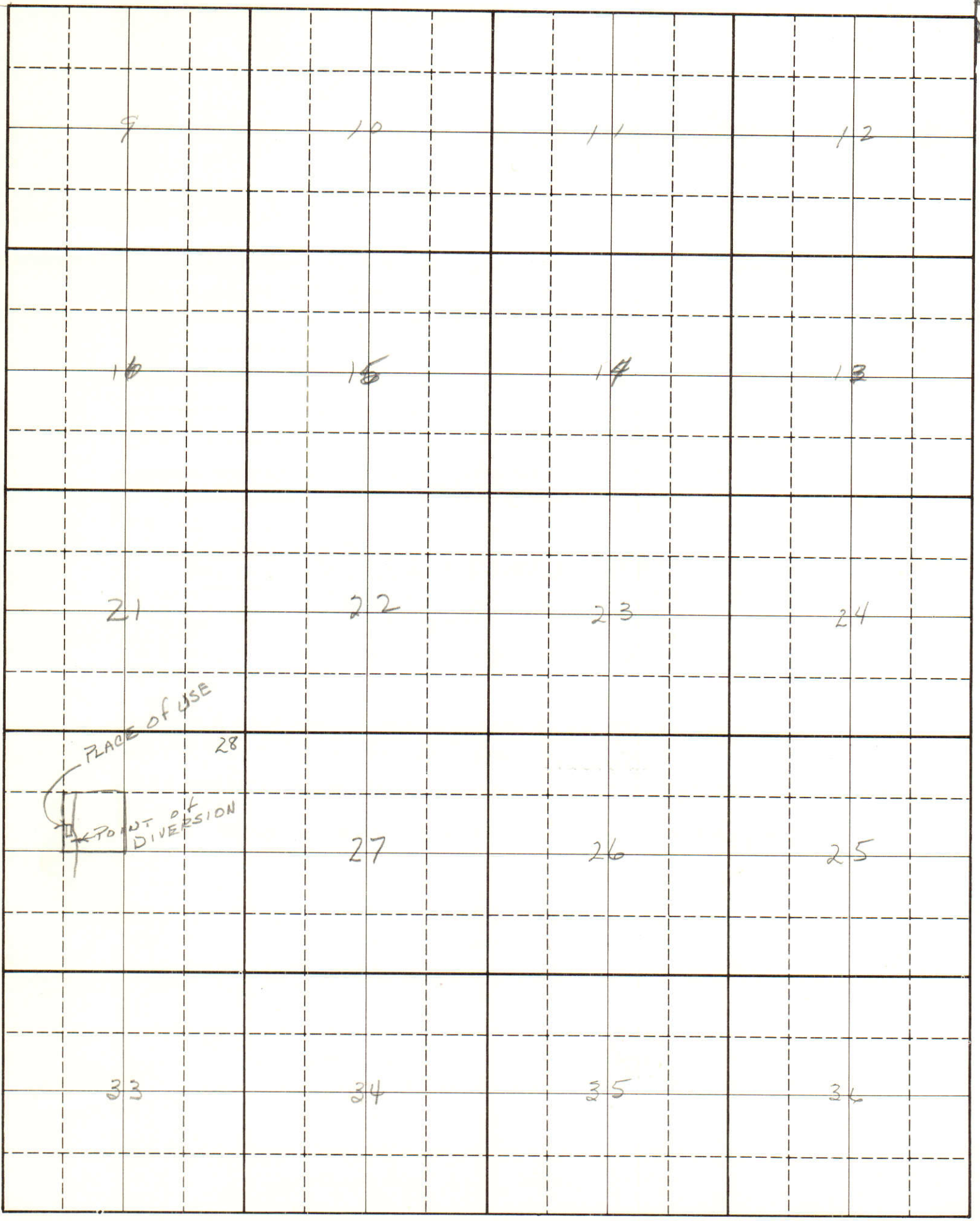


I95:

15EBN

16E

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



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.

Leo Martins
(Applicant)

47 7133

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF TWIN FALLS }

ss.

No 1114

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Leo Martins Route No. 4, Buhl, Idaho has on Jan. 10, 1972 submitted Application No. 47-7133 for a permit to appropriate 15 cubic feet per second of water from a surface water source (Twin Falls Canal Co., coulee 1-3 and 1-4) by means of dam, checkgate and ditch within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 9S, R. 15E, B.M. Twin Falls County to be used from Jan. 1 to Dec. 31 for fish propagation purposes within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 9S, R. 15E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before Feb. 14, 1972.

R. Keith Higginson
Director

Published in the Times-News,
Twin Falls, Idaho on Jan. 27 and Feb.
3, 1972.

I, Carolyn Jennings

being first duly sworn upon oath, depose and say that I am Princ. Clerk of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive Thursdays, commencing with the issue dated Jan. 27, 19 72, and ending with the issue dated Feb. 3, 19 72.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Carolyn Jennings
Subscribed and sworn to before me on this 7th day of

Feb., 19 72.

W. W. Wintergreen
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

7133

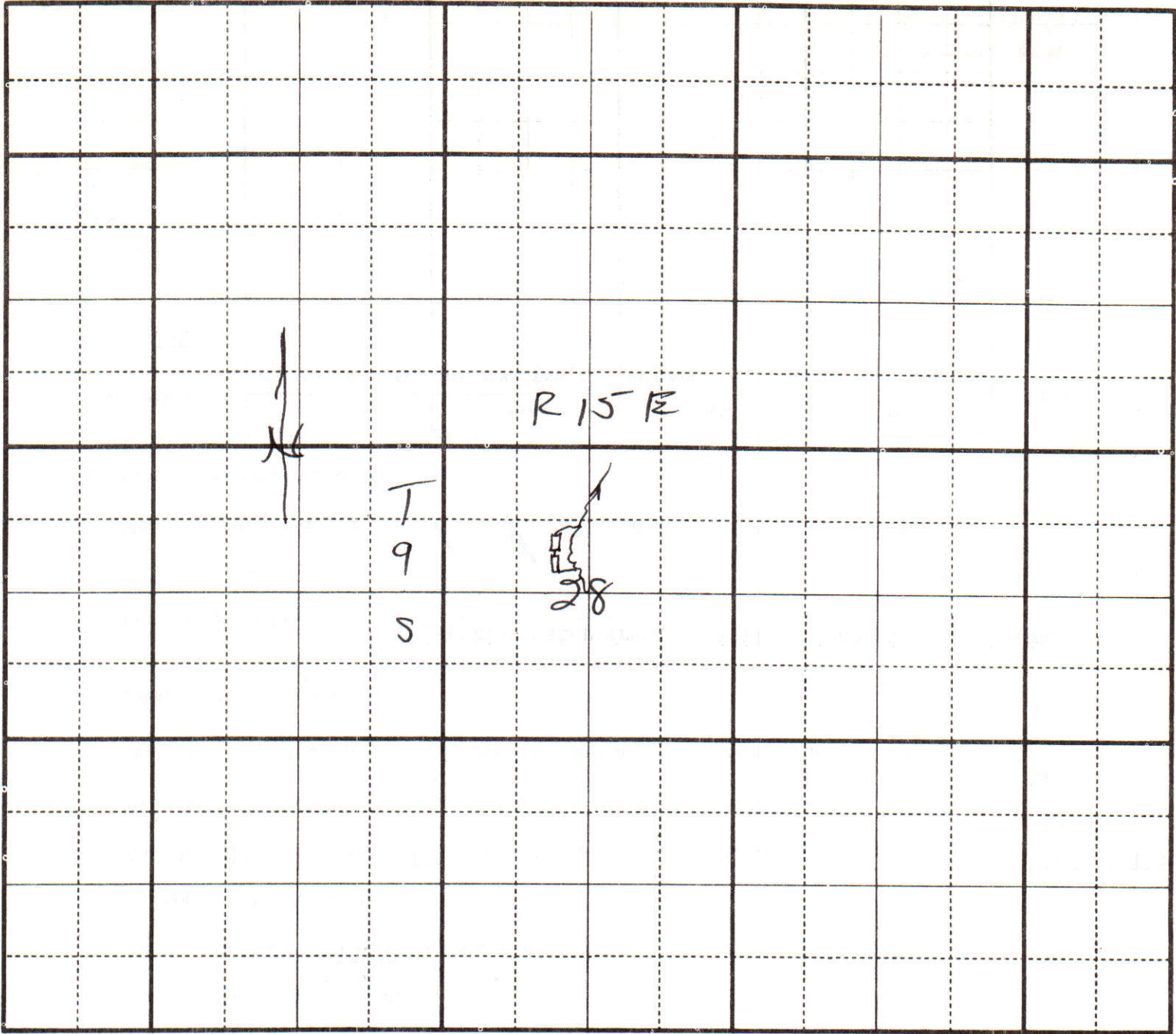
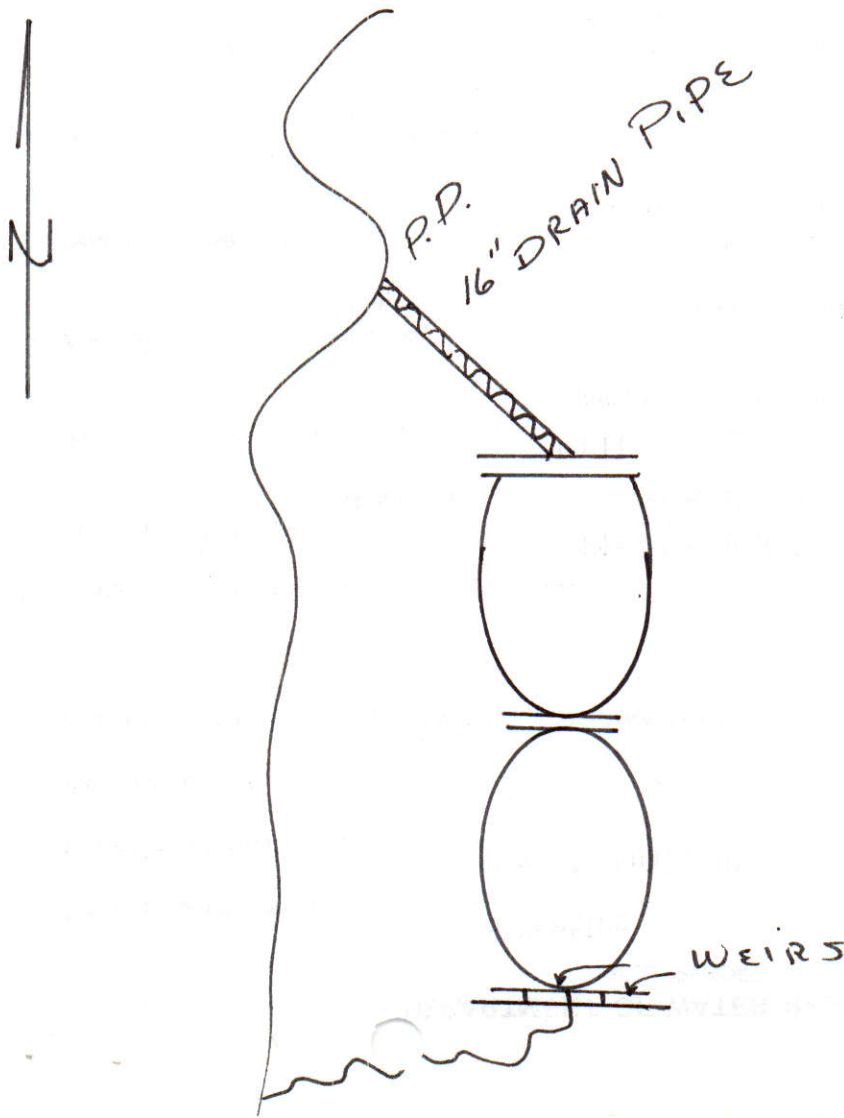
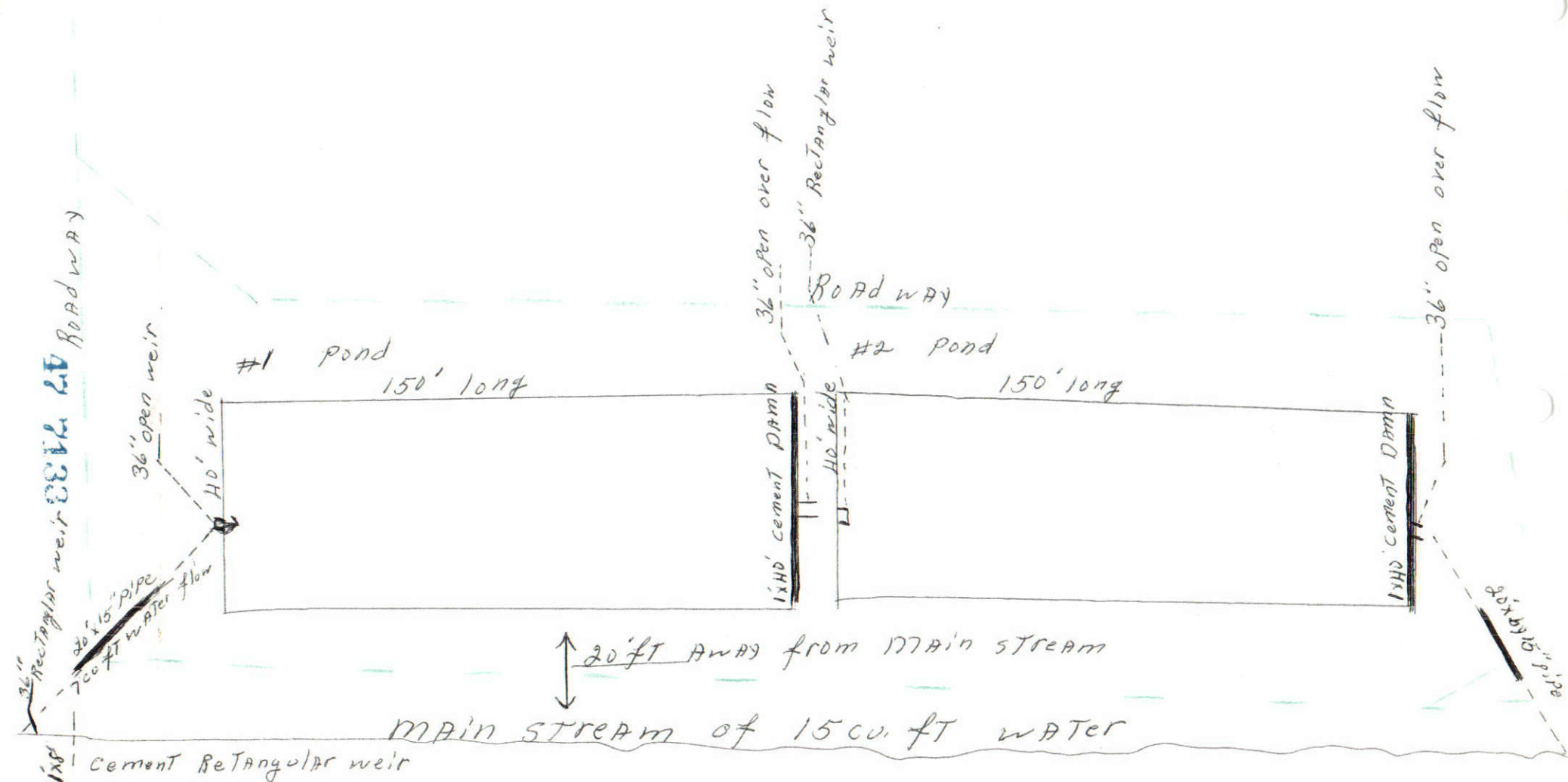


Diagram of System



LEO MARTINS

1. Dams will be 40' wide by 150' long--two dams end to end. Dams will be 4' deep with a 4 to 1 slope on the side.
2. A 1' by 8' cement rectangular weir will be means of diversion of 7 cu. ft. water of the 15 cu. ft. of water from the main stream to the ponds; 36" rect. weirs will control the flow to and from the ponds.
3. Total capacity per pond will be 15,000 fish.
4. End construction of the dams will be made of cement.



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(late proof)

License of Water Right No. 47-7133 Priority January 27, 1972 Amount 7.48 cfs

THIS IS TO CERTIFY, that LEO MARTINS
of Buhl, Idaho, has complied with the terms and conditions of Permit
No. 47-7133 issued pursuant to Application for Permit dated January 10, 1972,
and has submitted proof to the Department of Water Resources on May 18, 1977,
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 7.48 cfs of water from Twin Falls Canal Co., Coulee
tributary to 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			
Propagation	from <u>January 1</u> to <u>December 31</u> at <u>7.48</u> cfs and <u>N/A</u>		
	from _____ at _____ cfs and _____		
	from _____ at _____ cfs and _____		

Subject, however, to the condition that no more than 7.48 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 confined 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 SE 1/4 NW 1/4, Sec. 28, Twp. 9S,
Rge. 15E, B.M. in the County of Twin Falls

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW 1/4				SW 1/4				Totals
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	
9S	15E	28							X						

Total number of acres irrigated _____

CONDITIONS: (1) A measuring device of a type approved by the Department shall
be maintained at the outlet works.
(2) Facility volume = 1.11 acre feet.

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 28 day of
May, 19 80.

Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING	}	
DEVICE REQUIREMENT ON PERMIT NO. 47-7133	}	
IN THE NAME OF LEO MARTINS	}	ORDER

WHEREAS, on January 10, 1972, Leo Martins filed with the Department of Water Resources (formerly the Department of Water Administration) an application for permit to appropriate 15.00 cubic feet per second of water from Twin Falls Canal Company, Coulee 1-3, 1-4, tributary to the Snake River, to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, Twp. 9S, Rge. 15E, B.M., Twin Falls County, to be used for fish propogation purposes; and,

WHEREAS, on May 24, 1972, the Department approved said application and issued Permit No. 47-7133 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before May 1, 1977, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 27, 1977, the Department received a request from the permit holder that the measuring device requirement be removed from this permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 47-7133.

Dated this 2 day of August, 1977.


BOBBY D. FLEENOR
Chief, Operations Bureau

RECORDED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-7133

IN THE NAME OF LEO MARTINS

ORDER OF REINSTATEMENT

WHEREAS, on January 10, 1972, Leo Martins filed with the Department of Water Resources (formerly the Department of Water Administration) an application for permit to appropriate 15.00 cubic feet per second of water from Twin Falls Canal Company, Coulee 1-3 1-4, tributary to the Snake River, to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, Twp. 9S, Rge. 15E, B.M., Twin Falls County, to be used for fish propogation purposes; and,

WHEREAS, on May 24, 1972, the Department approved said application and issued Permit No. 47-7133 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before May 1, 1977; and,

WHEREAS, on February 28, 1977, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on May 5, 1977, the Department notified the permit holder that Permit No. 47-7133 had lapsed for failure to submit proof of beneficial use of water; and,

WHEREAS, on May 18, 1977, the Department received the required proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 47-7133 be REINSTATED and the priority be advanced to January 27, 1972.

Dated this 20 day of June, 1977

RECEIVED
JUN 21 1977


BOBBY D. FLEENOR
Chief, Operations Bureau

Identification No. 47-7133
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)

1. Name of applicant Leo Martins
post office address Route 4 Buhl, Idaho 83316
2. Source of water supply Surface water Twin Falls Canal Company which is a tributary of Snake River
Coulee 1-3 1-4
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 9S
Range 15 E B.M. Twin Falls County; additional points of diversion if any: none
- b. If water is not consumed, it will be discharged into same Coulee at a point in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 9S Range 15 E.B.M. Twin Falls County
4. Water will be used for the following purposes:
Amount 15 cfs for fish propagation purpose from Jan. 1 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. 15 c.f.s. cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Cement dam and checkgate and open ditch to the earth ponds
- 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 5 years.
b. Estimated construction cost is \$ 5,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 Township 9S
Range 15 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: _____

4-7423

[illegible]

none

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing_____

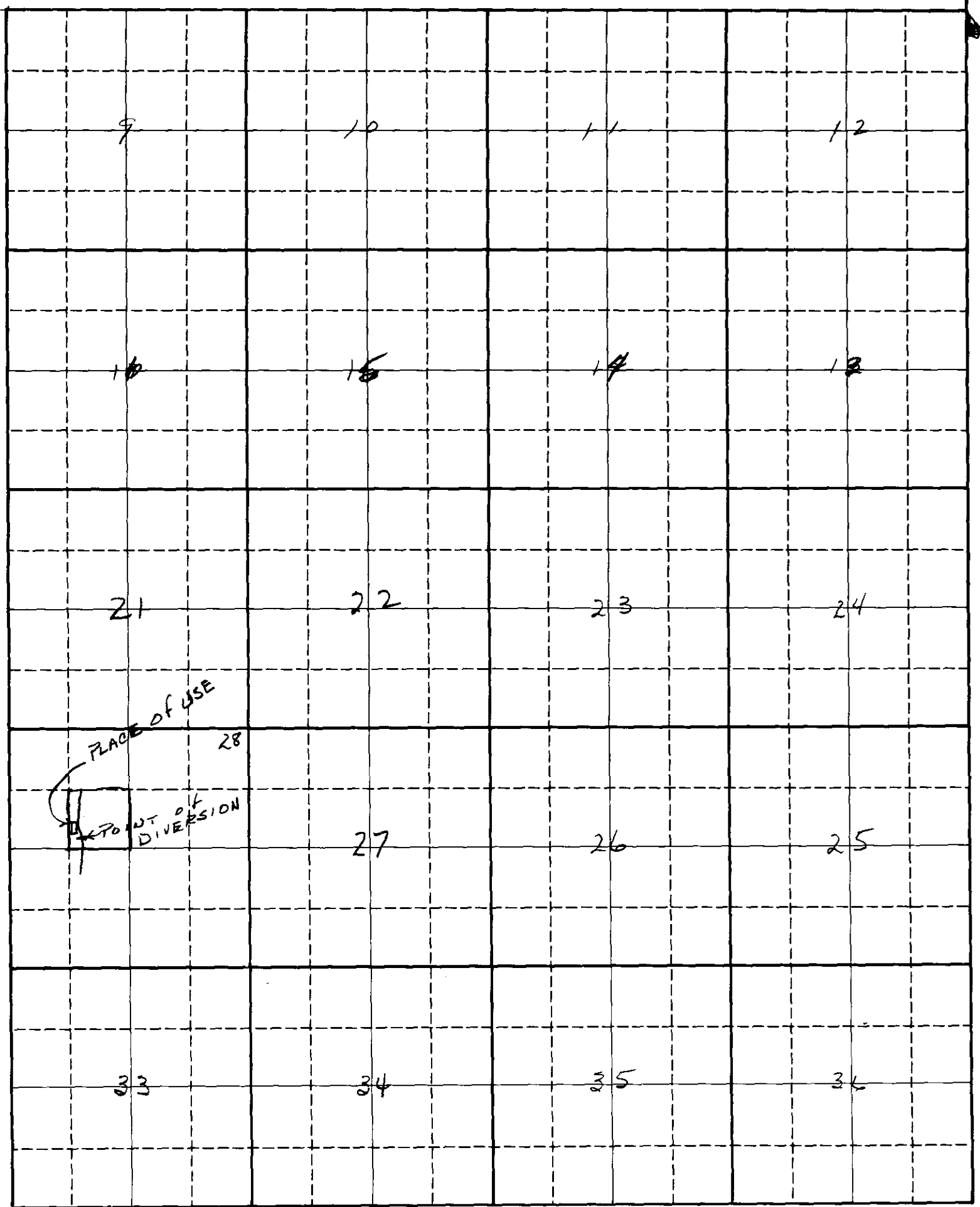
10. Remarks _____

I 99.

16.

15EBN

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



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.

L. S. Martins
(Applicant)

47 7133

47 7133

Received by ey Date 1-10-72 Time 8.00H
Preliminary check by FE Fee \$ 175.00
Receipted by ey Date 1-10-72
Publication prepared by bb Date 1-20-72
Published in Times News
Publication dates 1-27 & 2-3-72
Publication approved CR Date 1-8-72
Priority reduced to 5 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DE D BFA

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7133, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 77.
- c. Other: Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

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

Witness my hand this 27th day of May, 19 72.

P. Kirk Lingo
Director

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 47-7133 Name Leo Martins

Source Surface water (Twin Falls Canal Co., coulee 1-3 & 1-4)

Point of Diversion SE 1/4 NW 1/4, Sec. 28, T. 9S, R. 15E, B.M., Twin Falls County

Quantity 15 Use Fish Propagation Period Jan. 1 - Dec. 31

Quantity Use Period

Quantity Use Period

Well Size Diameter Proposed Depth Feet

Use

Date Forwarded 1-21-72 Date Returned 2-22-72 Received by D.B.

COMMENTS: Subject to prior rights

RECOMMENDED:

Applied: Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

Maximum: Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

ACTION: Approved ☒ Denied ☐

Conditions of approval or reason for denial:

INVESTIGATION By Paul M. Casteln Title W.R.I. - I

Date Feb. 22, 1972

47 7133

WILLIAM J. HARRIS

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before Feb. 14, 1972.

R. Keith Higginson
Director
Published in the Times-News,
Twin Falls, Idaho on Jan. 27 and Feb.
3, 1972.

55.

I. Carolynne Jennings

being first duly sworn upon

oath, depose and say that I am Princ. Clerk of the TIMES-NEWS,
published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy
of the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for two
consecutive Thursdays, commencing with the issue dated
Jan. 27, 1972, and ending with the issue dated
Feb. 3, 1972.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 7th day of Feb., 1972.

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

Idaho 7133



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

May 28, 1980

Leo Martins
Route 4, Box 84
Buhl, Idaho 83316

Dear Mr. Martins,

RE: License No. 47-7133

Enclosed is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:mr
Enclosure

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

April 24, 1980

Leo Martins
Route 4, Box 84
Buhl, Idaho 83316

Dear Mr. Martins,

A representative of this Department has made an examination of the works covered by your Permit No. 47-7133, and has found the following:

Amount of water that can be recognized as beneficially used under

Idaho law: 7.48 cfs

Source: Twin Falls Canal Co. Coulee

The maximum quantity diverted shall not exceed 1-3 & 1-4
per year. N/A acre feet

Point(s) of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, Twp. 9S, Rge. 15E, B.M.

Beneficial use: Fish Propagation use within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, Twp. 9S, Rge. 15E.

Priority date established: January 27, 1972

Conditions (if any): (1) A measuring device of a type approved by the Department shall be maintained at the outlet works. (2) Facility volume = 1.11 acre feet.

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,

JAN GROVER
Water Rights Supervisor

MICROFILMED

Southern District Office

Southern District Office
543-5938

(name spring, stream, etc.)

Permit No. 47-7133
Examination for b/u

6. Lands to be irrigated or place of use.

100-443887-100

TOTAL ACREAGE

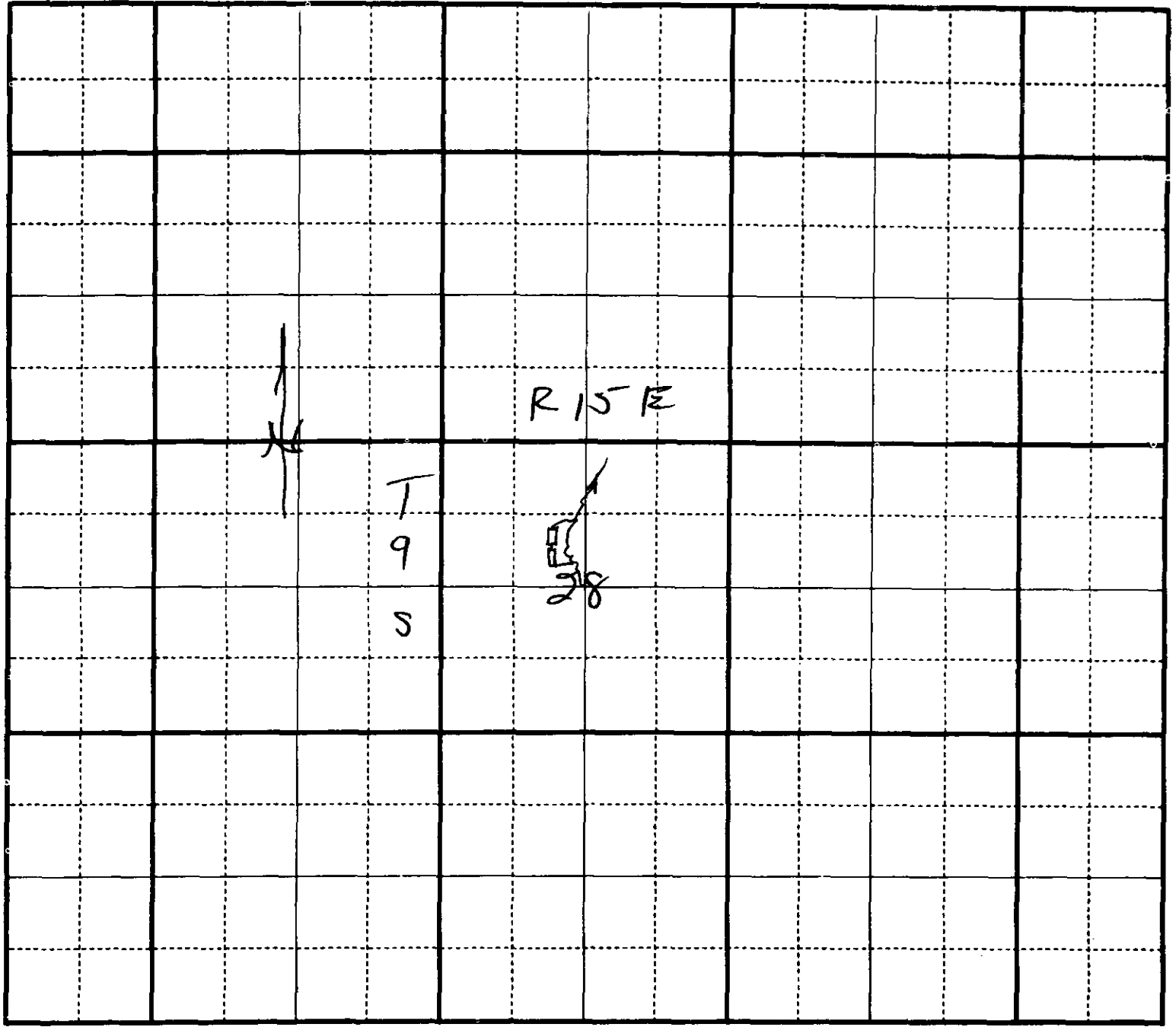
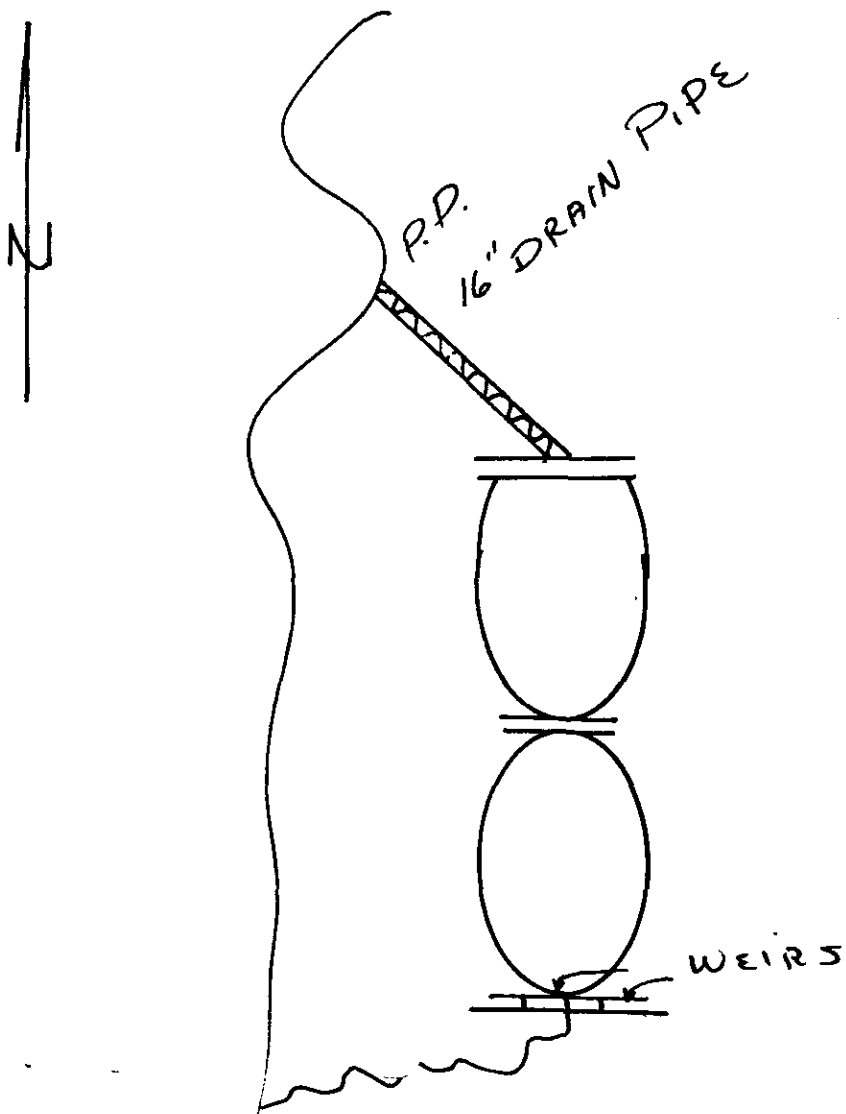


Diagram of System



DATE OF EXAM 6-14-78

ACREAGE

Found _____ ✓
Recommended _____ ✓

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 Prop Q = 7.48 cfs V = ☒ 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:

tpw. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 7.48 C.F.S. Method of measurement (2) Rectangular Weirs
Contracted

Total Q recommended 7.48 CFS Meter No. ✓ Type 24" Condition N/W

Total V recommended ✓

Recommended Amendments:

P.D. _____

Place of Use _____

Other _____

None ✓

MEASUREMENT CALCULATION:

MEASUREMENT CALCULATION:
 MEASURED (2.70 on 24" Rectangular Weir (contracted)) ≈ 3.74
 $(3.74 \times 2) = 7.48 \text{ CFS}$

SYSTEM DESCRIPTION:

SYSTEM DESCRIPTION:
WATER DIVERTED THRU PIPE LINE INTO TWO PONDS (earth)
WATER IS DISCHARGED BACK INTO THE STREAM. (see permit)

REMARKS:

REMARKS:
(2) PONDS 36' X 187' and 36' X 150' 4' deep each pond (ave.)
MR MARTIN WAS PRESENT DURING THE FIELD EXAM.
MR MARTIN HAS BUILT 1 MORE POND AFTER MEAS: WAS
MADE. HE HAS FILED A PERMIT FOR THE ADDITIONAL
EXPANSION.

Examiner's Signature

Date 2-7-79

Checked by

Date 2-7-79

Approved by

Date _____

INTER-DEPARTMENT MEMO — 1

FROM Jim Stanton

DATE 6-14-78

to Terry Blau

SUBJECT Expansion of Water Use Under Permit 47-7133, Leo Martins

Per your request, I have on this date examined the fish ponds built by Mr. Martins under Permit 47-7133. I found that three ponds had been built, while only two ponds were there during my pre-license examination of last summer. The condition of the ground and lack of vegetation around the uppermost pond indicated that it had been recently built. Also, new diverting works had been built. This work constitutes an expansion of this right, since the work was done after proof of beneficial use had been filed. I took several photographs to document my findings.

*Has filed a permit
for additional pond.
jc*



SIGNATURE

MICROFILMED

August 4, 1977

Re: Permit No. 47-7133

Leo Martins
Route 4, Box 84
Buhl, Idaho 83316

Dear Mr. Martins:

Enclosed is an Order which removes the measuring device requirement from the above referenced permit.

Sincerely,

JANICE RENK
Water Rights

Encl.

RECEIVED

July 27, 1977

Mr. Bobby D. Fleenor
Dept. of Water Resources
373 West Franklin
Boise, Idaho 83720

ok
SDP

Dear Mr. Fleenor:

The Twin Falls office of the Dept. of Water Resources has requested I contact you to obtain permission for waiver of an inlet measuring device on Water Use Permit No. 47-7133.

At present there is a new rectangular weir measuring at point of discharge. My original plans had to be modified because of El Paso Natural Gas line, and a 300 foot pipeline was used for the inlet rather than the open ditch. Due to boundary lines and lack of space for necessary footage of still water, it is impossible to install an inlet weir. An open ditch has proven unsatisfactory for flow of water from this source due to build-up of silt and formation of water vegetation.

Sincerely yours,



LEO MARTINS

MICROFILMED

June 22, 1977

Re: Permit No. 47-7133

Leo Martins
Route 4, Box 84
Buhl, Idaho 83316

Dear Mr. Martins:

Enclosed is an Order of Reinstatement; please note that the priority has been advanced to January 27, 1972.

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 regarding the field examination, please contact our Regional Office in Twin Falls.

Sincerely,

JANICE RENK
Water Rights

MICROFILMED

Identification No. 36-68

Permit No. 47-7133

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 18 1977

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder LEO MARTINS
- b) Post Office Address RT# 4 Buhl Idaho Bx 84
2. Permit Number 47-7133 8316
3. Date of Priority that you are prepared to establish _____
4. a) Source from which water was appropriated Fish run way
- b) Location of the point of diversion: SE 1/4 NW 1/4, Section 28
Township 9S, Range 15E Boise Meridian, Other points of diversion: _____

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

Amount 10 cfs for Fish purposes from Dec 31 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 _____ 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: by rectangular weir into a pipeline measurement, self

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: POSPISIL drainage

b) Describe the agreement or understanding by which you take water from the works: From A Divide Box into a pipeline

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) Diverting water from POSPISIL drainage INTO A pipeline

b) Describe the type and size of measuring device which you have installed at your point of diversion: water is measured AT The pipeline which is 375" Then over a 24" rectangular weir

- c) Give well driller's name and address and the date the well was completed: none

If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: none

Examined 6/15/77

ing 15.00
submit an
property,
irrigated within each 40-acre subdivision:
With this affidavit.

[illegible]

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

May 16 1977
(Date)

Les Martins
(Signature)

State of Idaho)
County of Twin Falls) ss.

On this 6th day of June, 1977, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Alta Lannon
Notary Public residing at Belle

My commission expires Sept 2-1977

June 2, 1977

Re: Permit No. 47-7133

Leo Martins
Route 4
Buhl, Idaho 83316

Dear Mr. Martins:

We are in receipt of your affidavit submitted as proof of beneficial use for the above referenced permit.

However, we cannot process this proof unless your signature is notarized. Therefore, we are herewith returning your proof affidavit.

Please return the notarized affidavit as soon as possible.

Sincerely,

JANICE RENK
Water Rights

Encl.





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

May 5, 1977

Leo Martins
Route 4
Buhl, Idaho 83316

Dear Mr. Martins:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 47-7133 has lapsed since you have not notified us that you have completed the project by the date required on your permit. You were provided forms for that purpose in our notice to you dated February 28, 1977.

Your permit cannot be reinstated unless you submit the proof of beneficial use affidavit, enclosed, or show other reasonable cause why the permit should be reinstated within 60 days from the date of this lapse notice.

C. STEPHEN ALLRED
Director

CSA:jfr

Encl.

MICROFILMED

February 28, 1977

CERTIFIED MAIL

138320

Re: Permit No. 47-7133

Leo Martin
Route 4
Buhl, Idaho 83316

Dear Mr. Martin:

One of the conditions of approval of your water Permit No. 47-7133 (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 May 1, 1977. 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

RKH:jg
Enc: Proof affidavit

May 25, 1972

Re: Permit No. 47-7133

Mr. Leo Martins
Route # 4
Buhl, Idaho 83316

Dear Mr. Martins:

Enclosed is a copy of your approved Application for Permit No. 47-7133. 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 the point of diversion and point of discharge has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of permit
Information letter

bc: Southern District Office

47 7133

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

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

May 10, 1972

Re: Application No. 47-7133 - Leo Martins

Twin Falls Canal Company
163 - 2nd Ave. West
Twin Falls, Idaho 83301

Gentlemen:

Enclosed please find a copy of the above referenced application for permit.

We would appreciate any comments you might have concerning this application.
Please submit your comments to this office within 10 days of the date of this letter.

If you have any questions, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR-254
Enclosure

*C. H. Twin Falls Canal Co.
By Al Peters*

47 7133

May 10, 1972

Re: Application No. 47-7133 - Leo Martins

Twin Falls Canal Company
163 - 2nd Ave. West
Twin Falls, Idaho 83301

Gentlemen:

Enclosed please find a copy of the above referenced application for permit.

We would appreciate any comments you might have concerning this application.
Please submit your comments to this office within 10 days of the date of this letter.

If you have any questions, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosure

47 7133

RECEIVED

APR 13 1972

Department of Water Administration

April 12, 1972

3DF

Mr. Fred Eisenbarth
Appropriation Examiner
State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Eisenbarth:

Re: Application for Permit No. 47-7133

The following information is submitted as further justification to my request for 15 cu. ft. per sec. of water for a pond type trout operation.

My long range plan for trout farming is to construct ten ponds on my property adjacent to the stream, two to be built now and the remaining eight as finances are available. All ponds will be constructed in accordance with the two diagrams previously submitted.

I felt it would simplify matters for all concerned to submit one blanket application covering my plans rather than to make several individual applications.

Sincerely yours,



LEO MARTINS
Route #4
Buhl, Idaho 83316

LM:cm

47 7133

March 30, 1972

Re: Application for Permit No. 47-7133

Mr. Leo Martins
Route #4
Buhl, Idaho 83316

Dear Mr. Martins:

We have received the additional information you submitted on March 25, 1972, but we still need additional information to determine if the system and the project you have proposed justify the amount of water that you have requested. According to the information we have obtained from established trout farms, 10,000 pounds of fish can be produced annually with approximately 1 cubic foot per second of water. If you plan to produce 15,000 fish per pond, we believe 3 cubic feet per second would be a more reasonable amount of water to adequately supply your needs.

The figures which you have submitted indicate that if 15 cubic feet per second of water is used, you can completely exchange the water in your ponds every 27 minutes, which also appears to be excessive for a pond type operation.

If you do not agree with these figures, please submit additional information to justify the amount of water which you have requested.

If you should have any questions in reference to this matter, please feel free to contact this Department.

Very truly yours,

Fred Eisenbarth
Appropriation Examiner

FE:cs

47 7133

RECEIVED

March 25, 1972

Department of Water Resources

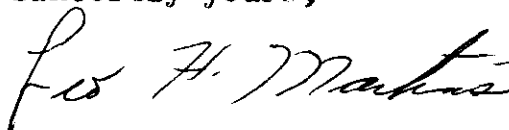
Mr. Donald W. McEldowney
Appropriation Supervisor
State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

Re: Application for Permit No. 47-7133

Enclosed is the preliminary design and descriptive information for my two proposed fish ponds as requested in your March 1, 1972, letter. Please advise if additional information is needed.

Sincerely yours,



LEO H. MARTINS

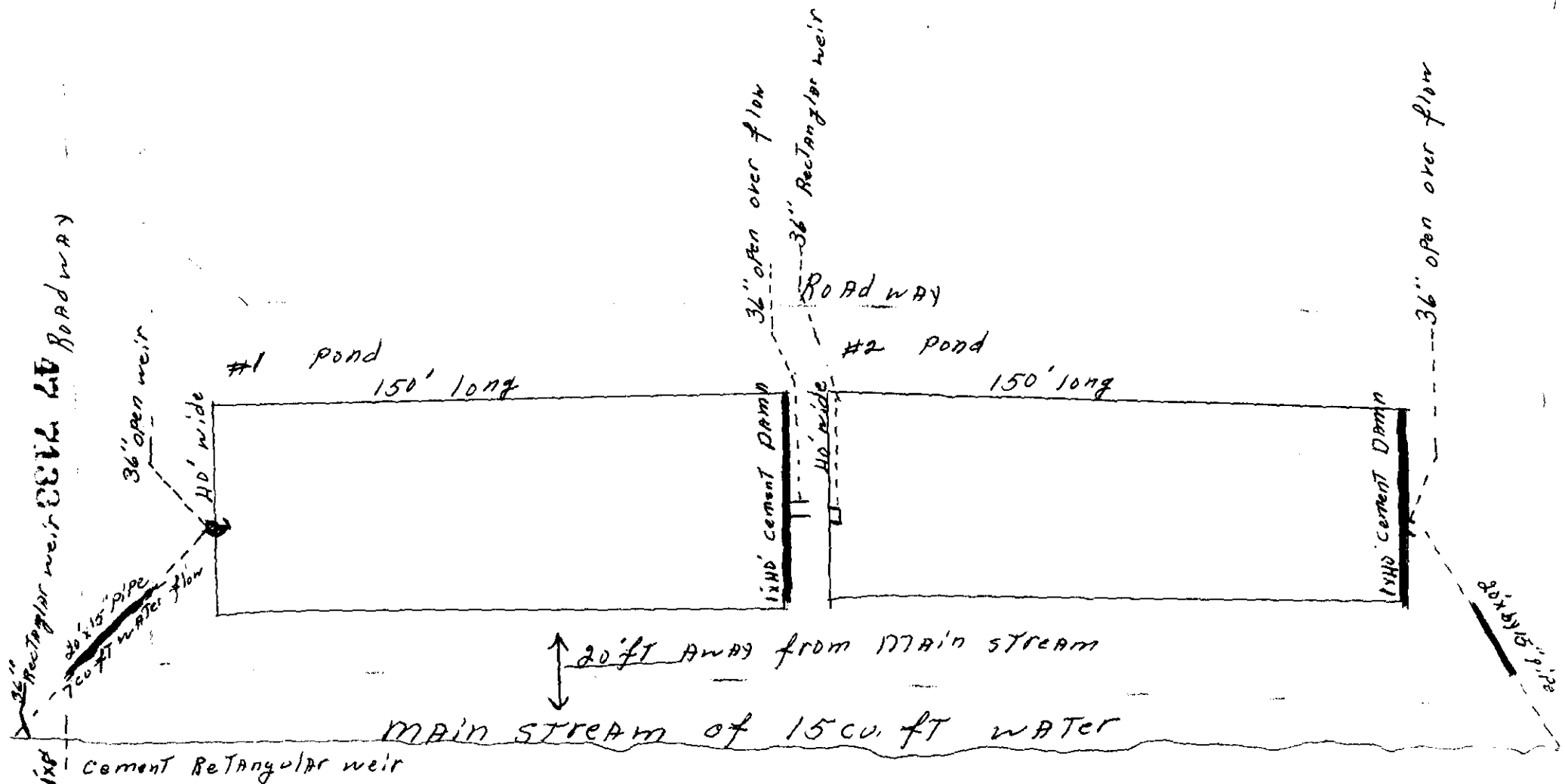
LHM:cm

Enclosure

47 7133

LEO MARTINS

1. Dams will be 40' wide by 150' long--two dams end to end. Dams will be 4' deep with a 4 to 1 slope on the side.
2. A 1' by 8' cement rectangular weir will be means of diversion of 7 cu. ft. water of the 15 cu. ft. of water from the main stream to the ponds; 36" rect. weirs will control the flow to and from the ponds.
3. Total capacity per pond will be 15,000 fish.
4. End construction of the dams will be made of cement.





CECIL D. ANDRUS, Governor

COMMISSION

ROBERT G. KALB, Sandpoint
PAUL C. KEETON, Lewiston
JOHN EATON, Cascade
JACK HEMINGWAY, Sun Valley
H. JACK ALVORD, Pocatello

IDAHO FISH AND GAME DEPARTMENT

February 17, 1972

Department of Water Administration
JOSEPH C. GREENLEY
Director
POST OFFICE BOX 28
800 SOUTH WALNUT STREET
BOISE, IDA 83707

Department of Water Administration
Statehouse - Annex 2
Boise, Idaho

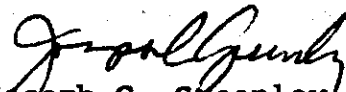
Gentlemen:

Re: Application for Permit No. 47-7132 (Orlin Freeman)
Application for Permit No. 47-7133 (Leo Martins)

Our Department has no objection to the granting of these permits.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT


Joseph C. Greenley
Director

cc: Bob Bell

47 7133

March 1, 1972

Re: Application for Permit No. 47-7133

Mr. Leo Martins
Route #A
Buhl, Idaho 83316

Dear Mr. Martins:

Upon final review of your application for permit, we find that additional information is needed prior to approval.

A preliminary design of the hatchery facilities, indicating the size of raceways, general lay-out, 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 requested, should be submitted.

We will also need a justification, based upon the preliminary design and the estimated production of the hatchery, for the amount of water requested.

This application, 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. These devices must be of a type approved by the Department; 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.

We would appreciate receiving this information on or before March 29, 1972. Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McElowney
Appropriation Supervisor

DWM:BL
CSA

Enc: Information ltr.

47 7133

January 21, 1972

Re: Application for Permit No. 47-7133 - Leo Martins

Mr. Ted Biladeau
Engineering Division
Dept. of Fish & Game
Boise, Idaho

Dear Mr. Biladeau:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, please submit them to our Department as soon as possible. We normally complete the processing of an application within a 6-week period and we are required to take final action shortly thereafter.

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BB

Enclosure

17 7133

January 20, 1972

Re: Application No. 47-7132 - Orlin Freeman
" " 47-7133 - Leo Martins

Times News
P.O. Box 548
Twin Falls, Idaho 83301

Gentlemen:

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

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

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

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

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Appropriation Examiner

FE:cr

Enc: Legal Notices

**NOTICE OF APPLICATION FOR
WATER PERMIT**

Notice is hereby given that Leo
Martins, Route No. 4, Buhl, Idaho has
on Jan. 19, 1972 submitted Application
No. 47-7133 for a permit to ap-
propriate 15 cubic feet per second of
water from a surface water source
(Twin Falls Canal Co., coulee 1-3
and 1-4) by means of dam,
checkgate and ditch within the
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 9S, R. 15E,
B.M. Twin Falls County to be used
from Jan. 1 to Dec. 31 for fish
propagation purposes within the
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 9S, R. 15E,
B.M.

If issued, this permit will be
subject to all prior water rights.
Protests against the granting of the
permit must be filed with the Idaho
Department of Water Ad-
ministration, Statehouse, Boise,
Idaho, 83707, on or before Feb. 14,
1972.

R. Keith Higginson
Director

Published in the Times-News,
Twin Falls, Idaho on Jan. 27 and Feb.
3, 1972.

47 7133

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Leo Martins
Route #4, Buhl, Idaho
has on Jan. 10, 1972 submitted Application No. 47-7133
for a permit to appropriate 15 cubic feet per second ~~acre feet per annum~~
of water from a surface water source (Twin Falls Canal Co., coulees 1-3 and 1-4)
by means of dam, checkgate and ditch
within the SE1/4NW1/4, Sec. 28, T. 9S, R. 15E, B.M., Twin Falls County

to be used from Jan. 1 to Dec. 31
for fish propogation purposes

within the SE1/4NW1/4, Sec. 28, T. 9S, R. 15E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before Feb. 14, 1972.

R. KEITH NICHOLSON

Director

Published in the Times News, Twin Falls, Idaho
on Jan. 27 and Feb. 3, 1972 7133

January 10, 1972

Leo Martins
Route #4
Buhl, Idaho 83316

Dear Mr. Martins:

Attached herewith is your receipt No. 8668 in the amount of \$ 175.00
for your application for permit
which was received in this office.

Very truly yours,

L. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

7133