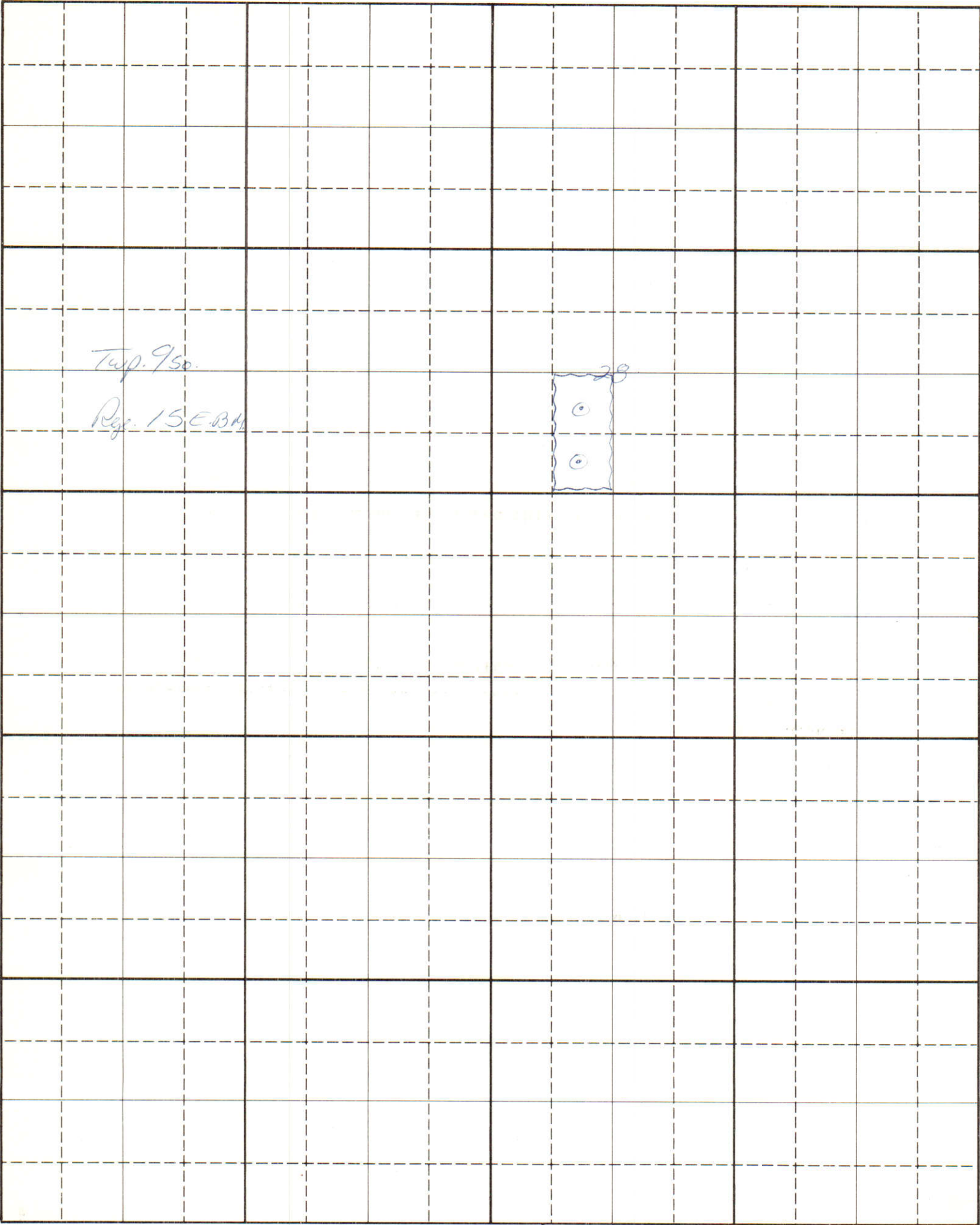


11. Map of proposed project:



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.

Ernest W. Weller
(Applicant)

47-7091

AFFIDAVIT of PUBLICATION

RECEIVED

MAY 18 1970

STATE OF IDAHO
County of Twin Falls

Department of Reclamation

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 7th day of May, 1970, and the last publication having been made on the 14th day of May, 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.

Robert E. Bailey

Subscribed and sworn to before me this 15th day of May, 1970

Loelva D. Matthews
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 Everett Weaver, Route 1, Buhl, Idaho, has on March 17, 1970, submitted Application No. 47-7091 to appropriate the public waters of an unnamed stream (Pospisil drain, T-3 Coulee), tributary of So. Side Lateral 32A.

The application proposes a maximum diversion and appropriation of 20.0 cubic feet per second of water to be diverted by diversion dams and screens within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, T. 9S, R. 15E, B.M., Twin Falls County, and is to be used within the E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 28, T. 9S, R. 15E, 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 May 25, 1970.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Buhl Herald,
Buhl, Idaho, on May 7 and May 14,
1970.
(17t2)

47-7091

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 47-7091 Priority Feb. 23, 1970 Amount 16.5 cfs

THIS IS TO CERTIFY, that EVERETT WEAVER
of Buhl, Idaho, has complied with the terms and conditions of Permit
No. 47-7091 issued pursuant to Application for Permit dated February 23, 1970,
and has submitted proof to the Department of Water Resources on June 27, 1975,
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 16.5 cfs of water from an unnamed stream,
tributary to _____, 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>16.5</u> cfs and <u>n/a</u>		
<u>Propagation</u>	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 16.5 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
n/a acre feet per-year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ & NE $\frac{1}{4}$ SW $\frac{1}{4}$ of
Sec. 28, Twp. 9 S, Rge. 15 E, B. M. in the County of Twin Falls

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9 S	15 E	28									X			X					

Total number of acres irrigated _____

A measuring device of a type approved by the Department shall be permanently
maintained as part of the diverting works.

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
March, 19 76.

Director

LICENSE ISSUED FOR 16.5 SEC. FT.
LICENSE PAGE NO. _____

Identification No. 47-7091
Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

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

APPROVED

1. Name of applicant Everett Weaver
post office address Route 1, Buhl, Idaho
2. Source of water supply Unnamed stream *see remarks which is a tributary of So. Side lateral 32A,
Twin Falls
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 9S
Range 15E B.M. Twin Falls County; additional points of diversion if any: _____
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 9S, R. 15E, B.M.
- b. If water is not consumed, it will be discharged into I-3 Coulee at a point in NE $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 28 Township 9S Range 15E B.M. _____
4. Water will be used for the following purposes:
Amount 20 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. 20 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Diversion dams and screens,
4½ high, 16' wide, bottom 16' wood and concrete
- 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
(allow 2 years)
is 5 years.
b. Estimated construction cost is \$ 8,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: E $\frac{1}{2}$ $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28 Township 9S
Range 15E 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 culture. Will develop to maximum
use for water available without causing contamination for downstream water as
specified by Twin Falls Canal Co.

47-7091

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

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

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes_____ None

9. a. Who owns the property at the point of diversion_____ Leonard Pospisil

b. Who owns the land to be irrigated or place of use_____ Leonard Pospisil

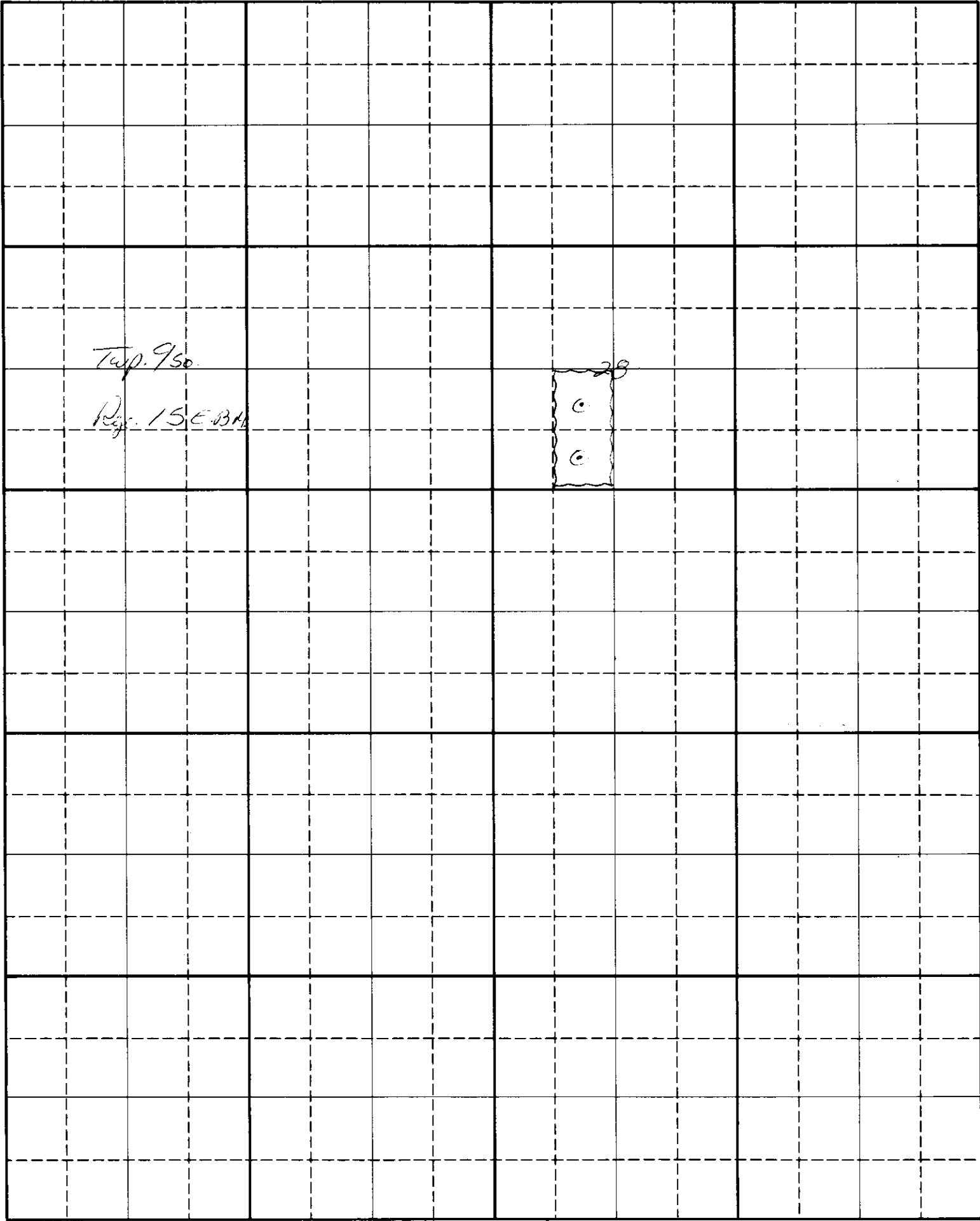
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing_____ Leonard Pospisil has entered into agreement with me on a rental or purchase basis for a period of fifteen years for me to develop and raise fish on a suitable stream thru his farm.

10. Remarks * Pospisil drain, T-3 Coulee

The Twin Falls Canal Company developed this stream in 1938 (completed) and is part of Twin Falls Canal Co. system.
This petition is for non-consumptive use and is agreeable with Canal Co.

These diversions will be on stream diversions

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.

Ernest H. Jones
(Applicant)

47-7091

Received by Bill Date 2-23-70 Time 3:06 PM
Preliminary check by Bill Fee \$ 100.00
Receipted by Bill Date 2-23-70
Publication prepared by Bill Date 4-29-70
Published in Booth Herald
Publication dates 5-7-14-70
Publication approved Bill Date 5-25-70
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by Bill

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7091, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:
- SUBJECT TO ALL PRIOR WATER RIGHTS.
 - Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 72.
 - Other: The permit holder shall permanently install and maintain measuring devices of a type approved by the department as part of the diverting works.

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

Witness my hand this 12th day of June, 19 70.

R. Kirk Higgin
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

State of Idaho)
County of Twin Falls)

Permit No. 47-7091

Everett Weaver of Route #1 Buhl, Idaho 83316
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 47-7091.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before July 1, 19 72.

That he has heretofore performed the following work described under said permit:

Six ponds are in production (have harvested 77,861 lbs. trout) and now have 92,000 fish stocked.

Costing \$ ~~22,000.00~~ 8,000.00 C.W.

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: _____

Delay of Government Loan, litigation with neighbor over access road to complete one structure and have had to feel way as to how much development was desirable for full use of total amount of water in stream.

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to July 1, 19 75.

Everett Weaver
(signature) *

Subscribed and sworn before me this 26 day of June, 19 72.

seal

Donald M. Eldon
(notary public)

My commission expires 2-18-1974

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, C. STEPHEN ALLRED, Deputy, Director of the Idaho Department of Water Administration, State of Idaho, hereby approve the above application for extension of time for Permit No. 47-7091 to July 1, 1975.

Witness my hand this 3rd day of July, 19 72
C. Stephen Allred
Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

RECEIVED

JUN 9 1970

Department of Reclamation

June 7, 1970

Department of Reclamation
Statehouse-Annex 2
Boise, Idaho 83707

Dear Sir:

In answer to your letter concerning my application for Permit No. 47-7091, you have ask me to fill out the following:

- (1) a financial statement,
- (2) preliminary design of hatchery facilities,
- (3) justification,
- (4) estimate of construction schedule ect.,

I will try to give you an explanation of my intentions to help you evaluate my application as follows:

(1) I am not constructing a hatchery at all. I am only constructing rearing ponds. As for my financial resources available, I own my own equipment to do this work, a Dixie Lorain Crane and Backhoe, HD3 Allis Chalmers Crawler Tractor, dump trucks, ect., and have been assured by Farmers National Bank of Buhl that if I need a loan they would be happy to help me with this. At this time I do not feel I will need more than my personal income which exceeds \$2000.00 per month now.

(2) As for design I am only widening out a Twin Falls Canal Co. developed stream, from 8 feet to 40 feet, as per may agreement with them and placing structures at approximately every 250 feet to back water to average depth of about 4 feet.

(3) I have applied for water right to all water in stream,(non-consumptive) because I will develope said stream to the extent that I will raise all the fish that the stream will produce without contaminating water for exsisting down stream water users. I think this will be about 300,000 lbs. of gain in weight of fish per year. If more is possible I will do more. It can only be determined by trial and test method which will take some time.

(4) As for construction starting date, February 9, 1970 I started work. As of now I have three rearing ponds stocked with about 40,000 fish which have nearly tripled in weight. Excavation of two more ponds is complete.

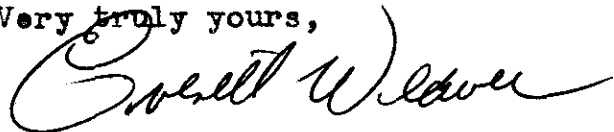
47-7091

Department of Reclamation
Page 2
June 7, 1970

This is about 1/3 of what I expect to do this year. As finishing of construction, I expect I will be changing and improving from now on as time moves along.

Now, if you have any questions concerning my applications, please contact me at once. Call 543-4782 collect.

Very truly yours,

A handwritten signature in cursive script that reads "Everett Weaver". The signature is written in dark ink and is positioned above the printed name.

Everett Weaver

EW:cw

47-7091

DEPARTMENT OF RECLAMATION

STAFF ANALYSIS

Application No. 47-7091 Name Everett Weaver

Source Unnamed stream

Point of Diversion SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 9S, R. 15E, B.M.,
Twin Falls County

Quantity 20.0 Use fish propagation Period Jan. 1 - Dec. 31

Quantity Use Period

Quantity Use Period

Well Size Diameter Proposed Depth Feet

Use

Date Forwarded 5-8-70 Date Returned 5-8-70 Received by

RECOMMENDATIONS: WATER IS SUPPLIED FROM "HARVEY" TUNNEL
AND DRAINS AND IS USED DOWNSTREAM BY
T.F. SOUTHSIDE CO. STREAM IS A DRAIN BUILT
BY T.F. SOUTHSIDE IRON CO. THE ARS-USDA AT
Kimberly has measured a maximum flow of
21.4 cfs in Sept 1969 and a minimum flow
of 7.4 cfs in February 1969.

Qty. Use Period AF AFA

Qty. 20.0 Use fish prop Period 1-1 to 12-31 AF AFA

Qty. Use Period AF AFA

ACTION: Approved X Denied

Conditions of approval or reason for denial: Measuring devices
ON INFLOW AND OUTFLOW. Control quality of
effluent. Notify Health Department of planned
developments. Advise applicant that permit does
not constitute a right-of-way.

INVESTIGATION By Norman C. Young Title WR I II
Date May 8, 1970

47-7091

DEPARTMENT OF RECLAMATION

STAFF ANALYSIS

Application No. <u>47-7091</u>		Name <u>Everett Weaver</u>	
Source <u>Unnamed stream</u>			
Point of Diversion <u>SE$\frac{1}{4}$SW$\frac{1}{4}$ and NE$\frac{1}{4}$SW$\frac{1}{4}$, Sec. 28, T. 9S, R. 15E, B.M.,</u>			
<u>Twin Falls County</u>			
Quantity <u>20.0</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 _____			
Date Forwarded <u>3-18-70</u>		Date Returned <u>5-6-70</u>	Received by <u>AW</u>

RECOMMENDATIONS: <u>Copy of permit to Health Dept for</u>				
<u>comments on effluent treatment requirements</u>				
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: <u>Subject to cancellation</u>				
<u>after one year if work is not progressing</u>				
<u>satisfactorily or delay is due to circumstances beyond</u>				
<u>applicant's control as determined by State Recl. Engrs</u>				
ENGINEERING _____	By <u>A.H. Dunn</u>		Title <u>Asst. State Engr</u>	
			Date <u>5-4-70</u>	

47-7091

A G R E E M E N T

THIS AGREEMENT, made and entered into this 9th day of February, 1970, by and between LEONARD POSPISIL, a divorced man, of Buhl, County of Twin Falls, State of Idaho, as party of the first part, and EVERETT WEAVER, of Buhl, County of Twin Falls, State of Idaho, as party of the second part, witnesseth:

WHEREAS, the party of the first part owns and has title to that real property located in Twin Falls County, State of Idaho, described as follows:

The East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Twenty-eight (28) Township Nine (9) South, Range Fifteen (15), E. B. M.

AND WHEREAS, said described land has a seepage stream which enters at the Southwest corner and runs through the entire length of said land.

AND WHEREAS, said seepage stream is suitable for development of raising fish.

AND WHEREAS, the party of the second part desires to develop the fish industry and raise fish in said stream.

NOW, THEREFORE, it is hereby agreed by and between the parties as follows:

The party of the first part does hereby grant, assign, and set over to the party of the second part a right of way to develop said stream for the purpose of raising fish and to construct all structures and buildings necessary for raising and processing said fish. And, the

47-7096

party of the first part further grants to the party of the second part an easement to use one hundred (100) feet on each side of the center of the said stream to run through the entire length of the above described land.

To have and to hold the said easement, right, and right of way unto the party of the second part, his successors, or assigns for a period of fifteen (5) years from the date of execution of this agreement, and under the specific conditions, restrictions, and considerations as follows:

As consideration for said right of way and easement, second party agrees to pay to first party a sum equal to one-half (1/2) of all net profits devired from said land.

Second party shall have the right to re-route the seepage stream as is reasonably necessary for the proper development of the fish industry.

The party of the second part shall have the sole management of the development of the business.

Party of the first part is granted the right at all reasonable times to examine books of account pertaining to said development and business.

In the event the first party desires to sell the above-described land before the termination of this agreement, the second party shall have the first option to purchase said land at it appraised value or the sum of \$65,000.00, whichever is less.

At the termination of this agreement, second party

47-7091

shall have the option to purchase the above-described property from the first party for its appraised value or the sum of \$65,000.00 whichever is less. And, in the event second party does not elect to exercise this option, first party shall purchase the development and business from the second party for an appraised value to be determined by three appraisers, two of which shall be selected by each party and a third to be selected by the two named appraisers.

In the event second party abandons the development before the termination of this agreement, all ownership shall vest in the first party free of any claims from the second party. It is agreed that said transfer to the first party shall constitute liquidated damages in the case of said abandonment.

The covenants in this agreement shall extend to and bind the heirs, administrators, assigns and successors of the respective parties hereto.

It is specifically agreed that in the event either party to this agreement should default in any manner, that all attorney fees and court costs incurred in any litigation concerning such matters, shall be collectible by the prevailing party, in addition to such other remedies as the prevailing party may have under the terms of this agreement, or which may be provided by law.

IN WITNESS WHEREOF, the parties hereto have
hereunto set their hands, the day and year in this agreement
first above written.

LAW OFFICES
BEHM
AND
ANDERSON
SAN FRANCISCO

Leonard Popisil
First Party

47-7091

Everett Weaver
Second Party

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 9th day of February, 1970, before me,
the undersigned, a Notary Public in and for said County
and State, personally appeared LEONARD POSPISIL and EVERETT
WEAVER, known to me to be the persons whose names are
subscribed to the foregoing instrument, and acknowledged
to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my official seal the day and year last above
written.

(SEAL)

Eugene H. Christofferson
Notary Public for Idaho
Residing at Buhl, Idaho

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 7th day of May, 1970, and the last publication having been made on the 14th day of May, 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.

Robert E. Bailey

Subscribed and sworn to before me this 15th day of May, 1970

Looye P. Thattkane
Notary Public.

Buhl, Idaho
Residing at

January 1, 1973
My Commission Expires

NOTICE OF APPLICATION FOR
WATER RIGHTS
The application provides a maximum diversion and appropriation of 20.0 cubic feet per second of water to be diverted by diversion dams and structures on the SE 1/4 SW 1/4 of Section 22, T. 33 N. R. 15 E., Buhl, Twin Falls County, and is to be used for the purpose of fish propagation purposes.
Any protest against this application must be filed with the Idaho Department of Reclamation on or before May 25, 1970.
/s/ R. E. BAILEY
State Reclamation Engineer
Published in the Buhl Herald, Buhl, Idaho, on May 7 and May 14, 1970.
(17c2)

March 10, 1976

Re: Permit No. 47-7091

Mr. Everett Weaver
R.R. # 4
Buhl, Idaho 83316

Dear Mr. Weaver:

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

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr
Enc: Copy of license

February 25, 1976

Mr. Everett Weaver
R.R. # 4
Buhl, Idaho 83316

Dear Mr. Weaver:

A representative of this Department has made an examination of the works covered by your Permit No. 47-7091 and has found the following:

Quantity of water diverted: 16.5 cfs Source: unnamed stream

Amount of water that can be recognized as beneficially used under
Idaho law: 16.5 cfs

Point of diversion: $SE\frac{1}{4}SW\frac{1}{4}$ & $NE\frac{1}{4}SW\frac{1}{4}$, Sec. 28, Twp. 9 S, Rge.
15 E, B.M.

Beneficial use: Fish propagation purposes within the $E\frac{1}{2}SW\frac{1}{4}$, Sec.
28, Twp. 9 S, Rge. 15 E, B.M.

Priority established: February 23, 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

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

RECEIVED

1. Name of permit holder Everett Weaver
Post office address R. R. 4, Buhl, ID 83316 Phone 543-4782
Person to contact _____
JUL 21 1975
Department of Water Resources
Southern District Office

2. Source of water supply: Groundwater ☐ Surface water ☒ unnamed stream
Tributary to Canal Co. Wells (free flow)
Southside Lateral 32A

3. Water will be used for the following purposes:

Amount 20.00 c.f.s. for Fish Propagation
AF/Annum (nature of use)

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

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

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

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

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

Other uses: _____

Permit No. 47-7091
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 20.00 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 9S N/S, Range 15E E/W, B.M., Section 28, Subdivision SE $\frac{1}{4}$ SW $\frac{1}{4}$, Twin Falls

Township 9S N/S, Range 15E E/W, B.M., Section 28, Subdivision NE $\frac{1}{4}$ SW $\frac{1}{4}$, County

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

Other Points of Diversions: _____

Description of diverting works: Concrete & steel diversion box

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9S	15E	28									X			X					

TOTAL ACREAGE _____

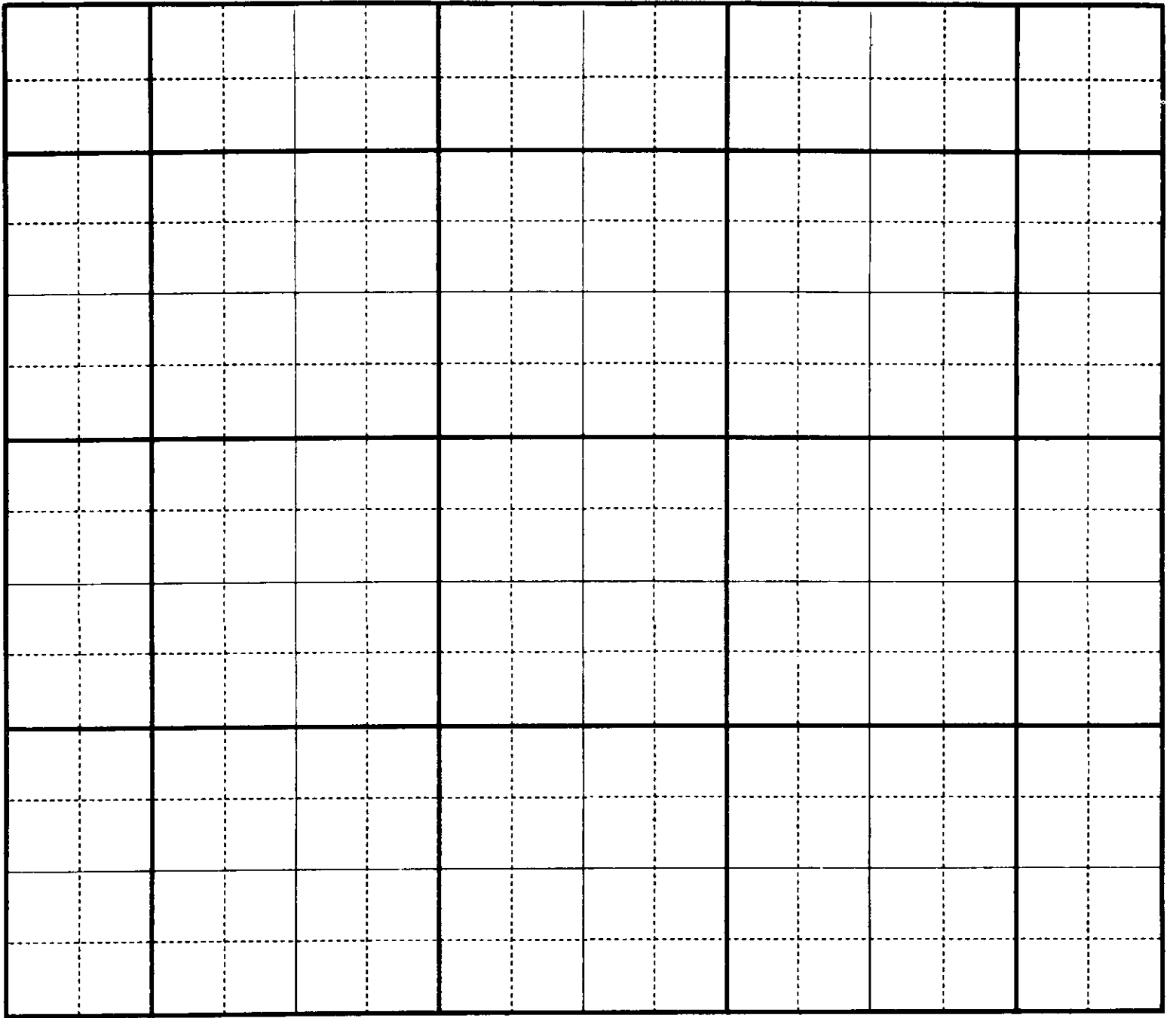
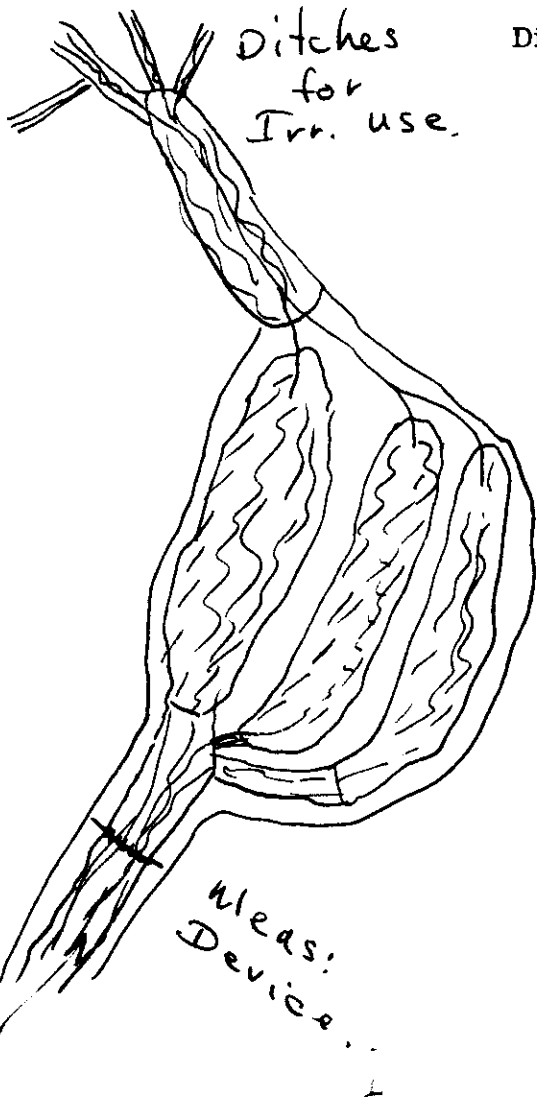


Diagram of System



DATE OF EXAM 9-23-75

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 Propagation Q = 16.5 c.f.s. V = 11924 AF/Ann from Jan. 1 to Dec. 31

Is water co-mingled? yes _____ no ☒

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

Exchange? yes _____ no ☒

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

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

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

Total Q measured 6' Crest, Meas: .90 = 16.5 c.f.s. Method of measurement Contracted Rectangular Weir

Total Q recommended 16.5 c.f.s. Meter No. ☒ Type 6' Condition good -

Total V recommended 11,924 Ac Ft/ANN

Recommended Amendments:

P.D. ☒
Place of Use ☒
Other ☒
None ☒

MEASUREMENT CALCULATION:

$Q = 16.5 \text{ c.f.s.}$ (6'-crest Contracted Rectangular Weir ^{Meas: .9})
 $V = 11,924 \text{ Ac Ft} = (16.5 \text{ c.f.s.}) (1.98 \text{ Ac Ft}) (365 \text{ days}) = 11,924.5 \text{ Ac Ft/ANN.}$
_{ANN (c.f.s)(day)}

SYSTEM DESCRIPTION:

Water diverts into ponds then diverts at out let for Irrigation. Springs arise in the Areas of the ponds.

REMARKS:

IN let Meas: device only. Springs arise in the middle of the ponds. There are also diverting works which make it impossible for Meas: devices to meas: properly and to be constructed with out extreme cost.

Examiner's Signature Janice Funderburg Date 9-23-75

Checked by Terry A. Blau Date 9-25-75

Approved by Michael Steen Date 11-21-75

September 23, 1975

Idaho Department of Water Resources
Statehouse - Annex 2
Boise, Idaho 83720

Attention: Mr. Bobby Fleenor

Dear Mr. Fleenor:

We have a permit for fish propagation No. 47-7091. We are required a measuring device at the inlet and outlet. We have installed a measuring device at the inlet, but we have been unable to install a device at the outlet because of the springs that arise within our ponds and the diversion that diverts the water from the outlet of the ponds.

We have discussed the situation with one of the Southern District Department personnel, and he suggested that we write and request a waiver deleting the measuring device from the outlet. Please advise if there is any question regarding this matter. Please contact Mr. Funderburg at the Twin Falls office of the Department of Water Resources.

Thank you.

Errett Weaver

*not required at
outlet! he*

July 17, 1975

Re: Permit No. 47-7091

Mr. Everett Weaver
R. R. 4
Buhl, Idaho 83316

Dear Mr. Weaver:

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 District Office in **Twin Falls.**

Sincerely,

D. Darlene Reich
Water Rights Supervisor

:JG

MICROFILMED

Identification No. _____

Permit No. 47-7091

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

JUN 27 1975 *okji*

Department of Water Resources
Southern District Office

1. a) Name of Permit Holder Everett Weaver
b) Post Office Address Rural Route #4, Buhl, Idaho
2. Permit Number 47-7091
3. Date of Priority that you are prepared to establish February 23, 1970
4. a) Source from which water was appropriated Unnamed stream, Canal Co. wells (free flow)
b) Location of the point of diversion: SE ¼ SW ¼, 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 20 for Fish Propagation 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 20 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
N/A
b) Describe the agreement or understanding by which you take water from the works:
N/A

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 & Steel Diversion Box

- b) Describe the type and size of measuring device which you have installed at your point of diversion:
Rectangular weir 6'

- c) Give well driller's name and address and the date the well was completed:
N/A

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

MICROFILMED

Exam typed 7-17-75 by *ja*

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	15E	28									X			X					

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.

6-27-75
(Date)

Corett Weaver
(Signature)

State of Idaho)
County of Twin Falls) ss.

On this 27 day of June, 19 75, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Robert Z. Haynes
Notary Public residing at Twin Falls

My commission expires 11-20-78

May 1, 1975

CERTIFIED MAIL

#26768

Re: Permit No. 47-7091

Everett Weaver
Route #1
Buhl, ID 83316

Dear Mr. Weaver:

One of the conditions of approval of your water Permit No. 47-7091 (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 July 1, 1975. 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

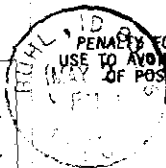
RECEIVED
MAY 1 1975

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.



**RETURN
TO**

UNRECORDED
DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

- SENDER: Complete items 1 and 2.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one)

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢
☐ DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESS TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

Western District Office

August 22, 1972

Mr. Leonard Pospicil

Route #4

Buhl, Idaho 83316

Dear Mr. Pospicil:

- Everett Weaver is holder of active water right permit no. 47-7091 in the amount of 20 cubic feet per second from the Pospicil Drain, T-3 Coulee within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, T. 9 S., R. 15 E., B.M. in Twin Falls County.
- The season of use is from Jan. 1 to Dec. 31 of each year for non-consumptive use, fish proposition and is in agreement with the Twin Falls Canal Company.
- No other water rights except, perhaps, those of the Twin Falls Canal Company are on file with this Department for the parcel of land you indicated by telephone on August 18, 1972.

Sincerely,

KENNETH H. FOIT, P.E.
Western District Engineer

KHF:mkp

47 7091

July 5, 1972

Re: Permit No. 47-7091

Mr. Everett Weaver
Route # 1
Buhl, Idaho 83316

Dear Mr. Weaver:

Enclosed is a copy of the approved application for extension of time for Permit No. 47-7091. The time within which to submit proof of beneficial use of water has been extended to July 1, 1975.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

17 7091

CONVERSATION MEMORANDUM

FILE 47-7091

NAME OF PARTY _____

EMPLOYEE Bob Eleanor

6/19/72

RE: Extension of Time -
Advised Permittee to send letter requesting
extension of time as soon as possible.

17 7091

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.

23552

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

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

5-2-72

3

17 7091

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



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

Postmark of Delivering Office

SENDER INSTRUCTIONS

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

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

**RETURN
TO**

PS Form 3811 Nov. 1970 635-10-81277-1

47 2094

May 1, 1972 CERTIFIED MAIL

3552

Re: Permit No. 47-7091

Everett Weaver
Route # 1
Buhl, Idaho 83316

Dear Mr. Weaver:

One of the conditions of approval of your water Permit No. 47-7091 (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 July 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
dr

17 7091



STATEHOUSE BOISE, IDAHO, 83707

June 19, 1970

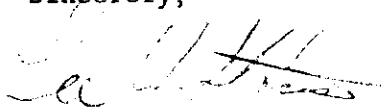
Department of Reclamation

Mr. Donald W. McEldowney
Appropriation Supervisor
Idaho Department of Reclamation
Statehouse
Boise, Idaho 83707

Dear Mr. McEldowney:

Reference is made to your request for comment on effluent treatment requirements to be placed on appropriation permits No. 36-7127 (Richard Gooby) and 47-7091 (Everett Weaver). No special requirements have been developed by our agency for treatment of effluents from fish propagation operations. We would ask only that the receiving stream meet the intrastate water quality standards; determination of compliance would have to be made in each individual case. We have little data on the effects of fish propagation operations on water quality. We expect to analyze these effects in existing installations in the near future.

Sincerely,


LEE W. STOKES, Ph.D.
Chief Aquatic Biologist
Water Pollution Control Section
Environmental Improvement Division

mcf

47-7091



STATEHOUSE, BOISE, IDAHO, 83707

REC-1
June 19, 1970

JEN

Department of Reclamation

Mr. Donald W. McEldowney
Appropriation Supervisor
Idaho Department of Reclamation
Statehouse
Boise, Idaho 83707

Dear Mr. McEldowney:

Reference is made to your request for comment on effluent treatment requirements to be placed on appropriation permits No. 36-7127 (Richard Gooby) and 47-7091 (Everett Weaver). No special requirements have been developed by our agency for treatment of effluents from fish propagation operations. We would ask only that the receiving stream meet the intrastate water quality standards; determination of compliance would have to be made in each individual case. We have little data on the effects of fish propagation operations on water quality. We expect to analyze these effects in existing installations in the near future.

Sincerely,

LEE W. STOKES, Ph.D.
Chief Aquatic Biologist
Water Pollution Control Section
Environmental Improvement Division

mcf

47-7091

June 18, 1970

Re: Permit No. 47-7091

**Mr. Everett Weaver
Route 1
Buhl, Idaho 83316**

Dear Mr. Weaver:

Enclosed is a copy of your approved Application for Permit No. 47-7091. We direct your attention to the conditions of approval on the fourth page under approval of the State Reclamation Engineer.

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
State Reclamation Engineer**

CSA:kh

**Enclosures: Copy of permit
Receipt No. 4247 for \$100
1 informational letter**

47-7091

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

May 11, 1970

Re: Application for Permit No. 47-7091

Mr. Everett Weaver
Route 1
Buhl, Idaho 83316

Dear Mr. Weaver:

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 11, 1970, in order to maintain your proposed priority of February 23, 1970 (Section 42-204, Idaho Code).

1. A financial statement indicating the resources available to complete the project as described in the application.
(Section 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 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.

47-7091

Page 2
Mr. Everett Weaver
Re: 47-7091
May 11, 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

47-7091

May 11, 1970

Re: Application for Permit No. 36-7127 -- Richard J. Gooby
" " " " 47-7091 -- Everett Weaver

Mr. Mel Alsinger
DEPT. OF HEALTH
Statehouse Mail

Dear Mr. Alsinger:

Enclosed please find copies of the above referenced applications for permit.

We would appreciate your comments on the effluent treatment requirements that should be placed on these permits.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosures (2)

44-7091

LEGAL

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

Notice is hereby given that Everett Weaver, Route 1, Buhl, Idaho, has on March 17, 1970, submitted Application No. 47-7091 to appropriate the public waters of an unnamed stream (Pospisil drain, T-3 Coulee), tributary of So. Side Lateral 32A.

The application proposes a maximum diversion and appropriation of 20.0 cubic feet per second of water to be diverted by diversion dams and screens within the SE¹/₄SW¹/₄ and NE¹/₄SW¹/₄ Sec. 28, T. 9S, R. 15E, B.M., Twin Falls County, and is to be used within the E¹/₄SW¹/₄, Sec. 28, T. 9S, R. 15E, 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 May 25, 1970.

/s/ R. KEITH HIGGINSON

State Reclamation Engineer
Published in the Buhl Herald,
Buhl, Idaho, on May 7 and May 14,
1970.

(17t2)

47-7091

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

April 29, 1970

Re: Application for Permit No. 47-7091 - Everett Weaver
47-7095 - Valley Trout Farm, Inc.
47-7096 - Kathryn C. Jarolimek
47-7097 - Samuel & Miracle, 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 notices (4)

*Bill submitted
5-25-70
ds*

47-7091

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

Notice is hereby given that Everett Weaver, Route 1, Buhl, Idaho,
has on March 17, 1970,
submitted Application No. 47-7091 to appropriate the public waters of
an unnamed stream (pospisil drain, T-3 Coulee), tributary of So. Side Lateral 32A.

//////////
The proposed uses are _____

_____.

The application proposes a maximum diversion and appropriation of 20.0
cubic feet per second ////////// acre feet of water to be diverted by diversion dams
and screens within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 28, T. 9S, R. 15E, B.M., Twin Falls County,

and is to be used within the E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 28, T. 9S, R. 15E, 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 May 25, 1970.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Buhl Herald, Buhl, Idaho,
on May 7 and May 14, 1970
_____.

47-7091

March 9, 1970

Re: Application for Permit No. 47-7091

Mr. Everett Weaver
Route # 1
Buhl, Idaho 83316

Dear Mr. Weaver:

As we inadvertently neglected to have you sign the above referenced application for permit, we are herewith returning it for your signature.

Please sign the application and return it to the Department as quickly as possible.

Your cooperation in this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enclosure

47-7091