

AFFIDAVIT OF PUBLICATION

RECEIVED
SEP 4 1962
Department of Reclamation

STATE OF IDAHO, }
COUNTY OF GOODING } SS.

NOTICE FOR PUBLICATION

Notice is hereby given that at 10:00 a.m., on the 7th day of September, 1962, at Hagerman, Idaho, County of Gooding, State of Idaho, before Emerson Pugmire proof will be submitted of the completion of works for the diversion of 60 cubic feet per second of the waters of certain springs on the property of Vardis and Opal Fisher in accordance with the terms and conditions of a certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Vardis and Opal Fisher.

2. The postoffice address of such person or principal place of business of such corporation is Hagerman, Idaho, County of Gooding, State of Idaho.

3. The number of such permit is 27082, and the date set for the completion of such work is Oct. 11.

4. Said water is to be used for propagation of fish purposes.

5. 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 intended use, in accordance with the plans accompanying the application for such permit, is 60 cubic feet per second.

6. The amount of lands for which said water is available is 10 acres, particularly described as follows: adjacent to and just west of the said springs and pond.

Geo. N. Carter, State Reclamation Engineer. 41-44

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 *9th* day of *August* 196*2*, and the last publication having been made on the *30th* day of *August* 196*2*

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 *30th* day of *August*, 196*2*

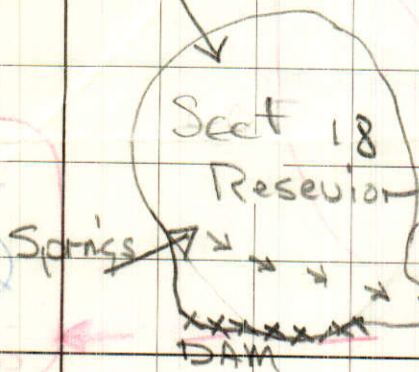
Ruth Berren

Notary Public

27082

R. 14 E.

LOT 4
Springs



Fish Ponds,

CANAL

MEASUREMENT
WAS TAKEN

Billingsly Creek

Discharge to
Billingsly Creek.

Q measured 54.68 C.F.S.

Q recommended 54.68 C.F.S.

Volume ~~37,773.8~~ A.F./ANN

Acreage ~~39,518.55~~ A.F./ANN

Found Fish Prop.

recommended _____

Subdv. _____

Amendments

☐ None

☐ P.D.

☐ Place of use

☐ _____

$$54.68 (1.98) 365 = 39,518.$$

The water has been in CONTINUOUS use since 1951
What kind of proof are we expected to furnish?

HA
RECEIVED

JUN 24 1968

Department of Reclamation

27082

*Reply typed
6-25-68*

1. SPRINGS

PRINGS

Permit 27082 LAKE

DAM

House

SPILL

FISH HATCHERY

Operated by Snake River
Trout Co. Inc.

Creek

27082

Notice for Publication

COMPLETION OF WORKS

RECEIVED
AUG 6 1962

Notice is hereby given that at 10:00 A. M., on the 7th day of ~~August~~ September 1962

Department of Reclamation State of Idaho

1962, at Hagerman, Idaho, County of Gooding
before Emerson Ragnire proof will be submitted of the completion of works

for the diversion of 60 ~~more or less~~ cubic feet per second of the waters of certain springs and pond on the
property of Vardis and Opal Fisher in accordance with the terms and conditions of a

certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Vardis and Opal Fisher

2. The postoffice address of such person or principal place of business of such corporation is

Hagerman, Idaho, County of Gooding, State of Idaho.

3. The number of such permit is 28082, and the date set for the completion of such work is

Oct 11, 1962

4. Said water is to be used for propagation of fish ~~a commercial fishery~~ purposes.

5. 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 intended use, in accordance with the plans accompanying the application for such permit, is 60 ~~more or less~~ cubic feet per second.

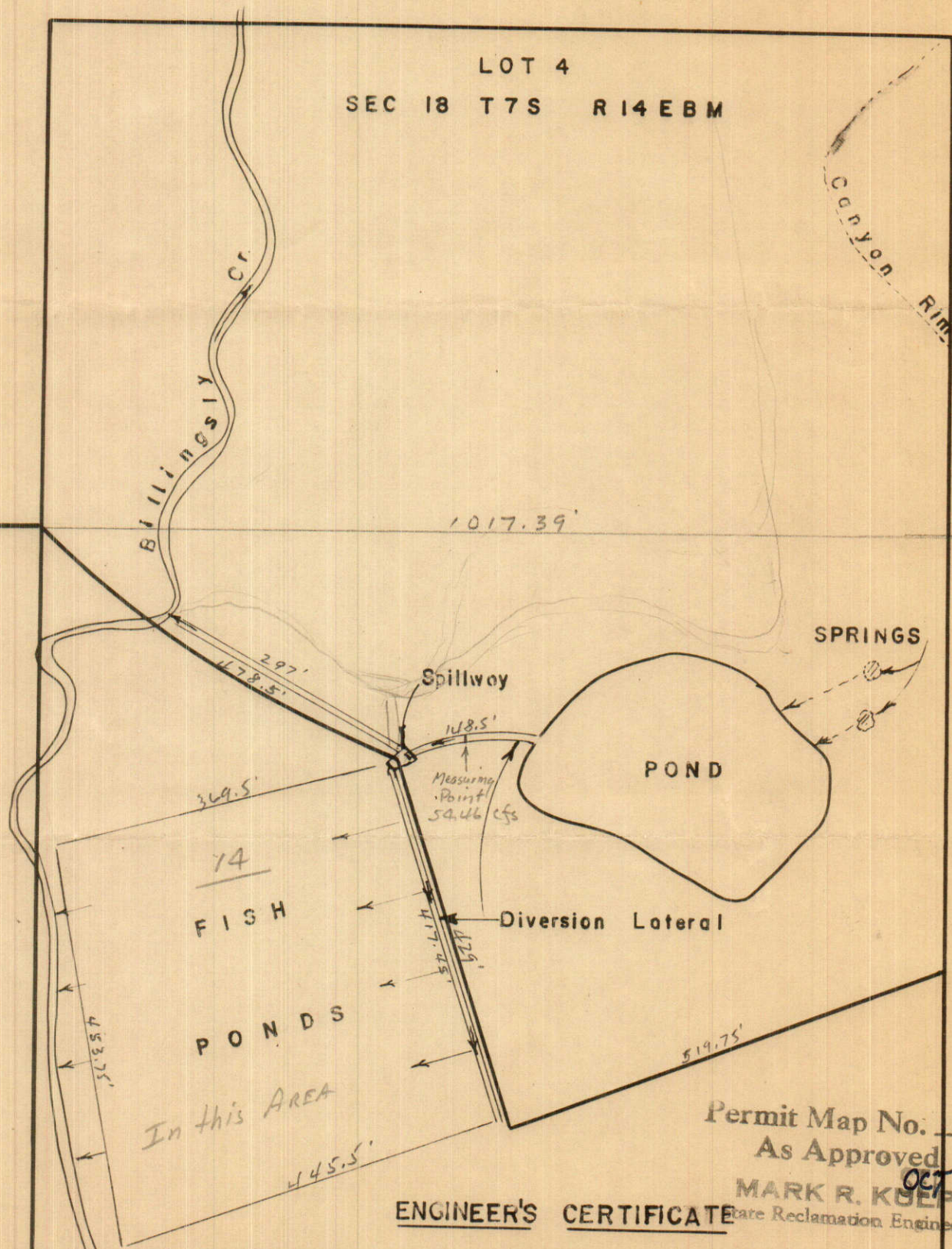
6. The amount of lands for which said water is available is about 10 acres, particularly described as follows:

adjacent to and just west of the said springs and pond ok

Geo. H. Carter
Commissioner of Reclamation
STATE RECLAMATION ENGINEER

27082

LOT 4
SEC 18 T7S R14EBM



Permit Map No. 27082

As Approved

MARK R. KUEP
State Reclamation Engineer
OCT 11 1957

ENGINEER'S CERTIFICATE

I, Carroll F. Wilcomb, of Jerome, Idaho, an engineer licensed by the State of Idaho, do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision on August 6, 1955.

Carroll F. Wilcomb
REG. PROF. ENGR.

MAP OF SPRINGS & DIVERSIONS
TO ACCOMPANY APPLICATION FOR PERMIT

BY: VARDIS FISHER

Hagerman, Idaho

August 11, 1955

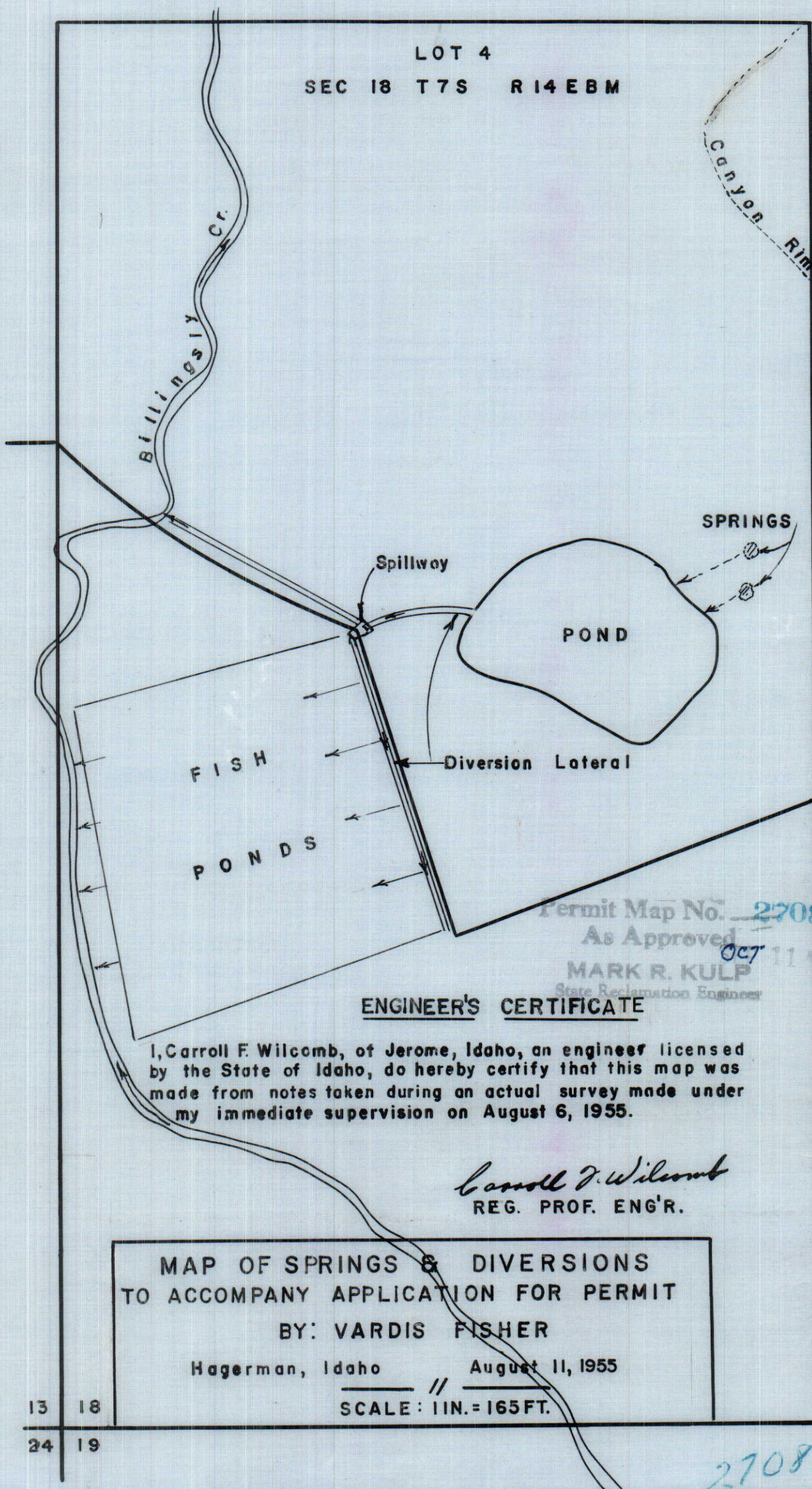
SCALE 1/4" = 165 FT.

13 18

24 19 TO HAGERMAN

27082

LOT 4
SEC 18 T7S R14EBM



Permit Map No. 27082
As Approved
Oct 11 1957
MARK R. KULP
State Reclamation Engineer

ENGINEER'S CERTIFICATE

I, Carroll F. Wilcomb, of Jerome, Idaho, an engineer licensed by the State of Idaho, do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision on August 6, 1955.

Carroll F. Wilcomb
REG. PROF. ENG'R.

MAP OF SPRINGS & DIVERSIONS
TO ACCOMPANY APPLICATION FOR PERMIT
BY: VARDIS FISHER

Hagerman, Idaho August 11, 1955

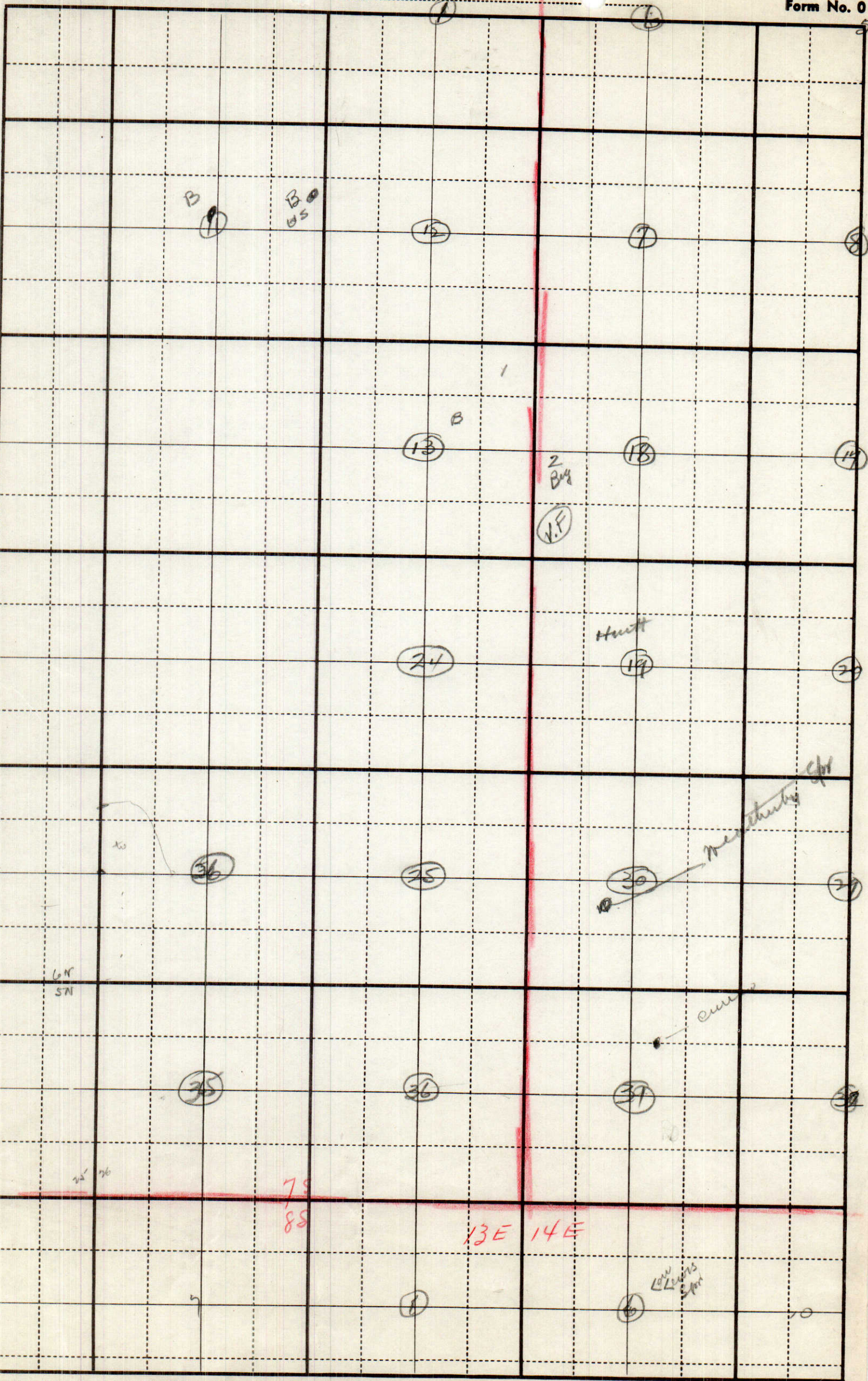
SCALE: 1 IN. = 165 FT.

13 18
24 19

27082

NAME OF APPLICANT.

Form No. 0



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

27082

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 27082/36-2338 Priority August 5, 1954 Amount 54.68 cfs

THIS IS TO CERTIFY, that Vardis Fisher (deceased) and Opal Holmes Fisher
of Hagerman, Idaho, has complied with the terms and conditions of Permit
No. 27082/36-2338 issued pursuant to Application for Permit dated August 5, 1954,
and has submitted proof to the Department of Water Administration on January 8, 1969,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 54.68 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from unnamed springs
tributary of _____, is hereby confirmed in the following amounts:

Amount 54.68 cfs for Fish from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for Propagation from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 54.68 cfs of water be diverted at
any one time, said waters to be diverted within ~~the~~ _____

Lot 4, Sec. 18, Twp. 7 S, Rge. 14 E, B.M.

in the county of Gooding; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 39,518 acre feet per year ~~xx~~ _____

~~xxxxxx~~

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7 S	14 E	18	(Lot No. 4)																

Total number of acres irrigated _____

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29th day of

May, 19 73.


Director

36 2338

2708
36-2

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 33764
PERMIT No. 27082
DISTRICT No.

Vardis Fisher
Hagerman, Idaho

1. Name of Applicant: *Vardis Fisher is deceased*
VARDIS FISHER and OPAL HOLMES FISHER Husband and Wife
see letter of JANUARY 7, 1969

Postoffice address: Hagerman

County: Gooding

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:

(b) Treasury stock:

(d) Other resources: Adequate

(a) Cash on hand: Preliminary developments have
(c) Bonds to be issued: all been paid; fishery has
been operating 3 years.

2. Quantity of water claimed: 60

cubic feet per second.

3. Source of water supply: Springs rising on applicant's homeplace
which is a tributary of

4. Location of point of diversion: Northeast portion of Lot 4 feet distant from the

corner of Section 18, T. 7 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 Propagation of fish

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

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

T., R., B. M., in the of Section, T., R., B. M.

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

(c) Water is to be returned to Billingsley Creek at a point Billingsley Creek is adjacent to lake feet

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

7. Estimated cost of works: \$ About 20,000 has been spent to date; further expansion and development will
be considerable.

8. Kind of works: Fish Hatchery, ponds, etc.

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

feet; material used in dam:

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

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

dimensions of flume:

Diameter of pipe inches; length of conduit 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 6 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:

- been deepened
16. (a) Is reservoir to be used? A natural lake has If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit: Capacity of Reservoir: Lake now covers about an acre to average
(c) Date of filing of Application for Storage Permit and Name of Applicant: depth of perhaps 11 feet.

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.

/s/ Vardis Fisher
Applicant.

/s/ Opal Holmes Fisher
Agent.

By

Date of first receipt at Department of Reclamation: 9:00 A. M. August 5, 1954

Returned to applicant for correction: August 14, 1954

Corrected application received: August 18, 1955

Approval of State Reclamation Engineer

The number of this permit is 27082
Recorded in Book 95 Page 27082 Approved October 11, 1957
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 he same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before December 11, 1957 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before April 11, 1960
The whole of said work to be completed on or before October 11, 1962
Beneficial use of water appropriated in accordance herewith, to be made on or before October 11, 1968

WITNESS My hand this 11th day of October, 1957

/s/ MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLLIE, Governor of the State of Idaho,
and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 11th day of October, 1957.

Countersigned: STATE OF IDAHO
(SEAL) By /s/ ROBERT E. SMYLLIE Governor.
By /s/ JAS. H. YOUNG Secretary of State.

REMARKS: The fishery, a limited partnership, was begun three years ago and has been operating since. Applicant's herein were for three years among the partners in said fishery but have now withdrawn and are leasing said waters herein to the owners of the fishery. It is not known how much water issues in the springs here. It varies from season to season. An engineer has estimated it at possibly 60 second feet in high flow. The water is a part of the Thousand Springs; it comorises the water issuing on applicant's homeplace but not including water issuing on said homeplace which is piped to the village of Hagerman and to irrigate a number of ranches.

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	
(remarks continued)-			The water cascades				down over the lava to				the lake and from lake				is conveyed by canal				
			a distance of about				a hundred yards to				fishery ponds.								
							Permit No. 27082												
							CERTIFICATE OF COMPLETION OF WORKS												
TO ALL WHOM IT MAY CONCERN:																			
			This is to certify that VARDIS FISHER and OPAL HOLMES FISHER of Hagerman, County of Gooding, and State of				the holder of Permit No. 27082, issued upon Application No. 33764, bearing date of priority of August 5, 1954, authorizing				the diversion of 60 second feet of waters of springs, County of Gooding, State of Idaho, for propagation of fish purposes,				has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the				
			of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the				of intended use 60.0 second feet of the waters of springs rising on applicant's home place; that the point of diversion				of said waters Lot 4, Sec. 18, T. 7 S., R. 14 E., B. M.; and that the lands proposed to be irrigated by the use of				water are described as follows, to-wit:				
			Fish propagation in Lot 4, Sec. 18, T. 7 S., R. 14 E., B. M.																
			Witness my hand this 20th day of December, A. D. 1963.																
											s/ RALPH W. THOMAS				Deputy State Reclamation Engineer				
Proof of Completion of Works Made:			September 7, 1962.																

110 USE ISSUED FOR 544X SEC. FI.
LICENSE PAS. NO.

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

JAN 8 1969

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

1. a) Name of Permit Holder Vardis Fisher and Opal Holmes Fisher
b) Post Office Address Hagerman, Idaho 83332
2. Permit Number # 27082
3. Date of Priority that you are prepared to establish August 5, 1954
4. a) Source from which water was appropriated Springs arising on Permit Holder's home place.
b) Location of the point of diversion: NE portion of Lot 4, 1/4, Section 18, Township 7 S, Range 14 East Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
amount 60 CFS for propagation of fish purposes for 365 days of each year to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 65 C estimated by engineers cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder: N/A
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) The water is part of the Thousand Springs and Cascades from the Lava cliff into a lake created by permit holder and conveyed from lake by canal a distance of 100 yards to fishery pond
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well drillers name and address and date the well was completed _____

EXAM
17PCH
12-9-68
gms

27082

06-6-01

David R. Minkley
Notary Public residing at
Aurora

State of Idaho)
County of Gooding) ss.

✓ 89/15/21

✓ Capt. Thomas Fowler
(Signature)

Total number of acres irrigated

[illegible]

N/A

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use

Propagation of fish in fish ponds located immediately west of lake

above mentioned and lying East of Billingsley Creek.

PERMIT NO. 27082

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Vardis Fisher, writer, Opal Fisher, housewife, Hagerman 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.

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

Ans. 27082; 60 second feet; springs on the Fisher property; from pond through a canal

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

Ans. for the production of fish by the Saddle Springs Ranch Fish Co, Hagerman Idaho

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. Fully, more than 10 years ago, or to be exact, in July, 1951

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. fully completed and they comply to the best of our knowledge

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. An earth dam a hundred yards long and about 8 feet high to impound the waters in a natural lake; a canal leading from pond to fishery about 100 yards long with a capacity for 200 second feet. Cost of dam and canal about \$6,000

(Sign here.)

Vardis Fisher
Opal Fisher

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

County of Gooding, State of Idaho, on this 7th day of September A. D. 1962

Emerson Eugene

Notary Public.

My Commission expires 12-20-64

27082

#3

AFFIDAVIT OF PUBLICATION

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 *7th* day of *August* 196*2*, and the last publication having been made on the *30th* day of *August* 196*2*.....

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 *30th* day of *August*, 196*2*

Ruth Berren
Notary Public

NOTICE OF THE COURT OF SEPTEMBER 1962
County of Gooding, Idaho
before me, the undersigned, a Notary Public for the State of Idaho, duly qualified and sworn to, personally appeared *Leland G. Burress*, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

The name of the person or corporation having said power is *Vardis and Opal Fisher*.

2. The postoffice address of such person or principal place of business of such corporation is *Gooding, Idaho, County of Gooding, State of Idaho*.

3. The number of such papers is *4*, and the date set for the completion of such work is *Oct. 1, 1962*.

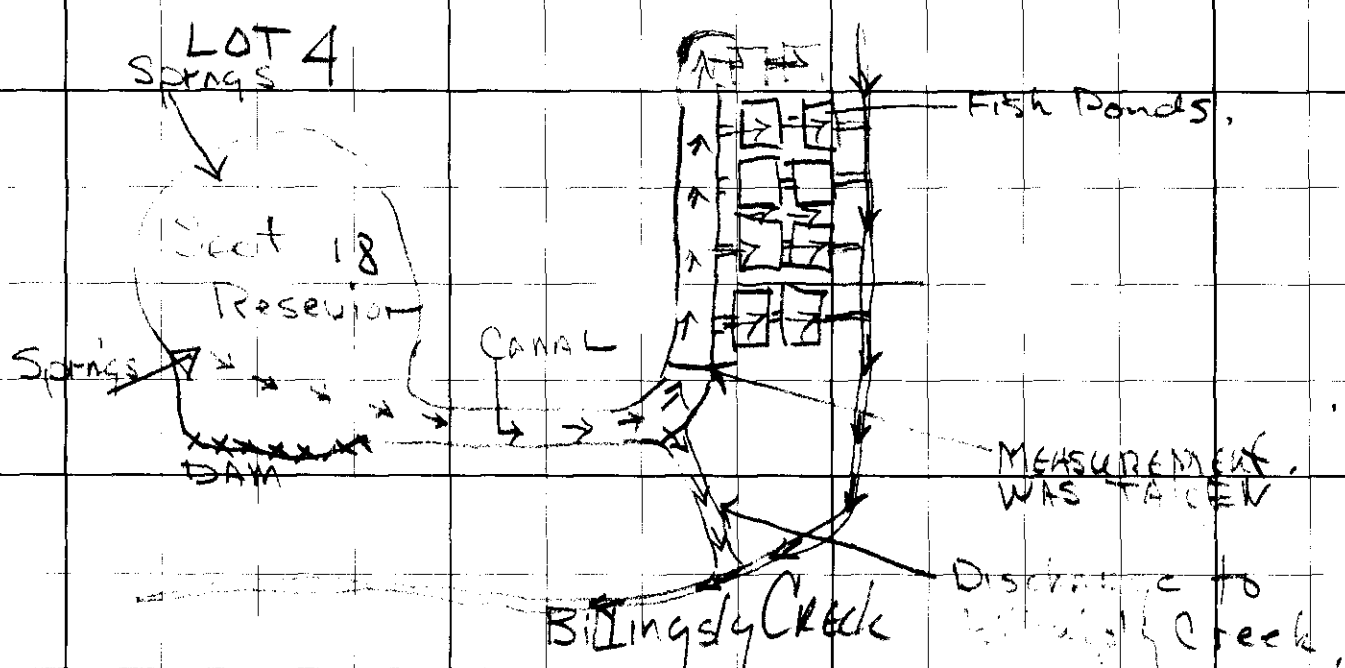
4. Said water is to be used for propagation of fish purposes.

5. 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 intended use, in accordance with the plans accompanying the application for such power, is 80 cubic feet per second.

6. The amount of lands for which said water is available is 10 acres, particularly described as follows: adjacent to and just west of the said power and pond.

27082

REVISION



Q measured 54.68 G.F.S.
Q recommended 54.68 C.F.S.
Volume ~~39.518.55~~ AF/ANR
Acreage 39.518.55 AF/ANR
Found Fish Prop.
recommended _____
Subdv. _____
Amendments
☐ None
☐ P.D.
☐ Place of use
☐ _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 27082/36-2338

REPORT ON PROOF OF Vardis Fisher & Opal Holmes Fisher

36 2338

May 30, 1973

Re: License No. 27032/36-2338
Vardis Fisher (deceased) and Opal Holmes Fisher

Mrs. Opal Holmes Fisher
Hagerman,
Idaho 83332

Dear Mrs. Fisher:

Enclosed please find a copy of the Water License issued on the above
referenced permit

Sincerely,

Bobby D. Fleenor
Assistant Director

kss

Enclosure

cc; Mr. Cecil D. Hobdey
James, Hobdey & Shaw
125 5th Ave. W.
Gooding, Idaho

36 2338

May 15, 1973

Mrs. Opal Holmes Fisher
Hagerman,
Idaho 83332

Re: Permit No. 27082/36-2338

Dear Mrs. Fisher:

Vardis Fisher (deceased) and Opal Holmes Fisher

A representative of this Department has made an examination of the works covered by your Permit No. 27082/36-2338 and has found the following:

Quantity of water diverted: 54.68 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 54.68 cfs

The maximum quantity diverted shall not exceed 39,518 acre feet per year.

Beneficial use: Fish propagation purposes within Lot 4, Sec.
18, Twp. 7S, Rge. 14E, B. M.

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

Priority date established: August 5, 1954

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

36 2338

BDF:DR

cc: Mr. Cecil D. Hobdey

Send filing instructions
for surface water from springs
to Idaho Engineering Service
Box 1121 Jerome

Carol E Walcomb

LJ-200

1-63

Ameter

STATE OF IDAHO DEPARTMENT OF RECLAMATION

Date *21 Sept 1972* DISCHARGE MEASUREMENT NOTES

Verdis 40 ft Fisher River at *Permit # 36-2338*

Angle coef. ficient	Dist. from initial point	Width	Depth	Observa- tion depth	Revo- lutions	Time in sec- onds	VELOCITY		Adjust- ed for hor. angle or -----	Area	Discharge
							At point	Mean in ver- tical			
	E.W.	10'									
	1.0		3.7	.2	15	54	.644	.762		3.7	2.72
				.8	20	52	.880				
	2.0		3.8	.2	15	44	.783	.946		3.8	3.59
				.8	20	41	1.11				
	3.0		3.8	.2	15	40	.859	1.06		3.8	4.03
				.8	25	45	1.26				
	4.0		3.8	.2	20	42	1.08	1.19		3.8	4.52
				.8	25	43	1.31				
	5.0		3.8	.2	25	46	1.23	1.32		3.8	5.02
				.8	30	48	1.41				
	6.0		3.7	.2	25	40	1.41	1.38		3.7	5.11
				.8	25	42	1.35				
	7.0		3.7	.2	25	41	1.38	1.34		3.7	4.96
				.8	25	43	1.31				
	8.0		3.6	.2	25	40	1.41	1.35		3.6	4.86
				.8	25	44	1.29				
	9.0		3.6	.2	25	42	1.35	1.33		3.6	4.79
				.8	25	43	1.38	~~1.38~~			
	10.0		3.5	.2	25	41	1.38	1.38		3.5	4.83
				.8	25	44	1.29				
	11.0		3.4	.2	25	40	1.41	1.36		3.4	4.62
				.8	25	43	1.31				
	12.0		3.4	.2	25	44	1.29	1.33		3.4	4.52
		✓		.8	25	41	1.38				

No. *401* of *2* Sheets. Comp. by *Ken Shawdon* Chk. by *36 2111*

.9 .19 .29 .39 .49 .59 .69 .79 .89

.55

Date 21 Sept. 72 **DISCHARGE MEASUREMENT NOTES**
Vardis & Opel Fishery River at Perm. # 36-2338

[illegible]

.0	.10	.20	.30	.40	.50	.60	.70	.75
----	-----	-----	-----	-----	-----	-----	-----	-----

Make this permit application for
60 cfs with a full C/W time of
five years.

E. N. H. - Apr. 20-53.

They are now using approx. $\frac{1}{2}$ this
unit and anticipate additional
development that will use the balance.

Dept of Reclamation:

At long last I found an engineer
approved by you and here are the application and the
maps. You have my check on file.


Vardis Fisher

27082

X

**NOTICE OF PROOF OF COMPLETION
OF WORK AND APPLICATION OF
WATER TO BENEFICIAL USE**

Notice is hereby given that at 10:30 a.m., on the 20th day of November, 1957, at Boise, County of Ada, State of Idaho, before L. J. Cox, Notary Public, 6218 Overland Road, Boise, proof will be submitted of the completion of works for the diversion of 2.2 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 27068 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person holding said permit is Overland Water Co., 6218 Overland, Boise, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 2.2 cubic feet per second.

3. The use to which said water has been applied is domestic and irrigation purposes, and the amount applied to beneficial use is 2.2 cubic feet per second.

4. The point of diversion of said water is NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, Twp. 3 N., Rge. 2 E.

5. The place where said water is used is NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17; S $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17; S $\frac{1}{2}$, Sec. 18; Twp. 3 N., Rge. 2 E.B.M.

6. The date of priority which said water is prepared to establish is September 11, 1957.

MARK R. KULP

State Reclamation Engineer

4t—Oct. 18, 25, Nov. 1, 8, 1957.

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
NOTICE OF APPLICATION TO AP-
PROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO IN AC-
CORDANCE WITH THE PROVIS-
IONS OF SECTION 42-203, IDAHO
CODE.**

Notice is hereby given that on the 5th day of August, 1954, Vardis Fisher and Opal Holmes Fisher of Hagerman, Idaho, made application to appropriate sixty (60) cubic feet per second of the waters of springs arising on applicants' home place for the purpose of propagation of fish.

That the points of diversion of said water are described as being located in the NE portion of Lot 4, Section 18, Township 7 South, Range 14 East, B.M.

That the place of use of said waters is described in said application as being also located in Lot 4, Section 18, Township 7 South, Range 14 East, B.M.

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

Dated this August 19th, 1955.

MARK R. KULP, State Reclamation Engineer.

Service of the foregoing, by copy, is hereby acknowledged this 22nd day of August, 1955.

VARDIS FISHER

OPAL HOLMES FISHER

Date of first publication: August 25, 1955.

Date of last publication: September 8, 1955.

Last date for protest: September 28, 1955.

8-25-55 42-44

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

1907 (approx) ST
726 Caldwell

Permit No. 27082/36-2338

This proof is for 60 cfs In Water District No.

1. Name of applicant Vardis & Opal H. Fisher, Hagerman, Idaho

2. Source of water supply: springs rising on applicant's homeplace

3. Location of point of diversion: Is in the NE of Lot 4 of Section 18
T. 7 S R. 14 E County of Gooding

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

PROOF - fish ponds located immediately west of lake & lying east of Billingsly Creek.

5. Water is used for: propagation of fish

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

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

Lot 4, Sec 18, T. 7 S, R. 14 E, B. M. C/W - For fish prop. 10 ponds served by springs. Springs empty into reservoir follow canal to diversion into fish ponds. measurement was taken in canal section with cement bottom

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

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

Remarks: PERMIT - The fishery, a limited partnership, was begun three years ago (1951) & has been operating since. Applicant's herein were for three years among the partners in said fishery but have not withdrawn and are leasing said waters herein to the owners of the fishery. It is not known how much water issues in the springs here. It varies from season to season. An engineer has estimates it at possibly 60 cfs in high flow. The water is part of the Thousand Springs; it comprises the water issuing from applicant's homeplace, but not including water issuing on said homeplace which is piped to the village of Hagerman and to irrigate a number of ranches. The water cascades down over the lava to the lake & from lake is conveyed by canal about 100 yards to fishery ponds.

This examination was made on the 21 day of Sept, 1972

(Signed) Michael L. Steele Examiner.

2010 2/20/11

DATE EXAMINATION RECORDS

San Joaquin River
Upper American River
San Joaquin

21 Sept 72 measured water w/ A meter
54.68 C.F.S.

by: *IEB*

by: *MS*

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.

ASCS OFFICE - Gooding
SCS OFFICE - Gooding

Permit No. 27082/36-2338

Examination for b/u - Vardis & Opal Fisher

County Gooding
Quantity: 60 cfs
Sec. 18 T. 7S R. 14E

Source: springs

P.D.: NE portion, Lot 4

Use: fish propagation

Extension:

Protest:

Completion of Work:

Other Rights:

Filed: 8-18-69 Made: 1-8-69
Due: 10-11-68 Priority: 8-18-69

PRIORITY NOT REDUCED DUE TO FAILURE OF DEPARTMENT TO REPLY TO INQUIRIES

06 2338

CHK'd by SCS

Priority date should not be reduced
due to the failure of the department
to reply to inquiries.

NOTE

September 22, 1970

Re: Permit No. 27082/36-2338

Mr. Dennis Olson
485 "E" Street
Idaho Falls, Idaho 83401

Dear Mr. Olson:

Please be advised that permit no. 36-2338 is in good standing at this department.

A field examination will be made by one of our examiners next summer, at which time a license will be issued based on their findings.

If we may be of any further assistance in this matter, please advise.

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG

36-2
2700

January 16, 1969

Re: Permit No. 27082

Cecil D. Hobdey
James, Hobdey & Shaw
125 Fifth Avenue West
Gooding, Idaho

Dear Mr. Hobdey:

We acknowledge receipt of the affidavit submitted as proof of the application of the water to beneficial use in connection with the above referenced permit. The enclosed forms will allow the Department to accept this proof.

Before a license can be issued a field examination must be made by a representative from this department.

We cannot tell just when this examination will be made, but our examiner will try to contact Mrs. Fisher at the time he makes the examination so that she may show him the system. If someone other than Mrs. Fisher should be contacted, please advise the Department.

If you have further questions about this matter, please contact the Department.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:TG

Enc: transmittal letter

order

27082

January 10, 1969

Re: Permit No. 27082

Opal Holmes Fisher
Hagerman, Idaho

Dear Mrs. Fisher:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit and are now submitting proof of beneficial use. Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg
Enc: order
advertising package

27082

LAW OFFICES

JAMES, HOBDEY & SHAW

ANDREW F. JAMES
CECIL D. HOBDEY
CHAS. C. SHAW

125 FIFTH AVENUE WEST
GOODING, IDAHO 83330

P. O. BOX 176
TELEPHONE 934-4429
AREA CODE 208

January 7, 1969

Mr. Donald W. McEldowney
Appropriation Examiner
Department of Reclamation
State of Idaho
Statehouse
Boise, Idaho

Re: Permit No. 27082-Vardis Fisher

Dear Mr. McEldowney:

Thank you for your letter of December 20 and the enclosures.

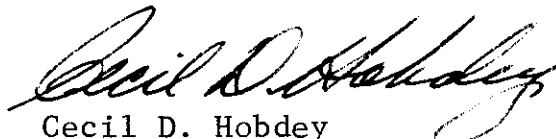
We enclose herewith the proof of application of water to beneficial use on the form which you sent to us. It has been signed by Opal Fisher who is the widow of Vardis Fisher and who was one of the original applicants for the permit. Mrs. Fisher is also the administratrix of the estate of Mr. Fisher. Since he died intestate, under our law, all of his interest will pass directly to Mrs. Fisher.

On behalf of Mrs. Fisher we request that the Department withdraw proof of beneficial use which was initiated in June of 1968.

With these exclamations I hope you can proceed to a prompt conclusion of this matter and the issuance of a license to Mrs. Fisher.

If anything further is needed, please advise.

Sincerely yours,


Cecil D. Hobdey

CDH:vp
Enclosure

December 20, 1968

Re: Permit No. 27082 -- Vardis Fisher (Deceased)

Mr. Cecil D. Hobdey
James, Hobdey & Shaw, Law Offices
125 Fifth Avenue West
Gooding, Idaho 83330

Dear Mr. Hobdey:

We enjoyed talking to you at the Idaho State Reclamation Association Convention in Twin Falls. As we discussed at the convention, there is no adequate justification for the extreme delay in replying to your inquiries. We can only hope that we have not inconvenienced you or your client in any manner. Permit No. 27082 will not suffer in any form due to the inattentiveness of the Department of Reclamation.

In order to procede and perfect this permit we would require that the present administrator of the estate submit to the Department of Reclamation a copy of the court designation appointing him as administrator of the estate. This will enable the department to deal with a specific individual and insure that the permit, which at this point is personal property, be manipulated by the correct party.

We would then require that either the administrator complete the permit requirements or assign the permit to a specific individual, thereby allowing that party to complete the requirements. We are enclosing an assignment form for your consideration in this matter.

We will also require that either the administrator or the assignee request the department to withdraw proof of beneficial use which was initiated on June 24, 1968. This will enable the department to modify the beneficial use requirements of the permit and assist the permit holder in a speedy and efficient finalization of Permit No. 27082. Also enclosed are beneficial use proof forms which we will require the permit holder to return with the above required items.

If a personal explanation would be of any value, please call us at Boise 344-5811, Ext. 511 at your convenience. Your assistance in this matter has been greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: Assignment forms and Proof forms

LAW OFFICES

JAMES, HOBDEY & SHAW

ANDREW F. JAMES
CECIL D. HOBDEY
CHAS. C. SHAW

125 FIFTH AVENUE WEST
GOODING, IDAHO 83330

P. O. BOX 176
TELEPHONE 934-4429
AREA CODE 208

October 30, 1968

Department of Reclamation
State of Idaho
State House Annex 2
Boise, Idaho

Re: Permit No. 27082
Vardis & Opal Holmes
Fisher.

Gentlemen:

Thank you for your letter of October 25th relative to the above.

We find this to be a rather confused situation.

I have checked with the Wendell Irrigationist and they advise that the notice of intent to submit proof of application of water to beneficial use was published in August of this year.

Vardis Fisher died July 9th. Of course, he personally handled matters of this nature and his widow, Opal Fisher, might have been generally aware of the fact that proof was to be submitted but was not apprised of any of the particulars.

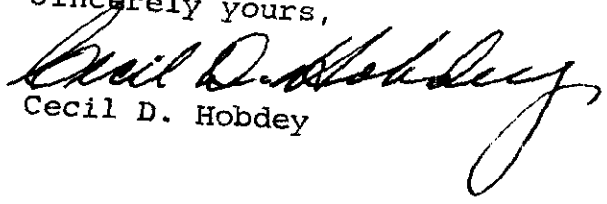
I am further a little surprised that an answer to our letter of September 6th was not received until October 25th - after the time for submitting proof. I am sure that if the letter had been answered in the ordinary course of business that we would have made arrangements and submitted proof on the date there-
tofore set which obviously was unknown to us at that time.

afj

Page 2
October 30, 1968

In any event, I would appreciate your suggestions as to how we shall best proceed at this stage of the proceedings and will further appreciate your cooperation in obtaining this license for Mrs. Fisher.

Sincerely yours,



Cecil D. Hobdey

CDH:fm

October 25, 1968

Re: Permit No. 27082
Vardis and Opal Holmes Fisher

Mr. Cecil D. Hobdey
James, Hobdey & Shaw
125 Fifth Avenue West
Gooding, Idaho 83330

Dear Mr. Hobdey:

We are in receipt of your letter of September 6, 1968 concerning the above referenced permit. Our records indicate that on June 19, 1968 the Fishers were advised that the beneficial use proof for Permit No. 27082 was required on or before October 11, 1968.

Following that date, several letters of correspondence were received by the department and issued by the department in connection with the required proof. Results were that on August 30, 1968 at the First National Bank, Wendell, Idaho, the applicants, Vardis Fisher and Opal Holmes Fisher were to submit proof of beneficial use.

As of this date, however, we have not received any additional information. We are enclosing copies of the correspondence from file 27082 dated June, 1968 to the present. With your assistance in this matter we would possibly clarify the beneficial use requirements of this permit.

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

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks
enclosures: Copies of correspondence

27082

LAW OFFICES

JAMES, HOBDEY & SHAW

ANDREW F. JAMES
CECIL D. HOBDEY
CHAS. C. SHAW

125 FIFTH AVENUE WEST
GOODING, IDAHO 83330

P. O. BOX 176
TELEPHONE 934-4429
AREA CODE 208

September 6, 1968

RECEIVED

SEP 9 1968

State Reclamation Engineer
Department of Reclamation
State of Idaho
Boise, Idaho

Department of Reclamation

Dear Sir:

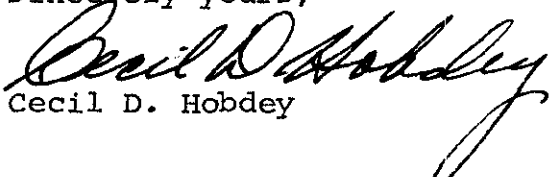
We are attorneys for Opal Fisher, widow of Vardis Fisher.

Mr. Fisher obtained a permit for the appropriation of waters, being Permit No. 27082.

We note from the terms of the permit that proof of beneficial use must be made on or before October 11th, 1968.

Can you please advise us of the current status of the permit and what steps must be taken in order to obtain the license.

Sincerely yours,


Cecil D. Hobdey

CDH:fm

July 17, 1968

Re: Permit No. 27082

Vardis Fisher
Hagerman, Idaho

Dear Mr. Fisher:

Pursuant to your letter dated July 8, 1968, we are forwarding a copy of Permit No. 27082 for which there is a \$1.00 fee.

Your prompt remittance is appreciated.

Very truly yours,

Donald W. McElowney
Appropriation Examiner

DWM:ks

Enclosure: Copy of Permit No. 27082

Withdrawn

27082

DON SAMUELSON
GOVERNOR



P. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

July 17, 1968

Re: Permit No. 27082

Vardis Fisher
Hagerman, Idaho

Dear Mr. Fisher:

Pursuant to your letter dated July 8, 1968, we are forwarding a copy of Permit No. 27082 for which there is a \$1.00 fee.

Your prompt remittance is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: Copy of Permit No. 27082

Withdrawn

27082

July 8 1968

Donald W McElldowney
Department of Reclamation
Boise

RECEIVED
JUL 11 1968
Department of Reclamation

Dear Sir:

In regard to Permit Number 27082 it appears that the two witnesses are required to read or hear read the permit, so apparently I must have a copy for that purpose; and apparently I also must have subdivision, section, township and range.

As for their estimation of flow of water, isn't that expecting a lot from them?

Sincerely

Vardis Fisher
Vardis Fisher

Withdrawn

27082

Re: Permit No. 27082

July 5, 1968

Vardis Fisher
Hagerman, Idaho 83332

Dear Mr. Fisher:

This acknowledges receipt of the notice of intent to make proof of ~~com-~~
~~pletion of works and~~ application of water to beneficial use for permit No.
27082.

We have mailed the notice to the Wendell Irrigationist to be
published once a week for four consecutive weeks prior to August 30, 1968,
which is the hearing date when the permit holder _____

Vardis Fisher

and two disinterested witnesses must appear before _____

First National Bank, notary public, to complete

the enclosed depositions. The witnesses must be familiar with the works and
permit.

After the hearing, the depositions and an affidavit of publication must be
submitted to this office. The affidavit may be obtained from the newspaper
when the advertising bill is paid by Vardis Fisher.

Be sure all the forms have the notary's seal and are signed. Please feel free
to contact us if we may be of any assistance.

Very truly yours,

Donald W. McElDowney
Appropriation Examiner

DWM:dj

Enc: Depositions

cc: Notary

27082

July 5, 1968

Re: Permit No. 27082
Vardis Fisher

Wendell Irrigationist
Wendell, Idaho 83355

Gentlemen:

Enclosed is a legal notice which we wish to have published for four consecutive weeks prior to August 30, 1968. The expense of the publication is to paid by ~~XXXXXX~~ Vardis Fisher, Hagerman, Idaho,

to whom you should furnish the affidavit of publication on or before the above date. Please acknowledge receipt of this notice by furnishing this office with a tear sheet for checking prior to the first publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: legal notice

27082

July 1, 1968

Re: Permit No. 27082

Vardis Fisher
Hagerman, Idaho 83332

Dear Mr. Fisher:

We wish to thank you for returning the proof forms submitted in connection with the above referenced permit. You should be advised that the department will proceed with the publication of your notice of intent to make proof under this permit.

Your accompanying note leaves us somewhat confused. Possibly you do not recall that on August 5, 1954, you submitted an application to appropriate the public waters of the State of Idaho. On August 11, 1957, application was approved subject to the conditions applied to the permit. On November 6, 1957, the Department of Reclamation forwarded the approved permit to you directing your attention to the limitations and conditions as given on the fourth page of the approved application. The conditions of approval were designed to align the permit with the intent of the statutory appropriations system. You were given until October 11, 1962, to submit proof to the Department of Reclamation that you have installed adequate diverting works as indicated in your application. On the 7th of September, 1962, you submitted to the Department of Reclamation proof that the works had been installed and on the 20th of December, 1963, Certificate of Completion of Works was issued by the Department of Reclamation, attesting to the installation of your diverting works.

The other proof that is required in order to perfect a water right under the statutes is the submission of proof of beneficial use of the water as directed in the Idaho Code. This proof requires the

27082

Vardis Fisher

2

July 1, 1968

publishing of your notice of intent to make proof four consecutive weekly issues of the county newspaper wherein the point of diversion is located. Following the final publication of your intent notice, the permit holder and two disinterested witnesses are to appear before the notary public and fill out depositions concerning the beneficial use of the water. Upon receipt of these documents the department will make a determination in the field as to the beneficial use indicated in your proof. Following this, a fee letter would be sent to the applicant notifying him of the results of the examination and requesting a licensing fee. If the final proof is not submitted the department will hold Permit 27082 for cancellation.

The only other means by which you could establish a water right is to go directly to the district court and have the title to your water right quieted. If we can assist you in any manner, please feel free to contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

W 12hd RALWD

27083

The water has been in CONTINUOUS use since 1951
What kind of proof are we expected to furnish?

RECEIVED

JUN 24 1968

Department of Reclamation

27082

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Wendell Irrigationist of Wendell, Idaho 83355; published in the county in which the works are situated.

(signature)

(address)

(date)

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 when proof is for completion of works.

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

Engineer

27082

June 19, 1968

Re: Permit No. 27082
Vardis and Opal Fisher

Harry Povey
Attorney At Law
115 2nd Street West
Twin Falls, Idaho 83301

Dear Mr. Povey:

Please be advised that Mr. and Mrs. Fisher have been notified that proof of beneficial use of water under Permit No. 27082 is due no later than October 11, 1968.

Forms for use in making proof have been mailed to them at Hagerman, Idaho.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DJ

27082

Re: Permit No. 27082

June 19, 1968

Vardis Fisher & Opal Holmes Fisher
Hagerman, Idaho 83332

Dear Mr. and Mrs. Fisher:

Proof of ~~completion of works and~~ application of water to beneficial use for the above referenced permit is due not later than October 11, 1968.

Under the terms of your permit, it is required that a notice be published once a week for four consecutive weeks in a local newspaper showing your intent to submit proof. The proof will consist of depositions which the permit holder and two disinterested witnesses must complete before the listed notary public, and must be accompanied by an affidavit of publication of the legal notice.

We have prepared the enclosed notice from the information on your permit. The complete name and address of a notary public of the State of Idaho must be entered together with a date for you to appear before the notary. Allow at least 40 days from the date the notice is mailed to this department for your appearance before the notary.

If you find any discrepancy in the notice or have made any changes, please advise this department and we will assist you in doing whatever may be necessary to assure correct publication.

If the enclosed notice is correct, complete the blank spaces on both forms, sign the form authorizing us to publish the notice at your expense, and return all forms. At the time we send the notice to the newspaper, you will be supplied with further instructions.

If you do not desire to complete the proofs and obtain a license of water right, you are requested to complete the relinquishment portion of this form below and return it to the Department of Reclamation.

State Reclamation Engineer

RE LINQUISHMENT

I hereby relinquish to the State of Idaho, all my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. _____.

Dated _____

Permit Holder

27082

RECEIVED

Department of Reclamation

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

Notice is hereby given that on Aug. 30, 1968, at Wendell,
County of Gooding, State of Idaho, before notary public (name & address)
First National Bank, Wendell, Idaho, proof will be
submitted of the completion of works for the diversion of 60.0 c.f.s. of the waters
springs rising on appli-
of cant's homeplace, and the application to beneficial use of said water,
in accordance with the terms and conditions of permit 27082, heretofore issued by
the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Vardis Fisher and Opal Holmes
Fisher, Husband and Wife, Hagerman, Idaho.
2. Said works of diversion will be fully completed on the date for such completion,
and the amount of water which said works are capable of conveying to the place of use is
60.0 cubic feet per second.
3. The use to which said water has been applied is _____
fish propagation purposes, and the amount applied to beneficial
use is 60.0 c.f.s.
4. The point of diversion of said water is Lot 4, Sec. 18, T. 7 S, R. 14 E,
B.M., Gooding County.
5. The place where said water is used is Lot 4, Sec. 18, T. 7 S, R. 14 E, B.M.

_____.
6. The date of priority which said user is prepared to establish is _____
August 5, 1954.

R. KEITH HIGGINSON

State Reclamation Engineer

27082

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,

DEAR SIR:

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

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, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at before.....

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,

.....
Commissioner of Reclamation.

2708 ✓

Snake River

Prings

Permit 27082 LAKE

DAM

HOUSE

SPILL

FISH HATCHERY

Operated by Snake River
Fruit Co. Inc.

Creek

27082

December 26, 1963

Re: ~~License~~ No. 27082
Vardis Fisher

James N. Ellis
1419 42nd Ave. E.
Seattle, Washington 98102

Dear Mr. Ellis:

Water license no. 27082 has been issued to
Mr. & Mrs. Fisher for 60 c.f.s.

Actual measurement November 5, 1963 showed
54.44 c.f.s.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RWT:vj

27082

1419 42nd Ave. E.
Seattle, Washington 98102
December 23, 1963

DEPARTMENT OF RECLAMATION
State of Idaho
Capitol Building
Boise, Idaho

Gentlemen:

We use the water flowing from springs which arise on Vardis Fisher's property east of Hagerman. I believe Mr. Fisher has filed on this water in the amount of 60 c.f. per second. Would your records show whether this flow has ever been measured, and if so, at what time of year and what amount.

If your department does not have a record of this water flow, is it possible to have one of your men measure this flow? We would like to have it done in the very near future, and if it isn't possible for one of your men to do it, could you recommend an engineer located near there who might have the equipment and ability, and be able to measure it?

This water that arises on Fisher's property, I believe is from what they call Big Springs, but a part of this flow is diverted for the use of the Village of Hagerman, and the rest flows into a lake back of Fisher's house, then down a flume, where it is used to supply water to our trout hatchery.

The water should be measured before it reaches the spillway, so as to record the full flow through the flume.

Yours very truly,

James N. Ellis
JAMES N. ELLIS

27082

December 20, 1963

Re: Permit No. 27082

Vardis Fisher
Hagerman, Idaho

Dear Mr. Fisher:

Enclosed is Certificate of Completion of works issued
on the above numbered permit.

Enclosed also is departmental receipt 31995, in the
amount of \$20.00 covering fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificate
receipt

27082

December 17, 1963

RE: Permit No. 27082

Vardis Fisher
Hagerman, Idaho

Dear Mr. Fisher:

Our field engineer's report on his inspection of completion of works under the terms of Permit No. 27082 shows the dam, diversion canal and ponds are capable of conveying 3,000 miner's inches, or 60.0 cubic feet per second of water for fish propagation.

Upon receipt of the statutory fee of \$20.00 we will issue the Certificate of Completion of Works for 60.0 second feet of surface water with the point of diversion in Lot 4, Sec. 13, T. 7 S., R. 14 E., B.M. from springs on applicant's home place for fish propagation in Lot 4, T. 7 S., R. 14 E., B.M.

Very truly yours,

CARL C. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

ERR:mr

27082

On Report of Examiner

"Be sure this water is
being used as shown in
the permit."

Notify Harry Povey
attorney at law
115 2nd St. W.
Finn Falls

date of proof B.V.

Notified
5/19/68
JG
3762

LJ-200
1-63

STATE OF IDAHO DEPARTMENT OF RECLAMATION

Date 11/5/63 DISCHARGE MEASUREMENT NOTES

Verdin & Gal Fisher River at Permit # 27082

Angle coat- tent	Dist. from initial point	Width	Depth	Obser- vation depth	Revo- lutions	Time in sec- onds	VELOCITY		Adjust- ed for hor. angle or	Area	Discharge
							At point	Mean in ver- tical			
	0	50									
	1	1.00	1.00		0	0		0		1.00	5.0
	2	1.00	2.4		3	70	-	.11		2.40	2.26
	3	1.00	2.9		5	57	.21	.38		2.90	1.10
					10	42	.54				
	4	1.50	3.05		10	58	.40	.62		4.58	2.84
					15	41	.83				
	6	2.00	3.15		25	42	1.33	1.41		6.30	8.88
					30	45	1.49				
	8	2.00	3.35		40	55	1.98	1.72		6.70	11.52
					30	46	1.45				
	10	2.00	3.5		30	41	1.63	1.41		7.00	9.87
					25	47	1.19				
	12	2.00	3.4		30	46	1.45	1.45		6.80	9.86
					30	46	1.45				
	14	1.75	3.5		20	50	.90	1.07		5.60	5.99
					25	45	1.24				
	15.5	1.25	3.0		15	54	.63	.88		3.75	3.30
					20	40	1.12				
	16.5	.65	1.5		15	46	-	.74		.98	.73
	16.8	.15	1.5		50	165	-	.37		.23	.09
		16.80									54.44

No. _____ of _____ Sheets. Comp. by _____ Chk. by _____

27082

Fish Propagation

non consumptive use

Allow-	60.0 cfs
--------	----------

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 27082

Vardis Fisher
Hagerman, Idaho

REPORT ON PROOF OF Completion of Works

27082

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

Permit No. 27082

This proof is for Completion of Works

In Water District No. _____

1. Name of applicant Vardis Fisher and Opal Homer Fisher
2. Source of water supply: Springs on applicant's home place
3. Location of point of diversion: Is in the _____ Lot 4 of Section 18
T. 7 S. R. 14 E. County of Gooding JB

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

Fish hatchery, ponds, etc.

Springs flow into pond that has been enlarged by dam on west side, 6' to 8' high and approximately 300' long with 10' width crest, 2:1 slope both sides. Diversion canal 150' long x 18' wide x 5' deep. Water line 3.5' x 16.8' x 11' to 14 - 400' long Race ways & rearing ponds.

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

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

"Be sure this water is being used as shown in permit"

(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: Mr. Vardis Fisher along

See 28339

Mr. Fisher stated the flow would increase considerable in December & January. Measured by Current Meter 54.44 cfs.

This examination was made on the 5th day of November, 1963

(Signed) _____

Loyd Johnson

Examiner.

27082

Walter & Opal Fisher
Hagerman, Idaho

Permit No. 27082

Examination for Completion of Works

County Gooding

Quantity: 60.0 a.f.s. Sec. 18 T. 7 S. R. 11 E

Source: Springs

P. D.: Lot 4, Sec. 18, T. 7 S. - P. 14 E 6 M

Use: Fish Hatchery

Filed: Aug. 5, 1954

Due: 1st Oct. 11, 1962
By: Oct. 11, 1968

Extension: —

Protest: See H. L.

Completion of Works:

Other Rights: none stated

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

DEC 12 1963

Department of Reclamation

27082

November 8, 1962

Re: Permit No. 27082
Vardis Fisher

Mr. Harry Povey,
Attorney at Law,
115 - 2nd Street W.,
Twin Falls, Idaho.

Dear Mr. Povey:

We enclose Departmental Receipt No. 31310, which was issued covering payment in the amount of \$2.25 for the photo copies of the Depositions of the Holder and Two Witnesses in connection with the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

RALPH W. THOMAS, Deputy
State Reclamation Engineer

Encl.
RWT:pmk

27082

November 1, 1962

Re: Permit No. 27082
Vardis Fisher

Mr. Harry Povey,
Attorney at Law,
115 - 2nd Street W.,
Twin Falls, Idaho.

Dear Mr. Povey:

Enclosed are photo copies of the depositions of the holder and two witnesses as requested in your letter of October 31st. Kindly remit the fee of \$2.25 to this office.

A note has been made to notify you of the date to make proof of beneficial use of the water, however, we can not promise that the note will be seen and that you will be notified.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

RALPH W. THOMAS, Deputy
State Reclamation Engineer

Encl. - 3 Photo Copies
RWT:pmk

27082

HARRY POVEY

ATTORNEY AT LAW

115 2ND STREET WEST
TWIN FALLS, IDAHO

TELEPHONE 733-3181

October 31, 1962

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

Dear George:

I understand that proof of completion of works under Permit 27082 issued to Vardis Fisher of Hagerman, Idaho, was recently made. Will you please furnish me with copies of the depositions of the permit holder and his witnesses. These need not be certified.

The permit provides that proof of beneficial use may be made on or before October 11, 1968. Will you kindly notify me of the time and place when and where proof of beneficial use is to be made, whenever proof of beneficial use is contemplated.

Thanking you and with best regards, I remain,

Sincerely yours,

Harry Povey

HP/p

P.S. Please advise charges for copies and I will mail check.

27082

1M April 1962

October 19, 1962

Re: Permit No.

27082

Mr. Vardis Fisher
Hagerman, Idaho

Dear Sir:

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

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:

27082

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

Permit No. 27082

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. J.R. Russell, Hagerman, Idaho; retired superintendent of the Federal Fisheries, Hagerman Valley

Ques. 2. Are you acquainted with Vardis and Opal Fisher, the holder of Permit No. 27082, authorizing the diversion of 60 second-feet of the waters of springs on Fisher property, at Hagerman for fishery purposes? How long have you known him, and where does he reside?

Ans. I have known Vardis and Opal Fisher for about 20 years

Ques. 3. Have you read or heard read said Permit No. 27082, 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. they have been fully completed for more than ten years

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

Ans. a dam to impound all the spring waters and a canal adequate to convey said waters to the fishery ponds

(Sign here.) J.R. Russell

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 Hagerman, Ida County of Gooding, State of Idaho, on this 7th day of Sept., A. D. 1962

Samuel J. Russell

27082

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

Permit No. ¹¹²⁾ 27082

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. James D. Barlogi, Hagerman Idaho; retired businessman

Ques. 2. Are you acquainted with Vardis and Opal Fisher, the holder of Permit No. 27082, authorizing the diversion of 60 second-feet of the waters of springs on Fisher property, at Hagerman for fishery purposes? How long have you known him, and where does he reside?

Ans. I have known Vardis and Opal Fisher for 22 years

Ques. 3. Have you read or heard read said Permit No. 27082, 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. They have been fully completed for more than 10 years

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

Ans. a dam to impound all the spring waters and a canal adequate to convey said waters to the fishery ponds

(Sign here.)

James D. Barlogi

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 Hagerman County of Gooding, State of Idaho, on this 7th day of Sept., A. D. 19 62.

Emerson Dymore

27082

September 4, 1962

RE: Permit No. 27082

The Gooding Leader
Gooding, Idaho

Gentlemen:

We acknowledge receipt of the affidavit of publication which was issued in connection with the Permit listed above. However, the statement of cost, which we are returning, is to be paid by the applicants, whose names and address are as follows;

Vardis & Opal Fisher Hagerman, Idaho.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR

Encl. statement of cost

27082

August 9, 1962

Re: Permit No. 27082
Wardis & Opal Fisher

Gooding Leader
P. O. Box 56
Gooding, Idaho

Gentlemen:

We appreciate your letter of August 8th, calling our attention to the omission of the date of completion of works in our notice of publication mailed to you on August 6th.

"The date set for completion of such work is October 11, 1962"

Again we thank you.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

H. PETRI
Water Rights Clerk

HP:ew

27082

THE GOODING LEADER

Printing - Publishing

WEST 4-4911

P. O. BOX 56 • GOODING, IDAHO

August 8, 1962

RECEIVED
AUG 9 1962

Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Dear Sirs:

We received your legal on Permit No. 27082, Vardis and Opal Fisher.

Wish to call to your attention that number 3 on the legal says date set for completion of such work is _____

The date is not filled in.

Please advise on date.

yours truly,

Gooding Leader
Box 56
Gooding, Idaho

27082

August 6, 1962

Re: Permit No. 27082

Verdis and Opal Fisher,
Hagerman, Idaho.

Dear Mr. & Mrs. Fisher:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 27082. The proofs are to be made at 10:00 o'clock A.M., on the 7th day of September, 19 62, before Emerson Pugmire, Hagerman, Idaho., Notary Public.

As of this date we have mailed the Notice to the Gooding Leader Gooding, Idaho, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof 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. Rule
Chief Clerk

Enc.
EPR:pmk
cc: Notary

P.S. We have added the name of Emerson Pugmire as the Notary before whom you should sign the Deposition. If this is not satisfactory with you, please contact the Gooding Leader and request it to make the necessary change, and advise this office accordingly.

27082

1200
6-28-61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. 27082
Vardis and Opal Fisher

Date: August 6, 1962

The Gooding Leader,
Gooding, Idaho.

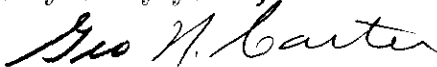
Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **September 7, 1962** the date set for proof; the expense of the publication is to be paid by the applicant

Vardis and Opal Fisher of **Hagerman, 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.

27082

Notice for Publication

COMPLETION OF WORKS

RECEIVED
AUG 6 1962Notice is hereby given that at 10:00 A.M., on the 7th day of August, 196219 62, at Eggen, Idaho, County of Gooding, Department of Reclamation
before Emerson Eugene proof will be submitted of the completion of worksfor the diversion of 60 cubic feet per second of the waters of certain springs adjacent to the
Property of Vardis and Opal Fisher in accordance with the terms and conditions of acertain permit heretofore issued by the Department of Reclamation of the State of Idaho.1. The name of the person or corporation holding said permit is Vardis and Opal Fisher

2. The postoffice address of such person or principal place of business of such corporation is

Eggen, Idaho, County of Gooding, State of Idaho.3. The number of such permit is 28962, and the date set for the completion of such work isOct 11, 19624. Said water is to be used for a commercial factory purposes.5. 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 intended use, in accordance with the plans accompanying
the application for such permit, is 60 cubic feet per second.6. The amount of lands for which said water is available is about 10 acres, particularly described as follows:adjacent to and just east of the said springs and just okGeo. H. Carter

STATE RECLAMATION ENGINEER

27082

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Aug 3 1962

(P. O.) Hagerman Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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

Gooding Leader

of

Gooding, Idaho

published in

the county in which the works are situated.

Paul H. Fisher

(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.

27082

You did not send a form or witnesses did
notarizing
and I'm not sure of how to fill all of form

8

Vardis Fisher

As for signing by an engineer if over 50 feet, these
works have been in for 11 years and when I applied for
permit I was asked to have an engineer sign, and did, as
I recall it. Must be somewhere in your files

RECEIVED

AUG 8 1962

27082

Department of Reclamation

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Re: Permit No. 27082

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Vardis Fisher & Opal Holmes Fisher
Hagerman, Idaho

Boise, Idaho,
Aug. 1, 1962

Dear Sir:— & Madam:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 27082.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before Oct. 11, 1962. Upon receipt of the blank properly filled out, notice of publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

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

Very truly yours,

GEO. N. CARTER

State Reclamation Engineer

27082

~~GEO. N. CARTER~~

August 19, 1958

Re: Permit No. 27082
Vardis Fisher

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

RE: Your August 14, 1958 letter

Dear Mr. Povey:

The copy of Permit No. 27082 we sent you was the corrected and approved application. There was a protest against approval of the application and the application was not approved until the protest was withdrawn. Our records do not contain any lease or assignment of the waters covered by said permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC/RT

27082

TELEPHONE 610

HARRY POVEY
ATTORNEY AT LAW
115 2ND STREET WEST
TWIN FALLS, IDAHO
August 14, 1958

RECEIVED
AUG 15 1958
Department of Reclamation

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

In re Vardis Fisher, Permit 27082

Dear Mr. Carter:

I recently received from your office copy of the above permit. I note the application was originally filed August 5, 1954 and was returned for correction August 14, 1954 and the corrected application was received August 18, 1955. I also note that the application was not approved and the permit was not issued until October 11, 1957. Will you please advise me if the copy of the permit contains the application as corrected. If the same does not contain the corrections, will you kindly send me copy of the same.

Under the heading of "Remarks" it is stated as follows:

"The fishery, a limited partnership, was begun three years ago and has been operating since. Applicants herein were for three years among the partners in said fishery but have now withdrawn and are leasing said waters herein to the owners of the fishery."

Will you please advise me if your records contain any lease or assignment of the waters covered by said permit or of said permit and if so, will you kindly furnish me with copy of the same.

Thanking you, I remain,

Very truly yours,

HP/jp

Harry Povey

27082

XXXXXXXXXX

August 11, 1958

Re: Permit No. 27082

Mr. Harry Povey
Attorney At Law
1152 2nd St. West
Twin Falls, Idaho

Dear Mr. Povey:

This will acknowledge receipt of your letter of August 8, 1958, enclosing your check for \$1.50 in payment of the fee for a photo-copy of Permit No. 27082.

We enclose departmental receipt No. 29225, which was issued covering your payment.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPR:lw
Encls. Departmental Receipt No. 29225

27082

TELEPHONE 610

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

August 8, 1958

RECEIVED
AUG 10 1958
Department of Reclamation

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

In re Permit No. 27082--Vardis Fisher
Attention: Mr. Ralph Thomas

Dear Mr. Thomas:

I wish to thank you for your letter of August 7, 1958 enclosing photo copy of Permit No. 27082 issued to Vardis Fisher of Hagerman, Idaho. This is the permit I had in mind.

I am enclosing herewith my check for \$1.50 to cover your fees and ^{also} to assure you of my appreciation of your very prompt service.

Very truly yours,

Harry Povey

HP/jp
Enc.

27082

CCCCCCCC

August 7, 1958

Re: Permit No. 27082

Mr. Harry Povey
Attorney At Law
1152 2nd St. West
Twin Falls, Idaho

Dear Mr. Povey:

The copy enclosed of Permit No. 27082 does not give the name of the Thousand Springs Trout Company, however it seems to fit the description you gave. There is no filing in the name of Thousand Springs Trout Company. You will note on the second sheet of the permit when proof of completion of construction and also proof of beneficial use must be made. Proofs have not been made.

There is a charge of \$1.50 for the photo-copies.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Mr. Ralph Thomas
Office Engineer

RWT:lw

Encls. - Photo-copy of Permit No. 27082

27082

TELEPHONE 610

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

August 6, 1958

RECEIVED
AUG 7 1958
Department of Reclamation

Mr. George N. Carter
State Reclamation Commissioner
Department of Reclamation
Capitol Building
Boise, Idaho

Dear Mr. Carter:

It is my understanding that some years ago Thousand Springs Trout Company or someone in its behalf made an application for permit to appropriate the waters of a lake or springs on what is now the Vardis Fisher ranch in Hagerman for the operation of a trout hatchery on adjoining lands. If your records disclose such an application will you please send me a copy of the application and permit and advise me when proof of completion of works and proof of beneficial use were made, and also send me a copy of the water license which need not be certified. If you will send me the statement of your fees for these copies, I shall forward check to cover same.

Thanking you for an early reply, I remain,

Very truly yours,

Harry Povey

HP/jp

*with overflow into
Bellingham Creek*

27082

November 6, 1957

Re: Permit No. 27082
Vardis Fisher and Opal Holmes Fisher

Mr. Vardis Fisher
Hagerman,
Idaho

Dear Mr. Fisher:

We enclose Permit No. 27082 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. 27507 which was issued covering payment in the amount of \$19.75 for the filing fee of the above mentioned permit.

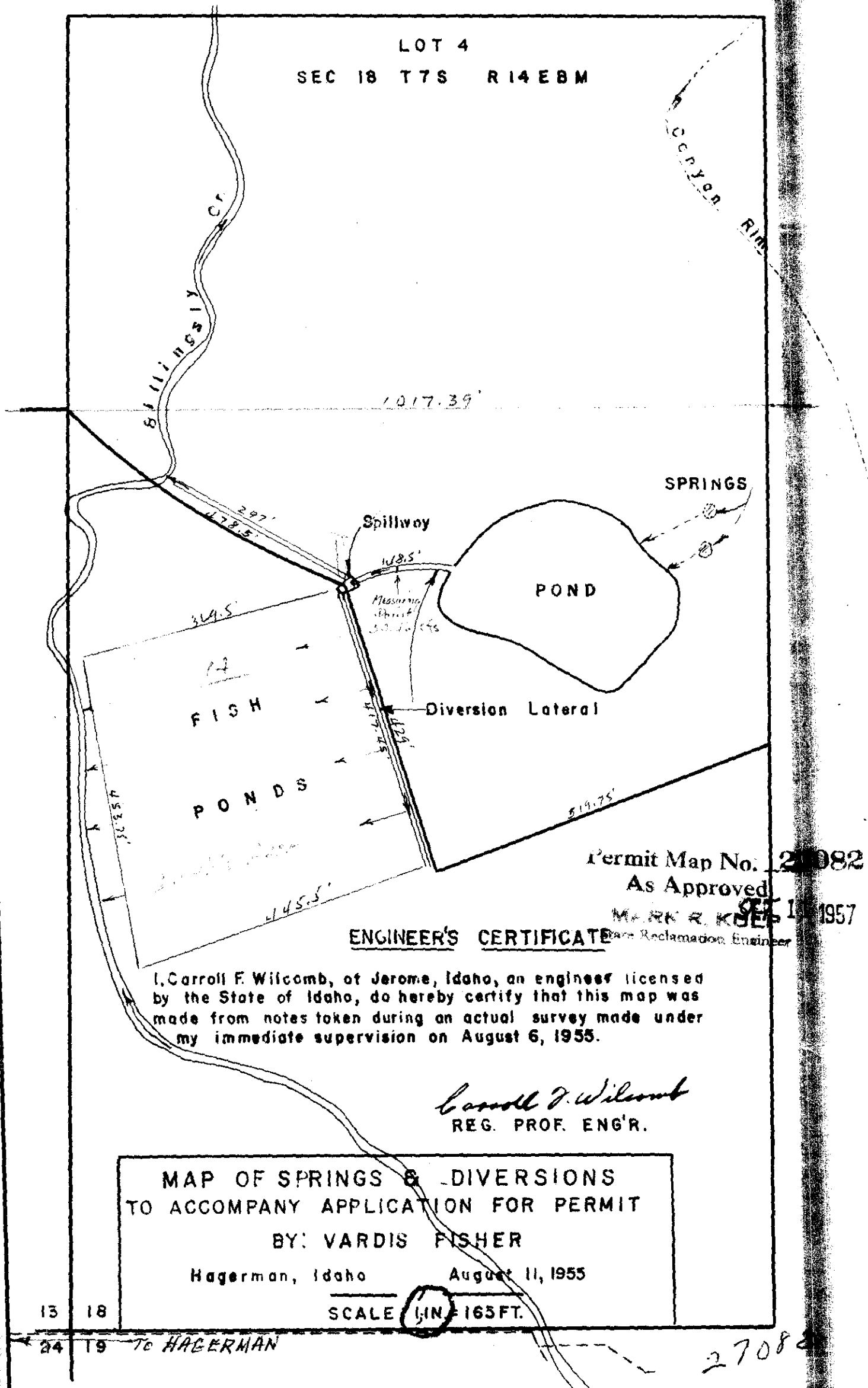
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

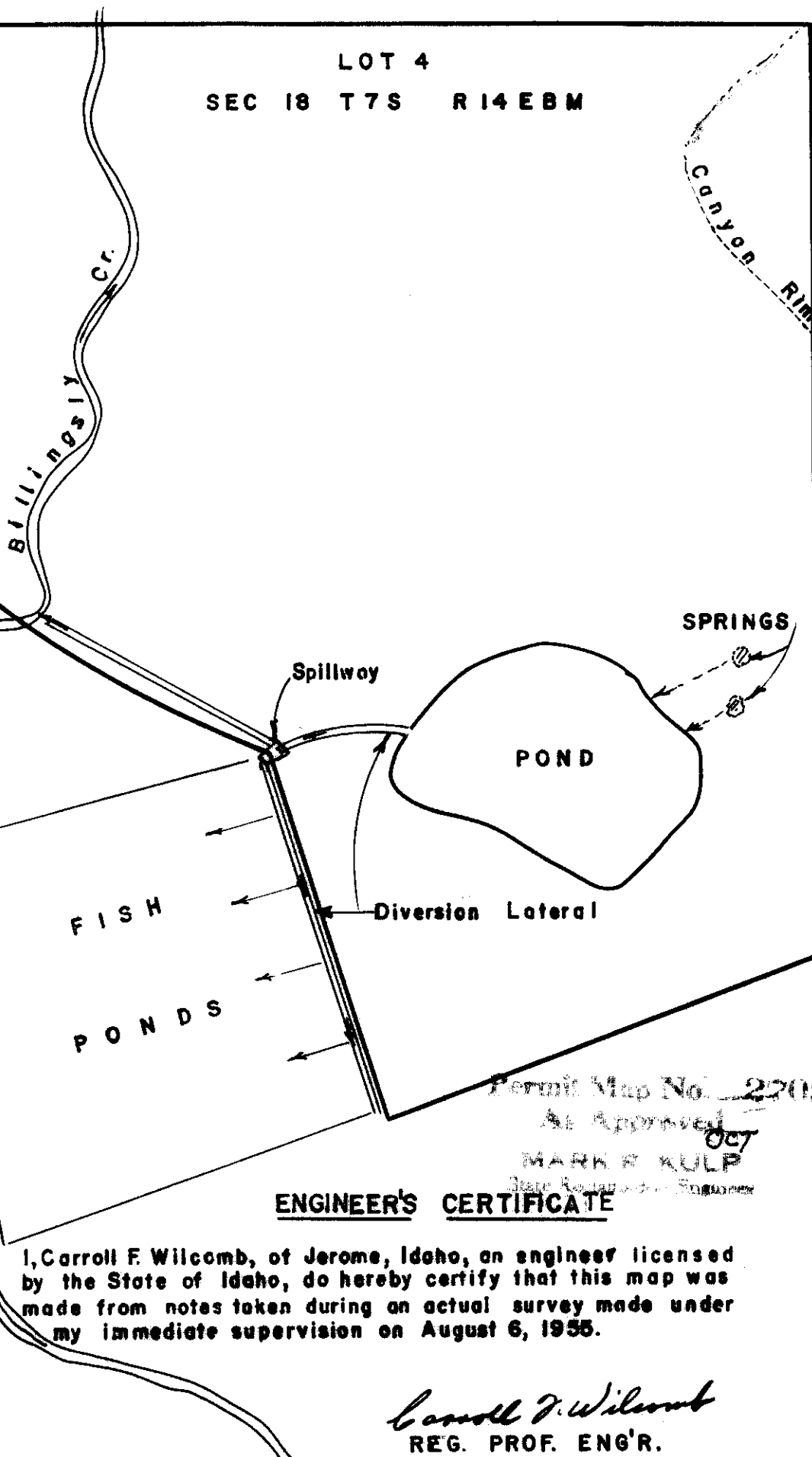
Edna P. Rutledge (Mrs.)
Chief Clerk

EPR:lw
Encls.

27082



LOT 4
SEC 18 T 7 S R 14 E BM



Permit Map No. 22082
As Approved
OCT
MARK R KULP
State Registered Engineer

ENGINEER'S CERTIFICATE

I, Carroll F. Wilcomb, of Jerome, Idaho, an engineer licensed by the State of Idaho, do hereby certify that this map was made from notes taken during an actual survey made under my immediate supervision on August 6, 1955.

Carroll F. Wilcomb
REG. PROF. ENG'R.

MAP OF SPRINGS & DIVERSIONS
TO ACCOMPANY APPLICATION FOR PERMIT
BY: VARDIS FISHER
Hagerman, Idaho August 11, 1955
SCALE: 1 IN. = 165 FT.

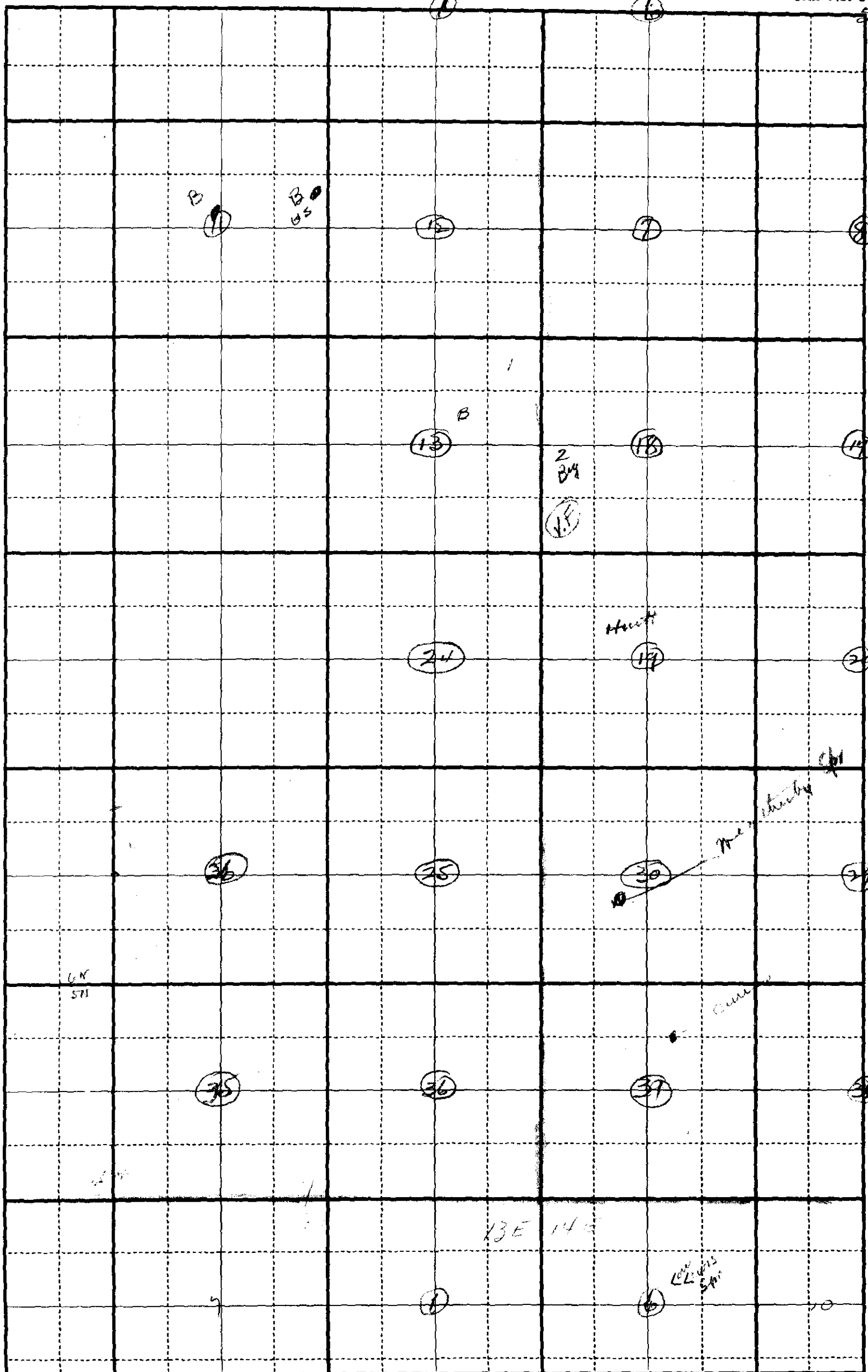
13 18
24 19

22082

Please find a check: \$1.00
for copy of Permit No. 27082
-ack # 328 made
Mrs. Vardis Fisher

NAME OF APPLICANT.....

Form No. 0



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

27082

October 10, 1957

Re: Permit No. 33764

Bird & Hobday
Lawyers
1st Security Bank Building
Gooding, Idaho

Attention: Branch Bird

Dear Mr. Bird:

Receipt is acknowledged of the agreement of September 12, 1957 between the Village of Hagerman, the Fishers and the Ellises which withdraws the protest of the Village of Hagerman against approval of Application No. 33764, Vardis Fisher and Opal Holmes Fisher for permit to appropriate 60 cubic feet per second of the water of springs rising on the applicants' home place for the propagation of fish.

The application will be approved and permit issued.

I believe that all interests have been adequately taken care of and all parties are to be commended for their cooperative efforts.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:lw
cc: Vardis Fisher
Village of Hagerman
James N. Ellis

27082

LAW OFFICES
BIRD & HOBDEY
1ST. SECURITY BANK BLDG
GOODING, IDAHO

BRANCH BIRD
CECIL D. HOBDEY

RECEIVED
OCT 3 1957

Department of Reclamation
PHONE 123
P. O. BOX 905

October 1, 1957

Dr. Mark R. Kulp
Dept. of Reclamation
State House
Boise, Idaho

Dear Doctor Kulp:

Inclosed you will find a completed copy of the agreement of September 12, 1957 between the Village of Hagerman, the Fishers and the Ellises.

This has to do with application bearing your file number 33764 made by the Fishers.

This certified copy of agreement is sent to you in conformity with Section 42-~~1403~~²⁰³ of the Idaho Code.

In conformity with the latter part of the agreement I as attorney of record for the Village of Hagerman in making the protest dated September 30, 1955 do hereby dismiss and discontinue said protest made on behalf of the Village of Hagerman.

Respectfully yours

BIRD & HOBDEY

By:



BB:fm
Encl.

27082

AGREEMENT

RECEIVED
OCT 1957
Department of Agriculture

This agreement made September 12, 1957 between Vardis Fisher and Opal Fisher, husband and wife, first parties, and the Village of Hagerman, a municipal corporation of the State of Idaho, hereinafter designated as the "Village", all of Hagerman.

In consideration of the mutual covenants and agreements herein contained, and for value, first parties give and grant to the Village the right, privilege and option to have, receive and use 5 cu. ft per second of time of the waters from those certain springs arising on the lands of first parties, the same being situate in Lot 4, Sec. 18, Twp. 7 S. R. 14 E.B.M., Gooding County, Idaho.

The Village may have and receive said amount of water from said sources, or any lesser amount, depending upon the needs and necessities of the Village and its citizens from time to time. Provided, however, such water as may be needed and used by the Village will be taken from the property of first parties solely at the expense of the Village. The water which the Village may take and use shall be taken from the property of first parties at such points and sources and in such manner as will not unreasonably lessen the sale value of the property of first parties, or make such property less desirable as a residence and home place to an unreasonable extent.

Such water as maybe taken by the Village under the terms of this agreement shall be paid for by the Village at the rate of \$35.00 per second foot, computed on the basis of the purchasing power of the dollar as of date July 1st, 1954. No adjustment under this provision will be required or deemed necessary unless the fluctuation exceeds ten per cent in the purchasing power of the dollar, one way or another. All sums paid for water so to be had by the Village under the terms of this agreement shall be paid for at least once per year and not later than the 1st day of December each year, and all such sums shall be paid to James N. Ellis and Mary Lou Ellis, of Hagerman, Idaho, or such persons as they may in writing designate, ~~such payment to be for the account of first parties.~~

27012
-1-

As further consideration for this agreement the Village agrees that upon the execution and delivery of this agreement it will forthwith dismiss and discontinue its protest bearing date September 30, 1955 filed with the Department of Reclamation of the State of Idaho in connection with application number 33764 as made by Vardis Fisher and Opal Holmes Fisher with the said Department of Reclamation.

A signed triplicate of this agreement shall be officially filed with the Commissioner of Reclamation of the State of Idaho.

In witness whereof the contracting parties have hereunto set their names in triplicate.

Vardis Fisher

Opal Holmes Fisher

First Parties

Village of Hagerman, a municipal corporation

By Emmon Tugman
Chairman of the Board of Trustees.

Attest: Ellis B. Green
Village Clerk.

Seal)

STATE OF IDAHO)

: ss.

County of Gooding)

On this 14 day of September, 1957, before the undersigned a notary public in and for said county, personally appeared Vardis Fisher and Opal Fisher, known to me to be the persons whose names are subscribed to the foregoing agreement, and acknowledged to me that they executed the same.

In witness whereof I have hereunto set my hand and affixed my seal the day and year in this certificate first above written.

Emmon Tugman

Notary Public for the State
of Idaho.

Seal)

27082

STATE OF IDAHO)
County of Gooding) ss.

On this 12 day of September, 1957 before me
a notary public for the State of Idaho personally appeared Emerson
Pugmire, known to me to be the Chairman of the Board of Trustees of
the Village of Hagerman, Idaho, the Village that executed the
foregoing instrument, and acknowledged to me that said Village of
Hagerman executed the same.

In witness whereof I have hereunto set my hand and affixed
my official seal as of the day and year first above written.

Branch Dwyer
Notary Public for the State of
Idaho

Seal)

We, the undersigned, James N. Ellis and Mary Lou Ellis,
husband and wife, hereby give our consent to the foregoing agreement.

Dated at Hagerman, Idaho September 26, 1957.

James N. Ellis
Mary Lou Ellis

James E. Dayley
Witness.

STATE OF IDAHO,)
COUNTY OF GOODING) ss.

I, Bert Bowler, County Recorder in and for the County
of Gooding, State of Idaho, do hereby certify the foregoing to
be a full, true and correct copy of Agreement between Vardis
Fisher and Opal Fisher, husband and wife, to Village of Hagerman,
a municipal corporation of the State of Idaho, as the original
appears upon the records of said County, in Book 6 Agreements at
page 289.

IN TESTIMONY WHEREOF, I have hereunto set my hand and
affixed my official seal this 1st. October, 1957.

Bert Bowler, Co. Official Recorder.
By Vera J. Wright, Deputy.

27082

Hagerman, Idaho
27th June, 1957

Mr Emerson Pugdore, Mayor
Hagerman, Idaho

Dear Emerson:

I think the agreement we came to yesterday will work out all right for all of us. It would among those now alive, for we are honorable men. The unhappy thing about such agreements is that they have to be drawn so they will work if men not so honorable inherit them. I am sure Branch will draw the thing up as though he were the attorney for both sides.

I am sorry I became a little incensed two or three times yesterday. This may be only a hillside and some water pouring down it for those of you who were present but it is the site to which Opal and I have given seventeen years of hard labor. We bought this corner with its water when it was so intractable a piece of wasteland that the owner had given up trying to do anything with it. If I had known how difficult its development would be I would never have bought it. I have worked awfully hard here with grubbing hoe, shovel and pick, and other tools; I have planted over three thousand trees; and though it may mean only another homeplace to people of this area, it means a lot more to the visitors who come through from eastern states and elsewhere. It is such a beauty spot now, entirely from Opal's labor and mine, that a prominent Idahoan has asked me to will it to the State on our death. We can't afford to in the first place. In the second place Idaho has more such places to keep up now than it can afford.

I tell you these things to indicate that when you propose to put in unsightly pumping stations or to ruin or diminish our waterfalls, or in any other way to mutilate the thing we have built up with such labor and cost, you are attacking us right where we live. Of course we'll not stand in the way of what we call 'progress'---though what Branch Bird might mean by progress without aesthetic values I don't know.

Drop in some time and look it over from our window.

With every kind regard,

Yours sincerely,

Copy to:

Mr. Branch Bird
Mr. Mark R. Ship
Mr John Lefoyne

RECEIVED
JUN 28 1957
Department of Reclamation

Hagerman, Idaho
6th June, 1957

RECEIVED
JUN 7 1957
Department of Reclamation

Mr Mark R Kulp
Department of Reclamation
State House
Boise, Idaho

Dear Mr. Kulp:

In your letter of June 4th you advise that you will be pleased to be present at our conference here, over the water filing, and you give as available dates June 17, 18 and 19 and June 25, 26, 27, and 28. Since Mr and Mrs Ellis ship fish every day and are very busy I told them to choose a day and the rest of us would adapt our plans to it. Mr. Ellis chose June 26th at two o'clock in the afternoon, at his home. Will you kindly mark the date on your calendar.

If you find it convenient I should be glad to have to come to my place by 1:30, say, and I could show you the outlay and use of the water before we run over to the Ellis place, only a half-mile distant.

I am sending a copy of this to Mayor Pugmire of the Hagerman Board.

Yours truly,

Vardis Fisher
Vardis Fisher

June 26 2 P.M. at Ellis Place

Vardis Fisher

Program Manager of Hagerman

General Big Springs Irr. Co.

de Moyn

27682

June 4, 1957

Mr. Vardis Fisher
Hagerman
Idaho

Dear Mr. Fisher:

Your letter of June 1, 1957, reminds me that I have been negligent in processing your application for permit to appropriate 60 cubic feet per second of the water of Springs rising on your own land for propagation of fish.

Situation--Application with filing fee was received in this office August 5, 1954, and given application No. 33764. Due to technical requirements the application was not advertised until August 25, 1955 - September 8, 1955, with last date for protests September 23, 1955.

On October 3, 1955, a protest dated September 30, 1955, was received from the Village of Hagerman through the Law Offices of Mr. Branch Bird. Correspondence developed a difference of opinion as to whether a late protest was valid or not. The question is still moot but both the principals seemed agreeable to a conference. No conference has yet been arranged or held.

I am of the opinion that a conference would find that there is no serious conflict of interests and I will be pleased to sit in at such a conference. Present open dates are June 17, 18, 19 and June 21, 26, 27 and 28 or if any other date is chosen I will send a member of the department.

Your application No. 33764 is still in good standing.

Very truly yours,

Mark R. Kulp
State Reclamation Engineer

MRK/nls
cc: Mr. Branch Bird
Attorney at Law
Gooding, Idaho

27082

RECEIVED
JUN 4 1957

Department of Reclamation

June 3, 1957

Mr. Vardis Fisher
Hagerman, Idaho

Dear Sir:

C
O
P
Y

We have a copy of your letter of June 1st relative to the water problem at Hagerman. It is our suggestion that if you would like to proceed with the matter you have referred to between the city officials, yourself and Mr. Ellis that you set the hearing down for some convenient day and hour and I am sure that the interested parties will be present. Perhaps you should fix the place also.

My suggestion is that you select a date far enough in advance so that all interested parties will be able to attend. If you select a date that is too close there is more chance that some of the parties will have previous engagements.

We are sending copies to the Commissioner of Reclamation and the city of Hagerman.

Sincerely yours

BIRD & HOBDEY

By:

Ba:fm

27082

Hagerman, Idaho
1 June, 1957

RECEIVED
JUN 3 1957
Department of Reclamation

Mr Mark R Culp
Commissioner of Reclamation
State House
Boise, Idaho

Dear Sir:

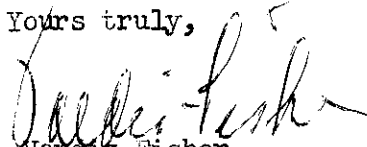
It has been almost two years since I completed filing on water issuing on my property here, for use in a fishery. I fulfilled all the instructions your office sent me and paid the filing fee, which has never been returned.

I advertised the matter, per your instructions, in The Gooding Leader, and three days AFTER the advertising was completed a protest against the filing was entered at your office by Mr. Branch Bird, attorney, acting for the village of Hagerman. It appears to me that inasmuch as the protest was entered AFTER the time had expired for entering such protests, the filing could and should have been legally accepted.

But in a spirit of fairness I advised your office that my wife and I would be glad to meet with the Hagerman Council and their attorney, at any time convenient to them and to Mr and Mrs James N Ellis, of Hagerman, who have leased this water from us and have in fact been using it for more than seven years.

A year and a half has passed and there hasn't been the slightest move on the part of the Hagerman Board or its Mayor or their attorney to meet with us in this matter. I therefore request to know whether your office has accepted the filing, and if not, why not.

Yours truly,


Vardis Fisher

Copy to:

Mr Branch Bird, Gooding, Idaho
Mr Emerson Pugmire, Mayor, Hagerman, Idaho
Mr and Mrs J N Ellis, Hagerman, Idaho

27082



GRAYDON W. SMITH
ATTORNEY GENERAL
STATE OF IDAHO
BOISE

RECEIVED
MAR 9 1956
Department of Reclamation

March 7, 1956

Mr. Mark R. Kulp
State Reclamation Engineer
BUILDING

Dear Mr. Kulp:

Concerning the Vardis and Opal Holmes Fisher matter with which your letter of February 29 deals, I believe the attorney for the protestant states the law correctly in his letter which you quote.

In fact, and this is for your personal and confidential information, it might well be that the forty days does not start to run until the last required publication of the notice has been made. That is the rule in civil cases in our District Courts wherein the summons is published. I am inclined to think that the same rule would apply in this sort of matter, although I know of no Supreme Court decision of the question.

Yours very truly,

A handwritten signature in dark ink, appearing to read "J. R. Smead".

J. R. SMEAD
Assistant Attorney General

JRS:bfs

27083

February 29, 1956

Honorable Graydon W. Smith
Attorney General
B U I L D I N G

Dear Mr. Smith:

On August 5, 1954, Vardis and Opal Holmes Fisher made application for permit to appropriate 60 cubic feet per second of the public waters of Springs rising on applicants' home place for the propagation of fish. The application was given the departmental designation of Application No. 33764.

Due to correspondence over technical matters the notice of application was not prepared for publication until August of 1955.

The Notice was dated August 19, 1955
Service was acknowledged August 22, 1955
First publication was on August 25, 1955

The published notice included the following:

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

"Dated this August 19th, 1955."

The Village of Hagerman filed a protest dated September 30, 1955, (a Friday) which was received in the Department of Reclamation on October 3, 1955.

No hearing has been set as the principals indicated that the matter might be settled without a formal hearing.

Now the Attorney for the protestant answers the argument of the applicant that the protest was too late by a letter which in part reads:-

"In one informal conference the suggestion was made that our protest on behalf of the Village of Hagerman is too late and can be ignored."

27082

February 29, 1956

"The purpose of this letter is to express the hope that a ruling of this nature will not be made, if requested. The statute, Section 42-203, provides that protest may be made within 40 days from the date of such notice'. In our judgment this means 40 days from the first publication of the notice, regardless of statement in the notice that the last day for protest is September 28th. Obviously a notice can have no effect as such until it is published. Although a notice remains in your file or in the applicant's possession for several weeks without publication, would anyone contend that the same was effective to start the running of the 40 day period until it was published?"

Your opinion on the points raised is requested.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:hll

27082

LAW OFFICES
BRANCH BIRD
1ST SECURITY BANK BLDG.
GOODING, IDAHO

BRANCH BIRD
CECIL D. HOBDEY

RECEIVED
FEB 20 1956
Department of Reclamation

February 18, 1956

Department of Reclamation
Boise, Idaho

Re: Application 33764
(Vardis Fisher)

Gentlemen:

October 11, 1955 we wrote you suggesting that the above matter be held in abeyance until we could endeavor to settle the controversy between Mr. Fisher and Hagerman. Most of the time since then Mr. Fisher has been out of the state. He has returned now and we hope in the near future to accomplish something along this line.

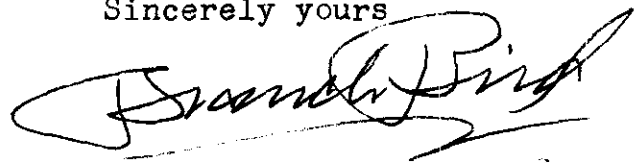
In one informal conference the suggestion was made that our protest on behalf of the Village of Hagerman is too late and can be ignored.

The purpose of this letter is to express the hope that a ruling of this nature will not be made, if requested. The statute, Section 42-203, provides that protest may be made "within 40 days from the date of such notice". In our judgment this means 40 days from the first publication of the notice, regardless of statement in the notice that the last day for protest is September 28th. Obviously a notice can have no effect as such until it is published. Although a notice remains in your file or in applicant's possession for several weeks without publication, would anyone contend that the same was effective to start the running of the 40 day period until it was published?

The first publication of the notice in question was August 25th. Hagerman's protest was mailed to you September 30th, well within 40 days of the first publication. We do not know that this point is going to be raised, but if it is the above viewpoint is urged on behalf of the Village of Hagerman.

Sincerely yours

BB:fm


37642

Dear Mr Culp:

Have had a talk with Branc Bird. He admits that he filed protest Sept. 30, that if last date for filing was Sept 28, then he was too late. My copy of notice in Gooding Leader says, the last line:

Last date for protest: September 28, 1955

Sincerely

RECEIVED
OCT 13 1955
Department of Reclamation

Walter Felt
27082

✓
October 12, 1955

RE: Application No. 33764

Mr. Branch Bird
1st Security Bank Bldg.
Gooding, Idaho

Dear Mr. Bird:

I have your letter of October 11, 1955, requesting the withholding of definite action on the Application of Vardis Fisher (Application No. 33764) pending results of a conference between the applicant and the protestant.

I will be pleased to defer action as it is probable that there is no serious conflict of interests and that most of the apparent conflicts will disappear when the situation is fully explored.

This Department will be pleased to assist in any way possible.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:hll
cc - Mr. Vardis Fisher

27082

LAW OFFICES
BRANCH BIRD

1ST. SECURITY BANK BLDG.

GOODING, IDAHO

BRANCH BIRD
CECIL D. HOBDEY

RECEIVED
OCT 12 1955
Department of Reclamation

October 11, 1955

Hon. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

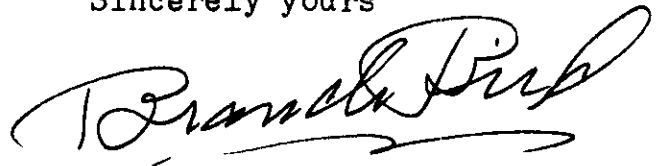
Dear Mr. Kulp:

Recently we sent you a protest on behalf of the Village of Hagerman in connection with application No. 33764--Vardis Fisher.

Yesterday I talked with Mr. Fisher and we decided that it is worth while to hold a conference between Mr. Fisher and the Village officials to see if the situation cannot be satisfactorily adjusted without further proceedings in your Department. Therefore, you are respectfully requested to withhold any definite action in connection with the application or protest until we can have time to hold such a conference. You will be advised of the outcome of the conference promptly.

Sincerely yours

BB:fm
Copy to Mr. Fisher.



27082

Hagerman, Idaho
Oct. 10, 1955

Mr. Branch Bird
Gooding, Idaho

Dear Branch:

I have your note of Sept. 30, and a copy of the protest, dated Sept. 30, which you filed with the Department of Reclamation on behalf of the Board of the Village of Hagerman. I went to Gooding last Monday to see you but you were in Shoshone.

Opal and I don't feel that this protest has any reasonable basis in fact. We filed only on water rising on our place which has never been put to beneficial use. That water for almost four and a half years has been flowing down a canal to a fishery. At considerable expense to ourselves we had a dam put in to impound and raise these waters eight feet, so that they could be diverted by canal; and at considerable expense we had a canal made for that diversion. Every member of the Board of Hagerman knew four and a half years ago that we were building a dam and canal for the purpose of serving a fishery with our water. Not one of them said a word about it then. They have known all these four and a half years that this water was being used in a fishery. They made no protest in all that time. We must conclude therefore that the protest which you filed comes very late and without sufficient cause.

We maintain that they have not shown cause. I talked to Emerson Pugmire, the mayor of Hagerman, and he told me the Board foresees a time when possibly Hagerman will need more water. He says that in the heavy irrigation season there is a shortage now in certain Hagerman homes. The persons I have talked to say that has not been true in their homes. I am told by James N. Ellis that a Hagerman resident tells him that near his place a valve debouching into a ditch is open the year around and that the water runs throughout the year, serving no purpose. After they put in a larger pipe line two years ago certain farmers under the line have been so prodigal in their use of water that (1) the hill below one of them, saturated with waste water, slipped, at a cost of nearly \$1,000 to the fishery below it and at considerable cost to the highway district; (2) a farmer named Grover has been so harassed by waste water, far in excess of any formerly, that at an expense of several hundred dollars to himself he brought in a bulldozer and had a dike and pound built, to hold the waste, but recently the dyke broke and the water carried a huge quantity of earth down across his pasture and poured into Billingsley Creek.

We maintain that the Board has not explored the alternatives. It is only now and then during the irrigation season that there could ever be any shortage: during most of the year they dump a huge portion of their water down the hill opposite our window and into our lake. The Village might put in a well and water tank—for a Hagerman resident tells me that in her cellar she can hear water flowing, it is that close to the surface. Or they might put a reservoir on the hill, to impound water to take care of the peak load days. Or they could be reasonable in the use of the water they have, instead of flooding farms and highways with it.

From what Mr. Pugmire said I assume that the Board ~~feels~~ feels that it owns this water on our place which was never put to beneficial use until we put it to use in a fishery. It seems to feel that all it has to do is file on it, without so much as saying a word to us and with no compensation to us. It happens that in the water on our place, not including that in the Hagerman line, we have a valuable property. We could sell it. It so happens that we have given a 99-year lease on it, for cold hard money. Surely no court in the land would sustain the Board in its fantastic notion that it can file on and take all or part of this water, without bothering to settle with us. Indeed, when I asked Mr. Pugmire what the Board proposed to do, he said perhaps nothing; but if it ever wanted more water they would simply put in a pumping station somewhere under our window on our hillside. They would destroy all or part of one or both of our falls! It happens that more than fifteen years ago Opal and I bought a piece of wasteland, that was nothing but cheat grass and greasewood. I spent fourteen years of hard labor making a beauty spot of it, of which the two waterfalls are one of the more attractive features. Nobody in Idaho owns water. There are those who do control certain waters, under filings and permissions. Do the Board members imagine that somehow they and the Village have a vested interest in what is of great value to us?

I'll tell you what they did two years ago. When we came here we spent several days looking this place over and deciding what we could do with it. We saw the Hagerman water line. The pipe was of wood, weather-bleached, so that it harmonized with its background. It presented no great problem as an eyesore. But when two years ago they put in a

27652

new line what did they do? (1) They painted their pipeline a flaming orange and one of those supervising the installation said to me, "That's going to look nice out of your windows, isn't it?" When I told Opal what he had said she was very angry and said we would go at once and get an injunction. I talked her out of it. We try to be good neighbors and good citizens but we can be pushed only so far. (2) They brought a bulldozer in and within view of our windows upended a part of the hillside without a word to us. (3) They put in a huge concrete structure twice or three times as large as it needed to be and again our attention was called to what it would look like from our windows. (4) They left in view of our windows piles of scrap lumber and rubble which I spent time and labor removing from our sight. We wish you as their attorney to inform the Board: (1) That they will not again come on our place without consulting us and without operating within reasonable limits; (2) that they will never take any of this water except in a way that harmonized with our place and with such compensation to us as we could get from another buyer.

The mayor and the Board members are our friends. We want to continue to be friends with them. We feel that in going to you they were rather thoughtless and premature--that the least they could have done would have been to come to us first. We request that you lay this letter before them. We also ask them to withdraw their protest.

Sincerely,

Vardis and Opal Fisher

P.S. It is interesting, by the way, to contrast the way the local people treated us and Bell Telephone. When Telephone put its new line Hagerman to Gooding they sent a man here and he said, in effect: "The shortest way for us is right across your lake but we wouldn't do that, even if you permitted it. We'll have to angle over to the north two or three hundred yards and then back---quite an extra expense but it's the only thing to do." And they did it. Mr. Gilbert Russell, member of the Hagerman Board and a foreman for Idaho Power Co. knows that that is the way Idaho Power does things too.

Hagerman, Idaho
Oct. 4, 1955

Department of Reclamation
State House
Boise, Idaho

Gentlemen:

As you know I have recently filed on water for a fishery. Mr. Branch Bird of Gooding advises me that the Hagerman Village Board has entered a protest. The published notice on the filing said that Sept. 28th was the last day on which a protest could be made. Mr. Bird's protest to you was dated Sept. 30th. I assume that, since no protest had come to you by Sept. 28, the filing had been approved.

Please advise me if that is right.

Yours sincerely,

Vardis Fisher
Vardis Fisher

RECEIVED
OCT 5 1955
Department of Reclamation

27082

LAW OFFICES
BRANCH BIRD

1ST. SECURITY BANK BLDG.

GOODING, IDAHO

BRANCH BIRD
CECIL D. HOBDEY

September 30th, 1955.

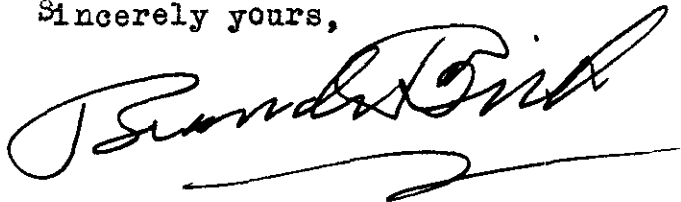
Department of Reclamation,
State House,
Boise, Idaho.

Gentlemen:-

At the request of the Village of Hagerman
we inclose protest re the Fisher application #33764.

It is to be hoped these parties can adjust their
claims, as there appears to be an abundant supply.
We will be glad to work along these lines for the
Village, at the proper time.

Sincerely yours,



BBs

Sept 30
Oct 3
In 1 day
Mon. 10:00 AM

RECEIVED
OCT 3 1955
Department of Reclamation

37082

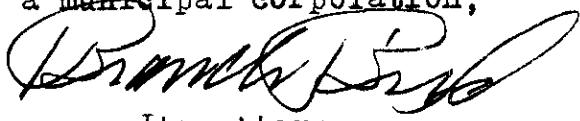
RE APPLICATION # 33764 - Gooding County, Idaho

Before the Department of
Reclamation of the State
of Idaho,

The Village of Hagerman, Idaho, being one interested in the above numbered application within the meaning of section 42-203 Idaho Code, hereby protests the application of Vardis Fisher and Opal Holmes Fisher, of Hagerman, Idaho, to appropriate sixty cu. ft. per sec. of the waters of springs, the point of diversion being described as located in the NE portion of Lot 4, Sec. 18, Twp 7 S. R. 14 EBM, and the place of use being described as in the same lot.

The Village of Hagerman asserts that about two years ago it began the substantial enlargement of its system for the purpose of diverting water from the same sources, in addition to waters already being diverted by said Village from approximately the same sources, and in that connection installed a steel pipe six inches larger than the one theretofore and for years used by said Village for such diversion purposes. The purpose of said Village in proceeding to appropriate a larger quantity of such water is to supply the actual needs of the citizens of the Village of Hagerman for domestic use and irrigation, which need the Village asserts has priority over the proposed use to be made by said applicants.

Dated this 30th day of September, 1955.

Village of Hagerman,
a municipal corporation,
By 
Its attorney

27682

September 2, 1955

RE: Application No. 33764

Gooding Leader
Gooding
Idaho

Gentlemen:

On August 23, 1955, we sent you a notice for publication once a week for three weeks commencing with your next issue. This notice was in connection with an Application made by Mr. Vardis Fisher of Hagerman.

To date we have not received acknowledgment of this notice although we have been told by someone else that it was published in your issue of August 25.

Please send us a copy of your first issue containing the notice.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu

27082

August 23, 1955

RE: Application No. 33764

Gooding Leader
Gooding
Idaho

Gentlemen:

We enclose, herewith, notice for publication once a week for three weeks commencing with your next issue. The cost of publication is to be paid by the applicant, Mr. Vardis Fisher of Hagerman, to whom please send affidavit of publication together with statement of costs.

Please acknowledge receipt of this notice and send us a copy of your first issue containing same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

27082

August 23, 1955

RE: Application No. 33764

Mr. Vardis Fisher
Hagerman
Idaho

Dear Mr. Fisher:

We acknowledge receipt of notice in connection with your application for permit with Service correctly acknowledged.

We are sending a copy of the notice to the Gooding Leader with instructions to publish once a week for three weeks and to send you the affidavit of publication together with statement of costs.

If no protests are filed, the application will be approved and permit issued. On the other hand, if there should be any protests, you will be duly notified before final action is taken.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

27082

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Aug 22, 1955

(P. O.) Hagerman, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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

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

Valdeir Fiske
Alfred Holmes Fiske

(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.

27082

August 19, 1955

Mr. Vardis Fisher
Hagerman
Idaho

Dear Mr. Fisher:

We enclose duplicate copies of notice in connection with your application for permit to appropriate water from springs.

Please acknowledge service on the original and return to this department with Form 11 which is your authorization for us to have the notice published at your expense in the designated County newspaper.

The duplicate copy of the notice is for your own files.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

27082

July 29, 1955

Mr. Carroll F. Wilcomb
Idaho Engineering Service
Box 1131
Jerome, Idaho

Dear Mr. Wilcomb:

We enclose a form of application for permit to appropriate the public waters of the State of Idaho.

We also enclose a pamphlet giving regulations and instructions in regard to filing, and direct your special attention to Paragraph 11 of the pamphlet in regard to filing on springs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Encl.

Chief Clerk

See Vardis Fisher app.

27082

April 21, 1955

Mr. Vardis Fisher
Hagerman
Idaho

Dear Mr. Fisher:

The application which you filed is made on the Form used for filing on subterranean water so we have copied it on Form 1 and enclose herewith for your signature.

Your attention is directed to paragraph D on the fourth page of the enclosed pamphlet, from which you will note that on an application of this size, maps must be filed in duplicate from an engineer or draftsman, one of which must be on tracing cloth.

Doubtless Mr. Humphrey called your attention to the fact that on an application of this size, notice must be published in a county newspaper once a week for three weeks prior to approval. When your corrected application reaches us, we shall send you the proper form of notice.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

*John E. Ing. Comm.
B-1131
Canal 7 Mile Creek*

27082

April 20, 1955

Re: Vardis Frick Permit

Mr. James N. Ellis
Hagerman
Idaho

Dear Mr. Ellis:

Replying to your request of April 19.

Enclosed find a bulletin giving information regarding weirs and their installation.

Actually, I believe all you need to do is fasten the metal portion on where each pond gets its water from the main canal.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll
Enc.

27082

INTER-DEPARTMENT MEMO--1

DATE February 1, 1955

*Send
win.*

Geo N. Ellis

FROM Chief Clerk

TO Mr. Humphrey, Deputy State Reclamation Engineer

SUBJECT Vardis Fisher & Wife's application for permit

In August, 1954, Vardis Fisher and Wife of Hagerman, filed an application for "all the water rising on and flowing into lake on their homeplace, that is unappropriated water", from springs rising on their land and located in Lot 4 Section 18, Township 7 South, Range 14 East, B.M. for the propagation of fish.

This application has been pending following some conversation with a Mr. Ellis who seems to be interested with Mr. Fisher in this project and who we understand already has some ponds and other works in connection with this project.

Please look into this matter when you are in that vicinity.

Chief Clerk

SIGNATURE

27082

INTER-DEPARTMENT MEMO--1

DATE February 1, 1955

FROM Chief Clerk

TO Mr. Humphrey, Deputy State Reclamation Engineer

SUBJECT Vardis Fisher & Wife's application for permit

In August, 1954, Vardis Fisher and Wife of Hagerman, filed an application for "all the water rising on and flowing into lake on their homelace, that is unappropriated water", from springs rising on their land and located in Lot 4 Section 18, Township 7 South, Range 14 East, B.M. for the propagation of fish.

This application has been pending following some conversation with a Mr. Ellis who seems to be interested with Mr. Fisher in this project and who we understand already has some ponds and other works in connection with this project.

Please look into this matter when you are in that vicinity.

Chief Clerk

SIGNATURE

27082

August 14, 1954

Mr. Vardis Fisher
Hagerman
Idaho

Dear Mr. Fisher:

We have your application for permit to appropriate all the unappropriated water rising on and flowing into lake on applicant's home place.

While there seems to be no immediate probability of appropriation that would interfere with your use of all the water described, we believe that the minimum amount necessary for temperature and oxygen control is the proper amount that should be shown in your application.

We do not know what a reasonable approximation of this amount should be. The amount of water appropriated from the stream below your lake would have no bearing on the determination as your use is non-consumptive and does not deplete the supply available for the lower appropriators.

Assuming a capacity of your lake of 6 acre feet, it would require 3 cubic feet per second to change all the water in the lake once in 24 hours and 60 cubic feet per second would give a complete change in 72 minutes.

We believe that an appropriation of 20 cubic feet per second would be reasonable and ample and unless you can demonstrate that more is necessary we will limit your permit to that amount.

We will delay the processing of your application until we hear from you. Your application accompanied by your check for \$19.75 was received at 9:00 A. M. on August 5, 1954.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:br

27082

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

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

NOTICE IS HEREBY GIVEN That on the 5th day of August, 1954, Vardis Fisher and Opal Holmes Fisher of Hagerman, Idaho, made application to appropriate sixty (60) cubic feet per second of the waters of springs arising on applicants' home place for the purpose of propagation of fish.

That the points of diversion of said water are described as being located in the NE portion of Lot 4 Section 18, Township 7 South, Range 14 East, B.M.

That the place of use of said waters is described in said application as being also located in Lot 4 Section 18, Township 7 South, Range 14 East, B.M.

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

Dated this August 19th, 1955.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

SERVICE OF THE FOREGOING, By Copy, is hereby acknowledged
this 22 day of August, 1955.

Vardis Fisher
Opal Holmes Fisher

Date of first publication:
Date of Last publication:
Last date for protest: September 28, 1955

27082

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

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

NOTICE IS HEREBY GIVEN That on the 5th day of August, 1954, Vardis Fisher and Opal Holmes Fisher of Hagerman, Idaho, made application to appropriate sixty (60) cubic feet per second of the waters of springs arising on applicants' home place for the purpose of propagation of fish.

That the points of diversion of said water are described as being located in the NE portion of Lot 4 Section 1, Township 7 South, Range 14 East, B.M.

That the place of use of said waters is described in said application as being also located in Lot 4 Section 18, Township 7 South, Range 14 East, B.M.

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

Dated this August 19th, 1955.

Mark R Kulp
MARK R. KULP
State Reclamation Engineer

SERVICE OF THE FOREGOING, By Copy, is hereby acknowledged
this 22 day of August, 1955.

VARDIS FISHER

OPAL HOLMES FISHER

Date of first publication;
Date of Last publication;
Last date for protest: September 28, 1955

Address all communications to: Vardis Fisher

(Form No. 3)

P. O. Hagerman, Idaho

APPLICATION FOR PERMIT

TO APPROPRIATE THE SUBTERRANEAN WATERS OF THE STATE OF IDAHO

Application No. G

Permit No. G

District No.

1. Name of applicant: Vardis Fisher and Opal Holmes Fisher, husband and wife
Post office address: Hagerman County Gooding State Idaho
2. Quantity of water claimed: ~~Quantity is unknown. Claimed is all the water rising on and flowing into lake on applicants' homelace that is unappropriated~~
(a) Rate of withdrawal in cubic feet per second _____ or Idaho Miner's inches _____ or gallons per minute _____
(b) Annual withdrawal in acre feet per annum _____
3. Source of water supply: ~~springs rising on applicants' homelace~~
_____ northeast portion of Lot 4
4. Location of point of diversion or well is in the _____ $\frac{1}{4}$ of the _____ $\frac{1}{4}$ of Section 18
Twp. 7 S, Rge. 14 E, B. M., County of Gooding
5. Water is to be used for: propagation of fish
6. If for municipal, industrial or recreational purposes give:
(a) Point of use of water is in the _____ $\frac{1}{4}$ of the _____ $\frac{1}{4}$ of Section _____
Twp. _____, Rge. _____, B. M.
(b) Waste water or sewage effluent is to be returned to Billingsley Creek
Billingsley Creek is adjacent to lake
at a point in the _____ $\frac{1}{4}$ of the _____ $\frac{1}{4}$ of Section _____, Twp. _____, Rge. _____, B. M.
7. Kind of Works: fish hatchery, ponds, etc
8. Estimated cost of works: \$ about \$20,000 has been spent to date; further expansion and development will be considerable
9. (a) Is reservoir to be used? a natural lake has been deepened
(b) Capacity of reservoir: lake now covers about an acre to average depth of perhaps 11 feet
10. The time required for the completion of such work and complete application of the water to the proposed use is _____ years.

27082

I. (a) Date and place of incorporation: _____

(b) Amount of capital stock \$_____ (c) Amount paid in: \$_____

(d) Names and addresses of directors: _____

(b) Treasury stock: _____ (c) Bonds to be issued: _____

(d) Other resources: adequate

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

(b) _____ (cubic feet per second, inches or gallons per minute) is for new lands.

27082

Remarks:

The fishery, a limited partnership, was begun three years ago and has been operating since. Applicants herein were for three years among the partners in said fishery but have now withdrawn and are leasing said waters herein to the owners of the fishery

It is not known how much water issues in the springs here. It varies from season to season. An engineer has estimated it at possibly 60 second feet in high flow. The ~~pack~~ water is a part of the Thousand Springs; it comprises the water issuing on applicants' homelace but not including water issuing on said homelace which is piped to the village of Hagerman and to irrigate a number of ranches

The water cascades down over the lava to the lake and from lake is conveyed by canal a distance of about a hundred yards to fishery ponds

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.

Opal Holmes Fisher

Applicant

By _____, Agent

27082

Approval of State Reclamation Engineer

The number of this permit is G_____.

Recorded in Book_____ Page_____ Approved _____

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 before_____

Work to begin on or before _____, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before _____

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before _____

Witness my hand this _____ day of _____, 195_____.

State Reclamation Engineer

IN TESTIMONY WHEREOF, We _____, Governor of the State of Idaho,

and _____, 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 _____ day of _____, 195_____.

Countersigned:

STATE OF IDAHO

By _____
Secretary of State

By _____
Governor.

No. G _____	
PERMIT	
Date of first receipt at office of State Reclamation Engineer _____	
Returned to applicant for correction _____	
Corrected application received _____	
Fees, \$ _____	
FILING FEES FOR USE PERMIT:	
For the first Sec. Ft. _____	\$5.00
For each additional Sec. Ft. or Fraction	
Thereof _____	.25

27082