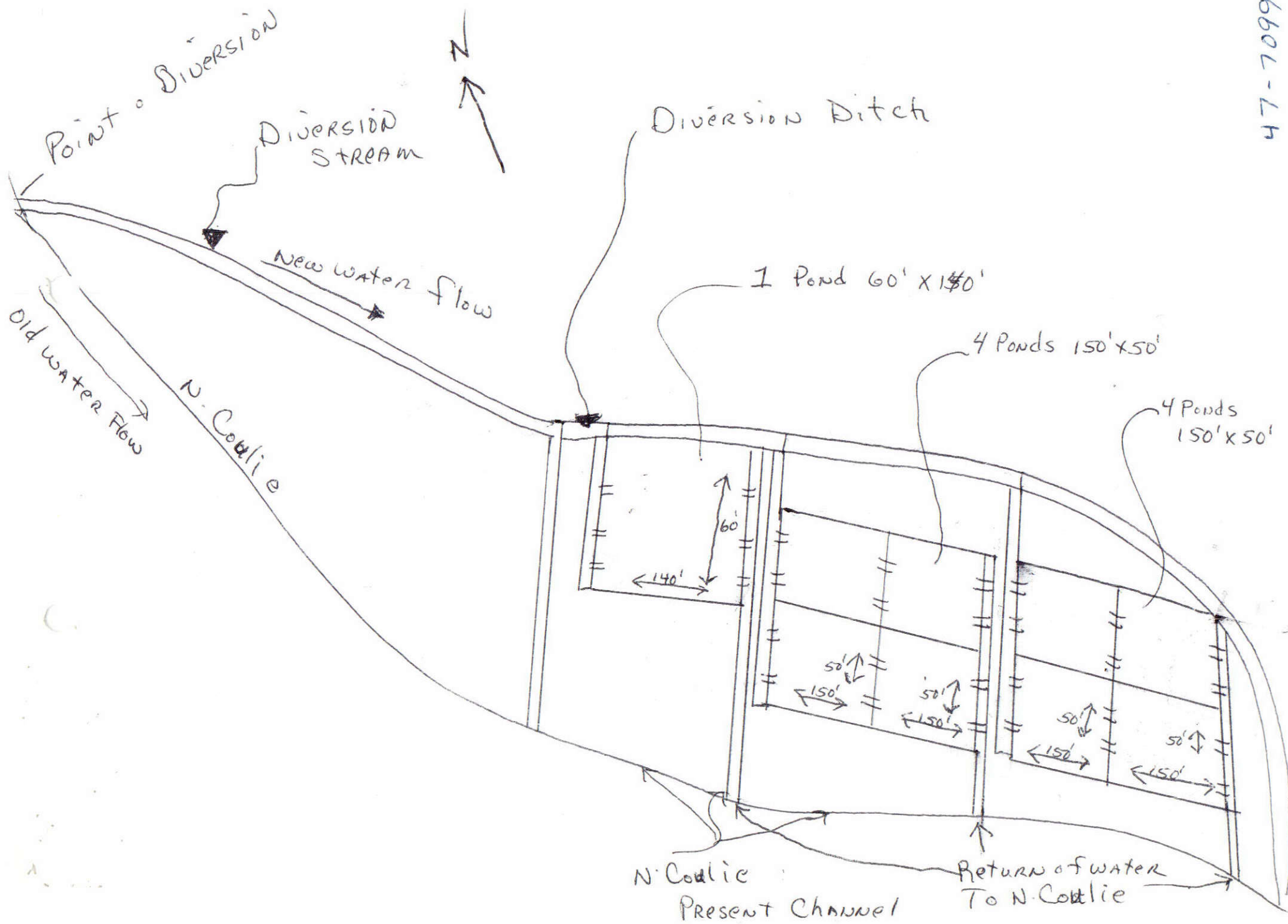
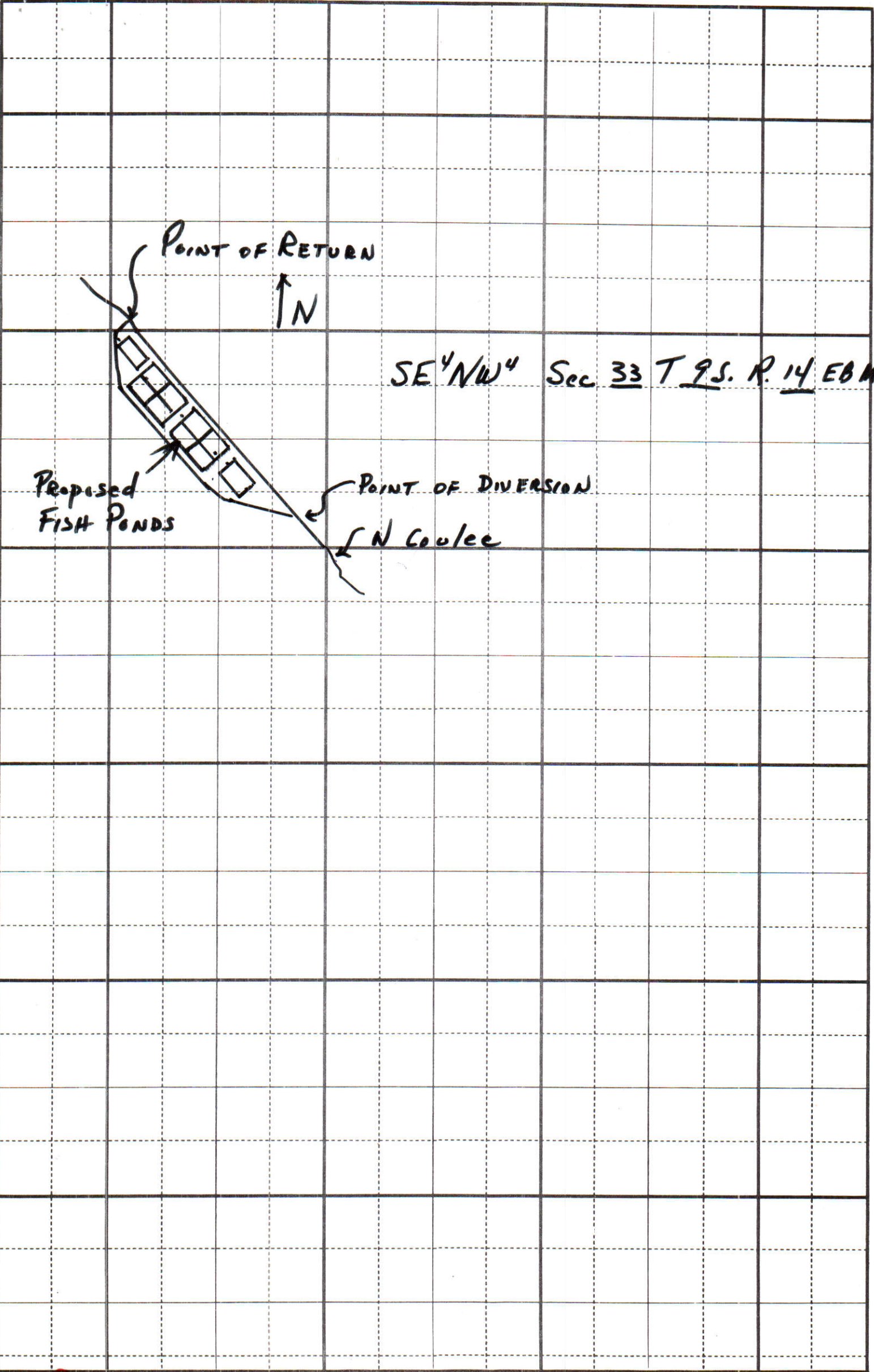






RECEIVED

JUN 24 1970

# AFFIDAVIT of PUBLICATION

Department of Reclamation

STATE OF IDAHO }  
County of Twin Falls } ss.

I, **Robert E. Bailey**, do solemnly swear that I am the printer and editor of **THE BUHL HERALD**, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper two consecutive weeks, the first publication having been made on the 11th day of June, 1970, and the last publication having been made on the 18th day of June, 1970; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

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

Subscribed and sworn to before me this

19th day of June, 1970

Loyley D. Thatchum  
Notary Public.

Buhl, Idaho

Residing at

January 1, 1973

My Commission Expires

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

Notice is hereby given that Valley Trout Farm, Inc., Route 1, Buhl, Idaho, has on April 29, 1970, submitted Application No. 47-7099 to appropriate the public waters of N Coulee, tributary of the Snake River.

The application proposes a maximum diversion and appropriation of 40.0 cubic feet per second of water to be diverted by head box and ditch within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 33, T. 9S, R. 14E, B.M., Twin Falls County, and is to be used within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 33, T. 9S, R. 14E, B.M. from January 1 to December 31 for fish propagation purposes.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Reclamation on or before June 29, 1970.

/s/ R. KEITH HIGGINSON  
State Reclamation Engineer  
Published in the Buhl Herald,  
Buhl, Idaho, on June 11 and June  
18, 1970.  
(22t2)

47-7099

# AFFIDAVIT of PUBLICATION

STATE OF IDAHO

County of Twin Falls

ss.

I, **Robert E. Bailey**, do solemnly swear that I am the printer and editor of **THE BUHL HERALD**, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper two consecutive weeks, the first publication having been made on the 9th day of July, 1970, and the last publication having been made on the 16th day of July 20, 1970; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

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

Subscribed and sworn to before me this

17th day of July, 1970

Lois D. Matthews

Notary Public.

Buhl, Idaho

Residing at

January 1, 1973

My Commission Expires

## NOTICE OF CORRECTION

Notice is hereby given that Application for Permit No. 47-7099 in the name of Valley Trout Farm, Inc. was advertised incorrectly. The source of the water to be diverted was advertised as being N Coulee, tributary of the Snake River, WHEREAS the actual source of water is Mud Creek.

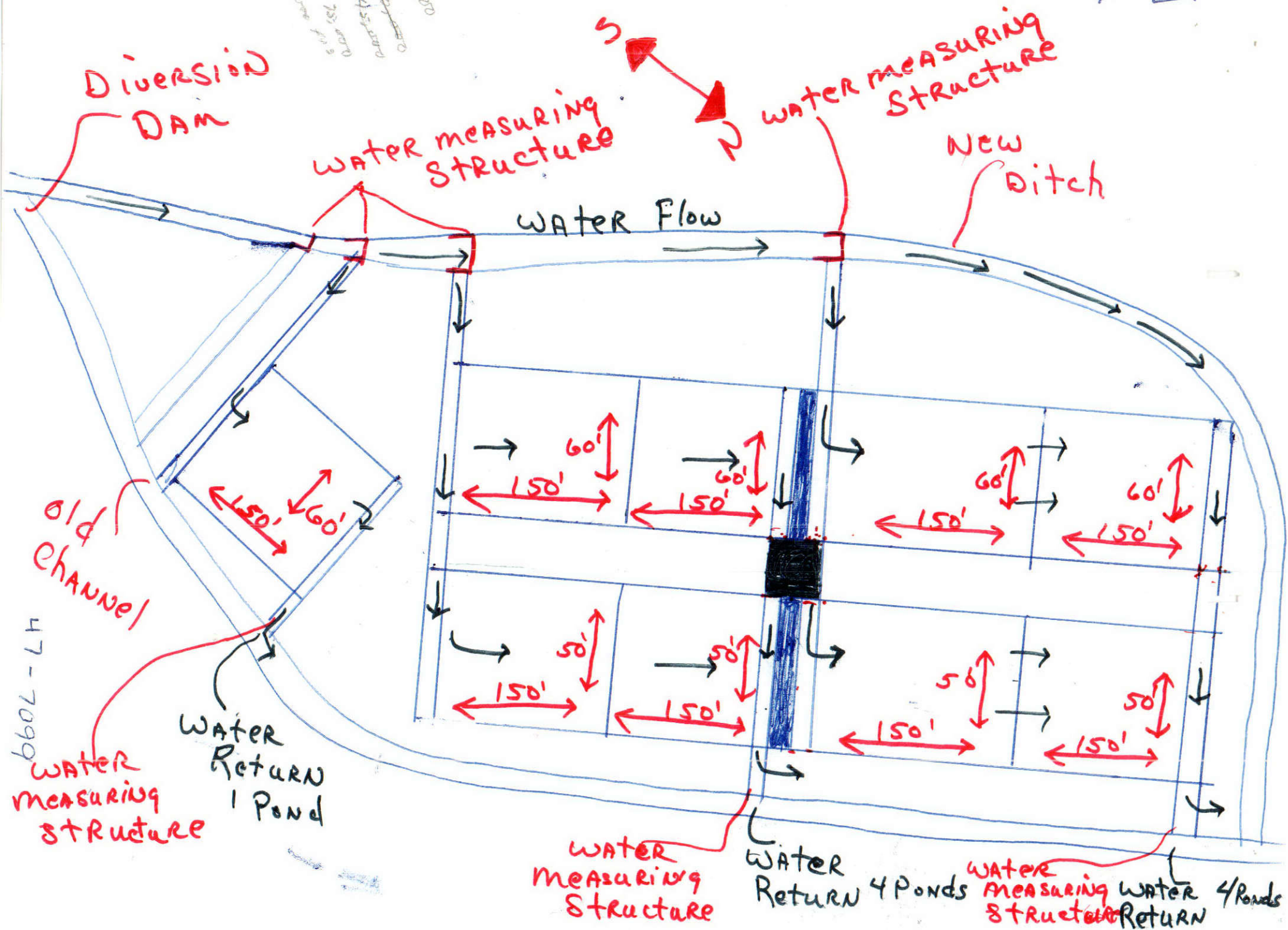
Any protest of the above correction must be received by the Idaho Department of Water Administration on or before July 27, 1970.

/s/ R. KEITH HIGGINSON  
Director

Published in the Buhl Herald,  
Buhl, Idaho, on July 9 and July  
16, 1970.  
(26t2)

47-7099

45, 100  
45, 100  
45, 100  
75, 100  
100, 100



NAME Steve Williams ADDRESS R. 1 BUSINESS \_\_\_\_\_

# INDIVIDUAL OR PARTNERSHIP STATEMENT TO THE FARMERS NATIONAL BANK OF BUHL, BUHL, IDAHO

FOR THE PURPOSE OF OBTAINING CREDIT WITH YOU FROM TIME TO TIME, \_\_\_\_\_ HEREWITH  
SUBMIT THE FOLLOWING AS BEING A FAIR AND ACCURATE STATEMENT OF My FINANCIAL CONDITION  
ON 1-14 1970

| ASSETS                                                                                                              |                  | LIABILITIES                                                |          |
|---------------------------------------------------------------------------------------------------------------------|------------------|------------------------------------------------------------|----------|
| CASH ON HAND AND IN BANK                                                                                            | 503 -            | NOTES PAYABLE, THIS BANK                                   | 3500 -   |
| NOTES RECEIVABLE                                                                                                    | 11000 -          | OTHER NOTES PAYABLE                                        |          |
| ACCOUNTS RECEIVABLE                                                                                                 |                  | CONTRACTS PAYABLE (SCH. B)                                 | 6500     |
| CROPS OR MERCHANDISE<br>1537 1/4 3000<br>50 GLO 1920<br>1000 bu. HOG 1030<br>1000 bu. HOG 1030<br>1000 bu. HOG 1030 | 7000 -           | FEED AND SEED ACCOUNTS                                     |          |
| STOCKS & BONDS (SAVINGS)                                                                                            | 48800 -          | DELINQUENT TAXES                                           |          |
| 2 HORSES @                                                                                                          | 200 -            | DELINQUENT R/E MORT. INT.                                  |          |
| LIVE 192 CATTLE @                                                                                                   | 39800 -          | OTHER ACCOUNTS PAYABLE<br>(GAS, ETC.) GROC., REPAIRS, DR., |          |
| STOCK SHEEP @                                                                                                       |                  |                                                            |          |
| HOGS @                                                                                                              |                  |                                                            |          |
| INTEREST IN GROWING CROP ON<br>C.V. 1000 700                                                                        | 7000 -           |                                                            |          |
| ESTIMATED VALUE \$                                                                                                  |                  |                                                            |          |
| TOTAL QUICK ASSETS                                                                                                  | 114300 -         | TOTAL CURRENT DEBTS                                        | 10000    |
| REAL ESTATE (SCHEDULE A)                                                                                            | 129500           | MORTGAGES, REAL ESTATE                                     | 10510 -  |
| MACHINERY AND TOOLS (ACTUAL VALUE)                                                                                  | 3000 -           | DUE                                                        |          |
| OTHER ASSETS<br>1966 Buick Wildcat<br>1968 Ford 2T                                                                  | 1100 -<br>7000 - | OTHER INDEBTEDNESS (SEE<br>OTHER SIDE)                     |          |
|                                                                                                                     |                  | TOTAL LIABILITIES                                          | 20510 -  |
|                                                                                                                     |                  | NET WORTH                                                  | 230090 - |
| TOTAL                                                                                                               | 250600 -         | TOTAL                                                      | 250600 - |

LIABILITY AS ENDORSER FOR OTHERS \$ \_\_\_\_\_ ASSETS PLEDGED TO SECURE INDEBTEDNESS? \_\_\_\_\_  
LIFE INSURANCE CARRIED \$ 40M PAYABLE TO Family COMPANY? Y  
FIRE INSURANCE ON PERSONAL PROPERTY \$ 400, ON BUILDINGS \$ 400. DO YOU CARRY EMPLOYERS  
LIABILITY INSURANCE? Y ARE ANY SUITS OR LITIGATION PENDING EITHER FOR OR AGAINST FIRM? \_\_\_\_\_

(OVER)

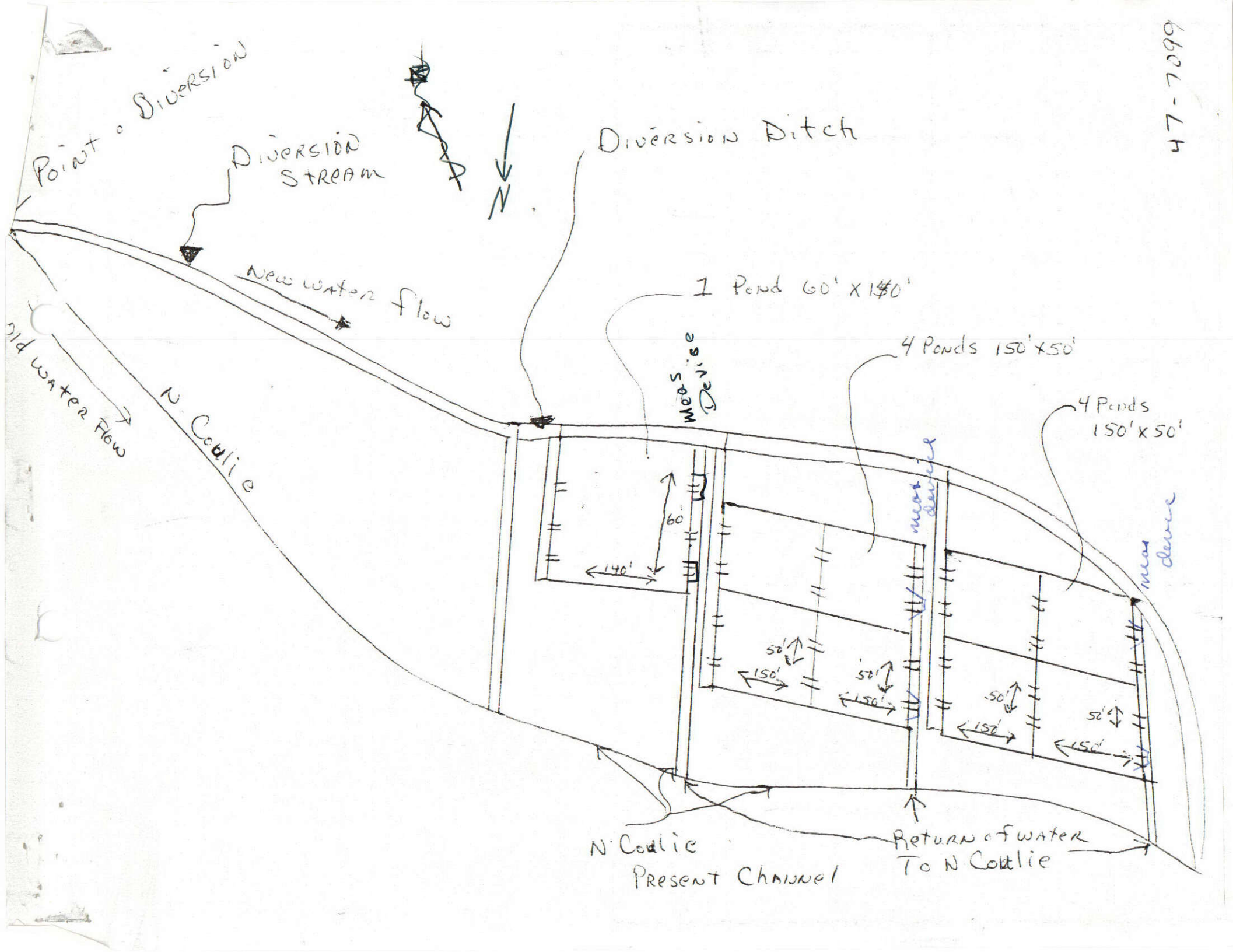
Signature Guaranteed  
FARMERS NATIONAL BANK  
Buhl, Idaho

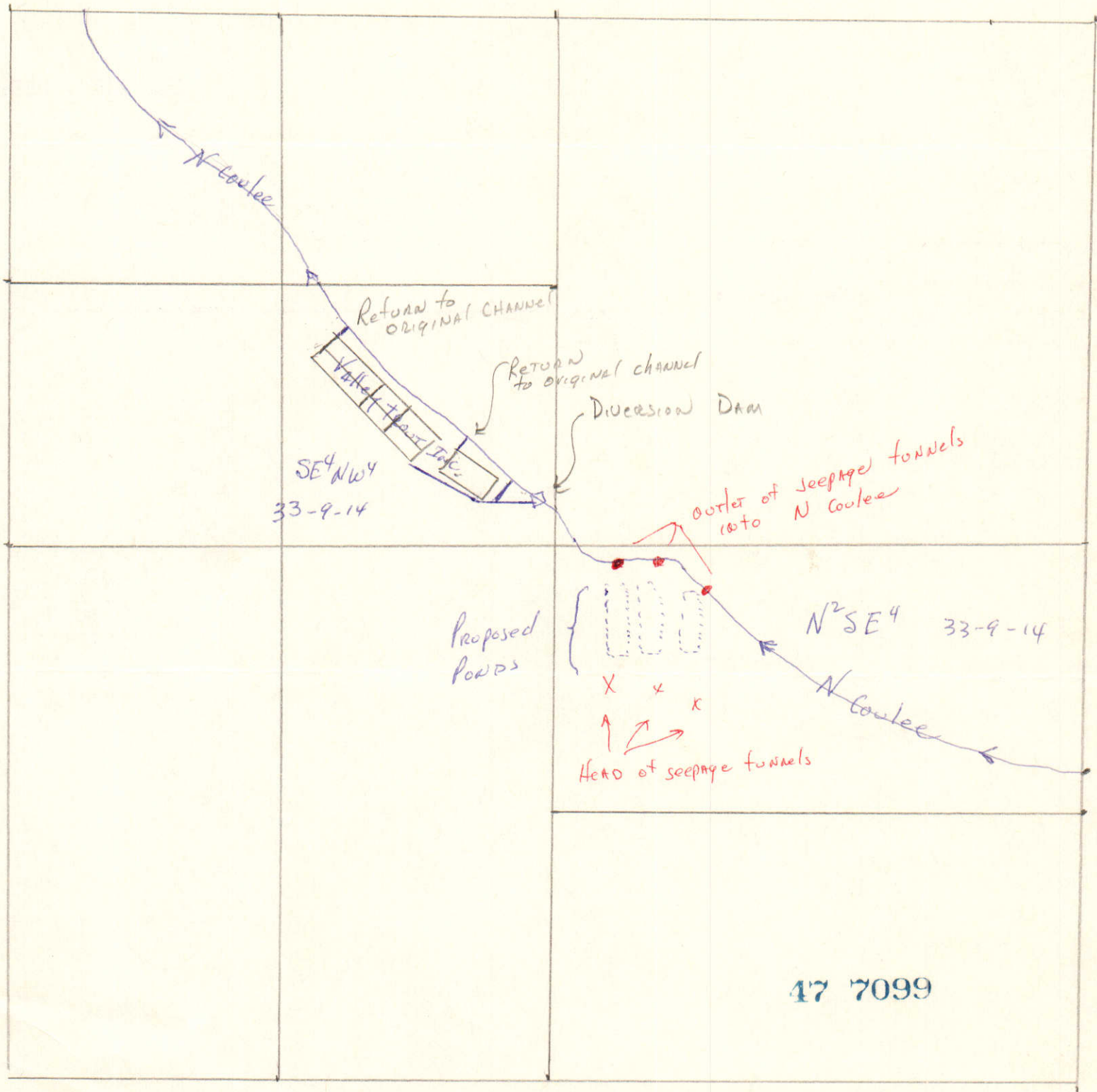
Signed

Steve Williams

By [Signature]

47-7099





State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 47-7099 Priority May 25, 1970 Amount 40.0 cfs

THIS IS TO CERTIFY, that VALLEY TROUT FARM, INC.

of Buhl, Idaho, has complied with the terms and conditions of Permit No. 47-7099 issued pursuant to Application for Permit dated April 29, 1970, and has submitted proof to the Department of Water Resources on October 27, 1972 (late proof), 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 41.87 cfs of water from N Coulee, tributary to the Snake River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

| Beneficial Use     | Period of Use                        | Rate of Diversion      | Annual Volume |
|--------------------|--------------------------------------|------------------------|---------------|
| <u>Fish</u>        | from <u>Jan. 1</u> to <u>Dec. 31</u> | at <u>40.0</u> cfs and | <u>n/a</u>    |
| <u>Propagation</u> | from _____ to _____                  | _____ cfs and          | _____         |
|                    | from _____ to _____                  | _____ cfs and          | _____         |

(both dates inclusive)

Subject, however, to the condition that no more than 40.0 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed 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<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Sec. 33,  
Twp. 9 S, Rge. 14 E, B.M. in the County of Twin Falls

Description and location of place of use:

| Twp. | Range | Sec. | NE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | NW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | Totals |
|------|-------|------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------|
|      |       |      | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> |        |
| 9 S  | 14 E  | 33   |                                |                                |                                |                                |                                |                                | X                              |                                |                                |                                |                                |                                |        |
|      |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
|      |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
|      |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
|      |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |

Total number of acres irrigated \_\_\_\_\_

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

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 8 day of August, 19 75.

Director

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION  
OF THE  
STATE OF IDAHO

|                                            |   |       |
|--------------------------------------------|---|-------|
| IN THE MATTER OF REMOVAL OF THE MEASURING  | ) |       |
|                                            | ) |       |
| DEVICE REQUIREMENT AT THE INLET WORKS ONLY | ) |       |
|                                            | ) |       |
| IN CONNECTION WITH PERMIT NO. 47-7099 IN   | ) | ORDER |
|                                            | ) |       |
| THE NAME OF VALLEY TROUT FARM, INC.        | ) |       |
|                                            | ) |       |

WHEREAS, on April 29, 1970, Valley Trout Farm, Inc. filed with the Department of Water Administration (formerly the Department of Reclamation) an application for permit to appropriate 40.0 cubic feet per second of water from N Coulee, tributary to the Snake River, from a point within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 33, Twp. 9S, Rge. 14E, B.M., Twin Falls County, to be used for fish propagation purposes; and,

WHEREAS, on September 2, 1970, the Department approved said application and issued Permit No. 47-7099 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before October 1, 1972, and that permanent measuring devices of a type approved by the Department be placed and maintained at such locations as to accurately measure the amount diverted to the project and the effluent from the project; and,

WHEREAS, on October 1, 1972, Permit No. 47-7099 lapsed for failure to submit the required proof of beneficial use; and,

WHEREAS, on October 27, 1972, the Department received the required proof of beneficial use; and,

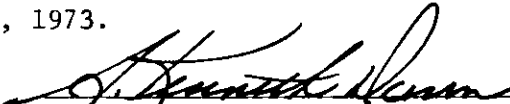
WHEREAS, on November 8, 1972, the Department reinstated said permit and advanced the priority to May 25, 1970; and,

WHEREAS, on December 24, 1973, the Department received a request from the permit holders that the measuring device requirement for the inlet works be removed; and,

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

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval of Permit No. 47-7099 that a measuring device be installed at the inlet works is REMOVED. The permit holders should be aware, however, that the Department will require a measuring device to be installed and maintained at the point of effluent discharge.

Dated this 26<sup>th</sup> day of December, 1973.

  
\_\_\_\_\_  
R. KEITH HIGGINSON  
Director  
by: A. KENNETH DUNN, Deputy Director

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION  
OF THE  
STATE OF IDAHO

|                                                      |   |                        |
|------------------------------------------------------|---|------------------------|
| IN THE MATTER OF PERMIT NO. 47-7099 )                | } | ORDER OF REINSTATEMENT |
| in the name of VALLEY TROUT FARM, INC. )             |   |                        |
| <hr style="width:100%; border: 0.5px solid black;"/> |   |                        |

WHEREAS, on April 29, 1970, Valley Trout Farm, Inc. filed with the Department of Water Administration (formerly the Department of Reclamation) an application to appropriate 40.0 cfs of water from N Coulee, tributary to the Snake River, from a point within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 33, Twp. 9 S, Rge. 14 E, B.M., Twin Falls County, to be used for fish propagation purposes; and,

WHEREAS, on September 2, 1970, the Department approved said application and issued Permit No. 47-7099 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before October 1, 1972; and,

WHEREAS, on August 1, 1972, 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 October 5, 1972, the Department notified the permit holder that Permit No. 47-7099 had lapsed for failure to submit the required proof of beneficial use; and,

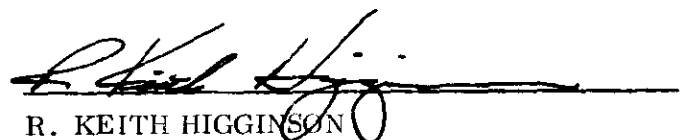
WHEREAS, on October 27, 1972, the Department received the required proof of beneficial use; and,

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. 47-7099 be REINSTATED and the priority advanced to May 25, 1970.

Dated this 8 day of November, 1972.

  
R. KEITH HIGGINSON  
Director

47 7099

Identification No.

47-7099

Application No.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Valley Trout Farm Inc.  
post office address Route 1, Buhl, Idaho 83316
2. Source of water supply N Coulee which is a tributary of Snake River
3. a. Location of point of diversion is SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 33 Township 9S  
Range 14E B.M. Twin Falls County; additional points of diversion if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. If water is not consumed, it will be discharged into N Coulee at a point in SE  $\frac{1}{4}$   
of NW  $\frac{1}{4}$  of Section 33 Township 9S Range 14E B.M. \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 40.0 for fish prop. 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. 40.0 cubic feet per second and/or ~~all water in N Coulee~~  
b. \_\_\_\_\_ acre feet per annum.
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. Concrete head box with dirt or  
concrete ditch from point of diversion to fish 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 (allow 2 years) 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 33 Township 9S  
Range 14E B.M. \_\_\_\_\_  
(2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.  
(3) List number of each kind of livestock to be watered \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(4) Name of municipality to be served \_\_\_\_\_, or number of families to be  
supplied with domestic water \_\_\_\_\_.  
(5) If water is to be used for other purposes describe: Fish propagation  
\_\_\_\_\_  
\_\_\_\_\_

47-7099

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

[illegible]

Total number of acres to be irrigated\_\_\_\_\_

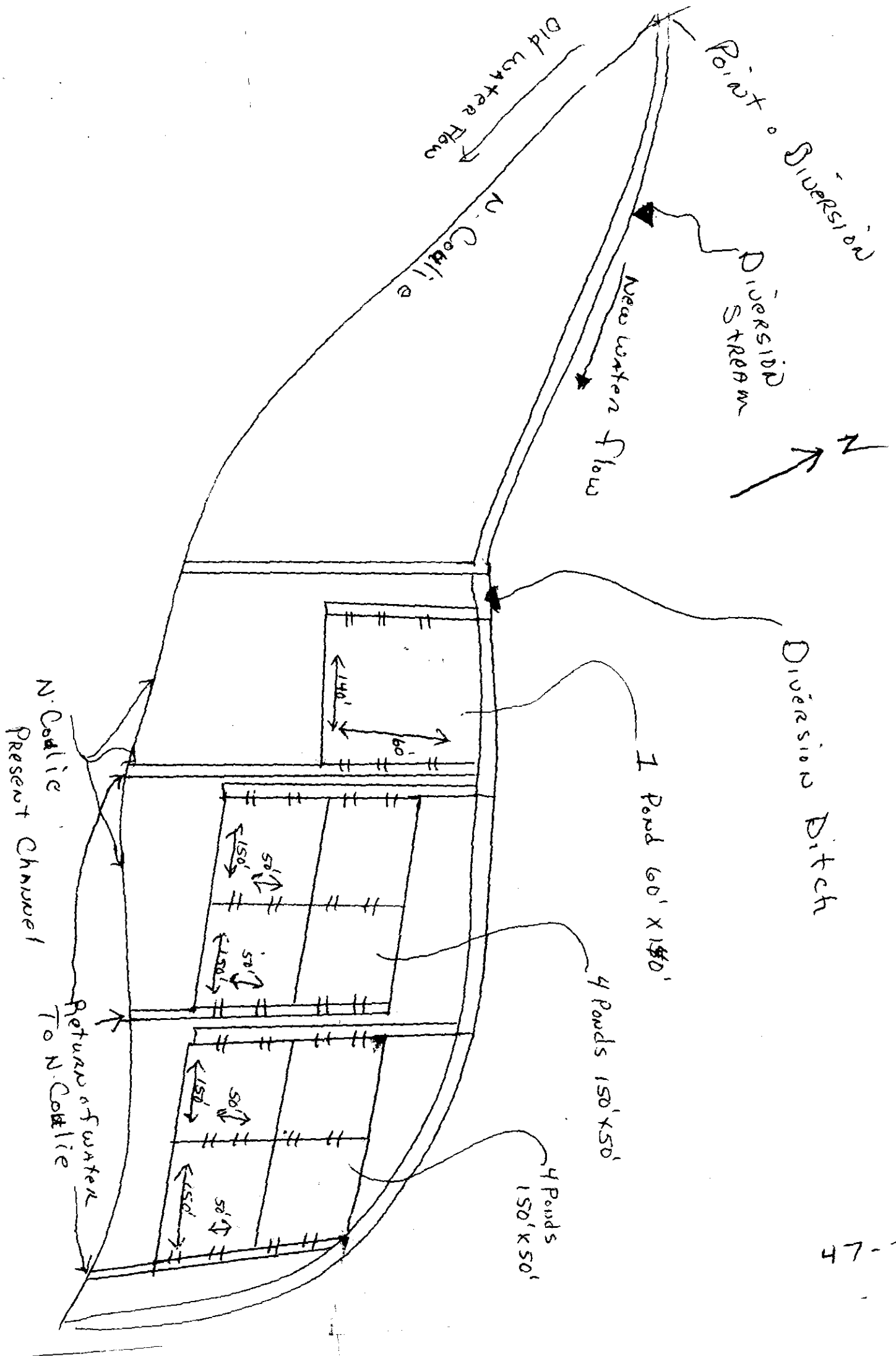
c. Describe any other water rights used for the same purposes.

9. a. Who owns the property at the point of diversion \_\_\_\_\_

b. Who owns the land to be irrigated or place of use\_\_\_\_\_

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

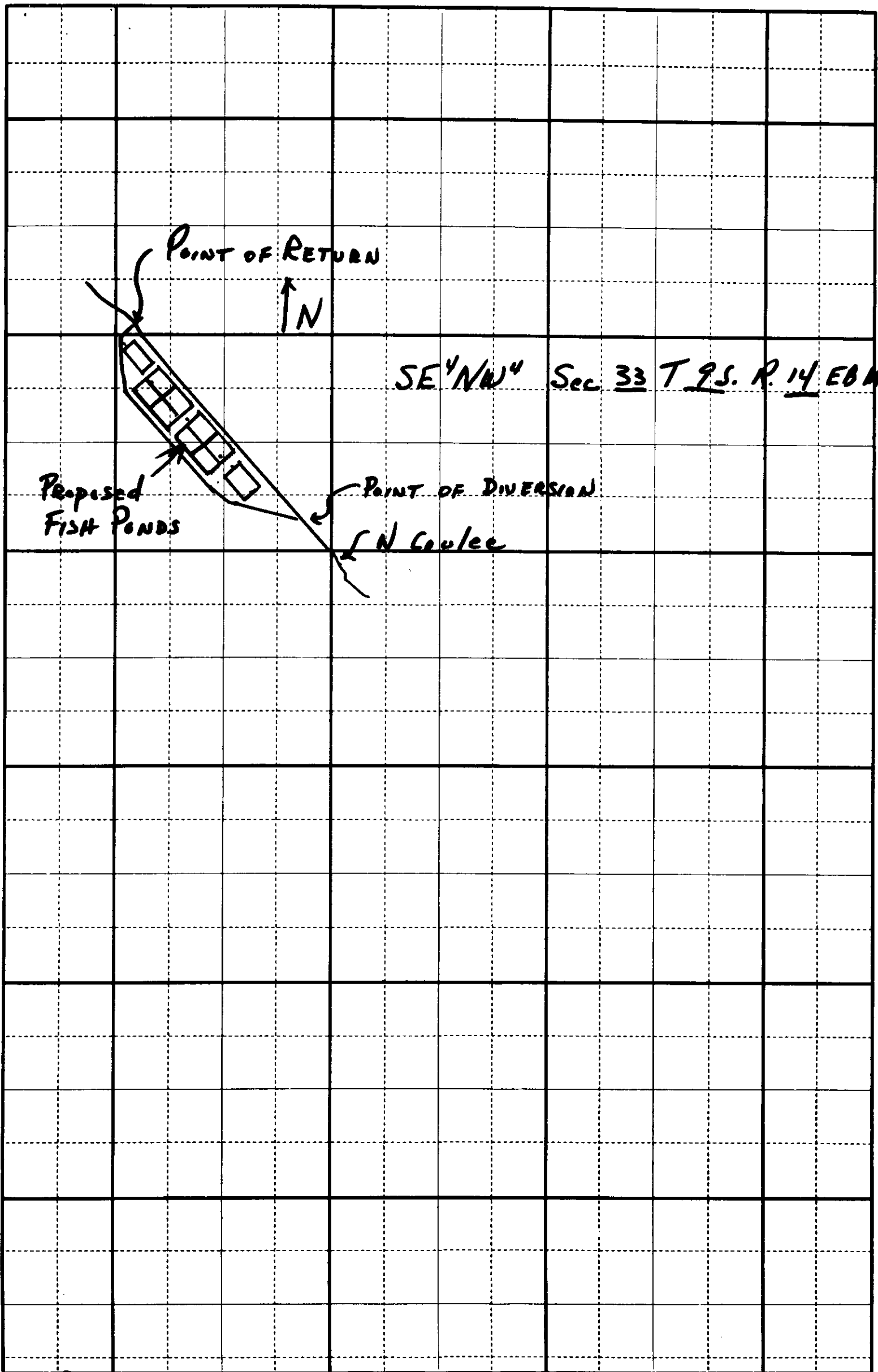
10. Remarks \_\_\_\_\_



47-7099

NAME OF APPLICANT Vall Trout Farm, Inc.

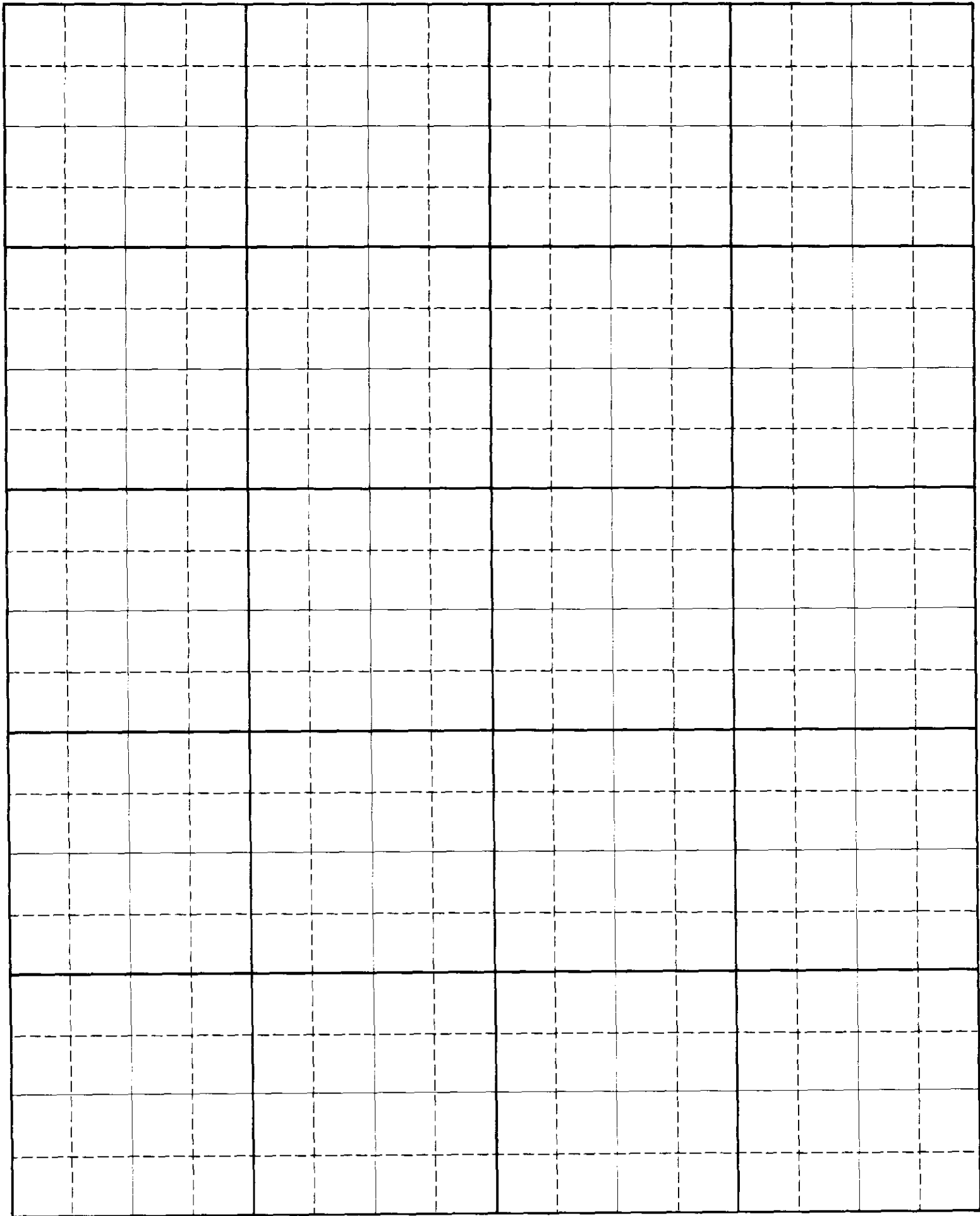
Form No. 0



SCALE: 8 Inches Equal 1 Mile. Draw Plan in Ink.

47-7099

11. Map of proposed project:



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.

Valley Trout Farm, Inc  
Shelley Williams, Pres.  
(Applicant)  
Sumeth C. Oles, Sec.

Received by    Date 4-27-70 Time 8:00 am  
 Preliminary check by Dec Fee \$ 100.00  
 Receipted by    Date 5-5-70  
 Publication prepared by    Date 6-3-70  
 Published in Bull. Herald Correction notice  
 Publication dates 6-11+18-70 7-9+16-70  
 Publication approved    Date 6-30-70 7-22-70  
 Priority reduced to    Reason     
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Protests filed by: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Copies of protests forwarded by \_\_\_\_\_  
 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
 Recommended for approval denial by   

ACTION OF STATE RECLAMATION ENGINEER

APPROVED

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7099, 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 October 1, 19 72.
- c. Other: That permanent measuring devices of a type approved by the Department be placed and maintained at such locations as to accurately measure the amount diverted to the project and the effluent from the project. That the permit cannot be assigned or sold without the written consent of the Department of Water Administration, and that failure to receive such consent will be deemed by the Department to be an admission that the permit was obtained for speculative purposes and as such will be subject to cancellation. The applicant will be given a period of two years within which to construct the facility and apply the water to a beneficial use, with the understanding that an extension of time can be granted if requested at the end of that period and conditioned upon the permit holder making reasonable and diligent progress.

Witness my hand this 2nd day of September 19 70.

    
 State Reclamation Engineer

DEPARTMENT OF RECLAMATION

STAFF ANALYSIS

|                                                                           |                             |                                     |                                |
|---------------------------------------------------------------------------|-----------------------------|-------------------------------------|--------------------------------|
| Application No. <u>47-7099</u>                                            |                             | Name <u>Valley Trout Farm, Inc.</u> |                                |
| Source <u>N Coulee, trib. of Snake River</u>                              |                             |                                     |                                |
| Point of Diversion <u>SE 1/4 Sec. 33, T. 9S, R. 14E, B.M., Twin Falls</u> |                             |                                     |                                |
| Quantity <u>40.0</u>                                                      | Use <u>fish propagation</u> | Period <u>Jan. 1 - Dec. 31</u>      |                                |
| Quantity _____                                                            | Use _____                   | Period _____                        |                                |
| Quantity _____                                                            | Use _____                   | Period _____                        |                                |
| Well Size _____                                                           | Diameter _____              | Proposed Depth _____                | Feet _____                     |
| Use <u>FISH PROPAGATION</u>                                               |                             |                                     |                                |
| Date Forwarded <u>6-2-70</u>                                              |                             | Date Returned <u>6-3-70</u>         | Received by <u>[Signature]</u> |

RECOMMENDATIONS: Based on max capacity of 8,000 #/cfs quantity is not excessive. Based on water changes per hour of 2 1/2 quantity is not excessive

|            |           |              |          |           |
|------------|-----------|--------------|----------|-----------|
| Qty. _____ | Use _____ | Period _____ | AF _____ | AFA _____ |
| Qty. _____ | Use _____ | Period _____ | AF _____ | AFA _____ |
| Qty. _____ | Use _____ | Period _____ | AF _____ | AFA _____ |

ACTION:      Approved ☒      Denied \_\_\_\_\_

Conditions of approval or reason for denial: Subject to cancellation after one year etc.

ENGINEERING      By [Signature]      Title Asst State Engr

Date 6-2-70

47-7099

DEPARTMENT OF RECLAMATION

STAFF ANALYSIS

|                                                                           |                             |                                     |                        |
|---------------------------------------------------------------------------|-----------------------------|-------------------------------------|------------------------|
| Application No. <u>47-7099</u>                                            |                             | Name <u>Valley Trout Farm, Inc.</u> |                        |
| Source <u>N Coulee, trib. of Snake River</u>                              |                             |                                     |                        |
| Point of Diversion <u>SE 1/4 Sec. 33, T. 9S, R. 14E, B.M., Twin Falls</u> |                             |                                     |                        |
| Quantity <u>40.0</u>                                                      | Use <u>fish propagation</u> | Period <u>Jan. 1 - Dec. 31</u>      |                        |
| Quantity _____                                                            | Use _____                   | Period _____                        |                        |
| Quantity _____                                                            | Use _____                   | Period _____                        |                        |
| Well Size _____                                                           | Diameter _____              | Proposed Depth _____                | Feet _____             |
| Use <u>FISH PROPAGATION</u>                                               |                             |                                     |                        |
| Date Forwarded <u>6-2-70</u>                                              |                             | Date Returned <u>6-15-70</u>        | Received by <u>AMH</u> |

RECOMMENDATIONS: Buhl (1:24,000) QUADRANGLE INDICATES  
THE POINT OF DIVERSION IS ON MUD  
CREEK. TWIN FALLS CANAL CO. HAS DIVERSIONS FOR  
IRRIGATION BELOW THE PROPOSED POINT OF DIVERSION.  
MEASUREMENTS BY THE ARS, USDA @ KIMBERLY  
INDICATE THE FLOW OF MUD CREEK @ THE MOUTH IS  
USUALLY IN EXCESS OF 50 cfs. HOWEVER SPRING BASE FLOWS OF 2  
cfs HAVE BEEN RECORDED.

|                  |                       |                                |                  |           |
|------------------|-----------------------|--------------------------------|------------------|-----------|
| Qty. _____       | Use _____             | Period _____                   | AF _____         | AFA _____ |
| Qty. <u>40.0</u> | Use <u>Fish prop.</u> | Period <u>Jan. 1 - Dec. 31</u> | AF <u>29,200</u> | AFA _____ |
| Qty. _____       | Use _____             | Period _____                   | AF _____         | AFA _____ |

ACTION: Approved X Denied \_\_\_\_\_

Conditions of approval or reason for denial: Measurement devices  
ON inflow and outflow. Subject to prior  
rights

INVESTIGATION By Norman C. Young Title WR I II  
Date June 9, 1970

47-7099

# AFFIDAVIT of PUBLICATION

STATE OF IDAHO  
County of Twin Falls

ss.

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

Notice is hereby given that Valley Trout Farm, Inc., Route 1, Buhl, Idaho, has on April 29, 1970, submitted Application No. 47-7099 to appropriate the public waters of N Coulee, tributary of the Snake River.

The application proposes a maximum diversion and appropriation of 40.0 cubic feet per second of water to be diverted by head box and dam within the SE 1/4 Sec. 33, T. 14E, R. 14E, B.M., Twin Falls County, Idaho, to be used within the SE 1/4 Sec. 33, T. 9S, R. 14E, B.M. from January 1 to December 31 for fish propagation purposes.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Reclamation on or before June 29, 1970.

/s/ R. KEITH HIGGINSON  
State Reclamation Engineer  
Published in the Buhl Herald,  
Buhl, Idaho, on June 11 and June  
18, 1970.  
(2212)

I, **Robert E. Bailey**, do solemnly swear that I am the printer and editor of THE BUHL HERALD, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper two consecutive weeks, the first publication having been made on the 11th day of June, 1970, and the last publication having been made on the 18th day of June, 1970; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

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

Subscribed and sworn to before me this  
10th day of June, 1970

George W. Thatcher  
Notary Public.

Buhl, Idaho  
Residing at

January 1, 1973  
My Commission Expires

47-7099

# AFFIDAVIT of PUBLICATION

STATE OF IDAHO }  
County of Twin Falls } ss.

I, **Robert E. Bailey**, do solemnly swear that I am the printer and editor of **THE BUHL HERALD**, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper ..... consecutive weeks, the first publication having been made on the ..... day of ....., 19....., and the last publication having been made on the ..... day of ....., 19.....; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

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

*Robert E. Bailey*  
.....

Subscribed and sworn to before me this

17th day of July, 1970

*Lois L. Thatchum*  
.....  
Notary Public.

Buhl, Idaho  
Residing at

January 1, 1973  
My Commission Expires

**NOTICE OF CORRECTION**  
Notice is hereby given that Application for Permit No. 47-7099 in the name of Valley Trout Farm, Inc. was advertised incorrectly. The source of the water to be diverted was advertised as being N Coulee, tributary of the Snake River, WHEREAS the actual source of water is Mud Creek.  
Any protest of the above correction must be received by the Idaho Department of Water Administration on or before July 27, 1970.  
/s/ R. KEITH HIGGINSON  
Director  
Published in the Buhl Herald, Buhl, Idaho, on July 9 and July 16, 1970.  
(26t2)

47-7099

# 4  
May 24, 1970

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
STATEHOUSE -2 ANNEX  
BOISE, IDAHO

RE: Application for Permit No. 47-7099

We have already begun construction of the proposed fish ponds. We will complete at least one pond in 1970, one pond in 1971, one pond in 1972, one pond in 1973, and one or more ponds in 1974. All 9 ponds will be completed within five years from this date.

VALLEY TROUT FARMS INC.

*Sully William Pres.*

47-7099

# 3

May 24, 1970

STATE OF IDAHO

DEPARTMENT OF RECLAMATION  
STATEHOUSE- ANNEX 2  
Boise, Idaho

RE: Application for Permit No. 47-7099

Mr. Donald W. McEldowney (Appropriation Supervisor)

By diverting all the water in the canal, through our fish ponds, we will be able to raise according to Mr. Ted Eastman of Clear Springs Trout Co. of Buhl, Idaho, a minimum of 250,000# of trout each year.

VALLEY TROUT FARMS INC.

*Sully Williams, Pres.*

47-7099

# 2

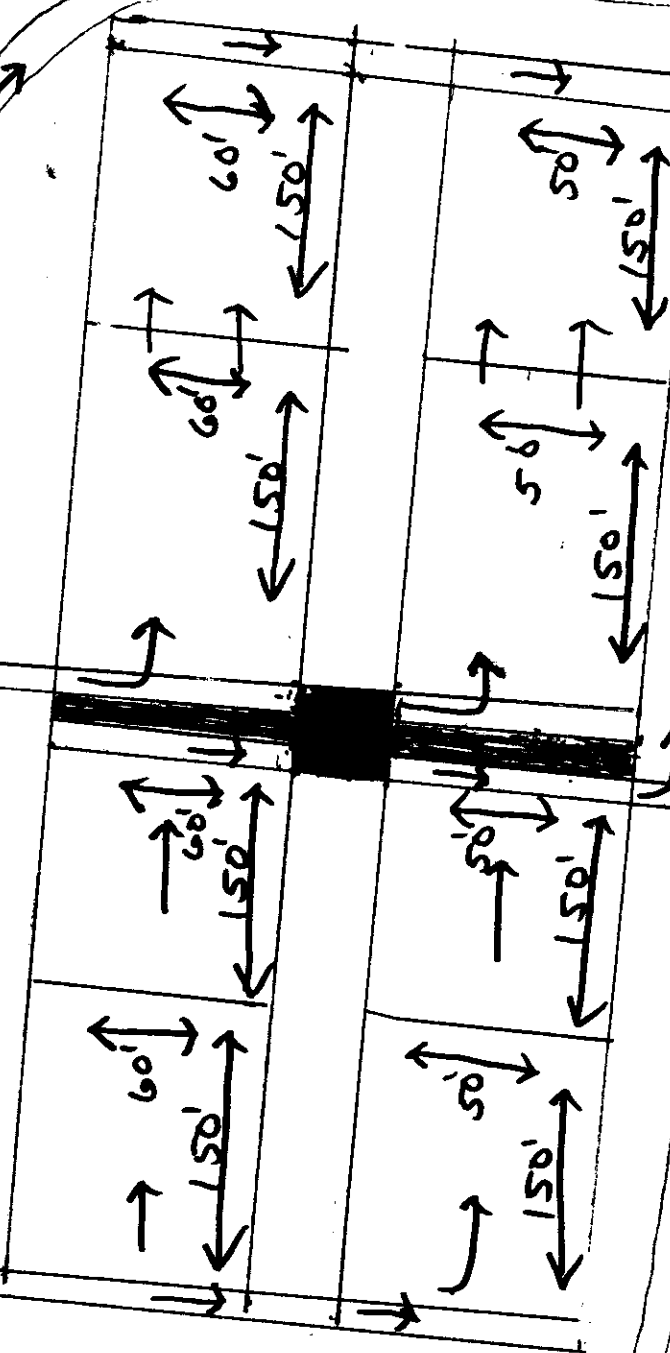
45,000  
45,000  
45,000  
45,000

Diversion  
DAM

Water measuring  
structure

New  
Ditch

Water Flow



Old  
Channel

Water  
Return  
Pond

47-7099

Water  
measuring  
structure

Water  
Return  
4 Ponds  
measuring water  
4 Ponds  
Street in area

11

11

11

11

11

47-7099

August 11, 1975

Re: Permit No. 47-7099

Valley Trout Farm, Inc.  
Route 4  
Buhl, ID 83316

Gentlemen:

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

Sincerely,

D. DARLENE REICH  
Water Rights Supervisor

DDR;rb

Enc.

July 24, 1975

Valley Trout Farm, Inc.  
Route # 4  
Buhl, Idaho 83316

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 47-7099 and has found the following:

Quantity of water diverted: 41.87 cfs      Source: N Coulee

Amount of water that can be recognized as beneficially used under  
Idaho law: 40.0 cfs

Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 33, Twp. 9 S, Rge. 14 E, B.M.

Beneficial use: Fish propagation purposes within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec.  
33, Twp. 9 S, Rge. 14 E, B.M.

Priority date established: May 25, 1970

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

Sincerely,

BOBBY D. FLEENOR  
Chief, Water Rights

BDF:DR

## FIELD REPORT

3. Water will be used for the following purposes:

Other uses: \_\_\_\_\_

5. Location of Point(s) of Diversion:

Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_ County \_\_\_\_\_

Description of diverting works: \_\_\_\_\_

6. Lands to be irrigated or place of use.

**TOTAL ACREAGE**



DATE OF EXAM 5-28-75

ACREAGE

Found ✓  
Recommended ✓

Irrigation Requirement ✓ Ac Ft/Ac

USE

Irrigation Q= c.f.s. V= AF/Ann. from to  
Domestic Q= c.f.s. V= AF/Ann. from to  
Livestock Q= c.f.s. V= AF/Ann. from to  
Fish Prop Q 41.81 c.f.s. V= No — AF/Ann Jan 1 Dec 31

Is water co-mingled? yes no ✓

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

Exchange? yes no

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

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

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

Total Q measured 41.87 C.F.S. Method of measurement Cipolletti-Weirs

Total Q recommended 40.00 Meter No. ✓ Type 48" (6) Condition good

Total V recommended ✓

Recommended Amendments:

P.D. ✓  
Place of Use ✓  
Other ✓  
None ✓

MEASUREMENT CALCULATION:

Q = 40.0 C.F.S. Amount Applied for.

Q = 41.81 C.F.S. Meas. (See Remarks)

SYSTEM DESCRIPTION:

REMARKS:

all 48" (1) .65 = 2.06  
(2) .66 = 2.22  
(3) .64 = 6.90  
(4) .64 = 6.90  
(5) .66 = 2.22  
(6) .62 = 6.57 Total 41.87

Examiner's Signature [Signature] Date 5-28-75

Checked by [Signature] Date 6-24-75

Approved by \_\_\_\_\_ Date \_\_\_\_\_

December 27, 1973

Re: Permit No. 47-7099

Valley Trout Farm, Inc.  
Attn: Shelby Williams, Pres.  
Route #4  
Buhl, Idaho 83316

Dear Mr. Williams:

Enclosed is an Order which removes the measuring device requirement from the inlet works ONLY in connection with the above referenced permit.

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

Sincerely,

BOBBY D. FLEENOR  
Assistant Director

BDF:JC  
Enclosure

17 7099

DEC 24 1973

Department of Water Administration

December 19, 1973

Mr. Bob Fleenor  
State of Idaho  
Department of Water Administration  
Statehouse - Annex 2  
Boise, Idaho 83707

Dear Mr. Fleenor,

Re: Permit #47-7079

Mr. Gary Funderberg and Mr. Bob Steele of the Twin Falls office were at our installation December 18th, to approve our measuring structures and to measure our water. We had to make some minor adjustments and they will measure the water Friday, December 21, 1973.

They recommended that we request permission to measure our water at the discharge points because (1) due to our location there is no seepage loss in the ponds. (2) Since our head structures, which were installed approximately three years ago, are not adaptable to proper measuring.

We have a second request for permission to measure again next summer during the peak of our water supply. At this time of year we are nearing our low point in seepage water and would prefer a permit for the maximum amount.

We would appreciate your consideration of this matter and we will be happy to answer any further questions or requests.

Yours truly,

*Shelby Williams*

Shelby Williams, Pres.  
Valley Trout Farms, Inc.

17 7089

November 9, 1972

Valley Trout Farm, Inc.  
Route # 4  
Buhl, Idaho 83316

Re: Permit No. 47-7099

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for Permit No. 47-7099. Enclosed you will find an Order of Reinstatement; please note that the priority ~~has~~ been advanced.

Before a license can be issued for this permit, 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 exam so that you may show him the system. If you have any questions regarding the field exam, please contact our Southern District Office at 1041 Blue Lakes Blvd. North, Twin Falls, Idaho.

In answer to your letter of October 25th, please be advised that the status of your other permits is as follows:

- No. 47-7095 - Beneficial use due June 1, 1975.
- No. 47-7126 - Beneficial use due February 1, 1974.
- No. 47-7127 - Beneficial use due January 1, 1977.

Permit No. 47-7099 is in the name of Alfred Peters and beneficial use is due June 1, 1975.

We are enclosing proof of beneficial use forms for your use in connection with your other permits. If you have any further questions, please contact us.

Sincerely,

BOBBY D. FLEENOR  
Assistant Director

BDF:DR  
Enclosures

cc: Southern District Office  
Enc: Field exam report for 47-7099

17 7099

Buhl, Idaho  
Oct. 25, 1972

Mr. Robert W. Hamilton  
Supervisor of Water Distr.  
Boise, Idaho

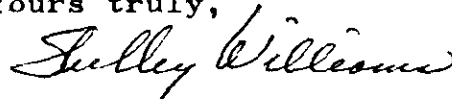
Dear Mr. Hamilton;

We also hold permits numbered 47-7095,  
47-7090, 47-7126 and 47-7127. We have  
never had any communication from your ~~office~~  
regarding a proof of beneficial use.

All these permits are being used in  
production of fish and we are ready to  
fill out the forms if this is the proper  
time to do so. Will you please check  
your records and advise us in this matter.

Thank you very much for your attention  
to this matter.

Yours truly,



Valley Trout Farm, Inc.  
Route 4  
Buhl, Idaho

RECEIVED  
OCT 27 1972

Department of Water Administration

Identification No. \_\_\_\_\_

Permit No. 47-7099

**STATE OF IDAHO  
DEPARTMENT OF RECLAMATION**

**PROOF OF APPLICATION OF WATER TO BENEFICIAL USE**

**RECEIVED**

OCT 27 1972

Department of Water Administration

1. a) Name of Permit Holder Valley Trout Farm, Inc.  
b) Post Office Address Route 4 Buhl, Idaho 83316
2. Permit Number 47-7099
3. Date of Priority that you are prepared to establish 9-2-1970
4. a) Source from which water was appropriated N Coulee  
b) Location of the point of diversion: SE 1/4 NW 1/4, Section 33  
Township 9 So., Range 14 East Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:  
amount 40.0 cfs for fish prop. purposes from Jan. 1 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 40.0 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: T. F. Canal Co.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:  
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: \_\_\_\_\_  
b) Describe the agreement or understanding by which you take water from the works: \_\_\_\_\_
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) Concrete headbox with diversion amount controlled by wooden check boards. Water flows through concrete inlet also controlled by wooden check boards.  
b) Describe the type and size of measuring device which you have installed at your point of diversion: Concrete weir five ft. wide and three feet in height.  
c) Give well drillers name and address and date the well was completed \_\_\_\_\_

47-7099

Exam typed 11-9-72 by de

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Water is being used to raise rainbow trout in dirt ponds with concrete end structures. Ponds are located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  33-9S-14 EBM

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: None

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated \_\_\_\_\_

10. Remarks: This water has all been utilized since November of 1970.

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

Valley Trout Farm, Inc.

10-25-72

(Date)

*Sully Williams*  
(Signature)

State of Idaho)

ss.

County of Twin Falls)

On this 25th day of October, 19 72, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

*Sully James Gudreft*  
Notary Public residing at Buhl Idaho

My commission expires 11-25-75

Western District Office

October 18, 1972

Valley Trout Farm, Inc.  
Route #1  
Buhl, Idaho 83316

Gentlemen:

Enclosed is one (1) copy of an "Application of Water to Beneficial Use" form which you requested.

Please fill out the form, sign it before a notary public, and return it to this office on or before December 5, 1972.

If you should have any questions, please contact this office.

Sincerely,

ROBERT W. HAMILTON  
Supervisor of Water Distribution

RWH:mkp

Enclosure

47 7099

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus  
Governor  
R. Keith Higginson  
Director

Statehouse - Annex 2  
Boise, Idaho 83707  
(208) 384-2215



Water Rights Administration  
Water Resource Investigations  
Dam and Reservoir Safety  
Water Well Drilling  
Waste Disposal Wells  
Stream Channel Protection

October 5, 1972

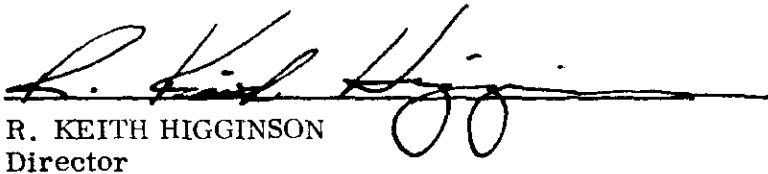
Re: Permit No. 47-7099

Valley Trout Farm, Inc.  
Route # 1  
Buhl, Idaho 83316

Gentlemen:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit 47-7099 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.

  
R. KEITH HIGGINSON  
Director

RKH:DR

47 7099

**SENDER: Be sure to follow instructions on other side**

**PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)**

*(Additional charges required for these services)*



Show to whom, date and address  
where delivered



Deliver ONLY  
to addressee

**RECEIPT**

*Received the numbered article described below*

REGISTERED NO.

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

CERTIFIED NO.

23868

①

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

②

*Wally Hunt from Inc.  
London, Ky.*

DATE DELIVERED

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

8/7/72

③

17 7099

U.S. POSTAL SERVICE  
OFFICIAL BUSINESS

PS Form 3811 Nov. 1970 c55-16-81277-1

*Postmark of Delivering Office*

**SENDER INSTRUCTIONS**

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

PENALTY FOR PRIVATE USE  
PAYMENT OF POSTAGE \$3.00



**RETURN  
TO**

**DEPARTMENT OF WATER ADMINISTRATION**

STATEHOUSE • ANNEX #2

BOISE, IDAHO 83707

17 7099

August 1, 1972      CERTIFIED MAIL

\* 23868

Re: Permit No. 47-7099

Valley Trout Farm, Inc.  
Route # 1  
Buhl, Idaho 83316

Gentlemen:

One of the conditions of approval of your water Permit No. 47-7099 (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 October 1, 1972. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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

  
R. KEITH HIGGINSON  
Director

Enc: Proof affidavit  
or

47 7099

June 29, 1971

Mr. Shelby Williams, President  
Valley Trout Farms, Incorporated  
Buhl, Idaho 83316

Dear Mr. Williams:

From the information submitted, we do not find any prior filing on the source in question. We would assume that you would have priority over other rights in this matter. The only exception would be if someone had started diverting and beneficially using water prior to May 20, 1971. The right would then date from the date of the first use.

However, lacking a constitutional right established prior to May 20, 1971, anyone wanting to use water on that property will have to first secure an approved permit from the Department of Water Administration before they can divert water for beneficial use. This will mean that they will have a priority junior to yours and not be able to function so long as their use of the water would cause injury to a prior existing water right.

If we can be of further assistance to you, please do not hesitate to contact us.

Very truly yours,

Donald W. McElowney  
Appropriation Supervisor

DWM:cm

17 7000

Buhl, Idaho  
June 4, 1971

R. Keith Higginson, Director  
State of Idaho  
Dep't. of Water Administration  
Boise, Idaho

Dear Mr. Higginson,

Valley Trout Farm, Inc. is the holder of water permit No. 47-7099 for 40 second feet of water from N coulee a tributary of the Snake river to be used for fish propagation.

I am writing this letter for answers to some problems which have arisen or may arise regarding our rights to this water. We have invested nearly \$45,000.00 for land, water rights, easements, pond construction and related installations such as roads, bridges and etc. As you know most of our water is seepage water originating from seepage tunnels drilled years ago by the Twin Falls Canal Co. to drain farm land.

I am enclosing a rough map of our area for your reference. The farmer who owns the N $\frac{1}{2}$ SE $\frac{1}{4}$  of Sec. 33 Twp 9 S R. 14 EBM has listed it for sale and has told the realtor that a buyer could build fish ponds on it between the head of the seepage tunnels (marked x on the map) and the outlet. (marked .) If they can construct ponds and use the water our ponds would be worthless. Can you tell us if our filing can prevent this or what we can do to protect our filing?

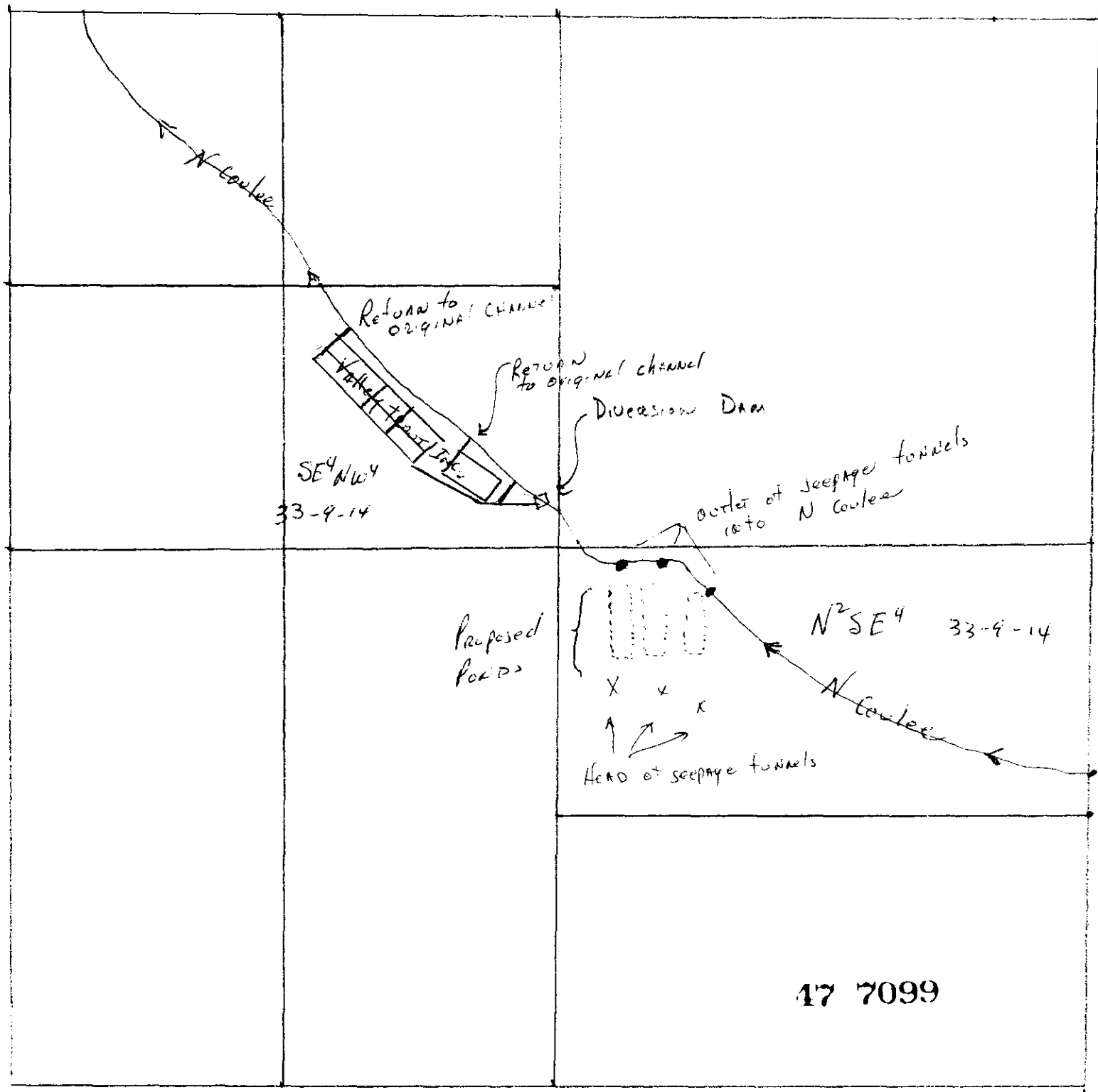
Do you have any filings on water for fish propagation in Sec. 3 Twp 10 S Range 14 EBM by persons named Schmidt, Ahrendsen or Stoddard? Some of our water originates in this section. Do we have any right to protest the use of it that far from our ponds?

We would appreciate an answer from you at your earliest convenience.

Yours truly,

*Shelby Williams*  
Shelby Williams, Pres.  
Valley Trout Farm, Inc.  
Route 1 Buhl, Idaho

47 7099



September 14, 1970

Re: Permit No. 47-7099

Valley Trout Farm Inc.  
Route 1  
Buhl, Idaho 83316

Dear Sirs:

Enclosed is a copy of your approved Application for Permit No. 47-7099. We direct your attention to the conditions of approval as listed on the fourth page.

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

Very truly yours,

C. Stephen Allred  
Deputy Director

CSA:kh  
Enclosures: Copy of permit  
1 letter  
Receipt No. 4581 for \$100

47-7099

**LEGAL**  
**NOTICE OF CORRECTION**

Notice is hereby given that Application for Permit No. 47-7099 in the name of Valley Trout Farm, Inc. was advertised incorrectly. The source of the water to be diverted was advertised as being N Coulee, tributary of the Snake River, WHEREAS the actual source of water is Mud Creek.

Any protest of the above correction must be received by the Idaho Department of Water Administration on or before July 27, 1970.

/s/ R. KEITH HIGGINSON  
Director

Published in the Buhl Herald, Buhl, Idaho, on July 9 and July 16, 1970.  
(26t2)

47-7099

July 2, 1970

Re: Application for Permit No. 47-7099 - Valley Trout Farm, Inc.  
(Notice of Correction)

Buhl Herald  
Box 312  
Buhl, Idaho 83316

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department of Reclamation 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 the claimant)

*Don't forget to file*  
*7-2-70*  
*DR*

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM:DR  
Enc: Legal notice

47-7099

NOTICE OF CORRECTION

C  
O  
P  
Y

Notice is hereby given that Application for Permit No. 47-7099 in the name of Valley Trout Farm, Inc. was advertised incorrectly. The source of the water to be diverted was advertised as being N Coulee, tributary of the Snake River, WHEREAS the actual source of water is Mud Creek.

Any protest of the above correction must be received by the Idaho Department of Water Administration on or before July 27, 1970.

R. KEITH HIGGINSON

Director

Published in the Buhl Herald, Buhl, Idaho, on July 9 and July 16, 1970.

47-7099

June 29, 1970

Name:

Please review your analysis of 6-9-70 and  
the letter received 6-24-70.

Done  
by ds

Comments (if any):

Change Name to Mud Creek  
& Readvertise

NY  
Done

47-7099

RECEIVED

Department of Reclamation

JUNE 22, 1970

Re: Application For Permit # 47-7099

MR. DONALD W. McELDOWNY  
Appropriation Supervisor  
Boise IDAHO

DEAR SIR:

Actually the water we are appropriating is the tail end of N Gulch or the beginning of Mud Creek. Part of this water is diverted into a Twin Falls Canal Co lateral where it leaves our property & the balance of it is Mud Creek. It's merely a technicality and as far as we're concerned if your map says it's MUD CREEK change the application to Mud Creek. We only asked the MANAGER of the Twin Falls Canal Co the name of the stream - he said it was known as N. Gulch. We can see no reason for NOT calling it Mud Creek if you so desire.

Thank you

Shelley Williams  
Valley Trout Farm, Inc.

47-7099

June 17, 1970

Re: Application for permit/47-7099

Valley Trout Farm Inc.  
Route #1  
Buhl, Idaho 83316

Gentlemen:

In reviewing your application, we find need for clarification as to the source of water supply. In reviewing our maps, quadrangle Buhl (1-2400), the only source of water supply we can find in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 33, is Mud Creek. Inasmuch as your application is for N. Coulee, a tributary of the Snake River, which we would assume to be part of the Twin Falls south side canal system, we will require that you supply us with evidence that will clarify this question.

Your assistance in the matter is most appreciated.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/CM

47-7099

SPEED MESSAGE

TO Department of Reclamation

FROM

BUHL HERALD, INC.

Statehouse - Annex 2

P. O. Box 312 Phone 543-4335

Boise, Idaho 83707

BUHL, IDAHO 83316

SUBJECT Legal Notice - Valley Trout Farm, Inc.

June 8, 1970

Gentlemen:

Enclosed is a galley proof of the legal notice for Valley Trout Farm, Inc. to be published June 11 and June 18. Please notify us if there are any corrections, otherwise we will proceed with publication.

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

Notice is hereby given that Valley Trout Farm, Inc., Route 1, Buhl, Idaho, has on April 29, 1970, submitted Application No. 47-7099 to appropriate the public waters of N Coulee, tributary of the Snake River.

The application proposes a maximum diversion and appropriation of 40.0 cubic feet per second of water to be diverted by head box and ditch within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 33, T. 9S, R. 14E, B.M. Twin Falls County, and is to be used within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 33, T. 9S, R. 14E, B.M. from January 1 to December 31 for fish propagation purposes.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Reclamation on or before June 29, 1970.

/s/ R. KEITH HIGGINSON

State Reclamation Engineer  
Published in the Buhl Herald,  
Buhl, Idaho, on June 11 and June  
18, 1970.  
(2212)

THE BUHL HERALD, INC.

SIGNED

*The Buhl Herald, Inc.*  
*By: Edwin Kimball*

47-7099

47-7099

June 3, 1970

Re: Application for Permit No. 47-7099 - Valley Trout Farm, Inc.

Buhl Herald  
Box 312  
Buhl, Idaho 83316

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department of Reclamation 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 the claimant)

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM:DR  
Enc: Legal notice

47-7099

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

Notice is hereby given that Valley Trout Farm, Inc., Route 1,  
Buhl, Idaho, has on April 29, 1970,  
submitted Application No. 47-7099 to appropriate the public waters of  
N Coulee, tributary of the Snake River

~~The proposed uses are~~

The application proposes a maximum diversion and appropriation of 40.0  
cubic feet per second ~~acre/feet~~ of water to be diverted by head box and  
ditch within the SE 1/4 Sec. 33,  
T. 9S, R. 14E, B.M., Twin Falls County,

and is to be used within the SE 1/4 Sec. 33, T. 9S, R. 14E, B.M. from January 1  
to December 31 for fish propagation purposes

Any permit issued pursuant to this application will be subject to ALL PRIOR  
WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest  
against this application must be filed with the Idaho Department of Reclamation on  
or before June 29, 1970.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Buhl Herald, Buhl, Idaho,  
on June 11 and June 18, 1970

✓

47-7099

May 27, 1970

Re: Application for Permit No. 47-7099

Valley Trout Farm, Inc.  
Route # 1  
Buhl, Idaho 83316

Gentlemen:

In answer to your letter of May 25, 1970, this is to advise that the legal notice for the above referenced application is to be published in the Buhl Herald on June 11 and 18, 1970. Final action will not be taken on this application until the week of June 29th.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM:DR

47-7099

May 25, 1970

R. Keith Higginson  
State Reclamation Engineer  
Statehouse--Annex 2  
Boise, Idaho 83707

Dear Mr. Higginson

Enclosed is another set of letters similar to the ones we mailed your office May 6, 1970, which you should have somewhere in your files.

We are awaiting your approval of this application so that we can get these ponds into production. We cannot understand why the stall and delay in advertising and approving this application before the June 1, 1970 deadline and we lose our April filing date.

If for any reason you cannot advertise and process this application this week please call me collect at 543-4331 between the hours of 8 A.M. and 5 P.M.

I trust the information is sufficient. If not please call immediately.

Yours truly,

*Barley Williams, Inc.*  
Valley Trout Farm, Inc.

47-7099

Valley Trout Farm, Inc.  
Route 1  
Buhl, Idaho



R. Keith Higginson  
State Reclamation Engineer  
Statehouse--Annex 2  
Boise, Idaho 83707

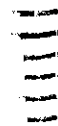
**CERTIFIED**

No 388289

**MAIL**

**RETURN RECEIPT REQUESTED**

47-7099



DON SAMUELSON  
GOVERNOR



R. KEITH HIGGINSON  
State Reclamation Engineer

## STATE OF IDAHO

DEPARTMENT OF RECLAMATION  
STATEHOUSE - ANNEX 2  
BOISE, IDAHO 83707

May 21, 1970

Re: Application for Permit No. 47-7099

Valley Trout Farm, Inc.  
Route # 1  
Buhl, Idaho 83316

Gentlemen:

In reviewing your application for permit, we find that in order for your application to be considered complete it will be necessary for you to submit additional information on or before June 22, 1970, in order to maintain your proposed priority of April 29, 1970 (Sec. 42-204, Idaho Code).

1. A financial statement indicating the resources available to complete the project as described in the application. (Sec. 42-203, Idaho Code)
2. A preliminary design of the hatchery facilities, indicating the size of raceways, general layout, the size of pipelines or other diversion works and such other information as will fully describe the method and means of diversion and verify the need for the quantity of water you have requested.
3. A justification based upon the preliminary design and the estimated production of the hatchery for the amount of water requested.
4. An estimated schedule of construction - giving the dates for the start of construction, the finish of construction and the date that full operation of the hatchery is anticipated.

47-7099

Page 2  
Valley Trout Farm, Inc.  
Re: 47-7099  
May 21, 1970

You should be aware that all applications, if approved, will require the installation and maintenance of adequate measuring devices, both at the point of diversion and the point of return of the water, especially in cases of non-consumptive uses. These devices must be of a type approved by the Department of Reclamation; 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.

If you have any questions concerning your application, please contact us at once.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM:DR  
Enc: Information letter

47-7099

May 14, 1970

Re: Application for Permit No. 36-7130 - Ira Burton Perrine, Jr.  
47-7099 - Valley Trout Farm, Inc.  
47-7100 - Edward H. Kerpa

Mr. James C. Simpson  
FISH & GAME DEPT.  
Statehouse Mail

Dear Mr. Simpson:

For your review we are enclosing copies of the above referenced applications for permit.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM:DR  
Enclosures  
cc: Mr. Bob Bell  
Box 138  
Jerome, Idaho 83338

47-7099

DON SAMUELSON  
GOVERNOR



## STATE OF IDAHO

DEPARTMENT OF RECLAMATION  
STATEHOUSE - ANNEX 2  
BOISE, IDAHO 83707

April 29, 1970

R. KEITH HIGGINSON  
State Reclamation Engineer

RECEIVED  
MAY 1 1970  
Department of Reclamation

Re: Application for Permit

Valley Trout Farm Inc.  
Route 1  
Buhl, Idaho 83316

Dear Sirs:

We are in receipt of your application to appropriate the public waters of the State of Idaho. Please be advised that Item 5a should list a specific amount for the total quantity of water diverted. Listing "all water in N Coulee" is not an exact amount. If 40 c.f.s. of water is a sufficient amount, please advise us and we shall continue to process your application for permit.

If you have any questions, please feel free to contact us.

Very truly yours,

A handwritten signature in cursive script that reads "Dorian Clay".

DORIAN CLAY  
Appropriation Examiner

DC:kh

DEAR SIR:

40 C.F.S IS SUFFICIENT WATER, SO CONTINUE  
to process it the application that way. We were told 47-7099  
that since we were diverting all the stream which  
MAY VARY from time to time, that we should add the phrase  
"All water in N Coulee". That was our only reason for changing  
the application. Please cross out the addition

THANK YOU Valley Trout Farm, Inc.  
Edley Williams

April 29, 1970

Re: Application for Permit

Valley Trout Farm Inc.  
Route 1  
Buhl, Idaho 83316

Dear Sirs:

We are in receipt of your application to appropriate the public waters of the State of Idaho. Please be advised that Item 5a should list a specific amount for the total quantity of water diverted. Listing "all water in N Coulee" is not an exact amount. If 40 c.f.s. of water is a sufficient amount, please advise us and we shall continue to process your application for permit.

If you have any questions, please feel free to contact us.

Very truly yours,

DORIAN CLAY  
Appropriation Examiner

DC:kh

47-7099

April 24, 1970

Valley Trout Farms, Inc.  
c/o Shelby Williams  
Route # 1  
Buhl, Idaho 83316

Gentlemen:

We are returning your application for permit as we found it necessary to retype your application on one of the Department's current application forms. Would you please review the application we have typed and if it meets with your approval, sign the application and return it to the Department along with your filing fee.

Your cooperation in this matter is most appreciated.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM:DR

Enc: Original app. w/check  
Current app.

47-7099