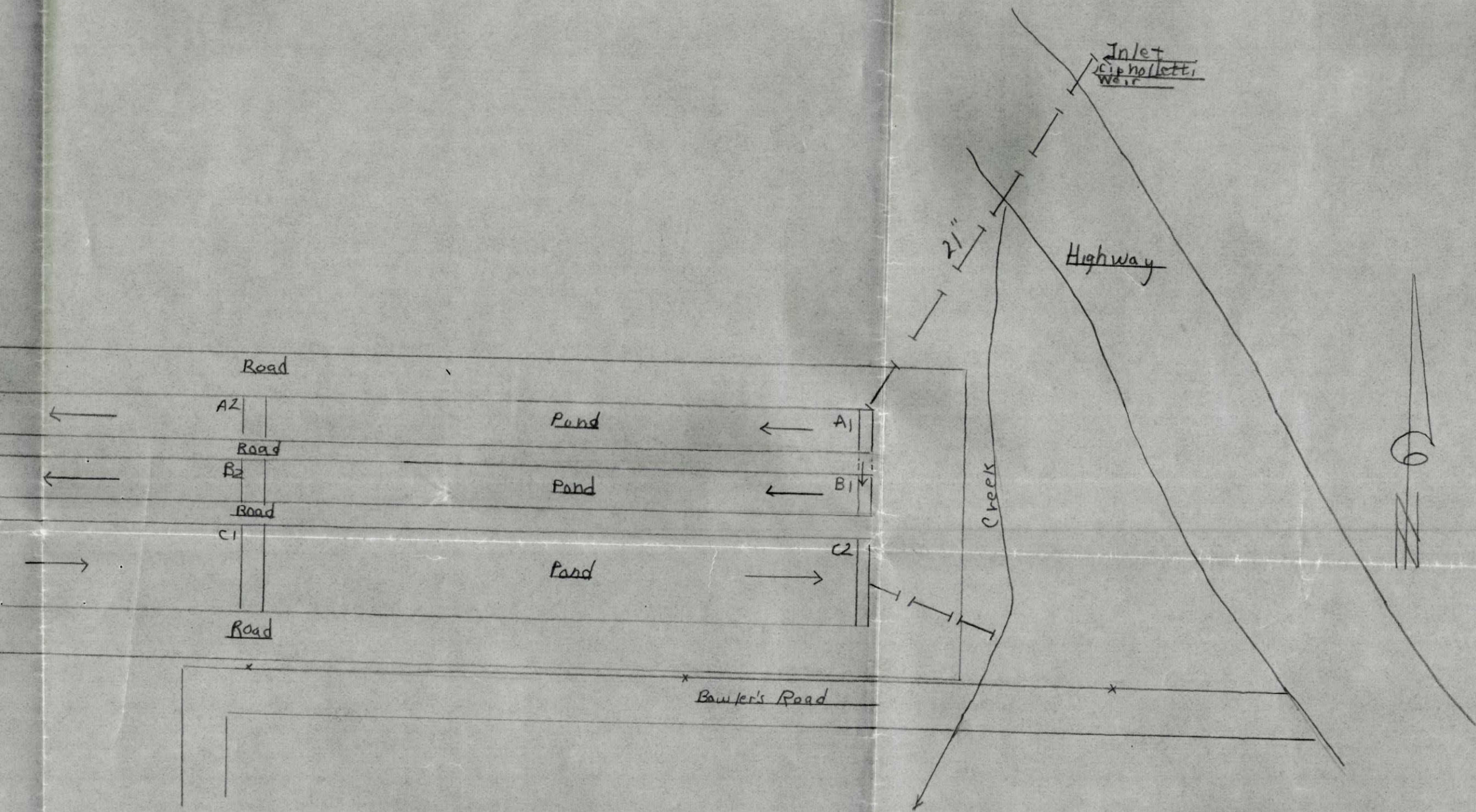
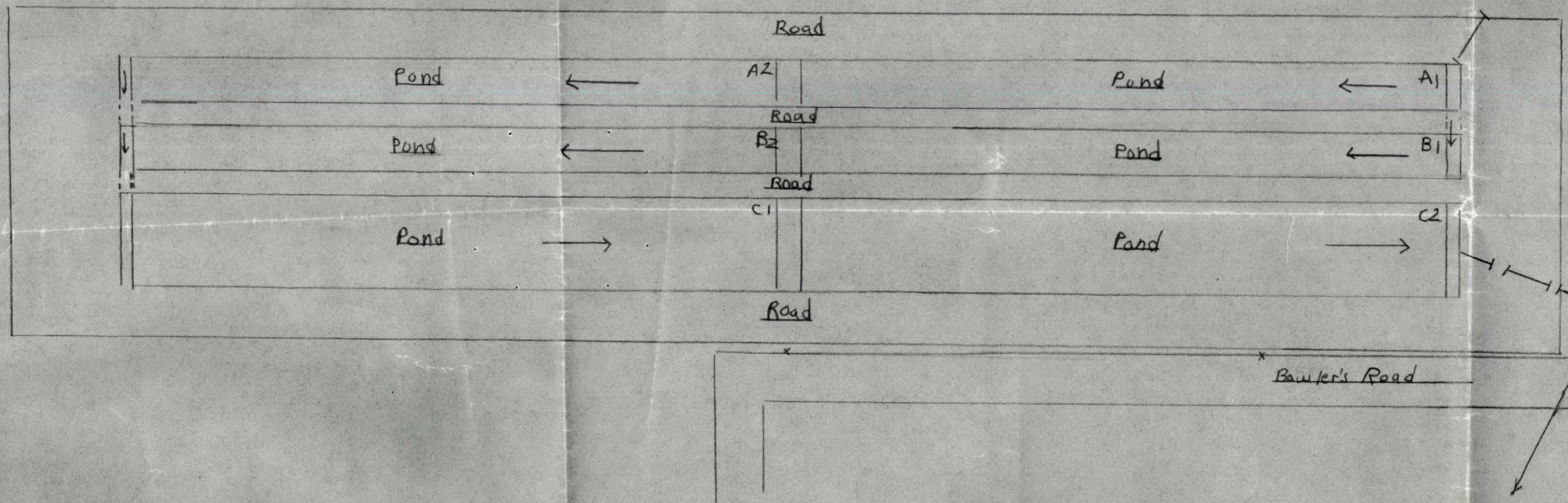




O.S. Smith Trout Facility
Layout Plan
Scale 1"=50'
Sec. 21, T. 6 S. R. 13 E.
NW 1/4 SE 1/4 + NE 1/4 SW 1/4



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

Notice is hereby given that O. S. Smith, RFD, Hagerman, Idaho has on December 16, 1970 submitted Application No. 37-7082 to appropriate the public waters of an unnamed spring, trib. to the Snake River.

The application proposes a maximum diversion and appropriation of 18 cubic feet per second of water to be diverted by ponds, pipes within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21 T. 6S, R. 13E, B.M., Gooding County and is to be used within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 6S, R. 13E, B.M. for fish propagation from January 1 to December 31.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration Statehouse, Boise, Idaho on or before January 18, 1971.

R. Keith Higginson
Director

12-31-2tc





Smith Fish Farm

Water supply comes
thru a culvert under
Road at lower right
of picture



Outlet of Smith Fish
Farm.

Bowler Power diversion
is just beyond the
Gravel road, left of
center of picture



Bowler Power diversion



Views ~~to~~ SW from
View Point on New
Highway 30

Menhaca house &
Penstock are visible.





Menchaca Power Plant

Turbine at lower left discharges thru an underground pipe to the stream to right of center of picture.



Turbine detail

Menchaca diversion →

Water is spilling to the stream.

Small pipe at an angle in lower right is domestic supply to Menchaca home.





Sec 21 TGS R13E

NE SW

NW SE

NE SE

Lot 2

SE SW

Lot 3

SE SE

Snake River

Photo Point

Boulder Power Plant

Spring
Mendocino

New Hwy 30

Old Hwy 30

T

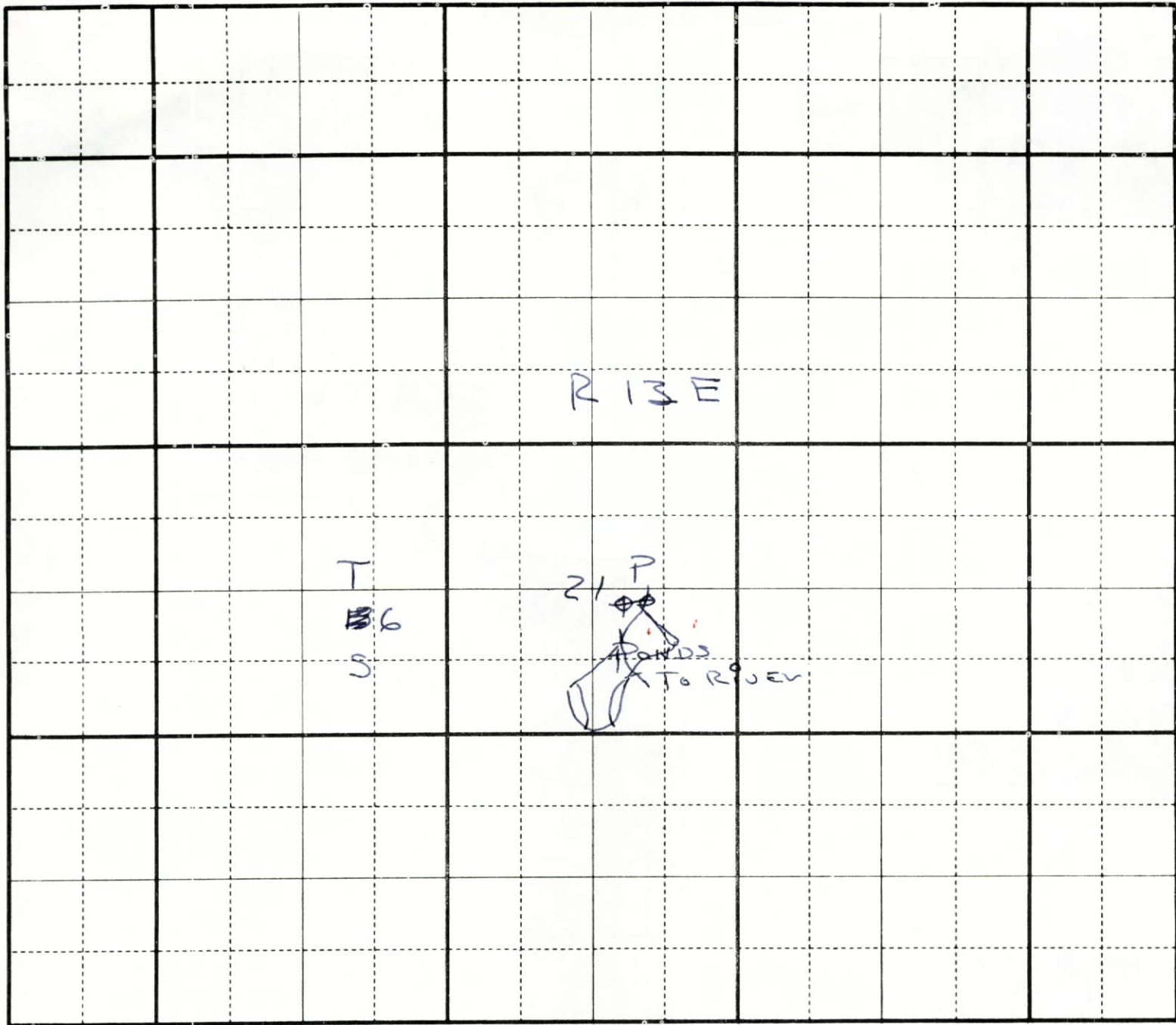
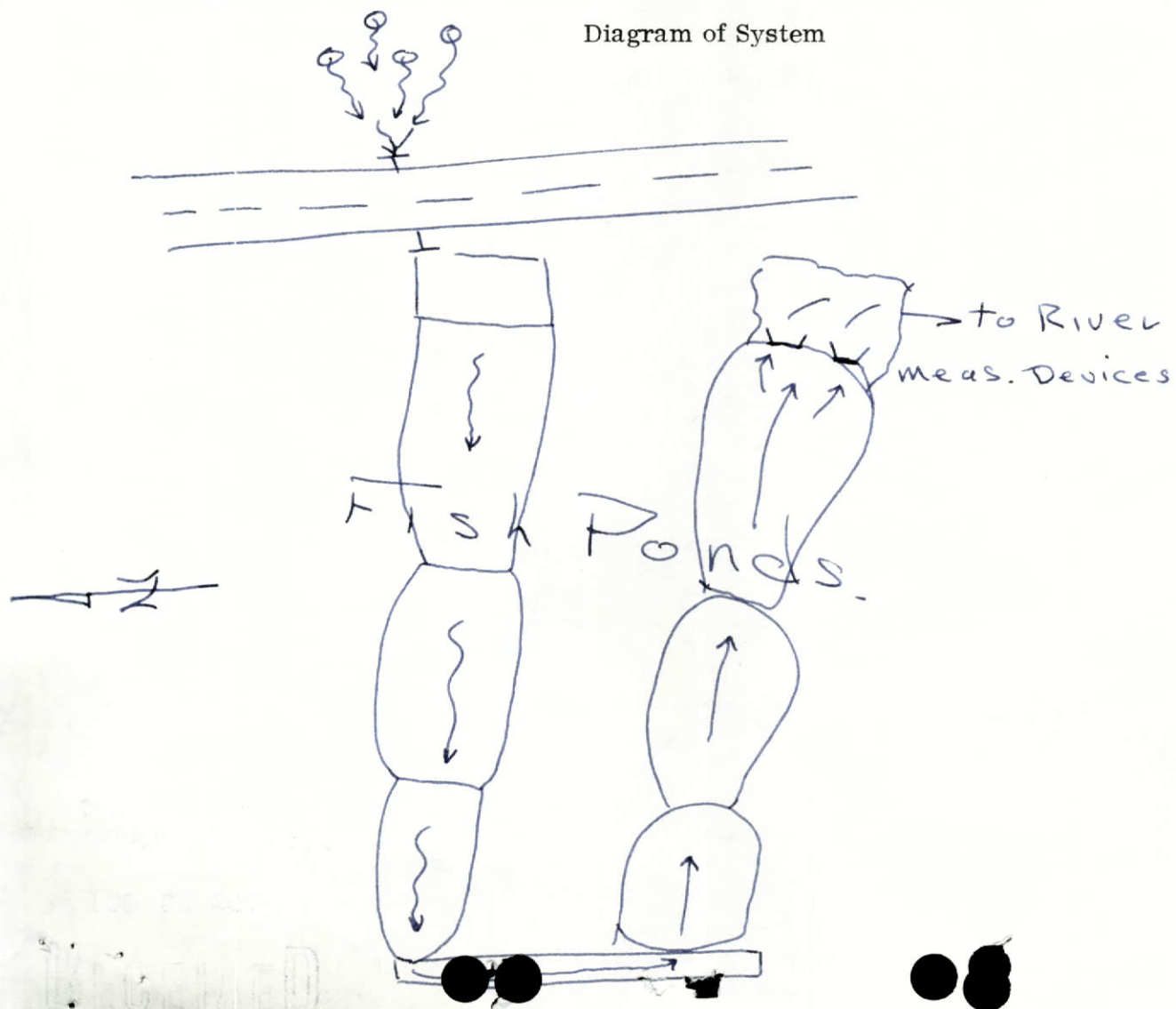


Diagram of System



NEED PROOF
**NOTICE OF APPLICATION
FOR PERMIT TO
APPROPRIATE THE
PUBLIC WATERS OF THE
STATE OF IDAHO**

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Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration Statehouse, Boise, Idaho on or before January 18, 1971.

R. Keith Higginson
Director

12-31-2tc

37 7082

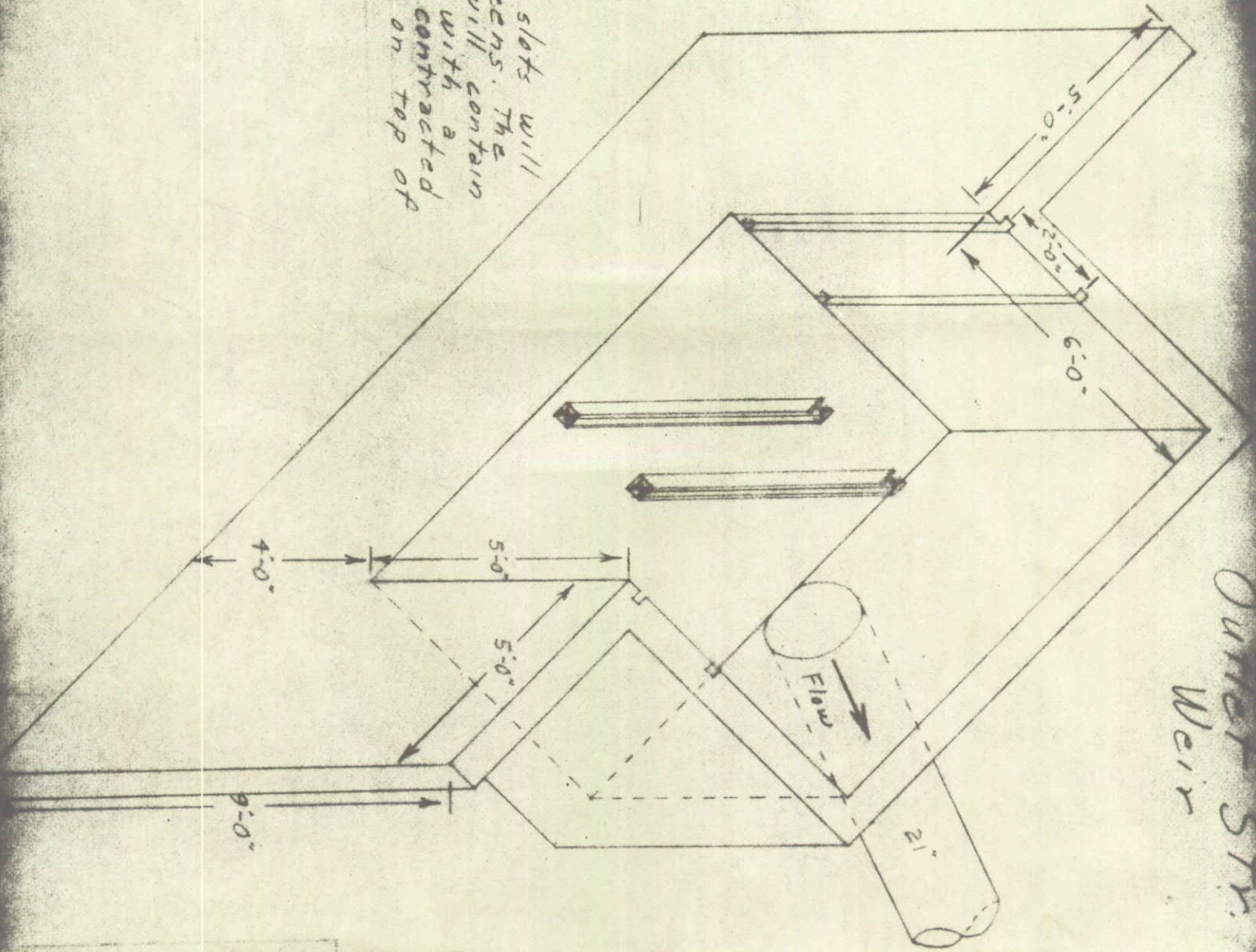
Outer Str.
Weir

37-7082

37 7082

All slabs to be 6" thick. Use #4 (1/2") @ 12-c/c placed both ways in all slabs.

The front slots will contain screens. The back slots will contain flash boards with a rectangular contracted weir placed on top of them.



O. S. Smith

R. X.

Checked

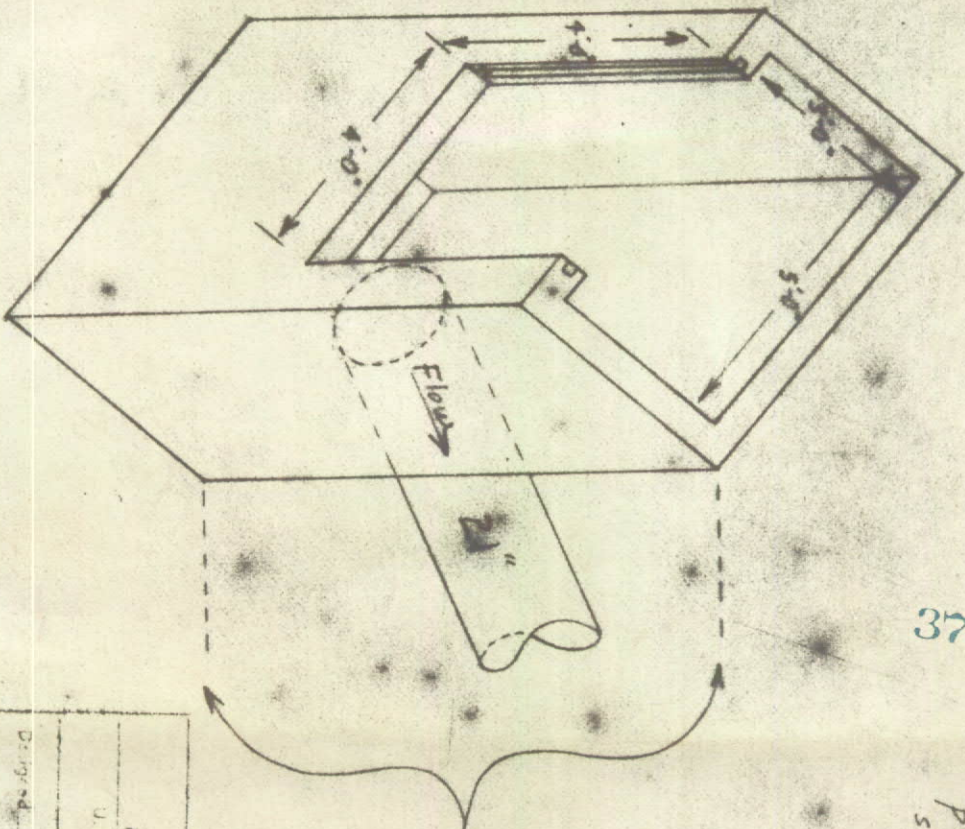
Inlet Structure Weir

37 7082

All slabs to be 6" thick. Use #4 ($\frac{1}{2}$ ") ϕ placed both ways in slab on 12" C-C

37-7082

The slabs will contain flash boards with a rectangular contracted weir located on top of them.



This height will vary depending on the depth of pipe under road.

O. S. Smith

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed by

Drawn *R.N.*

Approved by

Title

File

Traced

Sheet Drawing No.

Checked

O. S. Smith
Scale 8" = 1 Mile



NE 1/4 SW 1/4
Sec. 21, T6S, R13E

NW 1/4 SE 1/4
Sec. 21, T6S, R13E

Center
of Section 21

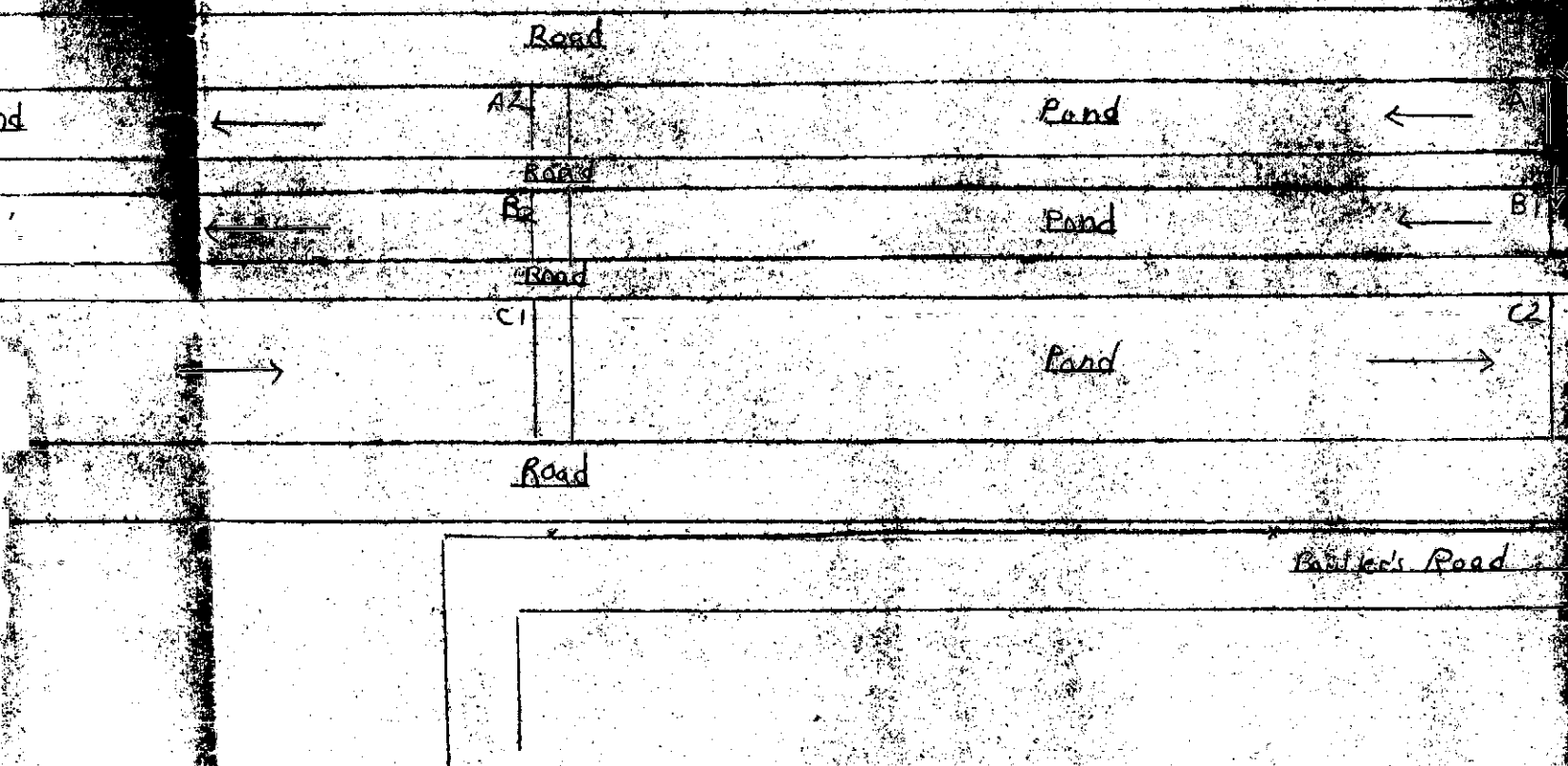
FISH
POND

Point of
Diversion

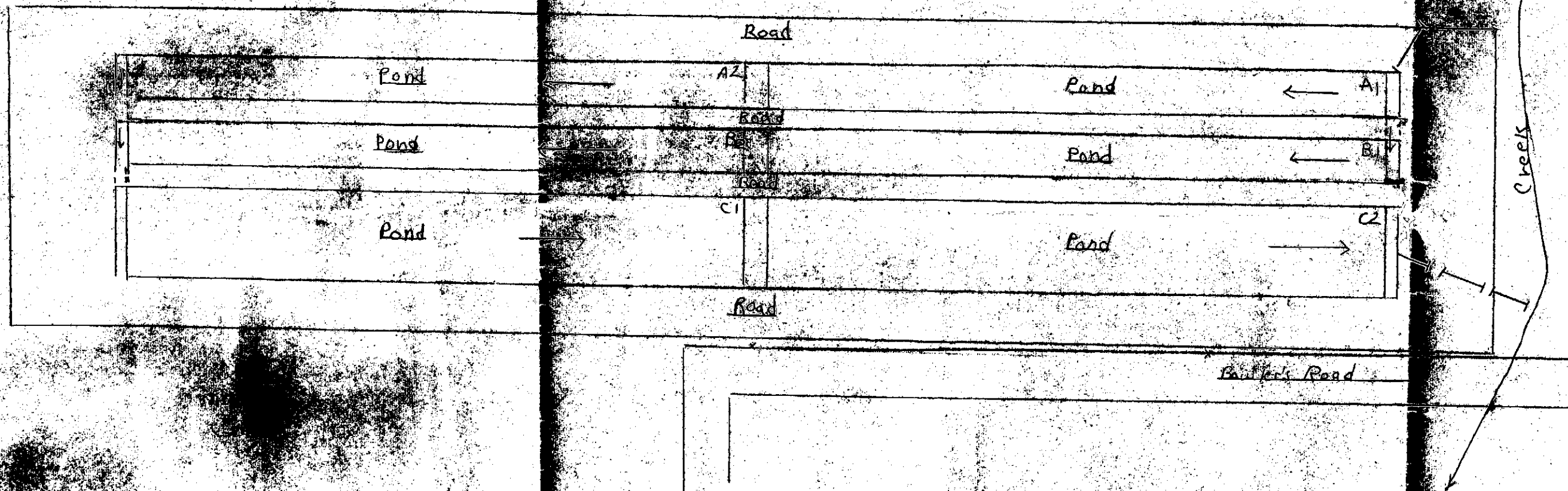
20/21
29/28

09879-935

37 7082



O.S. Smith Trout Facility
Layout Plan
Scale 1" = 50'
Sec. 21, T. 6 S., R. 13 E.
NW 1/4 SE 1/4 NE 1/4 SW 1/4



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7082 Priority Dec. 16, 1970 Amount 15.84 cfs

THIS IS TO CERTIFY, that O. S. SMITH
of Hagerman, Idaho, has complied with the terms and conditions of Permit
No. 37-7082 issued pursuant to Application for Permit dated December 16, 1970,
and has submitted proof to the Department of Water Resources on February 21, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 15.84 cfs of water from an unnamed spring,
tributary to the Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Fish	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>15.84</u> cfs and	<u>n/a</u>
Propagation	from <u> </u> to <u> </u>	at <u> </u> cfs and	<u> </u>
	from <u> </u> to <u> </u>	at <u> </u> cfs and	<u> </u>

(both dates inclusive)

Subject, however, to the condition that no more than 15.84 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
n/a acre feet per year, said waters to be diverted within the NW¹/₄ SE¹/₄ (2 points) of
Sec. 21, Twp. 6 S, Rge. 13 E, B. M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
6 S	13 E	21									X								

Total number of acres irrigated

Measuring devices of a type approved by this Department shall be permanently
maintained at the point of effluent discharge.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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 21 day of
March, 19 75.

Director

Identification No. 37-7082
Application No. _____

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

LICENSE ISSUED FOR 15.84 cfs.
LICENSE PAGE NO. _____

1. Name of applicant O. S. Smith
post office address R.F.D. Hagerman, Idaho 83332
2. Source of water supply unnamed Spring which is a tributary of Snake River
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21 Township 6 S
Range 13 E B.M. Gooding County; additional points of diversion if any:
Two points are in the same indicated area,
- b. If water is not consumed, it will be discharged into Unnamed Creek at a point in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21 Township 6 S Range 13 E B.M.
4. Water will be used for the following purposes:
Amount 18 for propagation purpose from Jan. 1 st. to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 18 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. The division structure will be enlarged and a measuring device installed. the water will be piped to the fish ponds in a 21" cement pipe, head works and 6" pipe will be installed. Same origin and points of use.
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 years.
b. Estimated construction cost is \$ 11,375.
8. Description of proposed uses:
a. If water is not for irrigation:
(1) Give the place of use of water: ne $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21 Township 6 S
NW SE
Range 13 E B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
(5) If water is to be used for other purposes describe: Fish Propagation

37 7082

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. _____

X 9. a. Who owns the property at the point of diversion Gertrude Elam McCall, Idaho

b. Who owns the land to be irrigated or place of use O.S. Smith

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. We currently divert water from point of division and have an established right away. For 21" pipe right away, for 6" pipe(steel) has been arranged.

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

This image shows a full page of blank graph paper. The grid consists of 20 columns and 20 rows of small squares. A thicker vertical line runs down the center, separating the first 10 columns from the last 10 columns. Similarly, a thicker horizontal line runs across the middle, separating the first 10 rows from the last 10 rows. These thicker lines intersect at the center of the page, creating four quadrants of 10x10 squares each. The entire grid is composed of thin black lines on a white background.

Scale: 2 inches equal 1 mile

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.

O. L. Smith
(Applicant)

37 7082

40825

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by D. L. Williams

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7082, and said application is hereby APPROVED.

~~SUBJECT TO ALL PRIOR WATER RIGHTS.~~

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


Director

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING DEVICE)
REQUIREMENT FROM THE INLET WORKS ONLY FOR PERMIT) ORDER
NO. 37-7082 in the name of O. S. SMITH)

WHEREAS, on December 16, 1970, O. S. Smith applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 18 cubic feet per second of water from an unnamed spring, tributary to the Snake River, from a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, Twp. 6S, Rge. 13E, B.M., Gooding County, to be used for fish propagation purposes; and,

WHEREAS, on March 30, 1971, the Department approved said application and issued Permit No. 37-7082 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before April 1, 1974, and that a measuring device be permanently installed and maintained at the points of diversion; and,

WHEREAS, on February 21, 1974, the Department received the required proof of beneficial use of water; and,

WHEREAS, on March 5, 1974, the Department received a request that the measuring device requirement be removed from the inlet works; and,

WHEREAS, it has been determined by the Department that the permit holder has shown just cause to relieve the measuring device requirement at the inlet works;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval of Permit No. 37-7082 that a measuring device be installed at the inlet works is REMOVED;

IT IS FURTHER ORDERED that the permit holder will be required to permanently install and maintain measuring devices at the point of effluent discharge.

Dated this 13 day of March, 1974.


R. KEITH HIGGINSON
Director

BDF:JC

37-7082

Affidavit of Publication

RECEIVED

State of Idaho, }
County of Gooding } ss.

JAN 11 1971

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

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 31 day of December, 1970, and the date of the last publication was on the 7 day of January, 1971

Subscribed and sworn to before me this 8 day of January, 1971
(SEAL)

Dorothy C. Belcher
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

Lines at 14c

Lines at 10c

TOTAL COST

COPY OF NOTICE

Title of Notice

Water Permit

Title of Notice

O. S. Smith

Plaintiff Attorney

37-7082

Defendant

Plaintiff

Bill to

Department of Water
Administration
Statehouse Annex 2
Boise, Idaho
83707

PUBLICATION RATES:

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

37 7082

No 977

**APPROPRIATE THE
PUBLIC WATERS OF THE
STATE OF IDAHO**

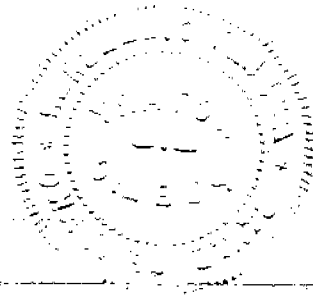
Notice is hereby given that
O. S. Smith, ETD, Hagerman,
Idaho has on December 16,
1970 submitted Application
No. 87-7082 to appropriate the
public waters of an unnamed
spring, trib. to the Snake
River.

The application proposes a
maximum diversion and ap-
propriation of 18 cubic feet
per second of water to be di-
verted by ponds, pipes within
the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21 T. 6S,
R. 13E, B.M., Gooding County
and is to be used within the
NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.
21, T. 6S, R. 13E, B.M. for
fish propagation from January
1 to December 31.

Any permit issued pursuant
to this application will be sub-
ject to ALL STATE WATER
RIGHTS and subject to the
CONTROL OF A STATE
WATERMASTER. Any pro-
test against this application
must be filed with the Idaho
Department of Water Admini-
stration Statehouse, Boise,
Idaho on or before January
18, 1971.

E. Keith Hagerman

12-21-70





State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

Please file
37-7082

MEMORANDUM

TO: Ken Dunn *AKD*
FROM: Norman C. Young *ncy*
DATE: May 28, 1987
RE: Maurice Smith Complaint

This written report results from a followup to a concern expressed by Mr. Smith to the Governor's Office several months ago. The matter was promptly reviewed and verbal reports were made at the time.

Apparently Mr. Smith's concern has been resolved with one neighbor but not with Aldrich Bowler. The department's options for helping to resolve the matter appear to be limited to assisting in negotiations between Smith and Bowler. We will offer to help set up a meeting if the parties desire.

RECEIVED
MAY 22 1987

MEMORANDUM

Date: May 21, 1987
From: Loren Holmes *LH*
To: Norm Young *NY* via Bob Fleenor *BF*
Subject: Maurice Smith Complaint to the Governor

Department of Water Resources

Following your call, Gary investigated the site and I have talked with Mr. Smith and Aldrich Bowler, another user on the same source. The geographical area of concern is the center of the S 1/2 of Sec. 21, Twp. 6S, Rge 13E.

Following Gary's investigation, I visited the site and took the attached photos.

Mr. Smith's immediate concern is the construction of a power plant under Permit 37-7890 in the name of Juan Menchaca, who owns the land the spring is on and power plant site. Mr. Menchaca is out of town at the present and the power plant is being built by Cleave Lloyd of Hagerman. Menchaca's plan is apparently to extend an existing pipeline to gain head and discharge the water from the power plant into the stream.

Smith's diversion is from the stream downstream from the power plant discharge. It doesn't appear to me that the power plant could cause any injury to Smith's water right.

Mr. Smith initially expressed the concern that the pipeline extension will, in his own words, "Suck the spring dry."

It should be noted that Menchaca also holds Permit 37-7427 for fish propagation for which a private water right examiner has been retained. Our investigation indicated no fish pond development on the Menchaca property.

There is also an ongoing difficulty between Smith and Aldrich Bowler. Smith has a trout farm under License 37-7082 (12/16/1970) and Bowler diverts the trout farm discharge under Claims 37-4007 (11/01/1947) and 37-4147 (11/01/1934).

In 1982, Bowler obtained FERC exemption No. 5651, and in 1984, overhauled the power plant and began sale of the power. As part of the overhaul, he extended his penstock uphill to get 40 feet more head. The intake is now at an elevation that backs water up to the fish farm and prevents Smith from dewatering the ponds for cleaning.

Memorandum
March 16, 1987
Page 2

In talking to Bowler, he indicated that he has made a written offer to Smith to correct the problem, but can get no cooperation.

Bowler also indicated that he had been advised by the Department (probably me) that no filing was necessary when extending the penstock because no more water would be diverted, and the legal description wouldn't change.

Bowler's commercial power venture is organized as Snake River Pottery Power Company, Inc., P.O. Box 60, Boise, ID 83707. The two other principals in the Company are Art Troutner and Walter Minnick.

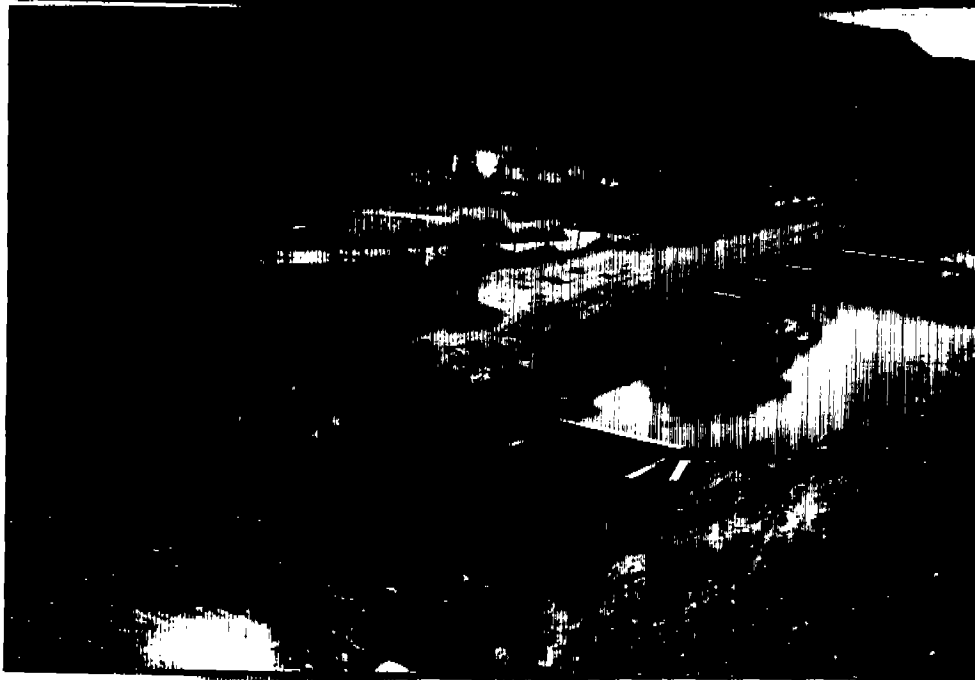
Since our initial contact, I have talked at length with Mr. Bowler and Mr. Smith. The Smith property is involved in a family estate settlement which appears to be resolving their operating difficulties.

During a visit to this office on April 27, Mr. Smith indicated he was no longer concerned about the Menchaca power plant.



Smith Fish Farm

Water Supply Comes
thru a Culvert under
Road at Lower Right
of Picture



Outlet of Smith Fish
Farm.

Bowler Power diversion
is just beyond the
Gravel road, Left of
Center of Picture



Bowler Power diversion



Views #56 from
View Point on New
Highway 30

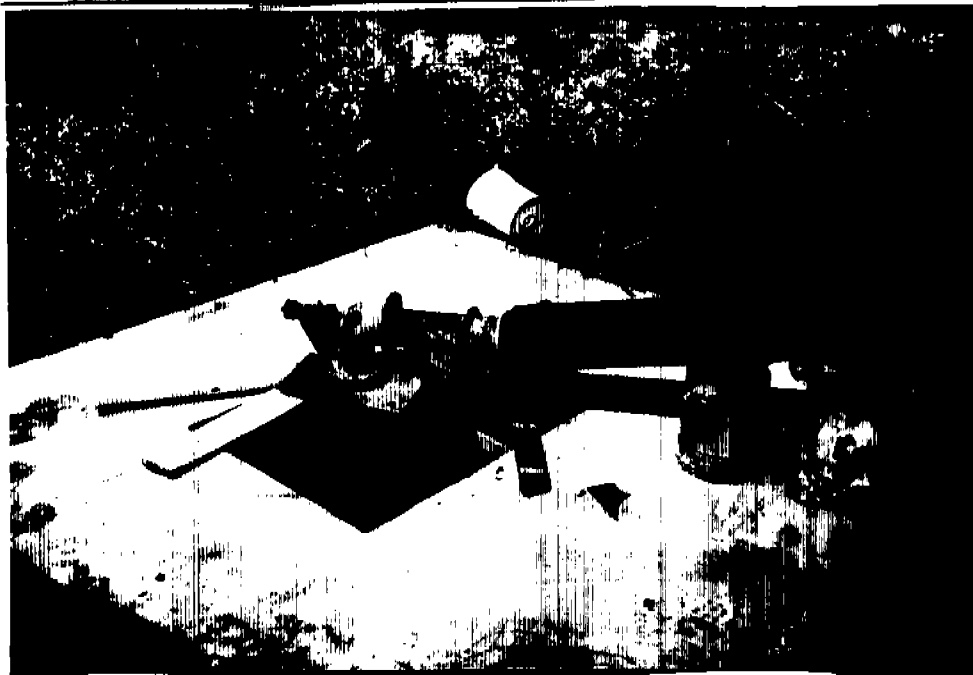
Menchaca house &
Penstock are visible.





Menchaca Power Plant

Turbine at lower left
discharges thru an underground
pipe to the stream to
right of center of picture.



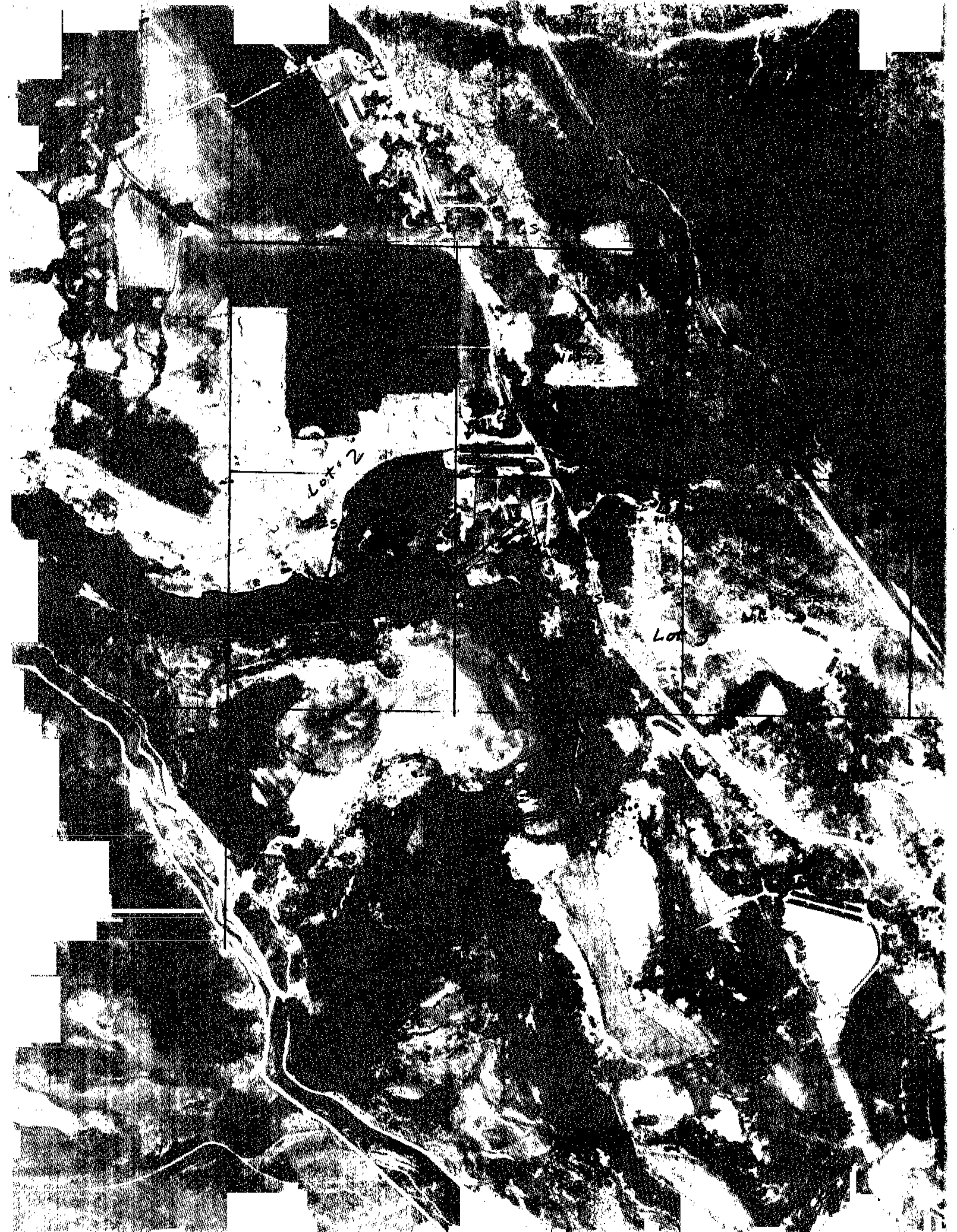
Turbine detail

Menchaca diversion →

Water is spilling to
the stream.

Small pipe at an angle
in lower right is
domestic supply to
Menchaca home.





37-7082
34-7282
2314



RECEIVED

OCT 13 1976

Department of Water Resources

October 11, 1976

Mr. O.S. Smith
Star Route, Bliss, Idaho 83314

and

Mr. Greene
Greene's Trout Farms
266 Buchanan
Twin Falls, Idaho 83301

Gentlemen:

This friendly letter is to inform you gentlemen, before you begin a joint venture, that the Snake River Pottery and the B.W. Farnsworth road and rip-rapping are subject to severe damage when water changes are made that cut off water or send abnormal amounts down the little stream.

We are very willing to suit our operation to accommodate the fish farm, and will stand by our equipment. But we must have clear-cut communications and be given ample time to make our preparations. This should be a simple matter of advising us regarding schedules or your contemplated water changes.

When Mr. Smith was planning to develop the fish ponds, he came to us, requesting that we not protest his proposed new use of the stream above us. Had we protested at that time, the gentlemen's agreement between us, regarding the operation of our power plant, would have been, prior to this time, set down formally in writing.

If we are firing pottery and the water level drops drastically, as when ponds are being filled, the kilns reverse heat and the pottery in these kilns is ruined. When large volumes of water are released, it overdrives the turbine for a short time, but soon slows it down as huge amounts of moss and grass build up on the trash rack which is not designed to accommodate this over-stress.

We invite all parties involved to come and observe the conditions and further discuss methods of cooperation. It will be our policy henceforth to keep account of all damages incurred and submit a bill to the joint venture partners.

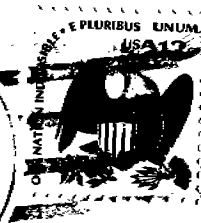
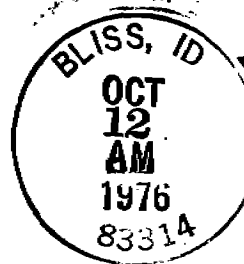
Very truly yours,

Aldrich Bowler

Aldrich Bowler

c/o Maurice Smith
Bruce Bowler
Keith Higginson

DIRECTOR	<i>RM</i>
PLANNING	
WATER PLAN	
TECH. STUDIES	
OPERATIONS	
ENGINEERING	
WATER RIGHTS	
INTERSTATE	
LEGAL	
FISCAL	
BOARD	
FILES	



Keith Higginson
Dept. Water Resources
373 West Franklin
Boise, Idaho 83702

March 21, 1975

C

Re: Permit No. 37-7082

O

Mr. O. S. Smith
R.F.D.
Hagerman, Idaho 83332

P

Dear Mr. Smith:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

Y

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

MICROFILMED

March 5, 1975

C
O
P
Y

Mr. O. S. Smith
R.F.D.
Hagerman, Idaho 83332

Dear Mr. Smith:

A representative of this Department has made a re-examination of the works covered by your Permit No. 37-7082 and has found the following:

Quantity of water diverted: 15.84 cfs Source: unnamed spring

Amount of water that can be recognized as beneficially used under Idaho law: 15.84 cfs

Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$ (2 points) of Sec. 21, Twp. 6S, Rge. 13E, B.M., Gooding County

Beneficial use: Fish propagation purposes from Jan. 1 to Dec. 31 within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, Twp. 6S, Rge. 13E, B.M.

Priority date established: December 16, 1970

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR

MICROFILMED

RECEIVED

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

3'-56
.56

FEB 26 1974

1. Name of permit holder O. S. Smith
Department of Water Administration
Southern District Office
Post office address R.F.D., Hagerman, ID 83332 Phone _____
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ unnamed spring
(name spring, stream, etc.)
Tributary to Snake River

3. Water will be used for the following purposes:

Amount 18 c.f.s. for fish propagation
AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 37-7082
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 18 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

(2 pts. in)
Township 6S N/S, Range 13E E/W, B.M., Section 21, Subdivision NW $\frac{1}{4}$ SE $\frac{1}{4}$, Gooding County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions: _____

Description of diverting works: Dam & open ditch to place of use.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	13E	21									X					X			

MICROFILMED

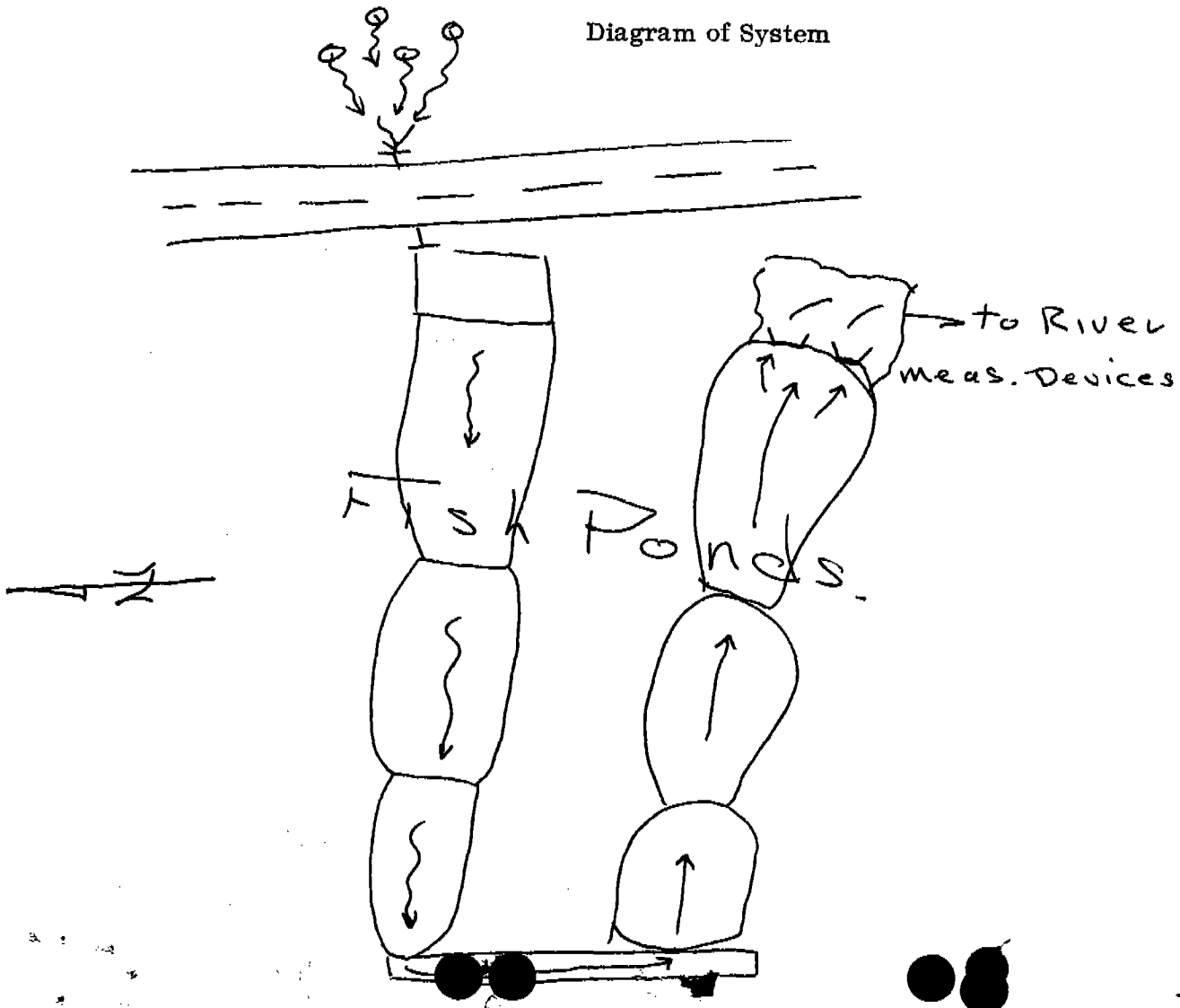
TOTAL ACREAGE _____

R I S E

T
B6
S

21 P
Ponds
To River

Diagram of System



DATE OF EXAM April 10-8-74

ACREAGE

Found
Recommended

Irrigation Requirement Ac Ft/Ac

USE

Irrigation Q = c.f.s. V = AF/Ann. from to
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = c.f.s. V = AF/Ann. from to
Fish Propagation Q = 15.84 c.f.s. V = 11,447.56 AF/Ann from Jan 1 - to Dec 31

Is water co-mingled? yes no

Name source:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured 15.84 c.f.s. Method of measurement (2) Cipolletti Weirs

Total Q recommended 15.84 c.f.s. Meter No. Type Cip Condition New

Total V recommended 11,447.568 Ac Ft/Ann.

Recommended Amendments:

P.D.
Place of Use
Other
None

MEASUREMENT CALCULATION:

Two (2) measuring devices at the outlet 3' crest cip.
Wiers @ 8.4 = 7.78
.86 = 8.06
15.84 c.f.s.
V = 11,447.56 Ac Ft/ANN.

SYSTEM DESCRIPTION:

Springs divert the water thru a culvert which conveys
the water to its place of use. Six (6) fish ponds
measuring device is at the outlet. There is no way
a measuring device could be installed at the inlet.

REMARKS:

Waiver was granted on inlet meas: device.
Mr Smith was present of Exam.

Examiner's Signature Sam Lundberg Date 10-8-74

Checked by Bob Haynes Date 10-17-74

Approved by Date

MEMO

To: **Gary**

From: **Darlene**

Date: **July 15, 1974**

Herewith forwarding field exam report for Permit No. 37-7082

Cannot issue license until the following is determined:

- ☐ Amount of water measured
- ☐ Location of point of diversion
- ☐ Place of use for domestic
- ☐ Place of use for stockwater
- ☐ Place of use for irrigation (number of acres in each 40-acre subdivision)
- ☐ Installation of measuring device
- ☒ Permit holder does not agree with findings of examiner, please re-examine **for quantity.**
- ☒ Other

Also forwarding a copy of Mr. Smith's letter of 7/7/74 along with my "rough draft" license.

If you need anything else, please advise. Thanks for your help.

RECEIVED

JUL 9 1974

Department of Water Resources

Hagerman Ida.

July 7-1974

Mr Bobby D. Flemer -

Dear Sir:

I had been away for some time so had not received your letter.

When your representative examined the works & measured the water, we didn't have any fish in the Ponds at the time, so we didn't have all the water going into the ponds.

Could we make an appointment with your representative & have another measurement made

We filed on & paid for 18 C.F.S. so would surely appreciate it if you can work it out that way

Yours Very Truly

Al Smith

RECEIVED

June 10, 1974

Re: Permit No. 37-7082

O. S. Smith
R.F.D.
Hagerman, Idaho 83332

Dear Mr. Smith:

A representative of this Department has made an examination of the works covered by your Permit No. 37-7082 and has found the following:

Quantity of water diverted: 8.46 cfs Source: Unnamed springs

Amount of water that can be recognized as beneficially used under Idaho law: 8.46 cfs

The maximum quantity diverted shall not exceed n/a acre feet per year.

Beneficial use: For fish propagation within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, Twp. 6 S, Rge. 13 E

Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$ (2 points) Sec. 21, Twp. 6 S, Rge. 23 E, B.M.

Priority date established: December 16, 1970

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

BDF:jfr

RECEIVED
JUN 13 1974
FBI - BOYER

March 13, 1974

Re: Permit No. 37-7082

O. S. Smith
R.F.D.
Hagerman, ID 83332'

Dear Mr. Smith:

Enclosed is an Order which removes the measuring device requirement from the point of diversion in connection with the above referenced permit.

Please note that a measuring device is now required to be installed and maintained at the point of effluent discharge.

If you have any questions concerning this matter, please contact us.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC
Enclosure

37-7082

Hagerman, Idaho

March 4, 1978

RECEIVED
MAR 5 1978
Department of Water Administration

1
Department of Water Administration
Boise, Idaho (Annex 2)

Dear Sirs: My fish ponds (no 37-82) were inspected by your Twin Falls office. Gary Funderburg said "due to the steep incline where the inlet to the ponds is located, it would be impossible to install a weir that would give a correct measurement. I am asking for a waiver on the inlet measuring device for these ponds.

Thanking you in advance.

Yours truly,

O. L. Smith

07-7082

February 25, 1974

Re: Permit No. 37-7082

O. S. Smith
R.F.D.
Hagerman, ID 83332

Dear Mr. Smith:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions concerning the field exam, please contact our Southern District Office at 1041 Blue Lakes Blvd., North, Twin Falls, Idaho.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JC

37-7082

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
FEB 21 1974

Department of Water Administration

1. a) Name of Permit Holder O. S. SMITH
b) Post Office Address R.F.D. HAGERMAN, Idaho 83335
2. Permit Number 37-7082
3. Date of Priority that you are prepared to establish Dec 24, 1972
4. a) Source from which water was appropriated UNNAMED SPRINGS
b) Location of the point of diversion: NW 1/4 SE 1/4 Section 21
Township 6S Range 13E Boise Meridian, Other points of diversion: TWO (2) POINTS IN SAME INDICATED AREA

5. a) The amount of water and use to which the water has been applied:

amount 18 CFS for PROPAGATION purposes from JAN. 1ST to Dec. 31 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 18 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: Rectangular method
Water master — George Lemmon

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

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: Right Away
has been established by previous use
or in the case of the 6" Pipe by contract arrangement.

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) DAM an open ditch
TO POINT OF USE.

b) Describe the type and size of measuring device which you have installed at your point of diversion: Rectangular Weir at diversion and discharge points.

c) Give well drillers name and address and date the well was completed _____

Exam typed 3/25/74

37-7082

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use The use to which we have applied the water is
Rainbow trout propagation.

The place of use is NE 1/4 of SW 1/4 of sec. 21 Township 6S Range 13E
9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivi- B.M.
sion:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

10. Remarks: ALL 18 CFS water is used in (6) six
fish ponds below one rectangular weir and
above another rectangular weir. The 6" pipe
from the spring is installed, but is used at
this time to only irrigate land previously irrigated.
Total number of acres irrigated _____
The above information is a true statement of the extent to which the above numbered permit has been developed.

2/19/74
(Date)

D. L. Smith
(Signature)

State of Idaho
County of Gooding ss.

On this 19th day of February, 1974, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Paul D. Mahaley
Notary Public residing at
Gooding

My commission expires 10-9-74

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

INSURED NO.

25130

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

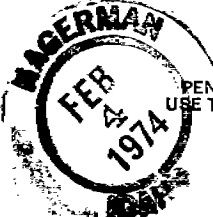
3

37-7082

PS Form 3811 Sep. 1972

655-10-51277-4

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Postmark of Delivering Office

SENDER INSTRUCTIONS

- Print in the space below your name, address, including ZIP Code.
- If special services are desired, check block(s) on other side.
 - Moisten gummed ends and attach to back of article.

**RETURN
TO**

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #
BOISE, IDAHO 83707

MICROFILMED

January 31, 1974

CERTIFIED MAIL

#25130

Re: Permit No. 37-7082

O. S. Smith
R.F.D.
Hagerman, ID 83332

Dear Mr. Smith:

One of the conditions of approval of your water Permit No. 37-7082 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before April 1, 1974. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit

37 7082

June 7, 1971

Re: Permit No. 37-7082 - O. S. Smith

Mr. Aldrich Bowler
Star Route
Bliss, Idaho 83314

Dear Mr. Bowler:

Please find enclosed a copy of Mr. Smith's permit as requested by our telephone conversation. There is no specific reference made to your water right but notice that this permit is subject to all existing water rights which would apparently include your's.

If you have any questions concerning this matter, please contact us.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF/bb

Enc: copy of permit #37-7082

37 7082

March 30, 1971

Re: Permit No. 37-7082

O. S. Smith
R.F.D.
Hagerman, Idaho 83332

Dear Mr. Smith:

Enclosed is a copy of your approved Application for Permit No. 37-7082. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

BOBBY D. FLEENOF
Assistant Director

BDF:kh

Enc: Copy of permit
Information letter

37 7082

SMITH SAND & GRAVEL

R.F.D.

HAGERMAN, IDAHO 83332

RECEIVED

FEB 27 1971

Department of Water Administration

Dear Sir;

I am writting this letter in regards to the time ~~ss~~ schedule on the building of the fishponds of which we have filed for a water permit.

The actual schedule may be faster that the schedule that I show. I intend to use if the trout market is as good as it looks, however I would like to play safe.

I plan to build the headworks and the first pond starting Oct.1st, 1971 and finishing April 30, 1972.

The second pond will be started on Oct. 1st 1972 and finished on April 30, 1973.

The third and fourth ponds will be started on Oct. 1st 1973 and finished on April 30, 1974.

The fifth and sixth ponds will be started on Oct, 1st 1974 and finished April 30, 1976.

I hope this letter will be appropriate.

Thanking you in advance for your help.

Sincerely Yours
O.S. Smith

37 7082

January 21, 1971

Re: Permit No. 37-7082

Mr. O. S. Smith

RFD

Hagerman, Idaho 83332

Dear Mr. Smith:

In order to further consider your application for permit, we will require additional information not included with your application.

1. A preliminary design of the hatchery facilities, indicating the size of pipelines or other diversion works and such other information as will fully describe the method and means of diversion and verify the need for the quantity of water you have asked to appropriate.
2. An estimated schedule of construction giving dates for the start of construction, the finish of construction, and the date that full operation of the hatchery is anticipated.

You should be aware that all applications, if approved, will require the installation and maintenance of adequate measuring devices, both at the point of diversion and the point of return of the water to the creek. These devices must be of a type approved by the Department of Water Administration; they can be of any generally recognized standard measuring device type. You should include the installation of these devices in your preliminary plans for construction.

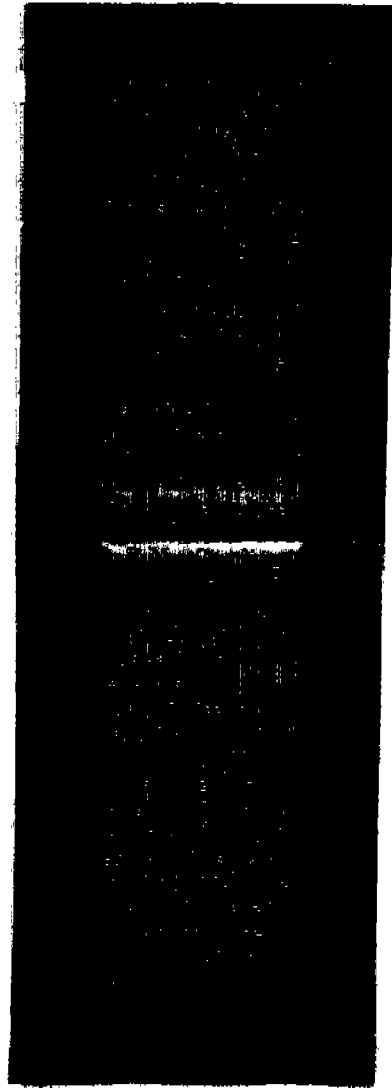
I would appreciate receiving this information by February 22, 1971. Thank you for your cooperation.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

37 7082



37 7082

December 22, 1970

Re: Application No. 37-7082 - O. S. Smith

Gooding County Leader
Box 56
Gooding, Idaho 83330

Gentlemen:

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

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

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

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

(signature of claimant)

Very truly yours,

Dorian Clay,
Appropriation Examiner

37 7082

DC/DG
Enc: legal notice

Bill submitted 1-20-71 By dc

NOTICE OF APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that O. S. Smith, RFD, Hagerman, Idaho

has on December 16, 1970

submitted Application No. 37-7082 to appropriate the public waters of
an unnamed ^{spring} stream, trib. to the Snake River

The/ptbpbseA/lseA/ake/

The application proposes a maximum diversion and appropriation of 18
cubic feet per second akeA/teet/ of water to be diverted by ponds, pipes
within the NW¹SE⁴, Sec. 21, T. 6S, R. 13E, B.M., Gooding County

and is to be used within the NE¹SW⁴, NW¹SE⁴, Sec. 21, T. 6S, R. 13E, B.M. for
fish propagation from January 1 to December 31.

Any permit issued pursuant to this application will be subject to ALL PRIOR
WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest
against this application must be filed with the Idaho Department of Water Adminis-
tration on or before January 18, 1971.
Statehouse, Boise, Idaho

R. KEITH HIGGINSON
Director

Published in the Gooding County Leader, Gooding, Idaho

on December 31, 1970 and January 7, 1971

37 7082

December 17, 1970

O. S. Smith
R.F.D.
Hagerman, Idaho 83332

Dear Mr. Smith

Returned herewith is Departmental Receipt No. 5419 in the amount of
\$100.00 for Application for Permit (check in the name of Lawrence J. Smith)
which was received in this office under the above date.

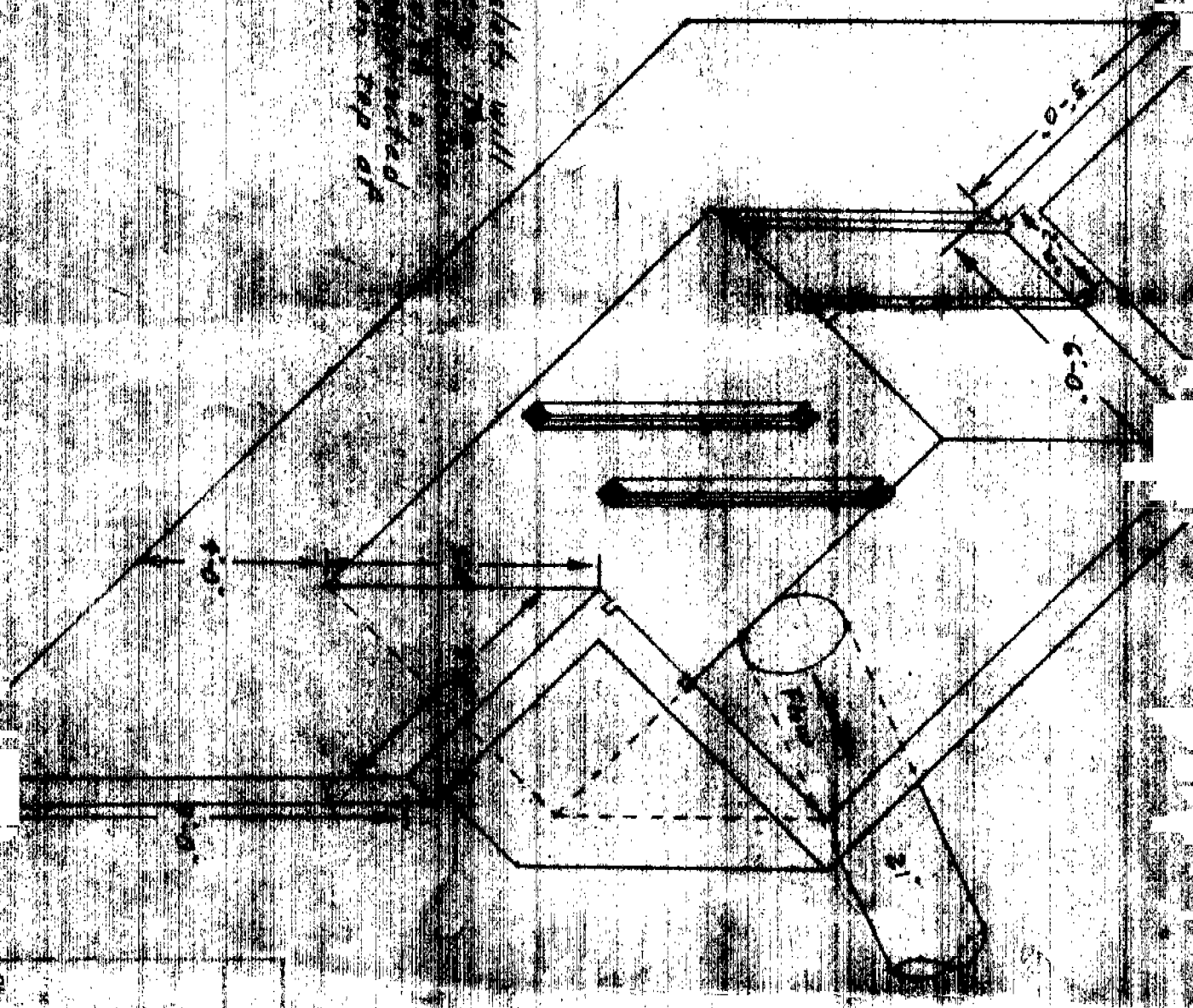
Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

37 7082



2.00

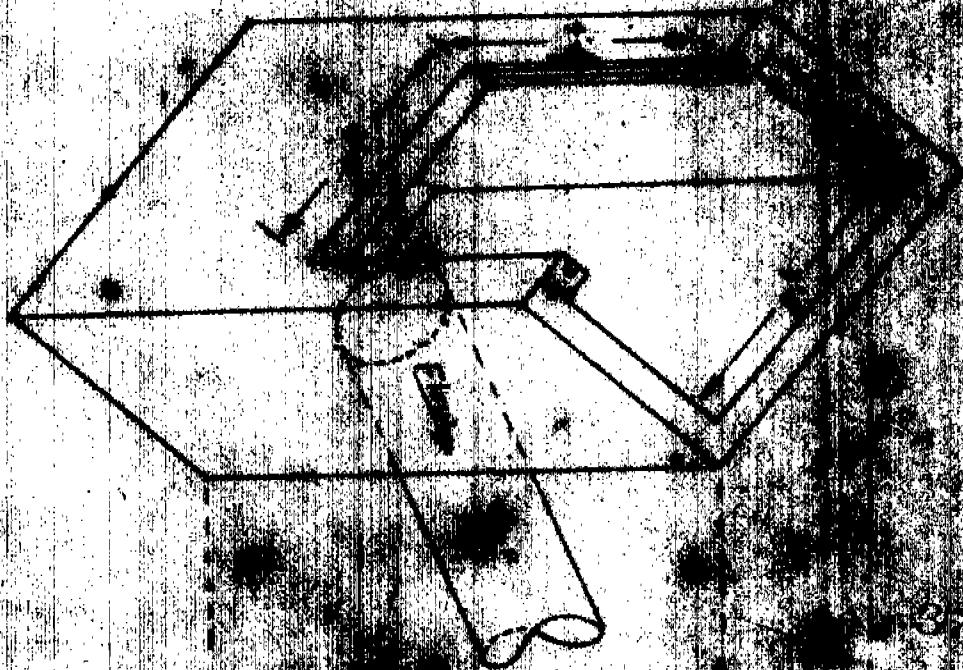
0.5 300/10

ALL ROOF SLAB SHALL BE PLACED WITH ROOF SLAB

37 7082

37 7082

will be with
 the construction
 is located on top
 of the



37 7082

Drawn B. A.	Checked B. A.	Approved B. A.
U.S. GOVERNMENT PRINTING OFFICE WASHINGTON, D. C. 20540		

THE
 U.S. GOVERNMENT
 PRINTING OFFICE

0.3. (Bud) Smith Trout Facility

Introduction

This trout facility is located in Section 21, Township 6S, Range 13E, approximately 3 miles south of Bliss, Idaho. (The land area is 115 acres, of which 5 acres will be used for trout raising facilities. The rest of the land will remain in the present land use.) The water originates from unnamed springs.

Water Requirements

The water requirements for this trout facility are 18 cfs. The size for each of the first four ponds will be 270' X 15' X 4' deep. Each of the other two ponds will be 270' X 30' X 4' deep. The water will be changed two times per hour for a water requirement of 18 cfs.

The approximate annual production will be 194,400 pounds. The annual production is based on 1.5 pounds of fish per cu. foot of water space.

Soils

The soils of the pond sites vary from shallow gravelly sandy loams to deep loamy sands and sandy loam. There should be no particular hazards to constructing ponds, if good soil compaction methods are used. The soils are fairly erosive and should be protected by gravel blankets and for rip rap-where in contact with flowing water. The ponds may require some sealing material, such as Benutonite, if water loss is too great.

The soils should be protected where applicable by vegetation. The types of vegetation planted will be the type that adds to the beauty of the area.

Beautification and Landscaping

All construction will be done with the idea of maintaining, as well as increasing the beauty of the area.

All trees, grass and shrubbery will be of the type that will blend with the natural vegetation.



09879-935