will note, from the prints, that I struck out the old permit number and inserted the new one, as per your request.

Trusting that the foregoing meets with your approval, we remain

Very truly yours,

H. W. PARIS
Commissioner of Reclamation

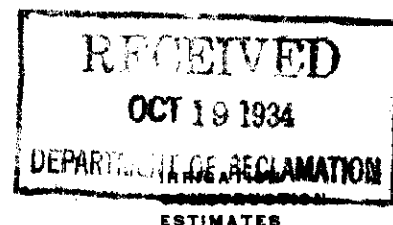
By _____
Chief Clerk & Office Engr.

PLH:RG
Encl.

17850

SURVEYS
INVESTIGATIONS
REPORTS

HAROLD WM. MERRITT
CIVIL ENGINEER
BANK & TRUST BUILDING
TWIN FALLS, IDAHO



OCTOBER, 17, 1934

Mr. Paul L. Henry,
Department of Reclamation,
Boise, Idaho.

Re: 17850

Dear Mr. Henry:

Mr. Tingey desires several prints of the ammended map I sent you a week or so ago. If possible, wish you could loan the tracing to me for a few days, or if such a request is out of order, have three prints made and send me the bill. I neglected to run off some extra prants before I sent you the original.

It is Mr. Tingey's desire to make the proofs, as we had formerly discussed, so as soon as convenient, if you can send the necessary forms, I shall get busy on the matter.

Very truly yours,

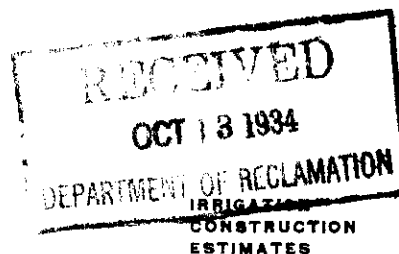
A handwritten signature in cursive script, appearing to read "Harold Wm Merritt". The signature is written in dark ink and is positioned above the printed name.

Harold Wm Merritt.

17850

SURVEYS
INVESTIGATIONS
REPORTS

HAROLD WM. MERRITT
CIVIL ENGINEER
BANK & TRUST BUILDING
TWIN FALLS, IDAHO



OCTOBER, 12, 1934

Mr. Paul L. Henry,
Office Engineer,
Department of Reclamation,
Boise, Idaho.

Re: 17850
J.W.Tingey

Dear Mr. Tingey:

Thank you for your letter of
the 12th regarding the above permit.

I did refer to the old number
when I offered the amended map, and appreciate
your changing same.

I know of no reason why we should
not go ahead and make final proof at this time
of completion of works and also of beneficial
use. Will you please then, send me the
necessary forms for making these proofs,
together with instructions as to what is
required in the form of maps in either case.

With kindest regards,

A handwritten signature in cursive script, appearing to read "Harold Wm Merritt".

Harold Wm Merritt

October 5, 1934

Re: Permits No. 16817 & 17850

MR. HAROLD Wm. MERRITT, Civil Engineer
Bank and Trust Bldg.,
Twin Falls, Idaho

Dear Mr. Merritt:

Thank you for your letter of October 1st with reference to Permit No. 17183, held by Herbert S. Frame.

We are also in receipt of your letter of September 30th with reference to Permit No. 16817. This permit, as we stated in our letter of November 15, 1933, was cancelled under date of June 20, 1933. I believe that you are probably thinking of Mr. Tingey's present permit which is No. 17850. Application for this permit was filed November 23, 1933, and its priority is worth just as much as it would have been under Permit No. 16817, since there were no intervening filings. It is my impression that Mr. Tingey fully completed the works required under this permit, although he failed to offer proof to that effect. Consequently, if this is the case, he can offer proof of completion of works and also beneficial use proof at any time he so desires, although he will not be required to make this proof, under the terms of this permit, until November 27, 1938. Nothing will be required until such time as he does offer this proof. In the event that he is desirous of going ahead with this matter at the present time, we shall be glad to mail blank for either or both proofs at any time, upon being advised to that effect.

We have your maps which were filed as an amendment to Permit No. 16817, and with your permission I will change this number to No. 17850 and place them in that file. I think that this is perfectly proper since they have reference to exactly the same proposition as is covered by the new permit.

Awaiting your reply, we remain

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

17850

PLH:RG

January 3, 1934

Re: Permit No. 17850
J. W. Tingey

MR. HENRY WHITSON, Agent
U. S. Fidelity & Guaranty Co.,
Boise, Idaho

Dear Sir:

This is to inform you that a bond in the amount of \$1,000.00, executed by Mr. J. W. Tingey as principal and the U. S. Fidelity & Guaranty Company of Baltimore, Maryland, as surety, was received in this department, under date of January 2, 1934.

In checking over the bond, it was found that it had been made up on a form which was used several years ago and, consequently, State Engineer appears in a number of places where Commissioner of Reclamation should appear. Corrections have been made wherever it was found necessary so that the form is now satisfactory.

The bond has been approved by the Commissioner of Reclamation and will be filed in the usual manner.

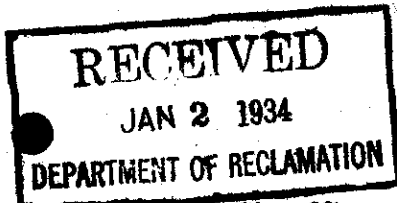
Very truly yours,

R. W. FARIS
Commissioner of Reclamation

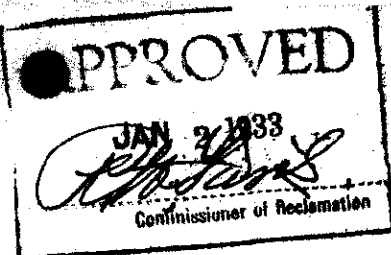
By _____
Chief Clerk & Office Engr.

PLH:RG

17850



Bond



Know all Men by these Presents:

THAT J. W. Tingey, of Buhl, Idaho, as principal, and the UNITED STATES FIDELITY AND GUARANTY COMPANY, of Baltimore, Maryland, as surety, are held and firmly bound unto the State of Idaho in the full and just sum of One Thousand (\$ 1000.00) Dollars, lawful money of the United States, to the payment of which sum, well and truly to be made, said principal binds himself, his heirs, administrators, executors and assigns, and said surety binds itself, its successors and assigns, jointly and severally, under the terms and conditions hereinafter set forth.

The terms of this obligation are such that, whereas the above-named principal on the 23rd day of November, 1933, filed in the office of the Commissioner of Reclamation in Boise, Idaho, a certain application for permit to appropriate the public waters of the State of Idaho, the said application being thereupon numbered No. 25001, in accordance with which said application the State Commissioner of Reclamation ~~Engineer~~ granted and issued to the said principal herein a certain permit numbered No. 17850, a full, true and complete copy of which application No. 25001 and permit No. 17850, is of record in the office of the Commissioner of Reclamation in Book 54 of Permits, at page 17850.

Now, if the above bounden principal shall faithfully carry to completion the said works of diversion as specified in said application No. 25001 and permit No. 17850, in the manner and form prescribed therein and within the time therein allowed, then the above obligation to be void, otherwise to remain in full force and effect.

In Witness Whereof, The said principal has hereunto set his hand and affixed his seal, and the said surety has caused these presents to be signed by its attorney-in-fact, and its corporate seal to be affixed, this 22nd day of December, 1933

Witnesses:

[Signature]
Louise Reeder

[Signature] [SEAL]
United States Fidelity and Guaranty Company

By

[Signature]
Attorney-in-fact.

STATE OF UTAH }
COUNTY OF SALT LAKE } ss:

Countersigned in the State of Idaho

[Signature]
Resident Agent

J. T. Paradise being duly sworn, deposes and says: That the UNITED STATES FIDELITY AND GUARANTY COMPANY, the surety on the foregoing bond, is a corporation of the State of Maryland, duly and legally carrying on the business of a Surety Company in the State of Idaho. That said Surety Company has fully complied with the laws of the State of Idaho relating to foreign corporations doing business in said State. That affiant is attorney-in-fact of said Company. That said Surety Company is authorized by its articles of incorporation and by-laws to execute the bond hereto annexed, and that said Company has assets, consisting of capital stock, paid-up cash and surplus, over and above all of its liabilities, exceeding the sum of one million, five hundred thousand dollars, and has on deposit with the Treasurer of the State of Maryland, in trust for the benefit of all bondholders, two hundred thousand dollars (\$200,000) in available assets.

Subscribed and sworn to before me this 22nd day of December, A. D. 1933.

My commission expires June 25, 1934.

[Signature]
Notary Public.

17850

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise

Permit No. 17850

November 28, 1933

NOTICE

You are advised that in order to keep this permit in force a bond in the sum of \$ 1,000.00 must be filed in the office of the Commissioner of Reclamation on or before January 26 19 34 conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor.

R. W. FARIS

Commissioner of Reclamation

17850

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17850

Boise, Idaho, November 28, 1933

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the Commissioner of Reclamation on the third page.

MR. WM. MERRITT, Engr., Agent
Twin Falls, Idaho
J. W. Tingey

R. W. FARIS
Commissioner of Reclamation.

17850

17850

No. 25001

HAROLD WM. MERRITT

CIVIL ENGINEER

BANK & TRUST BUILDING

TWIN FALLS, IDAHO

NOVEMBER, 21, 1933

SURVEYS
INVESTIGATIONS
REPORTS

IRRIGATION
CONSTRUCTION
ESTIMATES

Paul L. Henry
Office Engineer,
Bureau of Reclamation
Boise, Idaho.

Re: permit 16817
J.W.Tingey

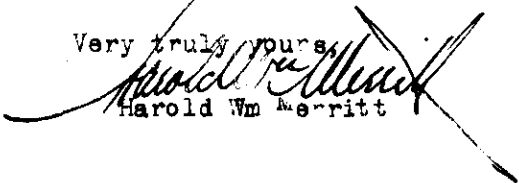
Dear Sir:

I am enclosing under separate cover new application for permit accompanied by tracing and prints required. This new application is being made in lieu of the above permit which your records show as lapsed.

Enclosed is check to the amount of 14.75 to cover fee.

Trusting that this will be found in order, and thanking you for your courtesies in the matter, I remain,

Very truly yours,


Harold Wm Merritt

17850

