

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

36-2414

APPLICATION No. 36310  
PERMIT No. 28339  
DISTRICT No.

1. Name of Applicant: JAMES N. ELLIS

Postoffice address: 1502 San Jose Drive, Boise

County: Ada

State: Idaho

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

- (a) Cash on hand:  
(b) Treasury stock:

- (c) Bond to be issued:  
(d) Other resources:

2. Quantity of water claimed: 6.4

cubic feet per second.

3. Source of water supply: Un-named stream  
Billingsley Creek

which is a tributary of

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the Lot 4  
of section 18 , T. 7 S. , R. 14 E. , B. M., County of Gooding

5. Water is to be used for fish hatchery

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

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the Lot 4 of Section of 18 , T. 7 S. , R. 14 E. , B.M.

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

(c) Water is to be returned to Billingsley Creek at/a points feet

distant from the corner of Section , T. , R. , B.M., in the Lot 4  
of Section 18 , T. 7 S., R. 14 E., B.M.

7. Estimated cost of works: \$ 13,000

8. Kind of works: diversion dam and ditch

9. Height of dam 1 feet; length of dam at top 15 feet; length of dam at bottom 15  
feet; material used in dam: rock

10. Size of headgate: Width none feet; height feet.

11. Ditch: Width at bottom 4 feet; width at water line 6 feet; depth of water 1 feet;  
dimensions of flume:

Diameter of pipe inches; length of conduit .3 miles.

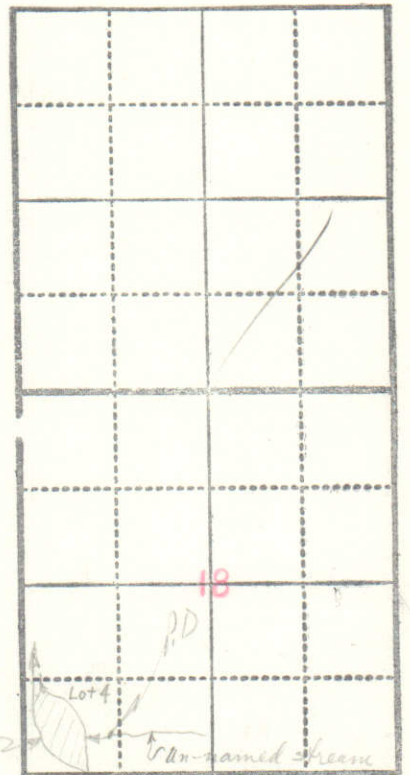
Average grade per mile feet.

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 0 additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:



R-14E.

T.  
7  
S.

HARRMAN.

Points of Return

18

P.D.

Billingsley Cr

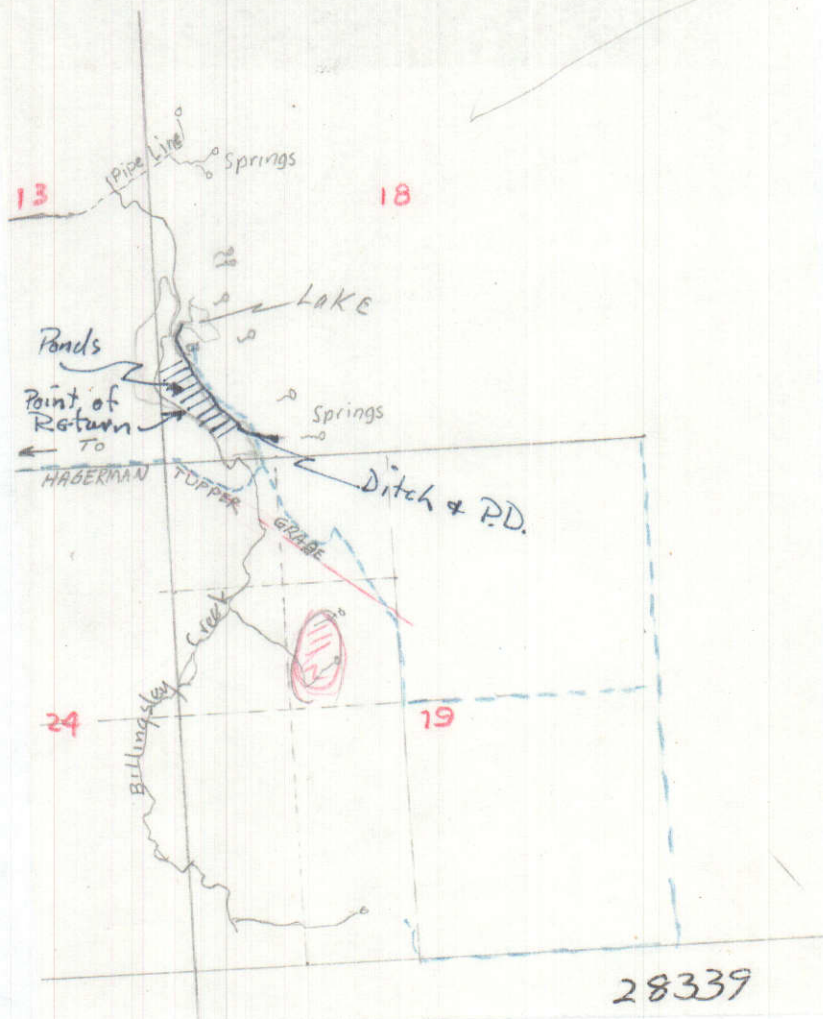
Un-named stream

19

Fish Hatchery

Allow

4.0 cfs or 200 inches



February 9, 1960

Re: Permit No. 28339

Mr. James W. Ellis  
1502 San Jose Drive  
Boise, Idaho

Dear Mr. Ellis:

We enclose Certificate of Completion of Works  
issued on Permit No. 28339.

Receipt No. 29991 in the amount of \$5.00 covering  
fees was handed to you when you were in the office.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

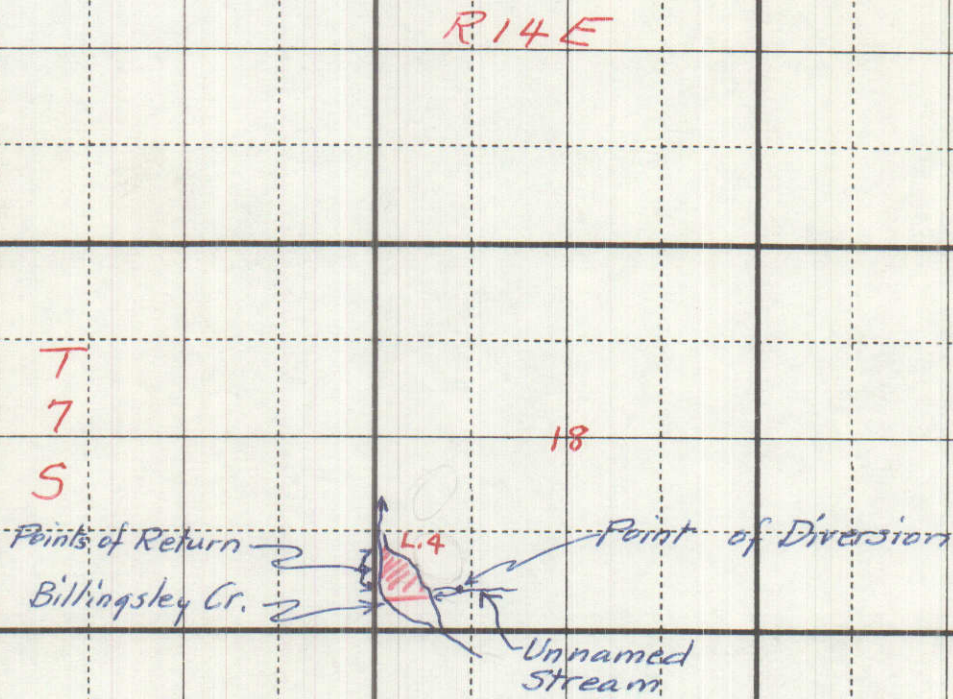
EPR:ew

Enc. certificate

28339 25

NAME OF APPLICANT Jam N. Ellis

Form No. 0



Permit Map No. 28339  
As Approved DEC 29 1959  
GEO. N. CARTER  
State Reclamation Engineer

RECEIVED  
MAY 10 1981

**HAWLEY TROXELL ENNIS & HAWLEY**  
ATTORNEYS AND COUNSELORS

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

May 6, 1981

Department of Water Resources

ONE CAPITAL CENTER  
POST OFFICE BOX 1617  
BOISE, IDAHO 83701

TELEPHONE  
(208) 344-6000

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

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

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

Gentlemen:

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

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

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

HAWLEY TROXELL ENNIS & HAWLEY

Department of Water Resources

Page Two

May 6, 1981

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

4. Four copies of this letter.

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

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

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

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

Very truly yours,

RICHARD F. GOODSON

RFG:pe

encls.

cc: Mr. George T. Hill

Mr. John Hepworth

✓ 7199

**State of Idaho**  
**License and Certificate of Water Right**

Water License No. 28339

Amount 4.0 c.f.s.

Water District No.

Priority December 21, 1959

THIS IS TO CERTIFY that JAMES N. ELLIS  
of Boise, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated December 21, 1959; that Permit No. 28339  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
6.4 second feet, was issued thereunder on February 9, 1960, showing that said works  
were completed on the 8th day of February, 1960; and that on the 17th  
day of March, 1960, JAMES N. ELLIS

of Boise, State of Idaho, made proof to the satisfaction of the  
State Reclamation Engineer of Idaho, of the right to use the waters of an unnamed  
stream, a tributary of Billingsley Creek, for the purpose of fish hatchery  
, under Use Permit No. 28339 of the Department of Reclamation  
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,  
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume  
11 of Licenses at page 7199, on the 31st day of October, 1961;  
The right hereby confirmed dates from December 21, 1959;  
The Point of Diversion is located in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ )  
in the --  $\frac{1}{4}$  --  $\frac{1}{4}$ , Sec. 18, Tp. 7 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 4.0 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|------------------|----------------------------------|---------------------------------|
| 7 S  | 14 E  | 18   | Lot 4 - for      | fish hatchery                    |                                 |

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this  
31st day of October, 1961.

/s/ RALPH W. THOMAS  
Deputy State Reclamation Engineer.

(SEAL)

36-2414

7200+

State of Idaho  
License and Certificate of Water Right

Water License No. 28060

Amount .02 c.f.s.

Water District No.

Priority July 23, 1959

THIS IS TO CERTIFY that WALTER GRIDLEY  
of Hagerman, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated July 23, 1959; that Permit No. 28060  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
.02 second feet, was issued thereunder on November 1, 1961, showing that said works  
were completed on the 15th day of March, 1961; and that on the 15th  
day of March, 1961, WALTER GRIDLEY

of Hagerman, State of Idaho, made proof to the satisfaction of the  
State Reclamation Engineer of Idaho, of the right to use the waters of Unnamed Spring  
, a tributary of, for the purpose of domestic use  
, under Use Permit No. 28060 of the Department of Reclamation  
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,  
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

11 of Licenses at page 7200, on the 1st day of November, 1961;

The right hereby confirmed dates from July 23, 1959;

The Point of Diversion is located Lot 3

in the -- 1/4 -- 1/4, Sec. 1, Tp. 8 S, R. 13 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 .02 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract               | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|--------------------------------|----------------------------------|---------------------------------|
| 8 S  | 13 E  | 1    | Lot 11 - For domestic use only |                                  |                                 |
|      |       |      |                                |                                  |                                 |
|      |       |      |                                |                                  |                                 |
|      |       |      |                                |                                  |                                 |
|      |       |      |                                |                                  |                                 |
|      |       |      |                                |                                  |                                 |
|      |       |      |                                |                                  |                                 |
|      |       |      |                                |                                  |                                 |
|      |       |      |                                |                                  |                                 |

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

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

1st day of November, 1961.

/s/ RALPH W. THOMAS  
Deputy State Reclamation Engineer.

(SEAL)

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

36-2414

APPLICATION No. 36310  
PERMIT No. 28339  
DISTRICT No.

1. Name of Applicant: **JAMES N. ELLIS**

Postoffice address: **1502 San Jose Drive, Boise**

County: **Ada**

State: **Idaho**

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:

- (c) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: **6.4**

cubic feet per second.

3. Source of water supply: **Un-named stream  
Billingsley Creek**

which is a tributary of

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the Lot 4

of section 18 , T. 7 S. , R. 14 E. , B. M., County of Gooding

5. Water is to be used for **fish hatchery**

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

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the Lot 4 of Section of 18 , T. 7 S. , R. 14 E. , B.M.

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

(c) Water is to be returned to Billingsley Creek at/a points feet

distant from the corner of Section , T. , R. , B.M., in the Lot 4  
of Section 18 , T. 7 S., R. 14 E., B.M.

7. Estimated cost of works: \$ 13,000

8. Kind of works: **diversion dam and ditch**

9. Height of dam 1 feet; length of dam at top 15 feet; length of dam at bottom 15

feet; material used in dam: **rock**

10. Size of headgate: Width none feet; height feet.

11. Ditch: Width at bottom 4 feet; width at water line 6 feet; depth of water 1 feet;

dimensions of flume:

Diameter of pipe inches; length of conduit .3 miles.

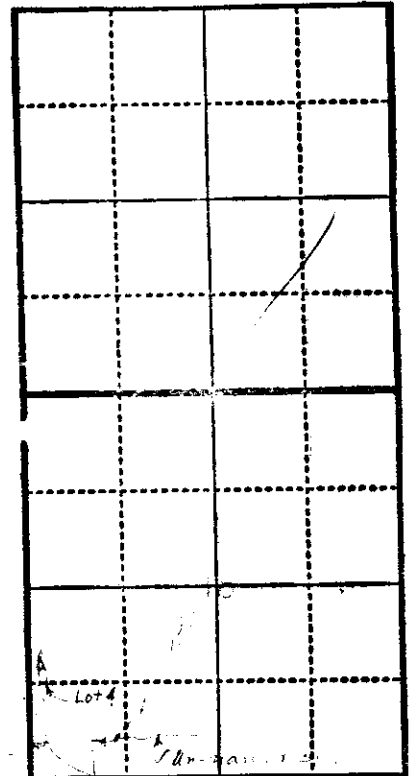
Average grade per mile feet.

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 0 additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:



16. (a) Is reservoir to be used? **n0** If so, fill in (b) and (c) below:  
 (b) Name of Reservoir and number of Storage Permit:  
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

**JAMES N. ELLIS**

*Applicant.*

By

*Agent.*

Date of first receipt at Department of Reclamation: 9:30 A. M. December 21, 1959

Returned to applicant for correction:

**Corrected application received:**

### Approval of State Reclamation Engineer

The number of this permit is 28339

Recorded in Book **100** Page **28339** Approved **December 29, 1959**

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

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

Work to begin on or before **February 29, 1960**

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 **June 29, 1962**

The whole of said work to be completed on or before **December 29, 1964**

Beneficial use of water appropriated in accordance herewith, to be made on or before December 29, 1964

WITNESS My hand this 29 day of December, 1959

GEO. N. CARTER

*State Reclamation Engineer.*

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

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

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this.....**29th**.....

day of December 19 59

STATE OF IDAHO

Countersigned:

(SEAL)

By ARNOLD WILLIAMS  
Secretary of State.

By ROBERT E. SMYLIE  
Governor.

REMARKS:

14.

| Twp.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Range | Sec. | NE <sup>1</sup> / <sub>4</sub>                           |                                |                                |                                | NW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | Totals |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|----------------------------------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |      | NE <sup>1</sup> / <sub>4</sub>                           | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> |        |
| ✓                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |       |      | Permit No. 28339<br>CERTIFICATE OF COMPLETION OF WORKS ✓ |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| TO ALL WHOM IT MAY CONCERN:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |      |                                                          |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| This is to certify that JAMES N. ELLIS of 1502 San Jose Dr., Boise, County of Ada, and State of Idaho, the holder of Permit No. 28339 issued upon Application No. 36310 bearing date of priority of December 21, 1959, authorizing the diversion of 6.4 second feet of the waters of an unnamed stream, County of Gooding, State of Idaho, for fish hatchery purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 6.4 second feet of the waters of an unnamed stream, a tributary of Billingsley Creek that the point of diversion of said waters is Lot 4, Sec. 18, T. 7 S., R. 14 E., B. M., that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: |       |      |                                                          |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| Fish Hatchery in Lot 4, Sec. 18, T. 7 S., R. 14 E., B. M.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |       |      |                                                          |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| Witness my hand this 9th day of February, 1960.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |      |                                                          |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| s/ GEO. N. CARTER<br>State Reclamation Engineer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |      |                                                          |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| Proof of Completion of Works Made: February 8, 1960                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |       |      |                                                          |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
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**NOTICE FOR PUBLICATION  
NOTICE OF PROOF APPLICATION  
OF WATER TO BENEFICIAL USE**

Notice is hererby given that at 2:00 p.m. on the 17th day of March, 1960, (at Hagerman, County of Gooding, State of Idaho, before Emerson Pugmire, proof will be submitted of the application to beneficial use of 6.4 cubic feet per second of the waters of Un-named Stream, tributary of Billingsley Creek in accordance with the terms and conditions of Permit No. 28339 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are James N. Ellis, 1502 San Jose Dr., Boise, Idaho.

The use to which said water has been applied is fish hatchery.

The amount applied to beneficial use is 6.4 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) is fish hatchery in Lot 4, Sec. 18, T7S, R14E BM.

The right to take water from such works is based upon Permit No. 28339.

The source of supply from which such water is diverted is Un-named Stream, tributary of Billingsley Creek, with point of diversion in Lot 4, Sec. 18, T7S, R14E BM.

The date of priority which said user is prepared to establish is December 21, 1959.

Geo. N. Carter, State Reclamation Engineer. 28339 16-19

October 31, 1961

RE: Permit No. 28339

James N. Ellis  
1419 42nd Avenue N  
Seattle 2, Washington

Dear Mr. Ellis:

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

Also enclosed is departmental receipt No. 30826 in the  
amount of \$5.00 covering the fee for the license.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

(Mrs.) Edna P. Rule  
Chief Clerk

EPH:mr

Enc. license  
receipt

Enc \$5.00

1419 42nd Avenue E.  
Seattle 2, Washington  
October 25, 1961

Department of Reclamation  
State of Idaho  
Boise, Idaho

Re: Permit No. 28339

Gentlemen:

Enclosed is check for \$5.00 to cover fee for  
License and Certificate of Water Right under the  
above captioned permit, in accordance with  
your letter to me of October 20<sup>th</sup>.

yours very truly,

James H. Ellis

RECEIVED  
OCT 27 1961

Department of Reclamation

October 20, 1961

RE: Permit No. 28339

James N. Ellis  
1502 San Jose Drive  
Boise, Idaho

Dear Mr. Ellis:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 28339 shows the lake, canal, ponds and ditch are capable of conveying 200 miner's inches, or 4.0 c.f.s. of water for use in a fish hatchery.

Upon receipt of the statutory fee of \$5.00 we will issue the License and Certificate of Water Right, confirming the right, with priority of December 21, 1959, to the use of 4.0 second feet of surface water with the point of diversion in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 18 for use in a fish hatchery in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 18, Township 7 South, Range 14 East, B.M.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

(Mrs.) Edna P. Rule  
Chief Clerk

ETB:mr

R-14E.

T.  
7  
S.

Highway

Points of Return

Billing

18

19

Fish Hatchery

Allow

4.0 cfs or 200 inches

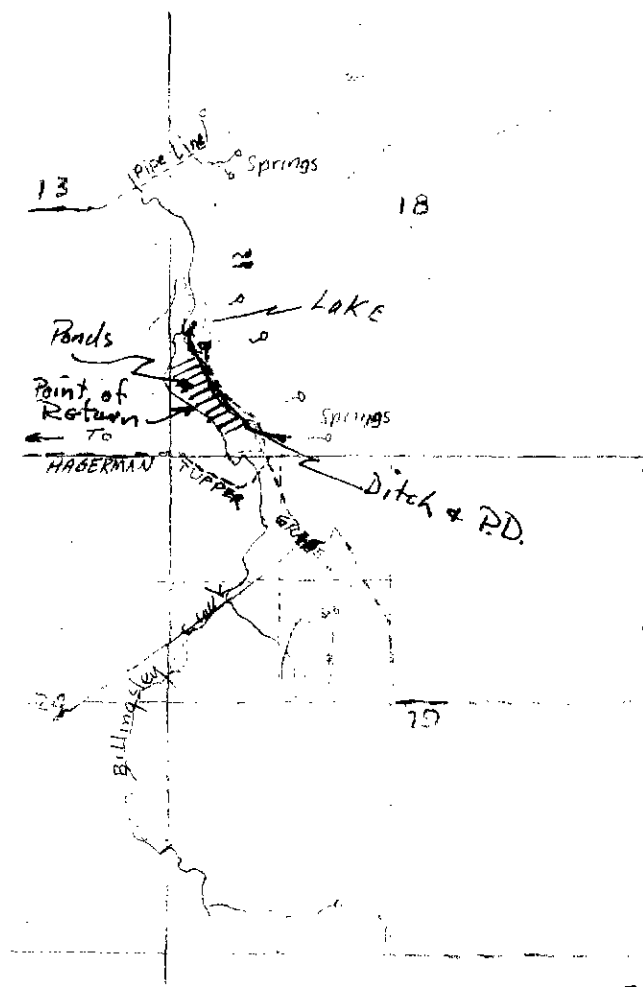
STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. 28339

REPORT ON PROOF OF Beneficial Use

James N. Ellis, 1502 San Jose Dr., Boise, Idaho



STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
**REPORT OF ENGINEER**

Permit No. 28339This proof is for Beneficial Use

In Water District No. \_\_\_\_\_

1. Name of applicant James N. Ellis2. Source of water supply: Un-named stream3. Location of point of diversion: Is in the Lot 4 (SW 1/4) of Section 18T. 7 S. R. 14 E.B.M. County of Gooding

4. Describe works as they exist, giving dimensions and capacities of same: Water is collected from springs into a 300' x 400' Artificial lake that has an average depth of 10'- From lake into a canal 300' long. Top width 15', Bottom width 12', Depth 5 1/2', water depth 4 1/2'. Water is controlled to ponds by inserting flash boards into a Concrete Check that has two openings, 6' x 20" located 30' upstream from first pond. Ditch from S.E. of Ponds 6' wide top, 5' wide bottom, water 6' deep.

5. Water is used for: fish hatchery6. State whether or not water has been turned into works of diversion: yes.

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

Place of use: Lot 4 of Sec. 18., Twp. 7 S., Rge. 14 E.B.M.

The water from this source is not allowed in filing.  
Only the water in ditch from S.E. of ponds.

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

8. What large stream would the water here appropriated finally reach? Billingsley CreekRemarks: Arlie Partins (Operator - Idaho Springs Trout Co.) along.

Too deep to measure by wading. Estimate 40 cfs. diverted from Lake to ponds. Estimate 20 cfs. water flowing through ponds. Small stream from S.E. estimated at 40 cfs. or 200' water.

This examination was made on the 6<sup>th</sup> day of October, 1961(Signed) Raymond Johnson

Examiner.

28339

James N. Ellis  
1502 San Jose Dr., Boise, Idaho  
Permit No. 28339

Examination for Beneficial Use

County Gooding

Q = 6.4 c.f.s.  
18-7S-14E.

S = Un-named stream

P.D. = Lot 4, Sec. 18-T. 7S-R. 14E.B.M.

Use = Fish Hatchery

Filed = Dec. 21, 1959

Due = Dec. 29, 1964

C/W = 2-9-60

no other rights.

## INSTRUCTIONS TO EXAMINERS

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

RECEIVED

OCT 19 1961

Department of Reclamation

May 25, 1960

RE: Permit Nos. 27848 and 28339

Mr. James N. Ellis  
1502 San Jose Drive  
Boise, Idaho

Dear Mr. Ellis:

We acknowledge receipt of the Depositions of Holder and two witnesses, also affidavit of publication in The Gooding Leader, all submitted in proof of completion of works and beneficial use on Permit Nos. 27848 and 28339.

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

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

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

(Mrs.) Edna P. Rule  
Chief Clerk

EPR

# AFFIDAVIT OF PUBLICATION

## NOTICE FOR PUBLICATION

### NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2:00 p.m. on the 17th day of March, 1960, at Hagerman, County of Gooding, State of Idaho, before Emerson Pugmire, proof will be submitted of the application to beneficial use of 6.4 cubic feet per second of the waters of Un-named Stream, tributary of Billingsley Creek in accordance with the terms and conditions of Permit No. 28339 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are James N. Ellis, 1502 San Jose Dr., Boise, Idaho.

The use to which said water has been applied is fish hatchery.

The amount applied to beneficial use is 6.4 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) is fish hatchery in Lot 4, Sec. 18 T7S, R14E BM.

The right to take water from such works is based upon Permit No. 28339.

The source of supply from which such water is diverted is Un-named Stream, tributary of Billingsley Creek, with point of diversion in Lot 4, Sec. 18, T7S, R14E BM.

The date of priority which said user is prepared to establish is December 21, 1959.

Geo. N. Carter, State Reclamation Engineer. 16-19

STATE OF IDAHO, }  
COUNTY OF GOODING } SS.

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

published in said newspaper four consecutive weeks, the first publication having been made on the 18th day of February, 1960, and the last publication having been made on the 10th day of March, 1960.

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

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

Leland G. Burress

Subscribed and sworn to before me this 10th day of March, 1960.

Ruth Burress  
Notary Public.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

Permit No. 28339

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. JAMES N. ELLIS, 1502 San Jose Drive, Boise, Idaho

Owner, trout hatchery

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

Ans.

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

Ans. No. 28339, December 29, 1959

12-21-59

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

Ans. Unnamed stream, tributary to Billingsley Creek, point of diversion in Lot 4, Section 18, T 7 S, R 14 E, B.M., Gooding County

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

Ans. Diversion dam and ditch, Height of dam 1 foot; length of dam at

top and bottom, 15 feet, dam constructed of rock; ditch 4 feet wide at bottom, 6 feet wide at water line, depth of water 1 foot; length of

conduit .3 miles. Amount of water capable of conveying, 6.4 cubic feet per second.

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

Ans. Water to be used for fish hatchery

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

For use in fish hatchery ponds

Ans.

Ques. 8. What is the minimum amount of water required for the purpose specified above?  
6.4 cubic feet per second

Ans.

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. 6.4 cubic feet per second used constantly since 1951, in fish hatchery ponds.

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.

(Sign)

*James J. Ellis*

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 Hagerman, County of Gooding,

State of Idaho, on this 17th day of March A. D. 1960

*Emmett J. Quinn*

My commission expires 12-20-60

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

PERMIT NO. 28339**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. John LeMoyne, age 37, farmer and mail carrier, Hagerman, Idaho

Ques. 2. Are you acquainted with James N. Ellis, the holder of Permit No. 28339? How long have you known him and where does he reside?

Ans. Yes. Since 1946. 1502 San Jose Drive, Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 28339, 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. Unnamed stream, tributary to Billingsley Creek, point of diversion in Lot 4, Sec. 18, T 7 S, R 14 E, B.M., Gooding County; diversion dam of rock, 1 foot high, 15 feet long; ditch 4 feet wide at bottom, 6 feet wide at water line, depth of water 1 foot, length of ditch .3 miles.

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. 6.4

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

Ans. For fish hatchery ponds

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

Ans. For use in fish hatchery ponds

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. Living adjacent to the project since its inception

(Signed) John A. Meyer

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 Harerman

County of Gooding, State of Idaho, on this 17<sup>th</sup> day of March

A. D. 1960

Emerson R. Squire  
Notary Public.

My commission expires 12-20-60

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

PERMIT NO. 28339

**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. Margaret Ann LeMoyne, age 35, housewife, Hagerman, Idaho

Ques. 2. Are you acquainted with James N. Ellis, the holder of Permit No. 28339? How long have you known him and where does he reside?

Ans. Yes. Since 1946. 1502 San Jose Drive, Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 28339, 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. Unnamed stream, tributary to Billingsley Creek, point of diversion

in Lot 4, Sec. 18, T 7 S, R 14 E, B.M., Gooding County; diversion dam

of rock, 1 foot high, 15 feet long; ditch 4 feet wide at bottom,

6 feet wide at water line, depth of water 1 foot, length of ditch .3 miles

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. 6.4

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

Ans. For trout hatchery ponds

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

Ans. for use in fish hatchery ponds.

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. Living adjacent to the project since its inception

(Signed)

Margaret Anne LeMayne

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 Hagerman, Idaho,

County of Gooding, State of Idaho, on this 17th day of March,

A. D. 1960

Emmon D. Lippincott  
Notary Public.

My commission expires 12-20-60

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Feb. 8, 1960

(P. O.) Boise, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

The Gooding Leader of Gooding published in  
the county in which the works are situated.

*Gooding, Idaho*

*James F. Ellis*

(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.

NOTICE FOR PUBLICATION  
NOTICE OF PROOF APPLICATION OF WATER  
TO BENEFICIAL USE

Notice is hereby given that at 2:00 P. M. on the 17th day of March, 19 60,  
at Hagerman, County of Gooding, State of Idaho, before  
Emerson Pugmire, proof will be submitted of the  
application to beneficial use of 6.4 cubic feet per second of the waters of Un-named Stream,  
Creek  
tributary of Billingsley/ in accordance with the terms and conditions of Permit No. 28339  
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are  
James N. Ellis, 1502 San Jose Dr., Boise, Idaho

The use to which said water has been applied is fish hatchery

The amount applied to beneficial use is 6.4 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)  
is fish hatchery in Lot 4, Sec. 18 T7S, R11E BM

~~The name of the canal or other works by which said water is conducted to said place of use is~~

The right to take water from such works is based upon Permit No. 28339

The source of supply from which such water is diverted is Un-named Stream, tributary of  
Billingsley Creek, with point of diversion in Lot 4, Sec. 18, T7S, R11E BM

The date of priority which said user is prepared to establish is December 21, 1959

*Geo. H. Carter*

State Reclamation Engineer.

28339

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Date: February 11, 1960

Re: Permit No. 28339  
James N. Ellis

The Gooding Leader,  
Gooding, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **March 17, 1960** the date set for proof; the expense of the publication is to be paid by the applicant

**James N. Ellis** of **1502 San Jose Dr., Boise, Idaho** to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,



GEO. N. CARTER  
State Reclamation Engineer

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

Encl.  
EPR:pmk

28339

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

February 8, 1960

Re: Permit No. 28339

James W. Ellis,  
1502 San Jose Dr.,  
Boise, Idaho.

Dear Mr. Ellis:

This acknowledges the Notice of ~~Proof of Completion of Work~~ and Application of Water to Beneficial Use under Permit No. 28339. The proofs are to be made at 2:00 o'clock P.M., on the 17th day of March, 1960, ~~1959~~, before Emerson Pugmire, Hagerman, Idaho,, Notary Public.

As of this date we have mailed the Notice to the G.oding Leader with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the affidavit of publication and statement of costs to you.

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

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

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge  
Chief Clerk

Encl.  
EPR: pak  
cc: Notary

28339

February 9, 1960

Re: Permit No. 28339

Mr. James N. Ellis  
1502 San Jose Drive  
Boise, Idaho

Dear Mr. Ellis:

We enclose Certificate of Completion of Work  
issued on Permit No. 28339.

Receipt No. 27997 in the amount of \$5.00 covering  
fee was handed to you when you were in the office.

Very truly yours,

GEO. W. CAMERON  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

EPB:cw

Enc. certificate

28339 25

Permit No. 28339

No 27991 (SSE)

STATE OF IDAHO  
Department of Reclamation

# Proof of Completion of Works

## AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Ada

ss.

James N. Ellis, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 28339, and that his postoffice address is 1502 San Jose Dr., Boise State of Idaho

Second: That the name of the stream from which said water is to be diverted is Un-named Stream, tributary of Billingsley Creek

Third: That the point of diversion of said water is in Lot 4, Sec. 18, T7S, R11E BM

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by December 29, 1964

Fifth: That the use for which said water is intended is fish hatchery

Sixth: That on the date above mentioned, the works constructed under said permit were ~~#####~~ fully completed and consisted of the following:

I. Kind of works: diversion dam and ditch

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 1 feet, length of dam at top 15 feet, length of dam at bottom 15 feet. Material used in construction earth and rock

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width none feet, height feet.

(d) Conduit ditch width at bottom 4 feet, width at water line 6 feet, depth of water 1 feet; diameter of pipe inches, average grade per mile is 26 feet. Length of conduit is .3 miles.

Seventh: That said works are capable of conducting to the place of intended use 6.4 second feet of water.

Eighth: That water appropriated under said permit is available for

~~#####~~ fish hatchery in Lot 4, Sec. 18, T7S, R11E BM

Ninth: Remarks: That water is returned to Billingsley Creek in said Lot 4.

James N. Ellis  
(Sign Here)

Subscribed and sworn to before me this 8th day of February, 1960

My commission expires Feb 23, 1960

Notary Public.

28337 R1

January 6, 1960

Re: Permit No. 28339

---

Mr. James N. Ellis,  
1502 San Jose Dr.,  
Boise, Idaho.

Dear Mr. Ellis:

We enclose Permit No. 28339 in which we direct your attention to the limitations and conditions as given on the fourth page under Approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 29941 which was issued covering payment in the amount of \$6.50 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

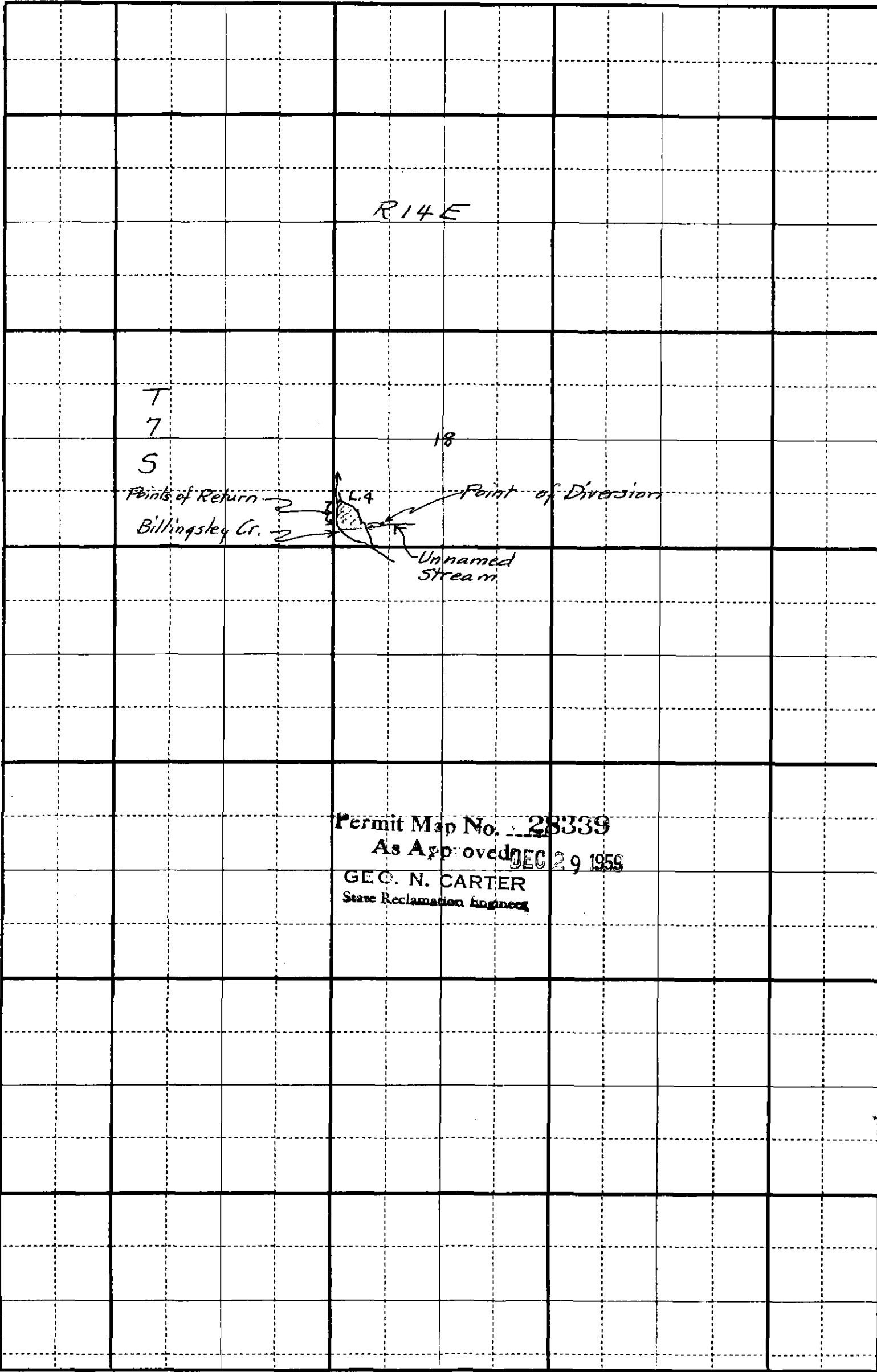
(Mrs.) Edna P. Rutledge  
Chief Clerk

Encl.  
EPR:pmk

28339

NAME OF APPLICANT Jam N. Ellis

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

28339