

CXN 2GG-62

an approximate location
for the section corner common
to Sections 29 and 30 and 31 and
32 of T3S R34E

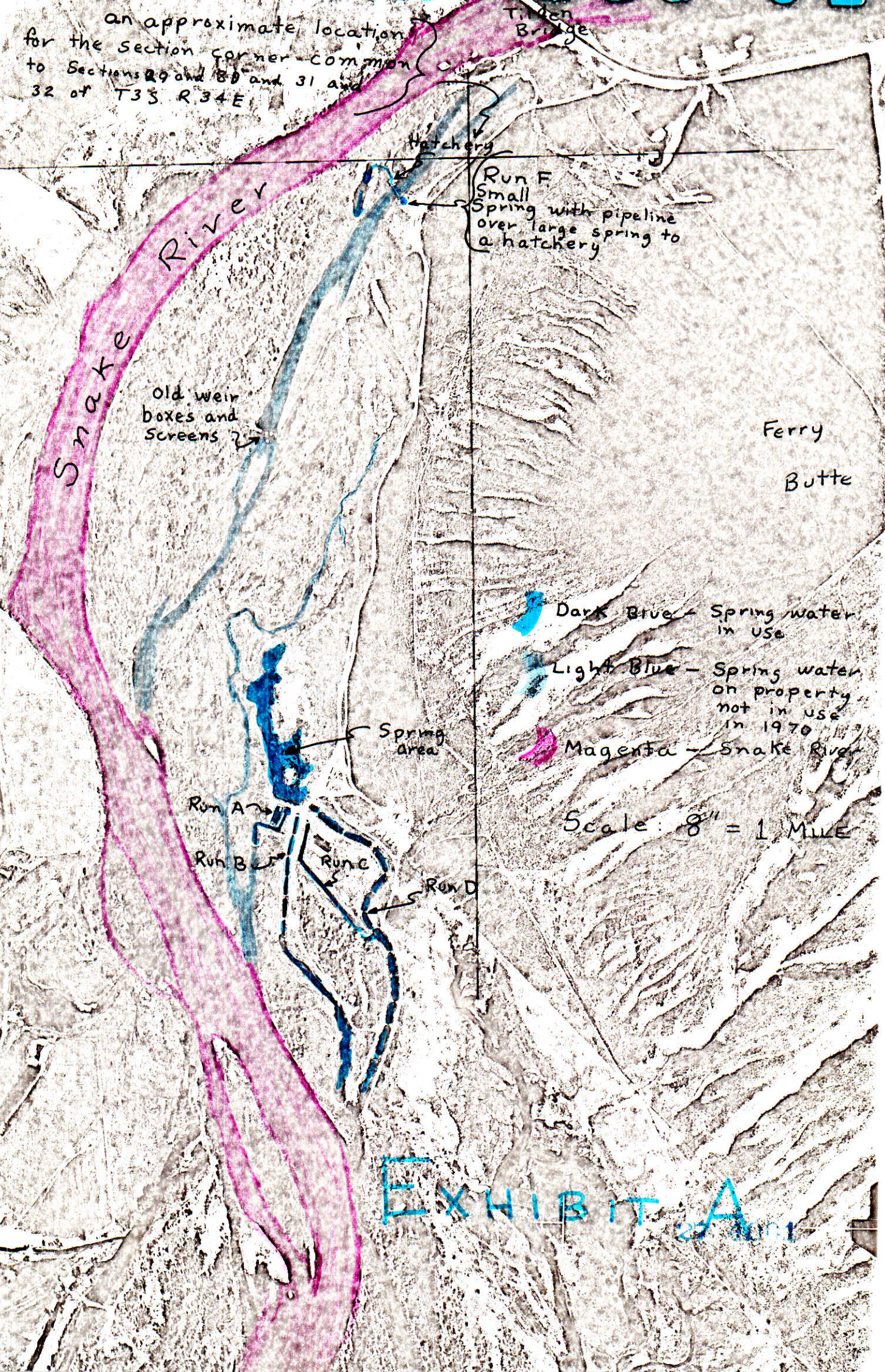


EXHIBIT A

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Instead, many of the flows
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ARACTER

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rie, Camas and Elmore Counties, Idaho

descriptions of tributary valleys at the end of this report include data
on springs within them.

SPRINGS IN THE FORT HALL BOTTOMS

GENERAL FEATURES AND DISCHARGE

Springs rise at intervals for a distance of 10 miles or more along the
Fort Hall bottoms and adjacent to the Portneuf River near its mouth.
Most of these springs rise on the valley floor at heights of 10 to 15

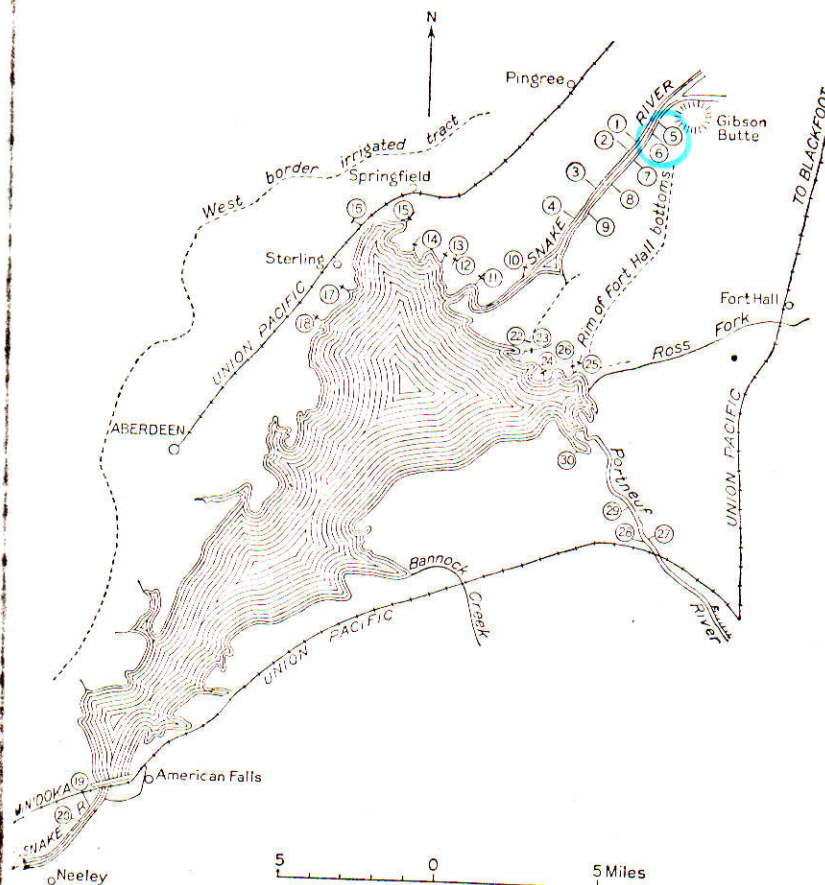
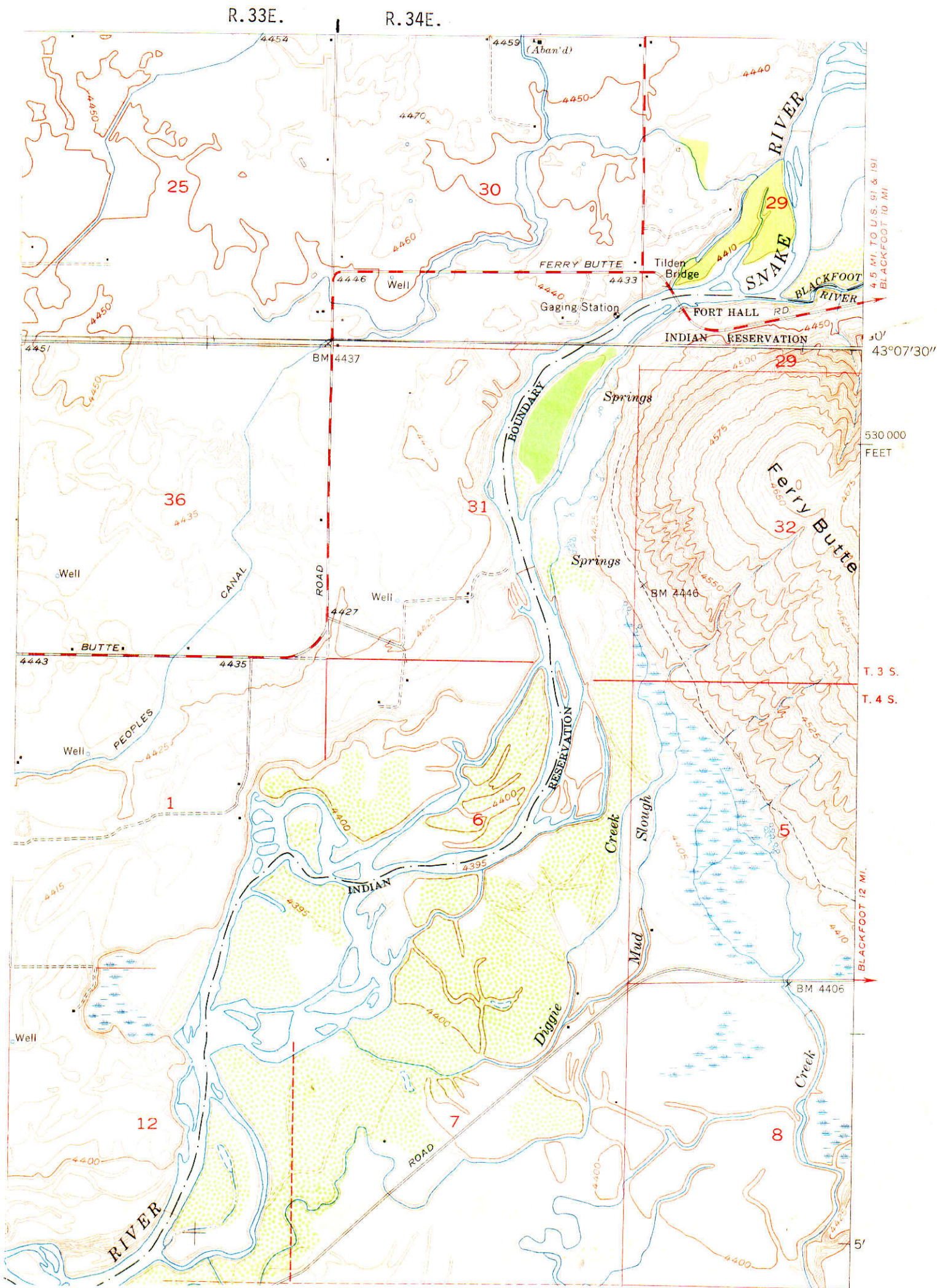


FIGURE 11.—Sketch map showing the location of spring-measuring stations in the vicinity of the American Falls Reservoir. (See table, p. 138, for explanation of numbers.)

at above the river. They have a fairly uniform aggregate discharge
about 1,400 second-feet, and most of them issue from basalt which
underlies the alluvium in this area. The flow and the names of 30
the larger springs in the vicinity of the American Falls Reservoir
are given below. The location of the stations where the flow from
these springs was measured is shown in figure 11. Additional details

Exhibit B

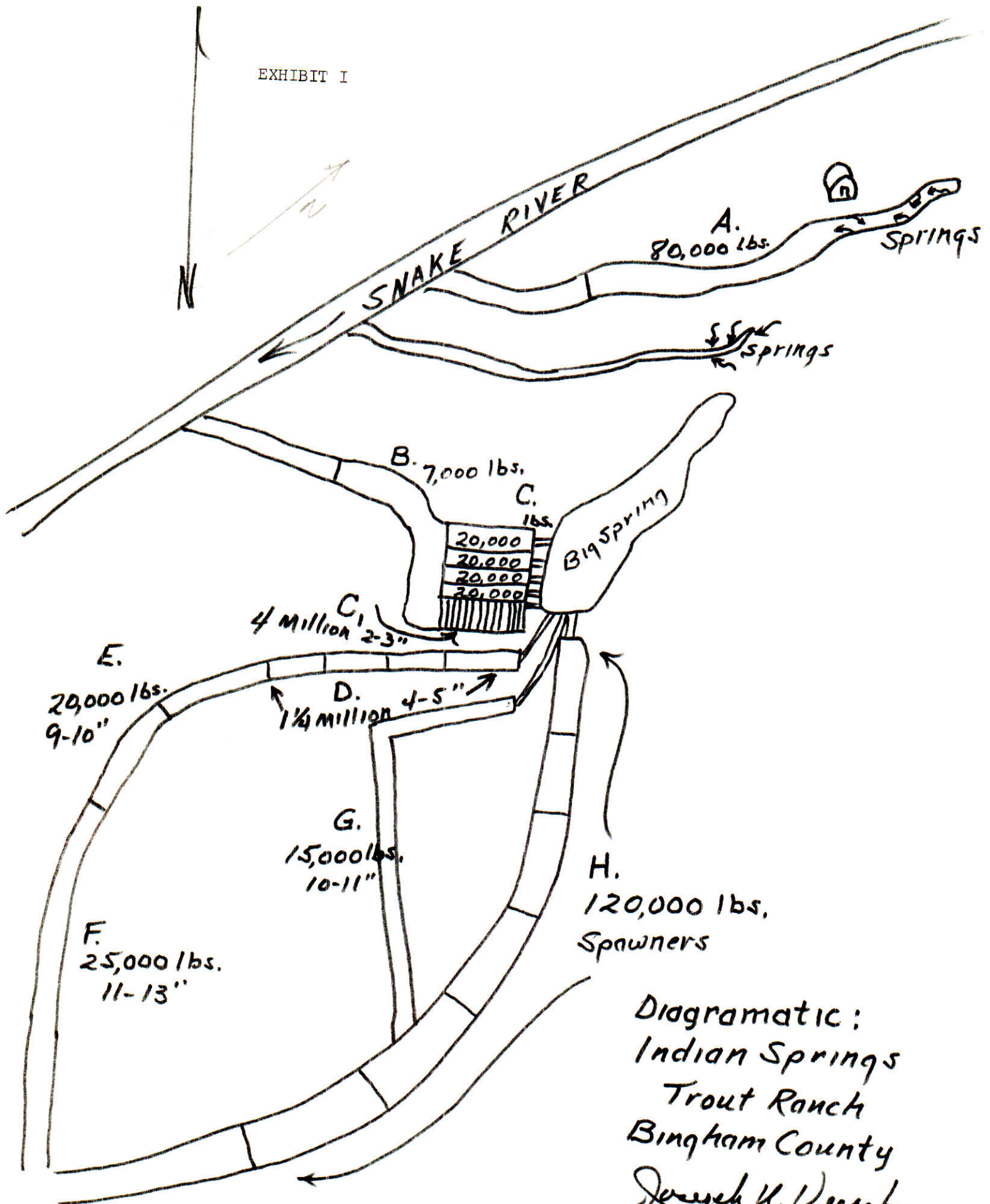


Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Culture and drainage compiled from aerial photographs taken 1946
Topography from planetable surveys by U. S. Indian Service 1923-25
and U. S. Geological Survey 1955

Composit of U.S.G.S. Pingree and Rockford Quadrangle

27 4001

EXHIBIT I



Diagrammatic:
Indian Springs
Trout Ranch
Bingham County

Joseph H. Vernet
Kenneth & Hopkins

**NOTICE OF CLAIM
TO A WATER RIGHT
No. 27-4001**

Notice is hereby given that
Thousand Springs Trout Farms,
Inc., Box 232, Buhl, Idaho, has
filed a claim to a water right
established by diversion and
application to beneficial use of
41.10 cubic feet per second of
water from Indian Springs, trib.
to the Snake River with point of
diversion in Lots 9 & 10
(E½NE¼), Lot 11 (NE¼SE¼),
Sec. 31, T. 3S, R. 34E, B.M.,
Bingham County.

The water is claimed to be
used from January 1 to December
31 for fish propagation and fish
hatchery purposes with a priority
of 1952; the place of use is within
Lots 9 & 10 (E½NE¼), Lot 11
(NE¼SE¼), Sec. 31, T. 3S, R.
34E, B.M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water
Administration, Statehouse,
Boise, Idaho.

R. KEITH HIGGINSON
Director

(2599)
Pub.: 1-14, 21

AFFIDAVIT of PUBLICATION

County of Bingham
State of Idaho

} ss.

I, Drury R. Brown do solemnly

swear that I am the publisher of
The Blackfoot News which is a daily newspaper of gen-
eral circulation published each day except Saturday and
Sunday at Blackfoot, Bingham County, Idaho, said news-
paper having been so published at Blackfoot aforesaid
for more than one year past; that said newspaper here-
tofore complied with all the provisions of Chapter 154 of
the Sessions Laws of Idaho of 1933, approved March 11,
1933, and duly designated, pursuant to law, a particular
day of the week as the day on which legal notices re-
quired by law or by the order of any Court of compe-
tent jurisdiction within the State of Idaho shall be pub-
lished to-wit: Friday of each week; that the notice at-
tached hereto and which is a part of this affidavit and
part of the proof of publication was, published in said

Friday issue of said newspaper 2 consecutive
weeks, the first publication having been made on
the 11th day of January, 1971,

and the last publication having been made on the
21st day of January, 1971; that said
notice was published in the regular and entire issue of
every number of the paper as aforesaid during the per-
iod and time of publication, and that notice was pub-
lished in the newspaper and not in a supplement.

Drury R. Brown
Subscribed and sworn to before me this 22nd
day of January, 1971

Ray Dayton
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
November 10, 1972

Identification No. _____

Claim No. 27-4001

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Thousand Springs Trout Farms, Inc.
post office address Box 232, Buhl, Idaho
2. The point of diversion is in _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ Section 31 Township 3S (See Remarks)
Range 34E B.M. located on Indian Springs
(name of source)
tributary to Snake River in Bingham County County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed: _____ or more (See Remarks)

1952

amount: 41.10 c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

Total claimed 41.10 c.f.s. or _____ acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
use Fish Propagation period of use from Jan 1 to Dec. 31 (both dates inclusive)
use Fish Hatchery period of use from Jan 1 to Dec. 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of See remarks
_____; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

 - b. Underground water diverting works: is well flowing or pumped NA; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____
_____;

27-4001

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.
- Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____ See Remarks _____

- d. If water is stored: name of reservoir NA ;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity_____c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions. _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated _____

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served _____ name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, For Item 8 see 8 under remarks. 2 Con't.
giving dates and quantities ~~Para 9. Remarks. Para 2.~~ The springs arise along the eastern edge of Section 31, T. 3S., R. 34E. in lots 9 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), 10 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), and 11 (NESE $\frac{1}{4}$) and 12 (SE $\frac{1}{4}$ SE $\frac{1}{4}$) and are ponded and/or diverted and used at various points along their course. Exhibits A and B should be consulted for a more definite location.

~~2. Remarks, please explain any details of your claim which you feel need clarification or additional explanation~~
3a. Con't. The flow of springs arising on the property were measured in 1970 at about 130.00 cfs. The amount claimed as listed in para. 3a. represent the measured flow that was being used on April 16, 1970. Jack E. Kelly, an engineer, made the measurements. Mr. Kelly's affidavit has been marked "Exhibit C". As additional data is obtained the amount claimed under this right will be modified. The locations of runs referred to in Mr. Kelly's affidavit can be observed on Exhibit A which is a poor copy of a 1962 U. S. Government aerial photo. The colors and notes are to help explain the photo as the copy is not clear. Exhibit D is a copy of pages 137 and 138 of WSP 774 published by the U. S. Geological Survey. It is believed that the springs numbered 5 and 6 are located on the property. However, data to document this is not now available. The springs are shown on Exhibit B which is a map composed of portions of the U.S. Geological Survey's Pingree and Rockford topographic quadrangles. It should be noted that the map indicates culture and drainage as it appeared in 1946 before the

State of Idaho

County of Laramie ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Thousand Springs Trout Farm Inc
Robert E. Ekin, President
Claimant

Sworn to before me this 27th day of August, 1970.

L. Evelyn D. Matthews
Notary Public

Residing at Lull, Idaho

My commission expires Jan. 1, 1973

For Department Use Only

Received by _____	Date _____	Exception filed by: <u>rec'd # 5460</u>	Forwarded to claimant by: _____	Date _____
Prelim. check by _____	Date _____			
Fee received by <u>ef</u>	Date <u>12/29/70</u>	Fee \$ <u>1.00</u>		
Approved for publication by <u>D</u>				
Published in <u>Blackfoot News</u>	Dates <u>1-14 & 1-21-71</u>			

dg

27 3091

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s.</u> or _____	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u> or _____	acre feet
		Total claimed:	<u>1.2 c.f.s.</u> or _____	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

9. Remarks - Con't.

springs were developed for fish propagation.

The springs were developed essentially with the runs as they are now located starting in about 1952 by a Mr. Ralph Nelson. Mr. Nelson is not available for interview nor for signing an affidavit. Mrs. Leva Rich from whom Nelson rented the property has signed an affidavit marked "Exhibit E". Her son, Mr. Roland C. Rich, observed the early development and his affidavit has been marked "Exhibit F". William A. Clough a resident of the area, and also knowing of the development has signed an affidavit marked "Exhibit G".

4. a. and c. The water collected from the small spring located in lot 9 is conveyed by pipe across the lower but larger spring (see Exhibit A) and used in a hatchery that produces fish for stocking of the other ponds.

4. a and c. Con't. The water that is used in runs A,B, C, and D arises in the spring area marked on Exhibit A. A small dike has been placed at the lower end of the area to raise the water level to provide some drop before it is released into the runs. Run A consists of 5 raceways in parallel each about 10 feet wide. All of the other runs are made up of ponds in series with a control structure at the bottom. The ponds vary in width from a few feet to 30 or more feet and the depth of water can be varied but generally is from 1 to 4 feet.

8. Con't. Mr. Kenneth Hoskins has worked on the property and his affidavit which has been marked "Exhibit H" should be consulted for operating procedures and fish production.

CXN

at approximate location
for the section T3S R34E
to T3S R34E and 31 and
T3S R34E

Dave's Cove

Light House

Page 1

5 1/2 mi

1 1/2 mi

Exhibit C

A F F I D A V I T

STATE OF IDAHO)
 : SS
COUNTY OF ADA)

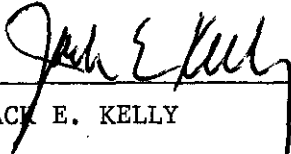
Jack E. Kelly, being first duly sworn on his oath, deposes and says:

I am a registered professional engineer residing in Boise, Idaho. I am a partner in the consulting engineering firm of Anderson & Kelly which specializes in water resource work.

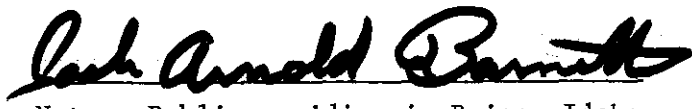
I have personally visited a series of springs known as Indian Springs located just west of Ferry Butte (Gibson Butte) and just east of the Snake River below its confluence with the Blackfoot River in Bingham County, Idaho. On April 16, 1970 I observed the use of water on that date and measured the flow of the water with a flow meter. The water being used was in constructed channels that the owner refers to as run and indentifies with a letter designation. In run A I measured 15.75 cfs, run B 9.23 cfs, runs C & D combined 14.23 cfs, and run F, 1.89 cfs, making a total of 41.10 cfs in used on that date.

On April 16, 1970 I measured a total of about 130 cfs of water from spring arising on the property. Old check dams and fish screen lead me to believe that much of this water had been used in the past. The flow of the springs are expected to vary from season to season and from year to year. Therefore, I intended to make additional measurement to better document the flows. The management of the dike impounding the water in the large spring area north of Run

A is also a factor affecting the total flow of the springs. The practice is to back water up over the spring area in order to gain additional head for the water released into the runs. By raising and lowering the head on the spring area itself the flow from the spring area would be reduced or increased. The measurements made on April 16, 1970 indicate the flow rate with the head on top of the spring that they were using to operate on that given date.


JACK E. KELLY

Subscribed and sworn to before me this 29th day of June, 1970.


Notary Public residing in Boise, Idaho

MY Commission expires

Jan 21, 1974

R PLAIN, IDAHO

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as much as 500 feet thick,
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SPRINGS IN THE FORT HALL BOTTOMS

137

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on springs within them.

SPRINGS IN THE FORT HALL BOTTOMS

GENERAL FEATURES AND DISCHARGE

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Fort Hall bottoms and adjacent to the Portneuf River near its mouth.
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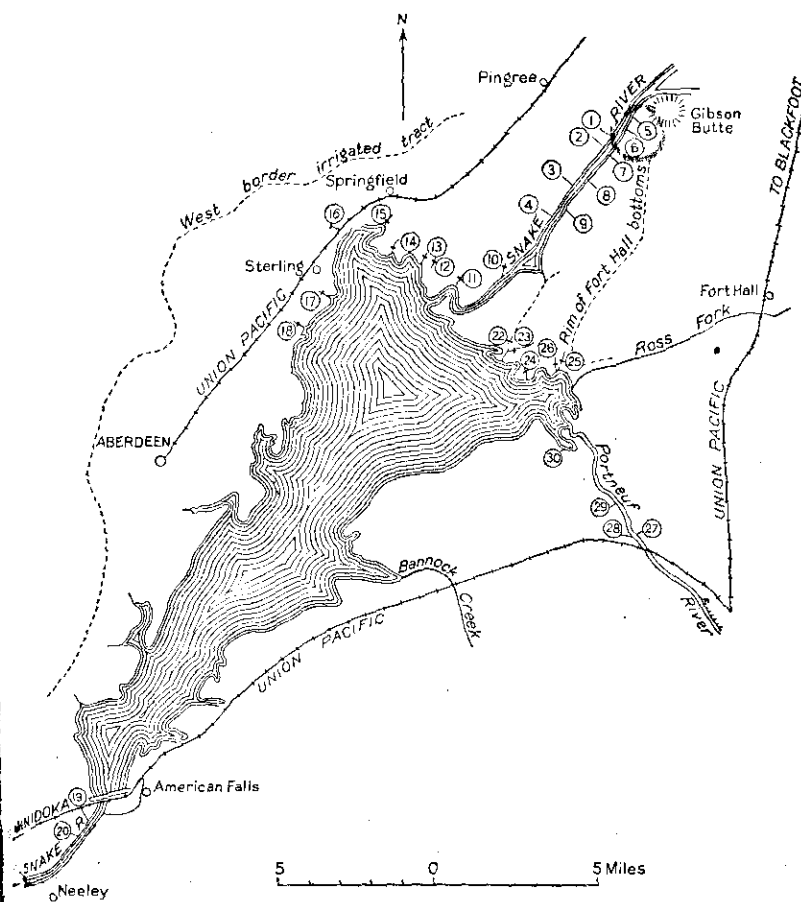


Fig. 11.—Sketch map showing the location of spring-measuring stations in the vicinity of the American Falls Reservoir. (See table, p. 138, for explanation of numbers.)

et above the river. They have a fairly uniform aggregate discharge
about 1,400 second-feet, and most of them issue from basalt which
underlies the alluvium in this area. The flow and the names of 30
the larger springs in the vicinity of the American Falls Reservoir
given below. The location of the stations where the flow from
these springs was measured is shown in figure 11. Additional details

will be found on plate 19. Most of the stations are on creeks formed from a series of springs that are known under a common name.

Mean discharge, in second-feet, of springs in the vicinity of American Falls Reservoir, Idaho

No. on fig. 11	Name	Discharge	No. on fig. 11	Name	Discharge
1.	Rich	18.6	16.	Artesian	5.8
2.	Johannes	7.2	17.	Sterling	6.2
3.	Thorn	20.2	18.	Colburn	3.2
4.	Log Cabin	34.9	19.	Ruger	23.4
5.	Indian No. 1	47.4	20.	Davis	-----
6.	Indian No. 2	31.9	21.	Franklin	-----
7.	Indian No. 3	163.5	22.	Big Jimmy	37.4
8.	Indian No. 4	3.8	23.	Big Spring	442.0
9.	Indian No. 5	19.3	24.	Kinney	29.1
10.	Pyle	14.0	25.	Clear	120.0
11.	McTucker	26.4	26.	Ford	7.4
12.	Hull	7.1	27.	Pocatello City	-----
13.	Tanner	2.2	28.	Batise	70.0
14.	Crystal	32.8	29.	Fish Hatchery	75.0
15.	Danielson	51.1	30.	Wide	60.3

On September 14, 1925, Batise Spring, on the west side of the Portneuf River about 4 miles northwest of Pocatello, discharged about 50 second-feet,⁹⁴ and the Fish Hatchery Springs, about 1½ miles downstream from Batise Spring, about 75 second-feet.⁹⁵ Wide Creek, which is among the largest of the spring-fed streams in this area, a tributary to the Portneuf River from the south, had an average discharge during 1926 of 60 second-feet at a point near the center of the W½ sec. 26, T. 5 S., R. 33 E.⁹⁶ The largest spring-fed tributary to the Portneuf River is Big Spring Creek, which had an average discharge of 442 second-feet of spring water during the irrigation season of 1926 at a point in the SE¼ sec. 9, T. 5 S., R. 33 E.⁹⁶ This stream rises in spring pools on the south side of Gibson Butte and flows into the Portneuf River from the north. Clear Creek, also spring-fed, had an average discharge during 1926 of 120 second-feet at a point in the SW¼ sec. 11, T. 5 S., R. 33 E.⁹⁶ This stream flows into Ross Fork and thence into the Portneuf. Ford Creek is a tributary to Clear Creek from the west and has an average flow of about 7 second-feet. Another spring-fed tributary to the Portneuf from the north is Kinney Creek, which had a discharge of about 28 second-feet during 1926 at a point near the center of sec. 15, T. 5 S., R. 33 E.

The ground-water contours (pl. 19) indicate that the springs bordering the Fort Hall bottoms should be divided into two groups. Batise Spring, Fish Hatchery Spring, and Wide Creek, in the Portneuf Valley form one group, and Big Spring Creek, Clear Creek, and Kinney Creek, the waters of which come from the valley of the Snake River north and east of Fort Hall, form the other group.

⁹⁴ Meinzer, O. E., Large springs in the United States: U. S. Geol. Survey Water-Supply Paper 557, p. 5, 1927.

⁹⁵ Idem, p. 52.

⁹⁶ Smith, T. R., Hydrometric report on the American Falls Reservoir area for 1926 (unpublished rept. U. S. Bur. Reclamation, American Falls, Idaho, 1927).

In addition to these springs by 13 springs in the Aberdeen springs issue from the basal from under the irrigated area the Snake River. At most by the American Falls lake

The Portneuf and the Snake springs and by inflow rising location of the larger of the are given in figure 11. The Blackfoot River and American has a total gain, exclusive of about 2,500 second-feet,

The origin of the springs about 1,400 second-feet, or been variously attributed down the valley of the Port drainage basin of that stream tributions from the drainage foot River; (2) precipitation (3) underflow along the Snake ysis is made of the possible sources

POSSIBLE SUPPLY

The average annual runoff for the years 1920 to 1927 depth of 0.26 foot over its Study of the records for the Creek leads to the conclusion holdovers, the average runoff streams in the same period foot. The smaller relative thus indicated may be assumed through the springs near the of 0.06 foot over the Portneuf about 49,500 acre-feet, or one of the springs in the Fort Hall

A possibility of a slight error The Blackfoot River is flowing River Valley in a canyon gaging stations measuring ground water moving past might not be measured at

⁹⁷ Smith, T. R., op. cit.

Exhibit B

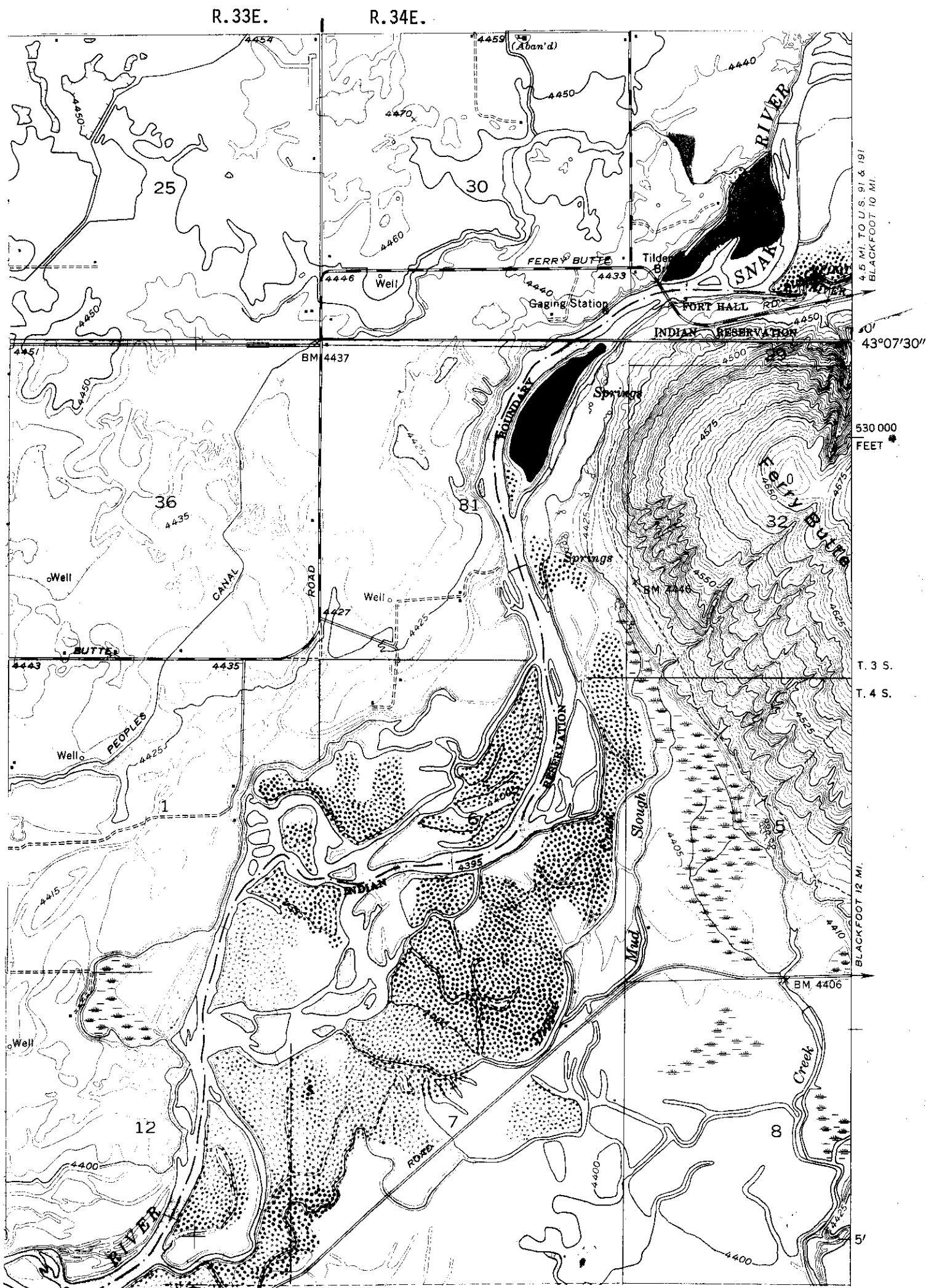


Exhibit F

STATE OF IDAHO)
 : SS
COUNTY OF BINGHAM)

Mr. Roland C. Rich of Route 1, Pingree, Idaho, being first
duly sworn on his oath, deposes and says:

That he is personally familiar with the springs and land
west of Ferry Butte that has become known as Indian Springs
Trout Ranch. My grandfather, father, and mother have all
owned the land.

I personally observed the development of the ground into
a trout ranch by Mr. Ralph Nelson starting in about 1952.
Although Mr. Nelson has left the property, the raising
of fish has continued to date, for the most part in ponds
constructed by Mr. Nelson in 1952, 1953, and 1954.

Roland C. Rich

ROLAND C. RICH

Subscribed and sworn to before me this 17th day of
July, 1970.

Merle E. Jackman

Notary Public residing in Boise, Idaho

My Commission Expires: 10-10-71

Exhibit E

STATE OF IDAHO)
 : SS
COUNTY OF BINGHAM)

Mrs. Leva Rich, of Route #1, Pingree, Idaho being first
duly sworn on her oath, deposes and says:

That she is personally familiar and has been for many years
with the property in Lots 9, 10, 11, and 12 in Sec. 31, T.
3S., R.34E., and with the many large springs which have
become known as Indian Springs that arise on the property.
The property was bought from the Indians by my father-in-law,
H.C.C. Rich in the early 1900's.

The area was used for stock grassing, hunting and fishing.
In about 1952 the land then under my control was leased by
a Mr. Ralph Nelson. In that year and in 1953 and 1954
he constructed a series of ponds to raise fish commercially.
These ponds are in use now and are being used for fish
propagation by Mr. William Connell on what has become known
as Indian Spring Trout Ranch.

Mrs Leva Rich
MRS. LEVA RICH

Subscribed and sworn to before me this 20th day of
July, 1970.

Edua B. Gapps
Notary Public residing in Boise, Idaho

My Commission Expires:

1-31-74

Exhibit G

STATE OF IDAHO)
 : SS
COUNTY OF BINGHAM)

Mr. William A. Clough of Blackfoot, Idaho, being first duly sworn on his oath, deposes and says:

That he is personally familiar with the spring located on the property owned by the Rich family west of Ferry Butte, which are generally known as Indian Springs.

I observed the springs being developed as early as 1952 for commercial fish production. I have visited the property many times since 1952 and have observed on many occasions, and as late as 1970, fish being raised commercially. The fish are for the most part raised in a series of ponds that were first constructed by a Mr. Ralph Nelson in about 1952 through 1954.

William A. Clough
WILLIAM A. CLOUGH

Subscribed and sworn to before me this 31st day of July, 1970.

J. William Brechner
Notary Public residing in Boise, Idaho

My Commission Expires:

Jan. 31, 1974.

Exhibit H

STATE OF IDAHO)
 : SS
COUNTY OF POWER)

Mr. Kenneth Hoskins of American Falls, Idaho, being first duly sworn on his oath, deposes and says:

That he is personally familiar with the springs located on the property owned by the Rich family west of Ferry Butte, and the business operated on that land known as Nelson Trout Ranch, Pingree, Idaho, and now known as Indian Springs Trout Farm.

Before my employment at the Nelson Trout Ranch in May 1959, I was employed by the Meader Trout Farm, Pocatello, Idaho (now known as Papoose Springs Trout Farm) for several years. I have a good working knowledge of trout rearing, feeding, sorting for market, selection for brood fish, spawn-taking, water control, carrying capacity of ponds, temperature effects, and requirements for successful transportation of trout and such other skills as are required in this type of business. I am a competent and capable fish hatcheryman.

While working at the Nelson Trout Ranch, 6,000 ounces (1.5 million) trout eggs were cared for in each trough in the hatchery until ready for shipping. A total of 12 million eggs were cared for in the several troughs at a single time. Eyed trout egg sales during the six month 1960-1961 season were over 40 million eggs. Up to 4 million trout were hatched in a season and reared to a size of 2 to 3 inches in the 28 fry and fingerling runs located near the spawning shed. This is shown as area C on the attached map marked Exhibit I.

The accompanying map indicates areas and water sources used by the Nelson Trout Ranch and the pounds of fish held at one time during the 1960-1961 season. Time span covered twelve months from August of 1960 to August of 1961. Figures on the map in pounds of fish being held total almost 400,000 pounds. This includes brood fish, market fish, and fingerlings for the following year's crop.

At the time of my employment, the hatchery facility was capable of handling 500,000 pounds of live trout at one time in the ponds, water sources, and facilities used by the trout farm.

Kenneth J. Hoskins

KENNETH HOSKINS

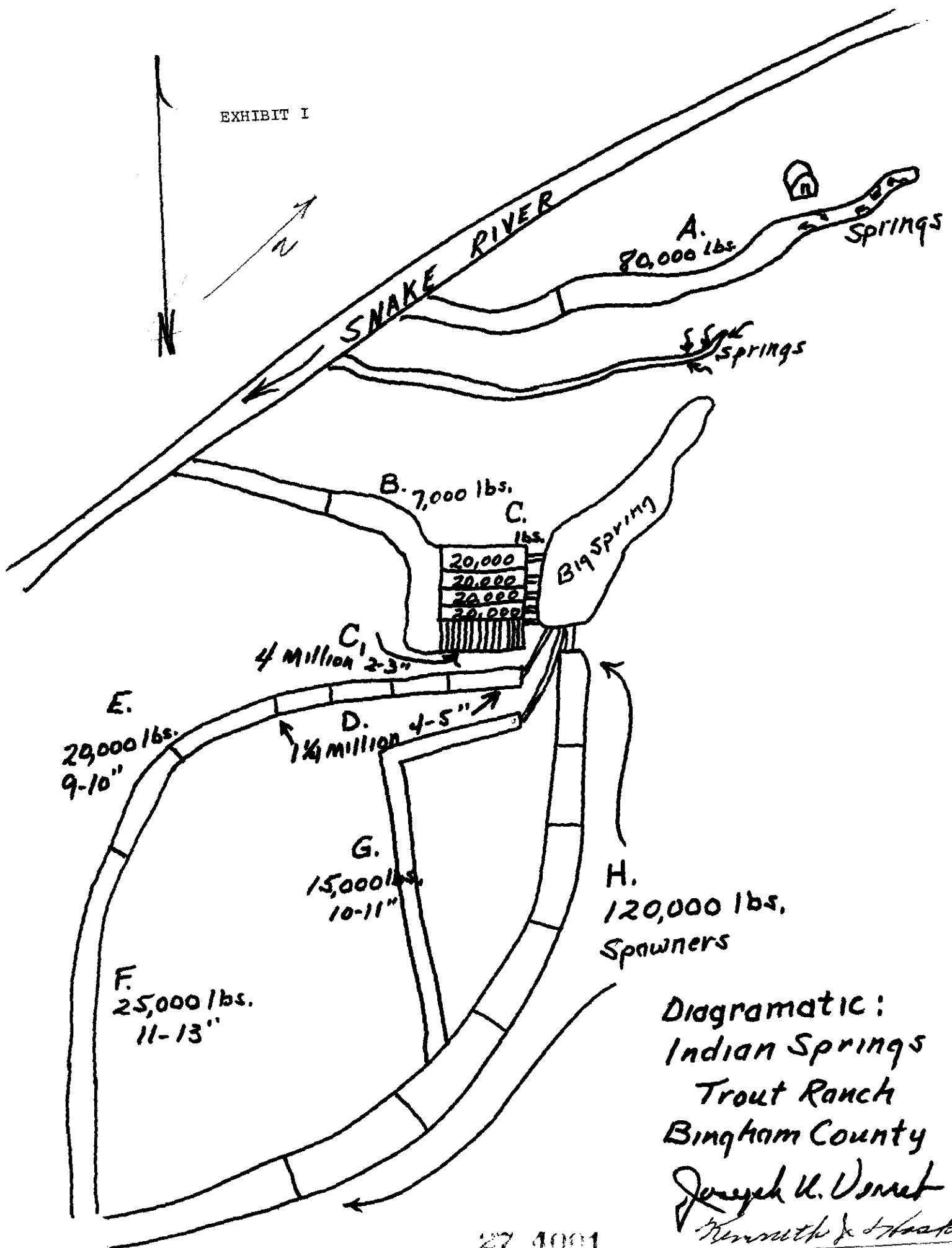
Subscribed and sworn to before me this 20th day of August 1970.

Ben Caravano

Notary Public residing in Am. Falls Idaho,
Idaho.

My commission expires November 5, 1993.

EXHIBIT I



Diagrammatic:
Indian Springs
Trout Ranch
Bingham County
Joseph H. Vernet
Kenneth J. Haskins

} 53.

swear that I am the publisher of The Blackfoot News which is a daily newspaper of general circulation published each day except Saturday and Sunday at Blackfoot, Blingham County, Idaho, said newspaper having been so published at Blackfoot aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Friday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was, published in said

Friday issue of said newspaper 2 consecutive weeks, the first publication having been made on the 14th day of January, 19 71.

and the last publication having been made on the 21st day of January, 1971; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me this 22nd
day of January, 19 71

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
June 1, 1969 November 10, 1972

Notice is hereby given that
Thompson Springs Trout Farms,
Inc., Box 212, Bath, Idaho, has
filed a claim to a water right
consisting of a diversion and
application for beneficial use of
41.10 cubic feet per second of
water from Horton Springs, trib.
to the Snake River, with point of
diversion in Lot 9 & 10
(SW/4), Lot 11 (NW/4SW),
Sec. 31, T. 35, R. 34E, B.W.,
Blaine County.

The water is channelled to be used from January 1 to December 31 for fish propagation and fish hatchery purposes with a priority of 1st class water of and is within Lot 5 & 10 (BANKS) Est 11 (BANKS) Sec 51, T. 35, R. 30E.

Any objection to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

(2579) - [illegible] [illegible]
Feb 14 1921

RECEIVED
JAN 28 2005
Department of Water Resources

IDAHO DEPT. OF WATER RESOURCES
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

To Whom It May Concern:

Please accept this letter as a request to withdraw Applications for Extension of Time to Avoid Forfeiture of Rights 27-7013 and 27-7020. I understand that the applications have not been processed because the rights are still permits in the Department's records and forfeiture provisions do not apply to permits that have not yet been licensed.

We would also like to withdraw the Application for Extension of Time to Avoid Forfeiture for Right 27-4001. That application was not processed due to claim submittal in the Snake River Basin Adjudication (SRBA). It is our understanding that once a claimant files a claim in the SRBA, for a particular water right, the forfeiture provisions of Idaho Code §42-222(2) are also tolled for purposes of establishing forfeiture, so long as the claimant continues to prosecute the claim to a partial decree which we are doing. Our claim to this right was submitted to IDWR in May of 1989.

I request that \$50.00 of the filing fees for the Applications for Extension of Time to Avoid Forfeiture be used for licensing amendment of Permit 27-7013 and the remainder of the fees (\$250.00) be refunded to me at the address shown below. These fees were receipted under Receipt No. C044961 on March 26, 1999.

Dated this 24 day of January, 2005.

Sincerely,

Violet B. Rich

VIOLET B. RICH
(Please list current mailing address below)

*1213 W 600 S
Pingree, Ida. 83262*

*Violet B. Rich
1213 West 600 South
Pingree, Idaho 83262*

RECEIVED

APR 21 1999

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWater Right No. A27-04001A

RECEIVED

MAR 26 1999

Department of Water Resources

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

Section 42-222, Idaho Code, provides that a water right shall be lost and forfeited and the water right revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

1. Name of water right holder Roland C. Rich and Violet B. Rich
2. Mailing address 1195 W. 600 S. Pingree, ID 83262 1213 W 600 S. Pingree, ID 83262
3. The right was obtained or is evidenced by:
 - a. Decree to _____ in Case of _____
 - vs. _____, Dated _____ in _____ (Name of Court)
 - Court, County of _____ Fully describe decree _____
- b. License No. _____ c. Claim No. A27-04001A
- d. SRBA No. _____
4. Source of water Indian Springs tributary to Snake River
(Name of stream or source)
5. Date of priority of right 06-01-1952
6. Description of Right:

amount 41.10 for fish & cattle purposes from 01-01 to 12-31
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
7. Point of Diversion 1/4 1/4 of Sec. 31 Twp. 03S Rge. 34E County Bingham
Lot 09 (NENE) Lot 10 (SENE) Lot 11 (NESE) Lot 12 (SESE)
8. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE			NW			SW			SE			Totals

Withdrawn
1/28/05

Total Acres _____

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use Legal matters, due to Lease Agreement and court procedures.
Destruction of property by leasor and flood in 1997.

Robert C. Rich
(Signature of Applicant)

Penelope Thompson
(Notary Public)

KEY BANK OF IDAHO
P. O. Box 760, Blackfoot, ID 83221

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby _____ said application subject to the following conditions or reasons:

(DIRECTOR)

Date Received 3/26/99 \$100 FEE Received by new Date 3/26/99 Receipt # C04496
Preliminary ☒ by _____ Publication prepared by _____ Pub. approved by _____ Date _____
Published in _____ Dates Published _____
Protests filed by _____
Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for - ☐ APPROVAL / ☐ DENIAL By _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

FEB - 3 2005

DEPARTMENT OF
WATER RESOURCES

September 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

VIOLET RICH
ROLAND C RICH
JAN R DENLINGER
1213 W 600 S
PINGREE ID 83262

RE: Water Appropriation Permits 27-07013 & 27-07020

Dear Ms. Rich, Mr. Rich, and Mr. Denlinger:

I am writing in response to your September 7, 1999, letter in which you raise several questions about IDWR's efforts to issue water right licenses for the development that occurred under Water Appropriation Permits 27-07013 and 27-07020. I believe I can best respond to your concerns by addressing the following four items related to these water right filings: ownership of the permits and Snake River Basin Adjudication (SRBA) claims, amount of water, and the need for amendments, and amendment fees.

Ownership of the Permits and SRBA Claims

Thousand Springs Trout Farms, Inc., a Delaware corporation, applied for Permits 27-07013 and 27-07020 in 1971 and received approvals soon thereafter. Both applications indicated that Indian Springs Trout Company, a division of Thousand Springs Trout Farms, Inc., obtained a 25-year lease from Mrs. Leva Rich in 1969 for the land where the permits were to be developed. Permit 27-07013 was issued with the following condition.

That the applicant shall not assign, sell nor transfer ownership of the permit without the written approval of the Director of the Department of Water Administration. Any attempt to make such transfer without prior approval will be taken as an admission that the application was not filed in good faith and that the applicant had no intention of developing the project with his own resources but that the application was filed for purposes of delay or speculation.

As explained by Cindy Hodges and Shelley Keen in separate letters to you, permits to appropriate water are personal property and, therefore, must be assigned from one party to another to transfer ownership. The water right files contain no evidence that Thousand Springs Trout Farms, Inc.,

Rich, Rich, and Denlinger
September 29, 1999
Page 2

ever assigned the permits to anyone, nor did Thousand Springs seek approval from IDWR to make an assignment for Permit 27-07013. Therefore, the record still shows Thousand Springs as the owner of the permits, and IDWR's requests for amendments were directed to Thousand Springs Trout Farms, Inc., in December of 1998.

IDWR did not receive the necessary amendments from Clear Springs Foods, Inc., which purchased Thousand Springs in 1981, or from Aqua Life, Inc., which has filed claims to the rights in the SRBA. You were contacted about the amendments because you filed a Notice of Change of Water Right ownership attempting to assert ownership of the SRBA claims filed by Aqua Life for Permits 27-07013 and 27-07020. Despite your ownership change notice, which would be appropriate for decreed, licensed, or claimed water rights, without assignments IDWR cannot recognize you as owners of the permits. Nevertheless, IDWR will accept the amendments from you but will issue the licenses in the name of Thousand Springs Trout Farms, Inc. Once licenses are issued to establish the water right elements (amounts, season of use, points of diversion, etc.), the claims to 27-07013 and 27-07020 can move forward in the SRBA and ownership assertions can be resolved through the SRBA court's process.

Amount of Water

Permit 27-07013 authorized the diversion and use of 90 cfs for fish propagation purposes. Permit 27-07020 authorized the use 120 cfs described as "a reuse of water already approved under Permit No. 27-07013 and Claim No. 27-04001" for fish propagation purposes. In December of 1977 an IDWR field examiner sent to verify the beneficial use of water developed under the permits measured a total of 81.39 cfs flowing from the source springs through the fish propagation facility. IDWR is directed by statute (§42-219, *Idaho Code*) to issue licenses "which in no case shall be an amount in excess of the amount that has been beneficially applied." The 81.39 cfs measurement is the only one IDWR has available as a basis for the beneficial use findings. If your diversion system had not been changed since 1977, IDWR would have been amenable to another effort to quantify the diversion rate. Unfortunately, I understand this is not possible because your diversion system was lost in the 1997 flooding. If you possess other records of flow measurements made by qualified people before 1997, preferably during or before 1977, I would certainly be willing to take them into account in the licensing process. Otherwise, 81.39 cfs is the amount that will be licensed under the two permits.

Rich, Rich, and Denlinger
September 29, 1999
Page 3

The Need for Amendments

IDWR is recommending that Permits 27-07013 and 27-07020 be amended to describe the points of diversion and places of use as they were actually developed. The point of diversion and place of use descriptions authorized on the permits were slightly different than what was actually established. Without the amendments, the licenses cannot include all of the developed points of diversion and places of use, resulting in water rights that are less than they could have been.

Amendment Fees

IDWR is required by statute (§42-221, *Idaho Code*) to collect a fee of \$50.00 for each amendment filed. After reviewing the water right files, however, I think there may be another way of addressing the fee issue than to ask you for another \$100.00.

In March you submitted Application for Extension of Time to Avoid Forfeiture of a Water Right forms and paid \$300.00 in filing fees for Permits 27-07013 and 27-07020 and claim A27-04001A.

IDWR reviewed the forfeiture provisions in the law earlier this summer and was advised by legal counsel that forfeiture does not apply to permits that have not yet been licensed. Therefore, the five-year forfeiture time period for 27-07013 and 27-07020 will not begin until licenses are issued. Assuming that licenses are issued before the end of 1999, extension requests for 27-07013 and 27-07020 would not need to be filed until 2004. Consequently, I recommend withdrawing your extension requests for 27-07013 and 27-07020, applying \$100.00 of your filing fees to the amendments for 27-07013 and 27-07020, and accepting a refund from IDWR of \$100.00. IDWR will review your Application for Extension of Time to Avoid Forfeiture of a Water Right for A27-04001A since it is not a permit.

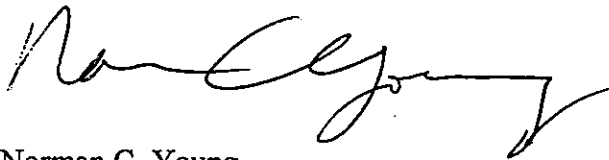
Recommended Action

If you have information indicating an historical diversion and use of more than 81.39 cfs, please send me a copy so I can determine if the amendment requests should be modified. If you do not intend to submit information concerning the diversion rate, please review and sign the enclosed amendment forms and the extension request withdrawal form. Once the amendments are submitted and the form for withdrawing the extension requests is received, water right licenses can be issued and a refund can be initiated.

Rich, Rich, and Denlinger
September 29, 1999
Page 4

IDWR usually asks for a reply within 30 days so that we can resolve these matters quickly. If you need more than 30 days to respond, or if you have any questions, please call Shelley Keen at 208-327-7946.

Sincerely,

A handwritten signature in black ink, appearing to read "Norman C. Young", with a long horizontal stroke extending to the right.

Norman C. Young
Administrator, Water Management Division

Enclosures

Cc: Keith Wilson, IDWR Eastern Region

NCY:sk

MEMORANDUM

To: Keith Wilson
Referenced files

From: L. Glen Saxton 

RE: **APPLICATIONS FOR EXTENSION OF TIME TO AVOID FORFEITURE OF WATER RIGHTS - 27-04001, 27-07013 AND 27-07020**

Date: April 15, 1999

Attached are the above referenced applications which were sent directly to Cindy Hodges of this office.

Please acknowledge receipt of the applications but advise the applicant that the department will hold the applications without advertisement until licenses are issued in connection with the two (2) permits. A review of the permit files indicates that licenses may not be issued for at least another 60 days.

By sending a copy of this memo to the water right files, Permits Section hopefully will advise you when licenses have been issued. I suggest, however, that you increase the probability of knowing when the licenses have been issued by periodically checking the status of the files.

If you have questions, please feel free to contact Cindy Hodges or me.

c: Cindy Hodges
Files

RECEIVED
RECEIVED

FEB 23 1987

FEB 27 1987

Department of Water Resources
Eastern District Office

Department of Water Resources

Rich Brothers
1213 West 800 South
Pingree, Idaho 83262

February 19, 1987

Department Of Water Resources
150 Shoup - Suite 15
Idaho Falls, Idaho 83402

Dear Keith Wilson:

We are the land owners of land under -27-4001- 27-7013 -
27-7020 -, and would like to be notified of any changes
regarding our water rights or land, etc.

Thank you,

Sincerely,

Violet B Rich

Violet Rich,
General Partner

Violet B. Rich

1213 West 800 South
Pingree, Idaho 83262

MICROFILMED

APR 10 1987



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

M E M O R A N D U M

TO: Tony Kozlowski and Files

FROM: Dave Tuthill *DT*

SUBJ: Permit No.'s 27-7013 and 27-7020, and Claim 27-4001

The fish propagation rights at Indian Springs belonging to Thousand Springs Trout Farms, Inc. comprise a complicated situation, as you have found. This memorandum has been prepared to describe the licensing situation for the two permits identified above, and to provide a record for the file.

First, a short review of the nature of fish propagation rights should be worthwhile. In the past, fish propagation rights have been handled in a variety of ways. The volume has either been calculated based on continuous flow, or has been omitted since the use is generally considered to be non-consumptive. Often, specifications of the ponds and raceways have not been recorded since they have not been considered to be necessary. However, with the addition to Sec. 203, Idaho Code, of the term "public interest", we have reason to examine new applications for fish propagation water rights in a new light. Now we are obligated to consider the factor of water quality when analyzing such an application. This means that if a fish propagator diverts 30 cfs through two fish ponds and develops a license for that use, and then decides to add a third pond, he must obtain an additional water right for the third pond even though he still diverts only 30 cfs. Down stream water users can in this way be protected as to water quality.

If water quality is an important parameter for new applications, then we should document the information available to determine the quality. The size of a fish propagation system, which can be identified as the volume of ponds and raceways, is directly related to the amount of fish production and also the deterioration of quality. Therefore, a license for fish propagation should indicate the volume of works so that subsequent applications can be properly evaluated.

Using this interpretation, let's examine the Indian Springs situation. On December 29, 1970, Thousand Springs filed a claim to 41.10 cfs from Indian Springs with the date of priority 1932. The claim included a map of the existing facility, which was identified as Exhibit 1. A copy of this map (along with other materials necessary to examine these water rights) is attached. In addition to the claim information, the affidavits and remarks submitted with claim 27-4001 identify in a specific manner the water used from Indian Springs.

MICROFILMED

APR 10 1971

On March 12, 1971, Application for Permit No. 27-7013 was filed. This application identified a proposed use of 90 cfs for fish propagation use from Indian Springs. Exhibit A, attached to the application, specified the planned development of water, and identified the location of proposed ponds on a map. These ponds are labeled B-1, B-2, B-3 and B-4, and are further detailed on attached documents.

On November 2, 1971, Application for Permit No. 27-7020 was filed for 120 cfs for fish propagation from Indian Springs. The application is in a form nearly identical to 27-7013; however, the facilities planned were entirely different. As shown on a map attached to the application, the intended facilities were a series of new ponds not described in the previous claim and permit. These new ponds are labeled B-1 through B-13, but have no relationship to the ponds identified in 27-7013. Further descriptions of the ponds are provided in attached documentation.

None of the above descriptions are not readily apparent upon initial examination of the files, but can be clearly seen from examining the maps provided in each file. Now, how to proceed?

On the report of the field examination made on December 8, 1977, the schematic diagram indicates that much of the development proposed in the permits has been accomplished. Now, the system descriptions should be separated into their respective field reports. That is, only the development described in Permit No. 27-7013 should be placed on that field report; and likewise for 27-7020. In addition, it would be helpful to provide this information for Claim No. 27-4001 since the information is available and may be valuable for a future adjudication.

In addition to identifying flow rights for each individual permit, we need to define the volume parameter of the fish propagation systems. The method of describing this is to calculate the volumes of the ponds and raceways in the system. For licensing, we will provide a quantifiable measure of the size of the facility at the time the examination was made.

It appears that the flow measurements already taken may be adequate for a portion of the field examinations on all three of the water rights. However, you probably need to make another examination to verify the existence and sizes of ponds and raceways. I hope the attached information will provide sufficient background to understand the history of the rights. If you still have questions, please give me a call.

RECORDED

APR 10 1981

27-4001

RECEIVED

MAY 11 1977

Department of Water Resources



THOUSAND SPRINGS TROUT FARMS, INC.

Phone / Area Code 208 / 543-4311

Box 232 / Buhl, Idaho 83316

ROCKY MOUNTAIN RAINBOW TROUT

Mr. Bobby D. Fleenor
State of Idaho
Dept. of Water Resources
Statehouse
Boise, ID 83720

May 10, 1977

Dear Mr. Fleenor:

This letter is to inform your office that we have completed the installation of permanent staff gauges for measuring the water flows at Indian Springs and Batise Springs trout farms. The supervisors at these facilities have been informed that you will send out someone to examine the gauges.

If you have any questions, don't hesitate to call.

Sincerely,

THOUSAND SPRINGS TROUT FARMS, INC.

Mike Fennen

Michael G. Fennen
Production Manager

MGF/cn

27-4001

27-7013

27-7020

MICROFILMED

APR 10 1981

with production facilities at

SNAKE RIVER TROUT FARM, Buhl
IDAHO SPRINGS TROUT FARM, Hagerman
PAPOOSE SPRINGS TROUT FARM, Pocatello
INDIAN SPRINGS TROUT FARM, Blackfoot
TWO BEES FEED COMPANY, Wendell

COMMERCIAL RAINBOW TROUT FOR SELECTIVE TRADE



February 3, 1971

Re: Claim to a Water Right No. 27-4001

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

Gentlemen:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Your claim will remain in our files and will be available at any time for your or the courts use.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or evidence that you would like to have included in your claim file, you may add that information at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr
Enclosure: Copy of claim

27 4001

NOTICE OF CLAIM
TO A WATER RIGHT
No. 27-4001

Notice is hereby given that Thousand Springs Trout Farms, Inc., Box 232, Buhl, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 41.10 cubic feet per second of water from Indian Springs, trib. to the Snake River with point of diversion in Lots 9 & 10 (E½NE¼), Lot 11 (NE¼SE¼), Sec. 31, T. 3S, R. 34E, B.M., Bingham County.

The water is claimed to be used from January 1 to December 31 for fish propagation and fish hatchery purposes with a priority of 1952; the place of use is within Lots 9 & 10 (E½NE¼), Lot 11 (NE¼SE¼), Sec. 31, T. 3S, R. 34E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho.

R. KEITH HIGGINSON
Director

(2599)
Pub.: 1-14, 21

January 5, 1971

Re: Claim No. 27-4001 - Thousand Springs Trout Farms

The Blackfoot News
P.O. Box 70
Blackfoot, Idaho 83221

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 our 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,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
Enc: legal notice

*Bill submitted
1-28-71
dw*

27 4001

NOTICE OF CLAIM TO A WATER RIGHT

No. 27-4001

Notice is hereby given that Thousand Springs Trout Farms, Inc.,
Box 232, Buhl, Idaho
has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 41.10 cubic feet per second ~~acre/feet/~~
of water from the/Snake/River Indian Springs, trib. to the Snake River
with point of diversion in the/ Lots 9 & 10 (E $\frac{1}{2}$ NE $\frac{1}{4}$), Lot 11 (NE $\frac{1}{4}$ SE $\frac{1}{4}$),
Sec. 31, T. 3S, R. 34E, B.M., Bingham County.

The water is claimed to be used from January 1 to December 31
for fish propagation and fish hatchery purposes
with a priority of 1952;
the place of use is within the/ Lots 9 & 10 (E $\frac{1}{2}$ NE $\frac{1}{4}$), Lot 11 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Sec.
31, T. 3S, R. 34E, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration., Statehouse, Boise, Idaho.

R. KEITH HIGGINSON

Director

Published in the Blackfoot News, Blackfoot, Idaho
on January 14 and January 21, 1971.