

NAME OF APPLICANT Edwin E. Frymyer, Arthur J. Wylie and Clifford E. Wylie
copartners doing business as Canyon Trout Farm.



**NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF
WATER TO BENEFICIAL USE**

Notice is hereby given that at 10 a.m. on the 22nd day of May, 1950, at Twin Falls, County of Twin Falls, State of Idaho, before Harry Povey, Notary Public, Idaho Department Store Building, proof will be submitted of the application to beneficial use of nine cubic feet per second of the waters of drainage tunnel known as Tolbert Tunnel, located in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 10 S. R. 16, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 10 S. R. 16, E.B.M., in accordance with the terms and conditions of Permit No. 20085 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Edwin E. Frymyer, Arthur F. Wylie and Clifford E. Wylie, co-partners doing business as Canyon Trout Farm, Twin Falls, Idaho.

The use to which said water has been applied is for fish hatchery, fish ponds and domestic purposes.

The amount applied to beneficial use is nine cubic feet per second.

The place where said water is used is Fish Hatchery and ponds located in Rock Creek Canyon, Twin Falls County, Idaho, in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 10 S. R. 16, E.B.M., and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 10 S. R. 16 E.B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is unnamed.

The right to take water from such works is based upon Permit No. 20085.

The source of supply from which such water is diverted is drainage tunnel known as Tolbert Tunnel located in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 10 S. R. 16 E.B.M.

The date of priority which said user is prepared to establish is April 15, 1947.

MARK R. KULP,
State Reclamation Engineer
Pub.: April 27; May 4, 11, 18, 1950.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

N^o 3319

I, Lisa Molony, being first duly sworn upon

oath depose and say that I am principal clerk of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice or advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

4 consecutive Thursdays, commencing with the issue dated April 27, 1950, and ending with the issue dated

May 18, 1950.

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

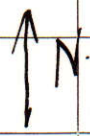
And I further certify that pursuant to Section 58-108 I. C. A., 1932, as added thereto by Chapter 154, Idaho 1933 Session Laws, Thursday of each week has been designated as the day on which legal notice required by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Lisa Molony
Subscribed and sworn to before me this 18th day of May, 1950.
Jessie Delaya

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

20085

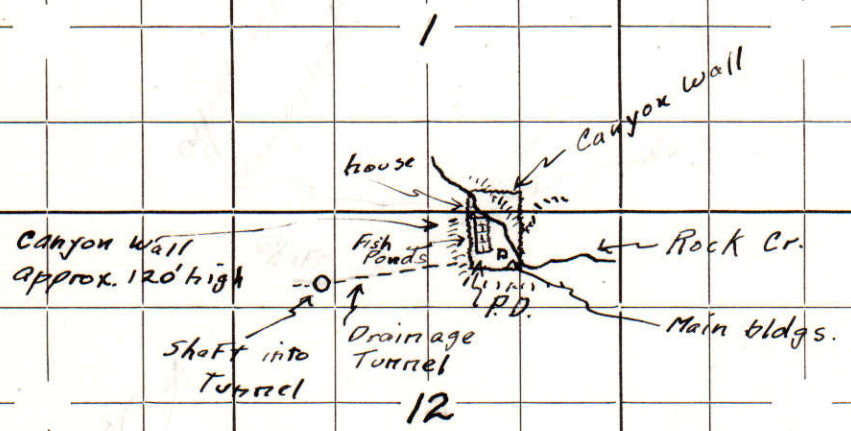
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3 north ponds are
 in Sec. 1.

T 10 S R 16 E.

5 1/2 acres total
 (assessor list)



Approx 5 1/2 acres in place
 The North ponds are in Sec 1.

12 large ponds 24' x 120' x 3'h.
 2 small ponds 13' x 60' x 2'h.
 Ponds are concrete with water flowing
 continually thru them.
 A steep gravel road leads down to the
 property from the south and west.

Notice is hereby given that at 10 a. m., on the 9th day of June, 1949, at Twin Falls, County of Twin Falls, State of Idaho, before Harry Povey, Notary Public, Idaho Department Store Bldg., Twin Falls, Idaho, proof will be submitted of the completion of works for the diversion of nine cubic feet per second of the waters of drainage tunnel known as Tolbert Tunnel located in NW 1/4 NE 1/4, Sec. 12, T. 10 S., R. 16 E. B. M., in accordance with the terms and conditions of a certain permit heretofore issued by the State Reclamation Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Edwin E. Frymyer, Arthur F. Wylie and Clifford E. Wylie, co-partners doing business as Canyon Trout Farm.

2. The postoffice address of such person or principal place of business of such corporation is Twin Falls, County of Twin Falls, State of Idaho.

The number of such permit is 20085, and the date set for the completion of such work is June 9, 1949.

4. Said water is to be used for fish hatchery and ponds and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit is nine cubic feet per second.

6. The place of use of said water is more particularly described as follows: Fish hatchery and ponds located in Rock Creek Canyon, Twin Falls County, Idaho, in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 10 S., R. 16 E.B.M. and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 10 S., R. 16 E.B.M.

MARK R. CULP,
State Reclamation Engineer.
Pub.: May 4, 11, 18, 25, 1949.

STATE OF IDAHO,
COUNTY OF TWIN FALLS

Nº 2814

I, Jose Molony, being first duly sworn upon

oath depose and say that I am principal clerk of the Times-News, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice or advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

.....4.....consecutive.....Wednesdays....., Commencing with the issue
dated.....May 4....., 1949....., and ending with the issue dated
.....May 25....., 1949.....

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

And I further certify that pursuant to Section 58-108 I. C. A., 1932, as added thereto by Chapter 154, Idaho 1933 Session Laws, Thursday of each week has been designated as the day on which legal notice required by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

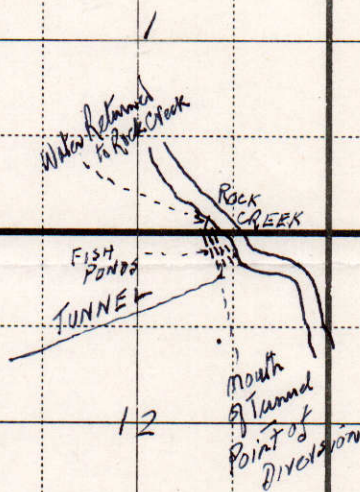
Subscribed and sworn to before me this 31st day of July

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

20085

Edwin E. Frymyer, Arthur F. Wylie and Clifford E. Wylie, copartners
NAME OF APPLICANT doing business as Canyon Trout Farm. FORM No. 0

T105 R16 LBM.



Permit Map No. 20085
As Approved
JUN 9 1947
MARK R. KULP
State Reclamation Engineer

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS, } ss.

Nº 1773

NOTICE OF APPLICATION TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO.

STATE OF IDAHO, DEPARTMENT OF RECLAMATION

NOTICE IS HEREBY GIVEN That on the 15th day of April, 1947, Edwin E. Frymyer, Arthur F. Wylie and Clifford E. Wylie, co-partners, doing business as Canyon Trout Farm, of Twin Falls, Idaho, made application to appropriate Nine (9) cubic feet per second of water from a drainage tunnel known as Tolbert Tunnel, of the Twin Falls Canal Company, for fish hatchery, ponds, and domestic purposes.

That the mouth of the tunnel, which is the point of diversion, is about 500 feet South and 35 feet West of the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section Twelve (12), Township Ten (10) South, Range Sixteen (16) East, B.M., and in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant,

and shall clearly set forth his objections to the approval of said application.

Dated this 16th day of April, 1947.

MARK R. KULP

State Reclamation Engineer

Date of first publication April 24, 1947

Date of last publication May 8, 1947

Last date for protest May 26, 1947.

SERVICE OF THE FOREGOING, By copy, is hereby admitted, this 17th day of April, 1947.

Edwin E. Frymyer, Arthur F. Wylie and Clifford E. Wylie, co-partners doing business as Canyon Trout Farm, Applicant
By Arthur F. Wylie,
Managing Partner

Publish April 24, May 1, 8, 1947

I, Helen Hoyer, being first duly sworn upon oath depose and say that I am Clerk of the Times-News, published daily, except Saturday, at Twin Falls, Idaho, and so solemnly swear that a copy of the notice or advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for 3 consecutive Thursdays, commencing with the issue dated April 24, May 1, 1947, and ending with the issue dated May 8, 1947.

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

And I further certify that pursuant to Section 58-108 I. C. A., 1932, as added thereto by Chapter 154, Idaho 1933 Session Laws, Thursday of each week has been designated as the day on which legal notice required by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me this May 14, 1947 day of

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

State of Idaho

License and Certificate of Water Right

Water License No. 19955Amount 0.4 second foot

Water District No. _____

Priority December 7, 1946

THIS IS TO CERTIFY that **WILLIAM G. PURCELL**
 of **Leadore, Idaho**, made application for a permit to appropriate the
 public waters of the State of Idaho, dated **October 21, 1946**; that Permit No. **19955**
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.6 second feet, was issued thereunder on **October 23, 1947**, showing that said works
 were completed on the **3rd** day of **September**, **1947**; and that on the **15th**
 day of **December**, **1947**,

WILLIAM G. PURCELL

of **Leadore**, State of **Idaho**, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of **Big Timber Creek**
 , a tributary of **Lemhi River** for the purpose of **irrigation and domestic use**
 , under Use Permit No. **19955** of the **Department of Reclamation**
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page **4620**, on the **25th** day of **September**, **1950**;
 The right hereby confirmed dates from **December 7**, **1946**;

The Point of Diversion is located
 in the **NW 1/4 SE 1/4, Sec. 8**, Twp. **15 N.**, R. **26 E.**, B. M. **Lemhi County**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed **0.4** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 N.	25 E.	25	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	--
			Number of Acres Actually Irrigated -		
License inches	No. 13356 includes 40 inches for for SW $\frac{1}{4}$ NE $\frac{1}{4}$.		SW $\frac{1}{4}$ NW $\frac{1}{4}$, 40 inches for SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 20		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

25th day of **September**, **1950**.**MARK R. KULP***State Reclamation Engineer*

(SEAL)

N^o 20085
47-2241

**APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho**

Application No. 27644
Permit No. 20085

Harry Povey
Attorney at Law
Box 1041- Twin Falls, Idaho

1. **Name of Applicant:** EDWIN E. FRMYER, ARTHUR F. WYLIE and CLIFFORD E. WYLIE, co-partners, doing business as CANYON TROUT FARM

Postoffice address: Twin Falls

County: Twin Falls

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (c) Bonds to be issued:

- (b) Treasury stock:
- (d) Other resources:

2. **Quantity of water claimed:** Nine (9) cubic feet per second.

3. **Source of water supply** Subterranean water from drainage/ tunnel known as Tolbert Tunnel which is a tributary of

4. **Location of point of diversion:** Mouth of tunnel is about/ 500 feet South and 35 feet West ~~feet distant~~ from the Northeast corner of Section 12, T. 10 S., R. 16 E., B.M., and is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, T. 10 S., R. 16 E., B.M., County of Twin Falls

5. **Water is to be used for** Fish hatchery and ponds and domestic use

6. **If for mining, milling, power or manufacturing purposes, give:**

(a) **Point of use of water:** feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) **Amount of power generated:** H.P., under feet head.

(c) **Water is to be returned to** Rock Creek at a point about 150 feet distant from the S. E. corner of Section 1, T. 10 S., R. 16 E., B.M., in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, T. 10 S., R. 16 E., B.M.

7. **Estimated cost of works:** \$ 5,000.00

8. **Kind of works:** Ventura weir at mouth of tunnel into concrete basin and into 16" steel pipe 85' long sloping 17' into concrete basin; thence into concrete lead ditch with spillway into 16 ponds.

9. **Height of dam** feet; length of dam at top feet; length of dam at bottom feet; material used in dam:

10. **Size of headgate:** Width feet; height feet;

11. **Ditch:** Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. **The time required for the completion of such work is** Two (2) years.

13. **The time required for the complete application of the water to the proposed use is** One (1) additional years.

14. **The land to be irrigated is described in the following tabulation:** See remarks.

14-A. **Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:**

15. (a) Is reservoir to be used? If so, fill in (b) and (c) below.
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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.

EDWIN E. FRYSMYER, ARTHUR F. WYLIE and CLIFFORD E. WYLIE,
co-partners, doing business as Canyon Trout Farm

Applicant.

By

Arthur F. Wylie

Agent.

Date of first receipt at Department of Reclamation: 2:45 P. M. April 15, 1947

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20085

Recorded in Book 72 Page 20085 Approved June 9, 1947

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before August 9, 1947

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before June 9, 1948

The whole of said work to be completed on or before June 9, 1949

Beneficial use of water appropriated in accordance herewith, to be made on or before June 9, 1950

Witness my hand this 9th day of June, 1947

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho,

and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 9th.....

day of June, 1947

STATE OF IDAHO

Countersigned:

(SEAL)

By C. A. ROBINS

Governor.

By J. D. "CY" PRICE

Secretary of State.

Remarks: Blue print is submitted with this application covering S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 1, and NE $\frac{1}{4}$ Sec. 12, T. 10 S., R. 16 E., B.M., showing Rock Creek Canyon and the channel of Rock Creek.

Applicants own the following lands (each owning an undivided one-third interest)

14. (1) That part of the East portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12, T. 10 S., R. 16 E., B.M., lying and being below the rimrock and in the Canyon of Rock Creek.

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 $\frac{1}{4}$	
		(2)	That part of the SW$\frac{1}{4}$ SE$\frac{1}{4}$ Sec. 1, T. 10 S., R. 16 E., B.M. lying within the canyon of Rock Creek, particularly described as follows: Beginning at a point on the line between Secs. 1 and 12, T. 10 S., R. 16 E., B.M., 1090 feet East of the quarter corner of said section; thence North 89° 55' East 252 feet along the section line to Rock Creek channel; thence North 6° 50' West 174 feet along Rock Creek channel; thence North 79° 20' West 297 feet along Rock Creek channel; thence South 56° 28' West 84 feet; thence South 35° 47' East 224 feet to point of beginning. The fish ponds will be constructed upon the above described lands. Applicants also hold a ten-year lease covering the following described lands (each owning an undivided one-third interest), to-wit: That portion of the West 125 feet of the NE$\frac{1}{4}$ NE$\frac{1}{4}$ Sec. 12, T. 10 S., R. 16 E., B.M. lying in Rock Creek canyon, and bounded on the North by the center of the channel of Rock Creek and by the canyon wall on the south. Under agreement with the owner of the following described lands, applicants have been granted the right to straighten and change the channel and course of Rock Creek as it flows through the following described lands, to-wit: The westerly 125 feet of the NE$\frac{1}{4}$ NE$\frac{1}{4}$ Sec. 12, T. 10 S., R. 16 E., B.M., which is bounded on the North by the section line between Sections 1 and 12, T. 10 S., R. 16 E., B.M. and bounded on the South by the center of the channel of Rock Creek. Under the last mentioned agreement applicants have straightened the channel of Rock Creek so that it flows approximately as indicated on the blue print with red lines and cross hatching The mouth of the Tolbert Tunnel, from whence the water is taken, is indicated on the blue print by a cross, with dotted line showing course of water through pipe to fish ponds. The proposed location of fish ponds is indicated by red lines. After water flows through the fish ponds it will be emptied into Rock Creek.																

Permit No. 20085
 CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that EDWIN E. FRYMER, ARTHUR F. WYLIE and CLIFFORD E. WYLIE of Twin Falls, County of Twin Falls, and State of Idaho, co-partners, doing business as Canyon Trout Farm, the holders of Permit No. 20085, issued upon Application No. 27644 bearing date of priority of April 15, 1947, authorizing the diversion of Nine (9) second feet of the waters of subterranean flow from a drainage tunnel known as Tolbert Tunnel, County of Twin Falls, State of Idaho, for fish hatcher, ponds and domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use Nine (9) second feet of the waters of said drainage tunnel; that the point of diversion of said waters is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, Township 10 South, Range 16 East, B.M. and that the place of use of said water is their fish hatchery and ponds in Rock Creek Canyon, in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, Twp. 10 South, Range 16 East, B.M.

Witness my hand this 29th day of March, A. D. 1950.

MARK R. KULP
 State Reclamation Engineer

Proof of Completion of Works made June 9, 1949.
 Certificate of Completion of Works issued March 29, 1950.

LICENSE ISSUED FOR 9...~~SEE FL~~

p.4619

NOTICE OF APPLICATION TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO. DEPARTMENT OF RECLAMATION

NOTICE IS HEREBY GIVEN That on the 15th day of April, 1947 Edwin E. Frymyer, Arthur F. Wylie and Clifford E. Wylie, co-partners, doing business as Canyon Trout Farm, of Twin Falls, Idaho, made application to appropriate Nine (9) cubic feet per second of water from a drainage tunnel known as Tolbert Tunnel, of the Twin Falls Canal Company, for fish hatchery, ponds, and domestic purposes.

That the mouth of the tunnel, which is the point of diversion, is about 500 feet South and 35 feet West of the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section Twelve (12), Township Ten (10) South, Range Sixteen (16) East, B.M., and in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objections to the approval of said application.

Dated this 16th day of April, 1947.

MARK R. KULP

State Reclamation Engineer

Date of first publication April 24, 1947

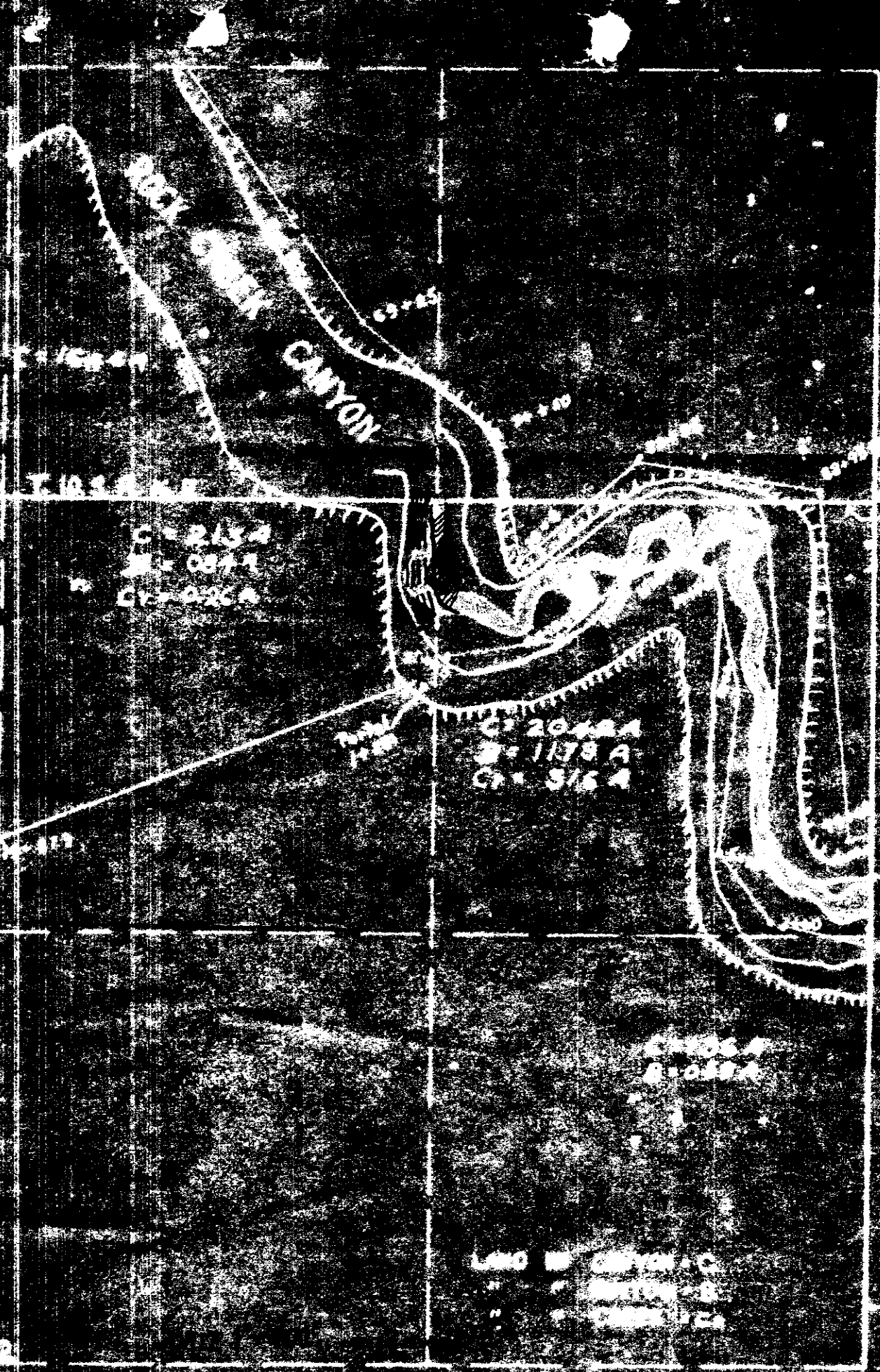
Date of last publication May 8, 1947

Last date for protest May 26, 1947.

SERVICE OF THE FOREGOING. By copy, is hereby admitted, this 17th day of April, 1947.

Edwin E. Frymer, Arthur F. Wylie and Clifford E. Wylie, co-partners doing business as Canyon Trout Farm, Applicant
By Arthur F. Wylie,
Managing Partner

4-24
47
Publish April 24, May 1, 8, 1947



TELEPHONE 610

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

October 3, 1950.

RECEIVED
OCT 4 1950
Department of Reclamation

Mrs. Jeanne L. Anderson,
Chief Clerk,
Department of Reclamation,
Capitol Building,
Boise, Idaho.

In re Permit No. 20085
Canyon Trout Farm.

Dear Mrs. Anderson:

I received your letter of October 2nd enclosing License No. 20085 with the name "Frymyer" correctly spelled. However, in checking over the license I notice that Arthur P. Wylie is named as one of the partners. This should be Arthur F. Wylie.

I am returning License No. 20085 herewith. Will you please correct this middle initial and return the license to me.

Thanking you, I remain,

Very truly yours,

Harry Povey

HP/p
Enc.

Corrected & returned

10/4/50

20085

20085

✓

October 2, 1950

Mr. Harry Povey
Idaho Department Store Bldg.
Twin Falls, Idaho

Dear Mr. Povey:

We enclose herewith corrected License
No. 20085, of the Canyon Trout Farm, and thank
you for your indulgence in the matter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By
Chief Clerk

A
Encl.

20085

TELEPHONE 610

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

September 30, 1950

Mrs. Jeanne L. Anderson,
Chief Clerk,
Department of Reclamation,
Capitol Building,
Boise, Idaho.

In re Permit No. 20085
Canyon Trout Farm.

Dear Mrs. Anderson:

I wish to thank you for your letter of September 25th and as requested I am herewith enclosing License No. 20085 issued under the above permit so that you may rewrite the same and correct the name from Frymer to Frymyer.

I find those typographical errors and others creep in in the best regulated offices.

Thanking you, I remain,

Very truly yours,

Harry Povey

HP/p
Enc.

20085

RECEIVED
OCT 2 1950
Department of Reclamation

✓
September 25, 1950

Re: Permit No. 20085

Mr. Harry Povey
Idaho Department Store Bldg.
Twin Falls, Idaho

Dear Mr. Povey:

In reply to your letter of September 24,
in regard to License No. 20085, of the Canyon Trout
Farm:

We regret the typographical error in the
spelling of Mr. Frymyer's name, and if you will return
the License, we will make a new copy with corrected
spelling.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20085

TELEPHONE 610

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

September 24, 1950.

Mrs. Jeanne L. Anderson,
Chief Clerk,
Department of Reclamation,
Capitol Building,
Boise, Idaho.

In re Permit No. 20085
Canyon Trout Farm.

Dear Mrs. Anderson:

I wish to thank you for your favor of September 21, 1950 enclosing License and Certificate of Water^{Right} issued under the above permit, and official receipt for fees.

In checking over the water license I notice that the name Edwin E. Frymer appears in two places as one of the partners. The correct spelling of the name as it appears in the permit is Edwin E. Frymyer. The second "y" has evidently been inadvertantly omitted.

If you will insert the second "y" in your records in the two places I will make similar correction on the water license and certificate. I think this is the simplest way to correct the misspelling. Will you please advise me of the making of this correction.

Thanking you, I remain,

Very truly yours,

Harry Povey

HP/p

20085

✓
September 21, 1950

Re: Permit No. 20085

Mr. Harry Povey
Idaho Department Store Bldg.
Twin Falls, Idaho

Dear Mr. Povey:

We enclose License and Certificate of Water Right issued under Permit No. 20085, confirming the right of the Canyon Trout Farm to the use of nine (9) second feet of subterranean water flowing through Tolbert Tunnel, with priority of April 15, 1947, for fish hatchery, ponds and domestic use, point of diversion being in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, Township 10 South, Range 16 East, B.M., and the place of use being the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12 and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, same Township and Range.

We also enclose Departmental Receipt No. 22676 for the \$5.00 fee paid in connection with this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

20085

TELEPHONE 610

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

September 20, 1950.

Mrs. Jeanne L. Anderson,
Chief Clerk,
Department of Reclamation,
Capitol Building,
Boise, Idaho.

In re Permit No. 20085
Canyon Trout Farm.

Dear Mrs. Anderson:

I wish to thank you for your letter of September 19th advising that in connection with the above permit field engineer's report has been filed and that Water License will be issued to Canyon Trout Farm for nine second feet of water from Tolbert Tunnel, upon payment of the Statutory fee of \$5.00. I am herewith enclosing my check for \$5.00 and will ask you to kindly forward the water license to me.

Thanking you for your courtesy, I remain,

Very truly yours,

Harry Povey

HP/p
Enc.

20085

RECEIVED
SEP 21 1950

Department of Reclamation

September 19, 1950

Re: Permit No. 20085

Mr. Harry Povey
Idaho Department Store Bldg.
Twin Falls, Idaho

Dear Mr. Povey:

In reply to your letter of September 17, 1950, the report of our field engineer is now on file, and upon receipt of the Statutory fee of \$5.00, a License will be issued to the Canyon Trout Farm for nine (9) second feet of water from a drainage tunnel known as Tolbert Tunnel.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20085

TELEPHONE 610

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

September 17, 1950.

RECEIVED
SEP 19 1950
Department of Reclamation

Mrs. Jeanne L. Anderson,
Chief Clerk,
Department of Reclamation,
Capitol Building,
Boise, Idaho.

In re Permit No. 20085
Canyon Trout Farm.

Dear Mrs. Anderson:

I wonder if you can advise me when it is likely that Water License under the above permit will be issued. Proof of beneficial use was made in May, 1950 and I understand that inspection was made by one of the engineers from your department some time ago.

Thanking you, I remain,

Very truly yours,

Harry Povey

HP/p

20085

Permit No. 20085
Canyon Trout Farm.

The water flowing into these fish ponds comes from a drainage tunnel from the Twin Falls Tract something over a mile to the West of Twin Falls.

The tunnel extends back probably $3/4$ of a mile and is approximately four feet wide by seven feet high. The direction for the first $1/2$ mile is almost due West. The water from this tunnel passes over a parshall type flume just as it leaves the tunnel. Mr. Perrine designed this flume and furnished a chart for reading the flow through the flume.

Before the irrigation season began, the reading on the gage of the flume was 1.13 feet, which according to the table, was 9.67 cubic feet per second of water. At the time of this reading, July 15, the reading on the gage was 1.3 feet, or 12.01 cubic feet per second of water.

The water passes through 12 large fish ponds, approximately 24 feet wide by 120 feet long by 3 feet deep, and two smaller ponds 13 feet by 60 feet by 2 feet deep. They keep approximately 1 million rainbow trout on hand. They hatch $1/2$ million eggs yearly. The plant has a capacity of 60,000 lbs. of dressed fish annually. There is an investment here of about \$30,000. of plant and equipment.

This water is a non-consumptive use and all flows immediately into Rock Creek after passing through the fish pond.

20085

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 20085

This proof is for Beneficial use In Water District No. _____

1. Name of applicant Arthur F. Wylie, Edwin E. Frymyer, Arthur F. Wylie and Clifford E. Wylie,
copartners, doing business as Canyon Trout Farm, R. F. D. Twin Falls, Idaho
2. Source of water supply: Drainage tunnel, known as Tolbert Tunnel

3. Location of point of diversion: Is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12
T. 10 S. R. 16 E. County of Twin Falls

4. Describe works as they exist, giving dimensions and capacities of same: _____

5. Water is used for: Fish hatchery, fish ponds and domestic purposes.

6. State whether or not water has been turned into works of diversion: _____

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Place of use: Fish Hatchery and Ponds located in Rock Creek Canyon, in NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 12, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, Twp. 10 S., Range 16 E., B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Rock Creek To Snake R.

Remarks: _____

This examination was made on the 14th day of July, 1952

(Signed) E. H. Humphrey Examiner.

20085

Keep approx. 1000000 rainbow trout on hand.

Hatch $\frac{1}{2}$ million eggs yearly.

Sell 60000[#] annually (capacity)

2^{1/2} to 3^{*} feed makes 1^{*} fish.

18 mo. to raise a market fish.
\$14000 for feed last yr.
feed 5x weekly

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Canyon Trout Farm
Twin Falls, Idaho

Permit No. 20085

Examination for Beneficial use

County Twin Falls

\$30000 invested

Intend to try to save
manure for fertilizer

H. S. Miller (Frames Trout Farm)
in Twin Falls.

Feed = 5⁰⁰ per 100 lbs.

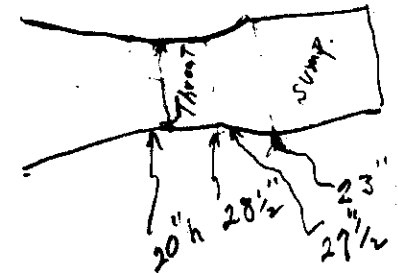
2 parts meat : 1 meal
18% protein 40% protein

Water flows thru a Parshall
flume just as it comes from
tunnel in hillside of S. bank.
In settling well = 16" deep on
gage reads 1.30

Q = 12.01 cfs from
charts

Before irrigation reading
was 1.13 (Apr 12 - 49)
Q = 9.67 cfs.

Throat = 24" W. X 20" H.



Tunnel = $\frac{3}{4}$ mi.

W = 4' X 4 = 7'

extends west first half mile

Mr. Perrine made chart
also specifications for flume.

✓
May 31, 1950

Re: Permit No. 20085

Mr. Harry Povey
Idaho Lept. Store Bldg.
Twin Falls, Idaho

Dear Mr. Povey:

We acknowledge receipt of your letter
of May 28, enclosing corrected depositions in
Proof of Beneficial Use under Permit No. 20085
of the Canyon Trout Farm.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20085

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 20085

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Arthur F. Wylie, R.F.D., Twin Falls, Idaho, in behalf of Edwin E. Frymyer, Arthur F. Wylie and Clifford E. Wylie, copartners doing business as Canyon Trout Farm. Occupation Trout Hatchery Manager.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. -----

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 20085, dated June 9, 1947. Date of priority April 15, 1947.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Subterranean water flowing from Tolbert Tunnel (drainage tunnel) Point of Diversion mouth of tunnel located about 500' south and 35' west of NE corner of NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 10 S., R. 16 E.B.M. in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 10 S., R. 16 E.B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Ventura weir at mouth of tunnel into concrete basin and into 16" steel pipe 85' long, sloping 17 feet into concrete basin; thence into concrete lead ditch with spillways into ponds. Water flows into Rock Creek after leaving ponds. Works of diversion will convey in excess of 9 cubic feet per second from point of diversion to place of use.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for fish hatchery, fish ponds and for domestic purposes. Fourteen fish ponds have been constructed, all of which have been in use since July 1, 1949. Fish hatchery and ponds are located in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 10 S., R. 16 E.B.M.

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. ---

20085

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. Nine cubic feet per second.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. -----

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Water first used through ponds in April 1947 and number of ponds has been increased from time to time. At least nine cubic feet per second have been used at all times since first pond constructed.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. No other waters.

(Sign) Arthur F. Wylie

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Twin Falls, County of Twin Falls State of Idaho, on this 22nd day of May, A. D. 1950.

My commission expires Nov. 3, 1952.

Harry Tate
Notary Public for the State of Idaho,
Residing at Twin Falls, Idaho.

20085

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20085

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Ollie Hughes, 37, Twin Falls, Idaho. Trout hatchery employee
employed by Frame Trout Farm, Twin Falls, Idaho.

Ques. 2. Are you acquainted with E. Wylie, copartners doing business as the
Edwin E. Frymyer, Arthur F. Wylie and Clifford
holder of Permit No. 20085 Canyon Trout Farm.? How long have you known him and where does
he reside?

Ans. I have known said partners for over five years. Arthur F. Wylie
resides at Twin Falls, Idaho; Edwin E. Frymyer at Meridian, Idaho;
and Clifford E. Wylie at Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 20085, and are you
familiar with its provisions and conditions?

Ans. I have read said permit. I am familiar with its provisions
and conditions.

Ques. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use.

Ans. Water flowing out of Tolbert Tunnel. Point of diversion is at
mouth of tunnel, located about 500 feet south and 35 feet west of
NE corner of NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, T. 10 S., R. 16 E.B.M. in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12,
T. 10 S., R. 16 E.B.M. Weir at mouth of tunnel into concrete basin;
and into 16" steel pipe 85 feet long, sloping 17 feet into concrete basin;
thence into concrete lead ditch with spillways into ponds and thence into
Rock Creek. Works of diversion will convey in excess of 9 cubic feet
per second from tunnel to place of use.

Ques. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use, and how much water have you seen being so conveyed?

Ans. Said works will safely convey water flowing from Tolbert Tunnel,
usually about 9 second feet. I have seen more than 9 second feet conveyed

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give
each subdivision in which water has been used and number of acres irrigated in each
subdivision.) State whether cultivated or natural meadow land and the nature of all im-
provements which have been made as a direct result of said use.

Ans. Water is used for trout hatchery, trout ponds and for domestic
purposes. I have seen water used in fourteen completed fish ponds for
last eleven months. Fish hatchery and ponds are located in NW $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 12 and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 10 S., R. 16 E.B.M.

20085

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. See answer to Question 6

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Not for irrigation

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No interest in the works, water or lands above mentioned

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I am at the Canyon Trout Farm about once a week for the last two years and every time I have seen all the water from the Tolbert Tunnel about 9 cubic feet per second, being used in said hatchery and fish ponds.

(Signed) Ollie Hughes

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Twin Falls,

County of Twin Falls, State of Idaho, on this 22nd day of May,

A. D. 1950.

Nancy Pate

Notary Public.
Twin Falls, Idaho.

My commission expires November 3, 1952.

20085

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20085

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Harold S. Miller³⁷, Twin Falls, Idaho. Fish hatchery operator.

Ques. 2. Are you acquainted with Edwin E. Frymyer, Arthur F. Wylie, and Clifford E. Wylie, copartners doing business as the Canyon Trout Farm holder of Permit No. 20085? How long have you known him and where does he reside?

Ans. I have known said partners for over 16 years. Arthur F. Wylie resides at Twin Falls, Idaho; Edwin E. Frymyer at Meridian, Idaho, and Clifford E. Wylie at Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 20085, and are you familiar with its provisions and conditions?

Ans. I have read said permit and am familiar with its provisions and conditions.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Subterranean water flowing out of Tolbert Tunnel. Point of diversion is at mouth of tunnel, located about 500' south and 35' west of NE corner of NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T.10 S., R. 16 E.B.M. in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 10 S., R. 16 E.B.M. Ventura weir at mouth of tunnel into concrete basin; thence into concrete lead ditch with spillways into ponds and water then goes into Rock Creek.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Said works will safely convey nine cubic feet per second. I have seen more than 9 cubic feet per second being so conveyed

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water used for trout hatchery, trout ponds and domestic use. Fourteen fish ponds are completely constructed and in use and have been all in use since July, 1949. Fish hatchery and ponds are located in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12 and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 10 S., R. 16 E.B.M.

20085

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. See answer to Question 5

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Not for irrigation

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I have no interest in the works, water or lands above mentioned.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have been at the Canyon Trout Farm about twice a week for the last two years and every time I have seen all the water from Tolbert Tunnel, about 9 cubic feet per second, being used in said hatchery and fish ponds.

(Signed) Harold S. Miller

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Twin Falls, County of Twin Falls, State of Idaho, on this 22nd day of May, A. D. 19 50.

Harry L. Lacey

Notary Public.

My commission expires November 3, 1952 Residing at Twin Falls, Idaho.

20085

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

TELEPHONE 410

May 28, 1950.

RECEIVED
MAY 29 1950
Department of Reclamation

Hon. Mark R. Kulp.
State Reclamation Engineer,
Department of Reclamation,
Capitol Building,
Boise, Idaho.

In re Permit No. 20085
Canyon Trout Farm.
Attention Mrs. Anderson, Chief Clerk.

Dear Mr. Kulp:

I received your letter of May 26th with reference to the above permit and proof of beneficial use calling attention to the fact that the proofs did not contain the legal description of the place of use as called for under Question 6.

Correction of the depositions to include this important item has been made and the depositions of the holder and two witnesses are herewith enclosed.

Very truly yours,

Harry Povey

HP/p
Encs.

20085

✓
May 25, 1950

Re: Permit No. 20085

Mr. Harry Povey
Idaho Dept. Store Bldg.
Twin Falls, Idaho

Dear Mr. Povey:

We acknowledge receipt of your letter of May 22, 1950, enclosing depositions of Arthur F. Wylie and two witnesses, also Affidavit of Publication in the Twin Falls Times-News, all submitted in Proof of Beneficial Use under Permit No. 20085 of the Canyon Trout Farm.

Before final action is taken in the matter, the law requires that a field examination be made by an Engineer from this Department.

We are unable to say just when this examination will be made as this Department has but one Field Engineer who makes examinations all over the State.

However, the Field Engineer for this Department will try and contact the Permit Holders at the time he makes the examination in order that arrangements may be made to show him over the grounds.

Meanwhile, we return the receipted bill of the Twin Falls Times-News which no doubt the Permit Holders will wish to keep in their own files.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn

Enc. 8
20085

✓
May 26, 1950

Re: Permit No. 20085

Mr. Harry Povey
Idaho Department Store Bldg.
Twin Falls, Idaho

Dear Mr. Povey:

In writing you yesterday, acknowledging receipt of Proof of Beneficial Use under Permit No. 20085, we overlooked the fact that none of these depositions give the legal description of the place of use as called for under Question 6.

We are therefore returning the depositions of the holder and two witnesses for this correction.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

20085

TELEPHONE 610

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

May 22, 1950.

Hon. Mark R. Kulp.
State Reclamation Engineer,
Department of Reclamation,
Capitol Building,
Boise, Idaho.

RECEIVED
MAY 23 1950
Department of Reclamation

In re Permit No. 20085
Canyon Trout Farm.

Dear Mr. Kulp:

Pursuant to published notice, proof of beneficial use under the above numbered permit was made before me at my office today. I am herewith enclosing the following papers:

1. Deposition of Holder (Arthur F. Wylie in behalf of the partnership.
2. Deposition of witness, Ollie Hughes.
3. Deposition of witness, Harold S. Miller
4. Affidavit of publication of notice.
5. Statement of Times-News covering cost of publication in amount of \$10.00, with receipt showing payment attached.

Trusting that you will find the within enclosures in order and that water license may be issued in due course.

Will you kindly acknowledge receipt of this letter and enclosures.

Thanking you, I remain,

Very truly yours,

Harry Povey

HP/p
Encs.

20085

✓
April 22, 1950

Re: Permit No. 20085

Mr. Harry Povey
Idaho Dep't. Store Bldg.
Twin Falls, Idaho

Dear Mr. Povey:

In reply to your letter of April 20, 1950,
we enclose an additional set of forms to be used in
connection with Beneficial Use Proof under the above
numbered Permit.

We are sorry that we overlooked your former
request.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

20085

TELEPHONE 610

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

April 20, 1950.

RECEIVED
APR 22 1950
Department of Reclamation

Mr. Mark R. Kulp.
State Reclamation Engineer,
Department of Reclamation,
Capitol Building,
Boise, Idaho.

In re Permit 20085-Canyon Trout Farm.

Dear Mr. Kulp:

I received your letter of April 19th enclosing deposition blanks for making proof of beneficial use and advising that the notice had been forwarded to the Times-News for publication.

Will you kindly send me an extra set of the deposition blanks as requested in my letter of April 17th.

Very truly yours,

Harry Povey

HP/p

20085

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

SS.

N^o 3319

NOTICE FOR PUBLICATION NOTICE OF PROPOSED APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a.m. on the 2nd day of May, 1950, at Twin Falls, County of Twin Falls, State of Idaho, before Harry Powell, Notary Public, Idaho, Department of Reclamation, proof will be submitted of the application to beneficial use of nine cubic feet per second of the waters of drainage tunnel known as Tolbert Tunnel, located in NW 1/4 NE 1/4, Sec. 12, T. 10 S., R. 16 E. 16, in accordance with the terms and conditions of Permit No. 20088 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Edwin E. Kulp, Arthur F. Wylie and Clifford E. Wylie, co-partners doing business as Canyon Trout Farm, Twin Falls, Idaho.

The use to which said water has been applied is for fish hatchery and for domestic purposes.

The amount applied for beneficial use is nine cubic feet per second.

The place where said water is used is the Canyon Trout Farm, located in the Canyon, Twin Falls County, Idaho, in NW 1/4 NE 1/4, Sec. 12, T. 10 S., R. 16 E. 16, and NW 1/4 SE 1/4, Sec. 12, T. 10 S., R. 16 E. 16.

The name of the canal or ditch or other works by which said water is conducted to such place of use is unnamed.

The right to take water from such works is based upon Permit No. 20088.

The source of supply from which said water is diverted is drainage tunnel known as Tolbert Tunnel, located in NW 1/4 NE 1/4, Sec. 12, T. 10 S., R. 16 E. 16.

The date of priority which said user is prepared to establish is April 15, 1947.

MARK R. KULP,
State Reclamation Engineer
Pub.: April 27; May 4, 11, 18, 1950.

I, Leslie Maloney, being first duly sworn upon

oath depose and say that I am principal clerk of the TIMES-News, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice or advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

4 consecutive Thursdays, commencing with the issue dated April 27, 1950, and ending with the issue dated

May 18, 1950.

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

And I further certify that pursuant to Section 58-108 I. C. A., 1932, as added thereto by Chapter 154, Idaho 1933 Session Laws, Thursday of each week has been designated as the day on which legal notice required by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me this 18th day of

May, 1950.

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

20088

April 20, 1950

Dear Sirs:

This is to acknowledge receipt of the publication for
Canyon Trout Farm, c/o Harry Povey.

We have the set the publication dates for April 27, May
4, 11, 18.

Thank you.

20085

TIMES-NEWS

By Jessie Selaya
Legal Department

RECEIVED

APR 21 1950

Department of Reclamation

THIS SIDE OF CARD IS FOR ADDRESS



State of Idaho
Department of Reclamation
Boise, Idaho

**NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that at 10.00A. M. on the 22nd day of May, 1950,
at Twin Falls, County of Twin Falls, State of Idaho, before
Harry Povey, Notary Public, Idaho Department Store Building,
....., proof will be submitted of the
application to beneficial use of nine cubic feet per second of the waters of drainage tunnel
known as Tolbert Tunnel, located in NW1/4, Sec. 12, T. 10 S., R. 16,
E.B.M......in accordance with the terms and conditions of Permit No. 20085
heretofore issued by the State Reclamation Engineer..... of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....
Edwin E. Frymyer, Arthur F. Wylie and Clifford E. Wylie, co-partners
doing business as Canyon Trout Farm; Twin Falls, Idaho.

The use to which said water has been applied is for fish hatchery, fish ponds
and domestic purposes.

The amount applied to beneficial use is nine cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated). Fish hatchery and ponds located in Rock Creek Canyon,
Twin Falls County, Idaho, in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 10 S., R. 16 E.B.M.
and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 10 S., R. 16 E.B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is unnamed.

The right to take water from such works is based upon Permit No. 20085

The source of supply from which such water is diverted is drainage tunnel known as Tolbert Tunnel located in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 10 S., R. 16 E.B.M.

The date of priority which said user is prepared to establish is April 15, 1947

MARK R. KULP

State Reclamation Engineer.

20085

April 19, 1950

Re: Permit No. 20085

Mr. Harry Povey
Idaho Dep't. Store Bldg.
Twin Falls, Idaho

Dear Mr. Povey:

We acknowledge receipt of your letter of April 17, 1950, enclosing Notice of Beneficial Use Proof to be made under Permit No. 20085 of the Canyon Trout Farm, at 10:00 A.M. May 22, 1950.

A copy of the notice has been sent to the Twin Falls Times-News with instructions to publish it once a week for four consecutive weeks prior to that date and to send the Affidavit of Publication and statement of costs to the applicant, in your care.

We enclose the necessary forms for making this proof, consisting of a deposition for the Permit Holder and one for each of two witnesses, and at the time set, they should appear before you for the purpose of making the proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

20085

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 20085

Date: April 19, 1950

Twin Falls Times-News

Twin Falls, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **May 22, 1950**, the date set for proof, the expense of the publication to be paid by the applicant, **Canyon Trout Farm, d/o of Harry Povey, Ida. Dept. Store Bldg., Twin Falls, Ida.**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

20085

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date).....April 17, 1950.....

(P. O.).....Twin Falls, Idaho.....

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
.....Times-News..... of Twin Falls, Idaho..... published in
the county in which the works are situated.

Edwin E. Frymyer, Arthur F. Wylie
and Clifford E. Wylie, copartners
doing business as Canyon Trout Farm

By Harry J. J. J.
Attorney

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

.....
Engineer.

20085

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

TELEPHONE 610

March 28, 1950

Hon. Mark R. Kulp,
State Reclamation Engineer,
Department of Reclamation,
Capitol Building,
Boise, Idaho.

In re Permit No. 20085
Canyon Trout Farm.

Dear Mr. Kulp:

I wish to thank you for your favor of March 27th advising that report of your Field Engineer on examination for beneficial use under the above permit is now on file, and further advising that upon receipt of the statutory fee of \$5.00 water license will be issued for 9 cubic feet per second from the Tolbert Tunnel for fish hatchery, ponds and domestic purposes.

I am enclosing herewith my check for \$5.00 to cover the above fees for license and will appreciate it if you will issue and forward the same to me.

Thanking you for your courtesy in this matter, I remain,

Very truly yours,

Harry Povey

HP/p
Enc.

20085
RECEIVED
MAR 29 1950
Department of Reclamation

March 30, 1950

Re: Permit No. 20085

Mr. Harry Povey
Idaho Department Store Building
Twin Falls, Idaho

Dear Mr. Povey:

In writing you on March 27, 1950, we were in error in stating that our Field Engineer's report was on examination for Beneficial Use under Permit No. 20085 in the name of the Canyon Trout Farm.

This proof was on Completion of Works, and we enclose herewith, Certificate of Completion of Works for the diversion of 9 second feet of water from Tolbert Tunnel, with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, Township 10 South, Range 16 East, B.M. for fish hatchery and ponds in Rock Creek Canyon.

We also enclose Departmental Receipt No. 22185 for the \$5.00 fee paid by you in connection with this proof.

Proof of Beneficial Use under this Permit will be due on or before June 9, 1950. Notice should be made in duplicate on Form 10 enclosed, setting time and place for making the proof and naming the Notary Public before whom proof is to be made. The time of course should be set sufficiently far ahead to allow for the statutory four weeks publication.

Both copies of Form 10 are to be returned to this Department together with Form 11 which is authorization for us to have the notice published at Permit Holder's expense in the designated County newspaper.

We shall then send a copy of the notice to the newspaper with instructions in regard to publishing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

20085
A:bn

Chief Clerk

Enc.

TELEPHONE 610

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

April 17, 1950.

RECEIVED
APR 19 1950
Department of Reclamation

Hon. Mark R. Kulp,
State Reclamation Engineer,
Department of Reclamation,
Capitol Building,
Boise, Idaho.

In re Permit No. 20085, Canyon Trout Farm.

Dear Mr. Kulp:

I wish to thank you for your favor of March 30, 1950 enclosing Certificate of Completion of Works under the above permit. I guess we were both erroneously under the impression that proof of beneficial use had been made instead of proof of completion of works.

I note that Proof of Beneficial Use under the above permit is due on or before June 9, 1950 and I am herewith enclosing Notice of Proof Application of Water to Beneficial Use (Form 10) in duplicate, fixing date of proof for May 22, 1950 at 10 a.m., which should leave ample time for the four week publication of the notice.

I am also enclosing letter (Form 11) authorizing the publication of the notice, in the Times-News at Twin Falls.

When you forward the necessary blanks for proof of beneficial use I will appreciate it if you will kindly send me an extra set so that I may have copies for my files.

Thanking you, I remain,

Very truly yours,

Harry Povey

HP/p
Encs.

20085

↑ N

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20085

REPORT ON PROOF OF Beneficial use

9.00 cfs
more

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 20085

This proof is for Completion of works

In Water District No.

1. Name of applicant Edwin E. Frymyer, Arthur F. Wylie & Clifford E. Wylie, doing business as Canyon Trout Farm, Twin Falls, Idaho
2. Source of water supply: A drainage tunnel known as Tolbert Tunnel

3. Location of point of diversion: Is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12
T. 10 S. R. 16 E. County of Twin Falls

4. Describe works as they exist, giving dimensions and capacities of same:
Tunnel outlet concreted. Delivers to 16" weld^{ed} steel pipe 80 ft. long,
thence to concrete troughs, 12 ponds 120' x 24' x 3' deep, and 2 tanks
60' x 12' x 2' deep. Plus another pond excavated for future use.

*The creek has been straightened for better use of ponds. The static
head on pipe is 20 ft. Q = 11.3 c.f.s. Length of tunnel = 3/4 mile.

5. Water is used for: Fish hatchery and ponds, and domestic purposes
6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Place of use: Fish hatchery and ponds in Rock Creek Canyon, in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section
12, Twp. 10 S., Range 16 E., B.M., and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, Twp. 10 S., Range 16 E., B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake

Remarks:

This examination was made on the 26 th day of October, 19 49

(Signed)

F. A. Tolman

Examiner.

20085

Canyon Trout Farm(Edwin E.
Frymyer, Arthur F. Wylie &
Clifford E. Wylie) Twin Falls, Idaho
Permit No. 20085

Examination for Completion of works

County Twin Falls

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
 6. Give general characteristics of soils, topography, and crops raised.
-

RECEIVED
MAR 10 1950
Department of Reclamation

✓
March 27, 1950

Re: Permit No. 20085

Mr. Harry Povey
Idaho Dep't Store Bldg.
Twin Falls, Idaho

Dear Mr. Povey:

We now have on file the report of our Field Engineer on examination for Beneficial Use under Permit No. 20085 in the name of Canyon Trout Farm.

Therefore, upon receipt of the statutory fee of \$5.00, a License will be issued for 9 cubic feet per second from a drainage tunnel known as Tolbert Tunnel, with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, Township 10 South, Range 16 East, B.M. for fish hatchery, ponds, and domestic purposes.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20085

✓
July 1, 1949

Re: Permit No. 20085

Mr. Harry Povey
Idaho Dep't Store Bldg.
Twin Falls, Idaho

Dear Mr. Povey:

We are in receipt of your letter of June 28, 1949, and will ask Mr. Tolman to contact you when he is ready to make examination on Permit No. 20085 of the Canyon Trout Farm.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20085

20085-
HARRY POVEY

ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

TELEPHONE 610

June 28, 1949.

Hon. Mark R. Kulp,
State Reclamation Engineer,
Capitol Building,
Boise, Idaho.

In re Canyon Trout Farm

Attention Jeanne L. Anderson, Chief Clerk

Dear Sir:

I wish to thank you for your favor of June 13th concerning field examination to be made by an Engineer from your department in connection with proof of completion of works of Canyon Trout Farm.

Will you please advise Mr. Tolman that when he comes to Twin Falls to make the examination, if he will contact me I will be glad to take him out to the Canyon Trout Farm and arrange for Mr. Wylie to show him over the grounds.

Very truly yours,

Harry Povey

HP/p

20085-
RECEIVED

JUN 29 1949

Department of Reclamation

✓
20085

June 13, 1949

Mr. Harry Povey
Attorney at Law
Twin Falls, Idaho

Dear Mr. Povey:

We acknowledge receipt of your letter of June 9, 1949, enclosing depositions of Arthur F. Wylie and two witnesses; also Affidavit of Publication in the Twin Falls Times-News, all in proof of completion of works under Permit No. 20085 in the name of the Canyon Trout Farm.

Before final action is taken in the matter, the law requires that a field examination be made by an Engineer from this Department.

We are unable to say just when this examination will be made as this Department has but one Field Engineer who makes examinations all over the State.

However, Mr. Tolman, Field Engineer for this Department, will try and contact Mr. Wylie, or one of his associates at the time he makes the examination in order that he may arrange to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20085

PERMIT NO. 20085

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Arthur F. Wylie, R. F. D. Twin Falls, Idaho, in behalf of Edwin E. Frymyer, Arthur F. Wylie and Clifford E. Wylie, copartners doing business as Canyon Trout Farm. Occupation trout hatchery manager.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. -----

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. Permit No. 20085, dated June 9, 1947, 9 cubic feet per second of subterranean water flowing from Tolbert Tunnel (drainage tunnel), point of diversion mouth of tunnel located about 500' south and 35 feet west of NE corner of NW 1/4 NE 1/4, Sec. 12, T. 10 S., R. 16 E. B. M., in NW 1/4 NE 1/4, Sec. 12, T. 10 S., R. 16 E. B. M.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Water to be used for fish hatchery and ponds and for domestic purposes.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Water was first turned into ponds in April, 1947 and use increased as ponds completed and full amount is now used in 12 ponds. 2 more ponds are now under construction and 2 additional ponds will be constructed.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Works of diversion are fully completed and fully comply with terms of permit.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. -----

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Ventura weir at mouth of tunnel into concrete basin and into 16" steel pipe 65' long, sloping 17' into concrete basin; thence into concrete lead ditch with spillway into ponds. Cost including ponds approximately \$7500.00. 10 ponds in use 120' x 24' each, 2 ponds in use 60' x 12' each, 2 ponds 120' x 24' each almost completed, 2 more ponds each 60' x 12' each to be constructed.

(Sign here.)

Arthur F. Wylie

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Twin Falls,

County of Twin Falls, State of Idaho, on this ninth day of June A. D. 1949.

My Commission expires November 3, 1952

Harry L. Key
Notary Public.
Twin Falls, Idaho.

20085

1800

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT No. 20085..

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. ...Carman C. Loveland, ...235 South Blue Lakes, Twin Falls, Idaho,
.....occupation carpenter-mechanic.....

Ques. 2. Are you acquainted with Edwin E. Frymyer, Arthur F. Wylie and Clifford E. Wylie, copartners doing business as Canyon Trout Farm, the holders of Permit No 20085.....authorizing the diversion of...nine.....second-feet of the waters flowing from Tolbert Tunnel located in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T.10 S. R. ~~at~~ 16 E.B.M....., at.....
.....ponds and domestic
for fish hatchery purposes? How long have you known him, and where does he reside?

Ans. Have known said partners for over 15 years. Arthur F. Wylie resides at Twin Falls, Idaho; Edwin E. Frymyer at Meridian, Idaho, and Clifford E. Wylie at Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 20085....., and are you familiar with its terms and conditions?

Ans. ..I have read it and am familiar with its terms and conditions.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. I am acquainted with the fish hatchery and ponds of Canyon Trout Farm. About nine second feet of water is required for their
.....profitable operation.....

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use? If so, when were they so completed?

Works of diversion are fully completed and are of sufficient
Ans. capacity to convey more than 9 cubic feet per second from point of diversion to place of use. Works of diversion were completed in April 1947.

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.
Ventura weir at mouth of tunnel into concrete basin and into 16" steel pipe 85' long, sloping 17 feet into concrete basin and into concrete lead ditch with spillway into pond then constructed. Works of diversion sufficient to carry up to 16 cubic feet per second.

(Sign here.) Carman C. Loveland

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Twin Falls....., County of
.....Twin Falls....., State of Idaho, on this ninth..... day of
.....June..... A. D. 1949..

My Commission expires November 3, 1952..

Harry Foley
Notary Public.
Twin Falls, Idaho.
20085

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT NO. 20085..

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Harold S. Miller, Twin Falls, Idaho. Fish hatchery operator.

Ques. 2. Are you acquainted with Edwin E. Frymyer, Arthur F. Wylie and Clifford E. Wylie, copartners doing business as Canyon Trout Farm, the holder of Permit No. 20085... authorizing the diversion of nine... second-feet of the waters flowing from Tolbert Drainage Tunnel located in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 10 S. of R. 16 E.B.M. for fish hatchery ponds and domestic ~~xx~~...

~~xxx~~... purposes? How long have you known him, and where does he reside?

Ans. I have known said partners for over 15 years. Arthur F. Wylie resides at Twin Falls, Idaho; Edwin E. Frymyer at Meridian, Idaho, and Clifford E. Wylie at Boise, Idaho.

Ques. 3. Have you read or heard read said Permit No. 20085..., and are you familiar with its terms and conditions?

Ans. I have read said permit and am familiar with its terms and conditions.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. I am well acquainted with the Canyon Trout Farm and its hatchery and ponds. Approximately nine second feet of water is required for their profitable operations.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use? If so, when were they so completed?

Ans. Works of diversion are fully completed and are of sufficient capacity to convey more than 9 cubic feet per second from point of diversion to place of use. Diversion works were completed in April, 1947.

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. Ventura weir at mouth of tunnel into concrete basin and into 16" steel pipe 85' long, sloping 17 feet into concrete basin and into concrete lead ditch with spillway into pond constructed at that time. Works of diversion are sufficient to carry more than nine second feet of water to place of use.

(Sign here.)

Harold S. Miller

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Twin Falls..., County of

Twin Falls..., State of Idaho, on this ninth day of June... A. D. 1949..

My Commission expires November 3, 1952..

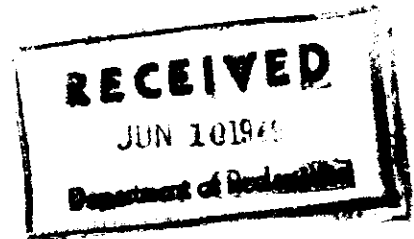
Harry Foley
Notary Public.
Twin Falls, Idaho.

20085

TELEPHONE 610

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

June 9, 1949



Hon. Mark R. Kulp,
State Reclamation Engineer,
Department of Reclamation,
Capitol Building,
Boise, Idaho.

In re Permit No. 20085
Canyon Trout Farm.

Dear Mr. Kulp:

Proof of completion of works under the above permit was submitted at my office at 10 a.m. today pursuant to notice.

I am herewith enclosing the following papers:

1. Affidavit of publication of notice of submission of proof, by Times-News.
2. Deposition of Arthur F. Wylie in behalf of permit holders;
3. Depositions of witnesses Carman C. Loveland and Harold S. Miller.

Will you kindly acknowledge receipt of this letter and enclosures?

Trusting that you will find the above enclosures in order, I remain,

Very truly yours,

Harry Povey

HP/p
Encs.

20085

Notice for Publication

Notice is hereby given that at 10 A. M., on the 9th day of June
 19 49, at Twin Falls, County of Twin Falls, State of Idaho,
 before Harry Povey, Notary Public, Idaho Department Store Bldg., Twin Falls, Idaho
 proof will be submitted of the completion of works

for the diversion of nine cubic feet per second of the waters of drainage tunnel known as Tolbert
Tunnel located in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T.10 S., R. 16 E.B.M.

in accordance with the terms and conditions of a
 certain permit heretofore issued by the State Reclamation Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Edwin E. Frymyer, Arthur F. Wylie
and Clifford E. Wylie, copartners doing business as Canyon Trout Farm.

2. The postoffice address of such person or principal place of business of such corporation is.....

Twin Falls, County of Twin Falls, State of Idaho.

3. The number of such permit is 20085, and the date set for the completion of such work is

June 9, 1949

4. Said water is to be used for fish hatchery and ponds and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water
 which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying
 the application for such permit, is nine cubic feet per second.

6. The amount of water for which said water is available is place of use of more acres, particularly described as follows:

Fish hatchery and ponds located in Rock Creek Canyon, Twin Falls
County, Idaho, in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T.10 S., R 16 E.B.M. and
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 10 S., R.16 E.B.M.

MARK R. KULP

Commissioner of Reclamation.

20085

[illegible]

STATE OF IDAHO,
COUNTY OF TWIN FALLS SS.

Nº 2814

I, Rosa Molony, being first duly sworn upon oath depose and say that I am principal clerk of the Times-News, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice or advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for 4 consecutive Wednesdays, Commencing with the issue dated May 4, 1949, and ending with the issue dated May 25, 1949.

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

And I further certify that pursuant to Section 58-108 I. C. A., 1932, as added thereto by Chapter 154, Idaho 1933 Session Laws, Thursday of each week has been designated as the day on which legal notice required by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me this 31st day of May 1930

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

20085

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: May 2, 1949

20085
Re: Permit No. 20085

Times-News

Twin Falls, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to June 9, 1949, the date set for proof, the expense of the publication to be paid by the applicant, Canyon Trout Farm, c/o Mr. Harry Povey, Idaho Dept. Store Bldg., Twin Falls, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

20085

20085 ✓

April 15, 1949

Mr. Harry Povey
Idaho Department Store Building
Twin Falls, Idaho

Dear Mr. Povey:

In reply to your request of
April 14, we enclose an extra set of
forms for making Proof of Completion
of Works under Permit No. 20088 of the
Canyon Trout Farm.

Very truly yours,

MAW R. KULP
State Reclamation Engineer
By

Chief Clerk

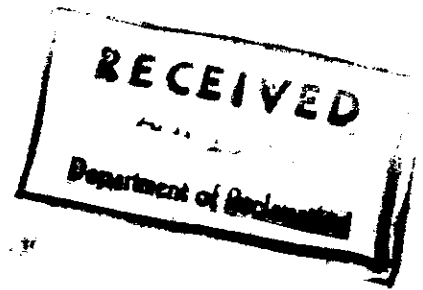
A:bh
Enc.

20085

TELEPHONE 610

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

April 14, 1949



Mr. Mark R. Kulp,
State Reclamation Engineer,
Department of Reclamation,
Capitol Building,
Boise, Idaho.

In re Permit No. 20085, Canyon Trout Farm.

Dear Mr. Kulp:

I wish to acknowledge receipt of your favor of April 9th enclosing blanks for submission of Proof of Completion of Works under the permit and advising that the notice will be published for four weeks in the Times-News prior to June 9, 1949 the date set for making proof. I also note that it will only be necessary for one member of the partnership to submit proof in behalf of the partnership.

Will you kindly send me an extra set of blanks so that I may retain a copy for my files.

Thanking you, I remain,

Very truly yours,

Harry Povey

HP/p

20085

✓
April 9, 1949

Re: Permit No. 20085

Mr. Harry Povey
Idaho Dep't Store Bldg.
Twin Falls, Idaho

Dear Mr. Povey:

We acknowledge receipt of your letter of April 6, 1949 enclosing notice of Completion of Works Proof to be made on June 9, under Permit No. 20085 in the name of the Canyon Trout Farm.

We have corrected the notice to show the place of use rather than the lands irrigated and shall send a copy to the Twin Falls Times-News with instructions to publish same once a week for four consecutive weeks prior to June 9, and to send a Affidavit of Publication to the Permit Holders in your care, together with statement of costs.

It will not be necessary for all the members of the partnership to be present and submit Proof of Completion of Works, but this proof may be made by one member, acting for the partnership.

We enclose the necessary forms of proof, consisting of one for the Permit Holder and one for each of two witnesses.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

20085
A:bh
Enc.

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 5, 1949

(P. O.) Twin Falls, Idaho

STATE RECLAMATION ENGINEER
TO THE ~~COMMISSIONER OF RECLAMATION~~

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Times-News of Twin Falls, Idaho, published in
the county in which the works are situated.

Edwin E. Frymyer, Arthur F. Wylie
and Clifford E. Wylie, copartners
doing business as Canyon Trout Farm.

By

Harry Love
Attorney

Arthur F. Wylie

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water
per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

20085

TELEPHONE 610

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

April 6, 1949



Hon. Mark R. Kulp,
State Reclamation Engineer,
Department of Reclamation,
Capitol Building,
Boise, Idaho.

In re Permit No. 20085, Canyon Trout Farm.

Dear Mr. Kulp:

I wish to acknowledge receipt of your letter of April 1st containing instructions with reference to proof of completion of works under the above permit.

I am enclosing herewith notice for publication in duplicate and also letter authorizing publication of the same.

Inasmuch as this water is used in connection with fish hatchery and ponds, you may desire to modify the language of Paragraph 6, customarily applicable to water for irrigation purposes.

I assume the necessary blanks for proof of completion of works will be forwarded to me. It may be rather inconvenient for all of the members of the partnership to be present at the time of submission of proof and I wish you would advise me whether proof submitted by the managing partner who has been in charge of the trout hatchery and the construction of the works will be sufficient. Arrangements will be made to have all the partners present if it is essential.

Very truly yours,

Harry Povey

HP/p
Encs.

20085

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Edwin E. Frymer, Arthur F. Wylie, INSTRUCTIONS
and Clifford E. Wiley PROOF OF COMPLETION OF WORKS
C/o Harry Povey
Box 1041
Twin Falls, Idaho

Boise, Idaho, April 1, 1949

Dear Sir:—

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 20085.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before June 9, 1949. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

MARK R. KUTP

~~Commissioner of Reclamation~~
State Reclamation Engineer

20085

✓
20085
June 17 , 1948

Re: Permit No. 20085

Mr. Harry Povey
Idaho Department Store Building
Twin Falls, Idaho

Dear Mr. Povey:

We acknowledge receipt of your letter of June 14th, in which you state that more than one-fifth of the construction work called for under Permit No. 20085 has been completed.

Proof of such partial completion is not required, but we appreciate the information, and will place same on file.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

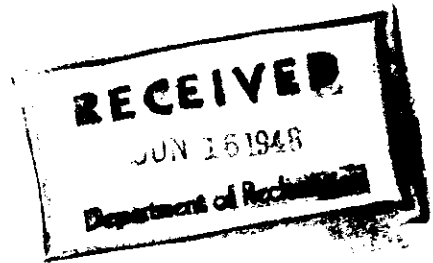
Chief Clerk

A

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

TELEPHONE 610

June 14, 1948.



State Reclamation Engineer,
Department of Reclamation,
Capitol Building,
Boise, Idaho.

Dear Sir:

Permit No. 20085 issued June 9, 1947 to Edwin E. Frymyer, Arthur F. Wylie and Clifford E. Wylie, copartners doing business as Canyon Trout Farm, provides that one-fifth of the work under said permit to be completed on or before June 9, 1948.

Considerably more than one-fifth of the work has not been completed and if you will kindly send the necessary blanks report of such work will be made.

Thanking you, I remain,

Very truly yours,

Harry Povey

HP/p

20085

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

Permit No. 20085

Date June 13, 1947

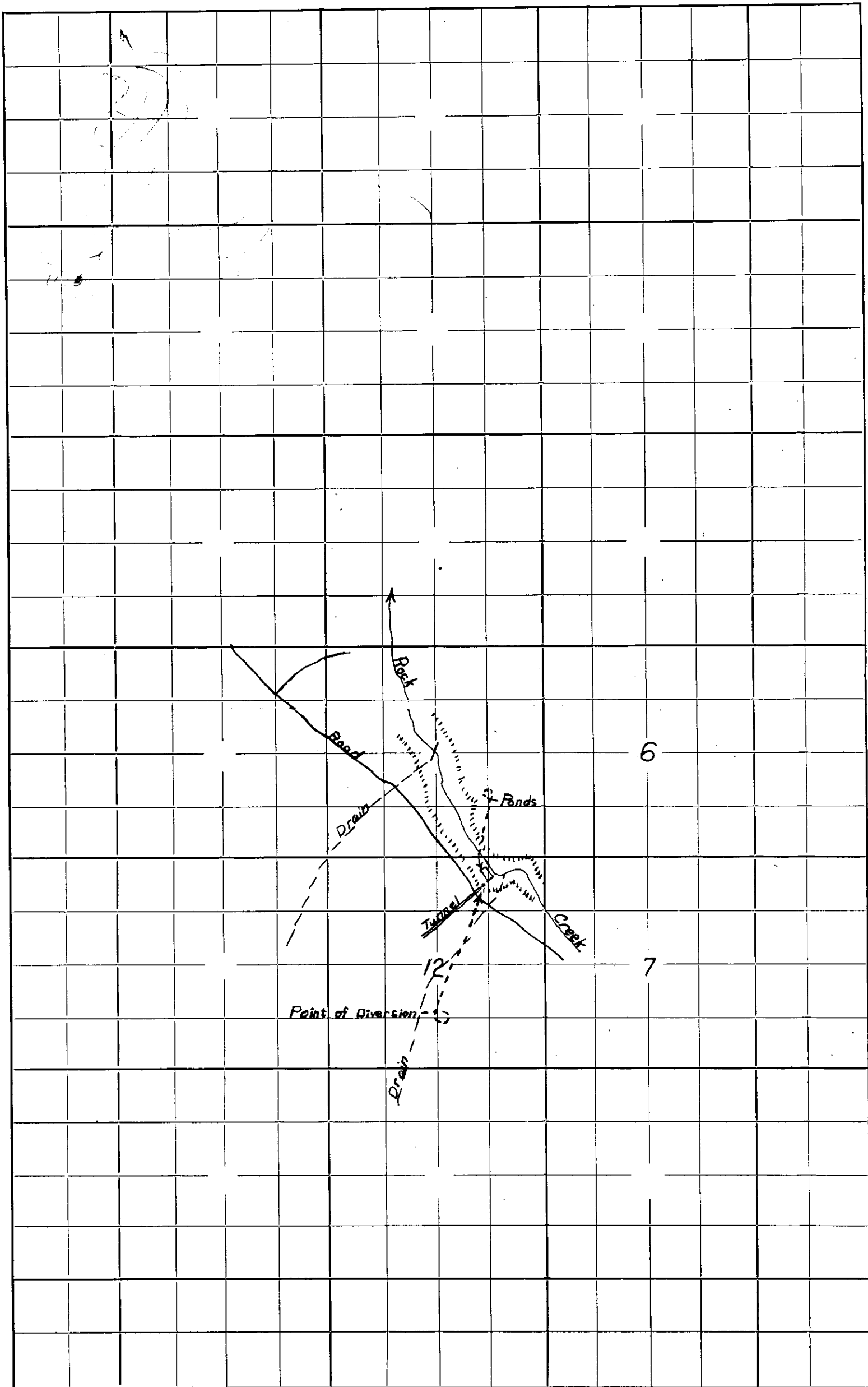
Dear Sir:

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer on the fourth page.

Canyon Trout Farm
C/o Harry Povey, Attorney at Law
Box # 1041
Twin Falls, Idaho

MARK R. KULP
State Reclamation Engineer

20085



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

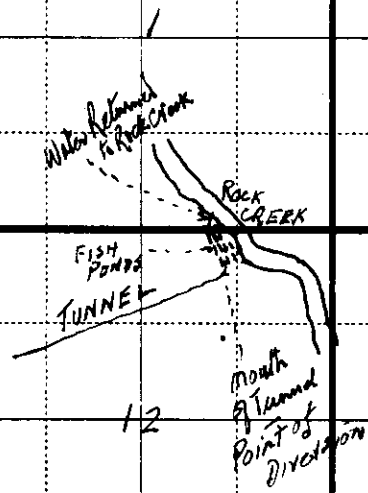
PERMIT NO. 20085

REPORT ON PROOF OF Completion of works

g. ch
small

app. 9 c.f.s.

T105 R16 EBM.



Permit Map No. 20085
As Approved
JUN 9 1947
MARK R. KULP
Civil Reclamation Engineer

✓
May 19, 1947

Re: Application No. 27644

Mr. Harry Povey
Idaho Dep't Store Building
Twin Falls, Idaho

Dear Mr. Povey:

We acknowledge receipt of your letter of May 14th, enclosing affidavit of publication in connection with application No. 27644, Canyon Trout Farm.

You are correct in assuming that if no protests are received, the permit will be issued in regular course, and should there be any protest, you will be duly notified.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:FA

20085

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS, } ss.

Nº 1773

NOTICE OF APPLICATION TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO.

STATE OF IDAHO, DEPARTMENT OF RECLAMATION

NOTICE IS HEREBY GIVEN That on the 15th day of April, 1947, Edwin E. Frymyer, Arthur F. Wyllie and Clifford E. Wyllie, co-partners, doing business as Canyon Trout Farm, of Twin Falls, Idaho, made application to appropriate Nine (9) cubic feet per second of water from a drainage tunnel known as Tolbert Tunnel, of the Twin Falls Canal Company, for fish hatchery, ponds, and domestic purposes.

That the mouth of the tunnel, which is the point of diversion, is about 500 feet South and 25 feet West of the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section Twelve (12), Township Ten (10) South, Range Sixteen (16) East, B.M., and in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant,

and shall clearly set forth his objections to the approval of said application.

Dated this 16th day of April, 1947.

MARK R. KULP

State Reclamation Engineer

Date of first publication April 24, 1947

Date of last publication May 8, 1947

Last date for protest May 26, 1947.

SERVICE OF THE FOREGOING. By ~~copy, as herein admitted~~, this 17th day of April, 1947.

Edwin E. Frymyer, Arthur F. Wyllie and Clifford E. Wyllie, co-partners doing business as Canyon Trout Farm, Applicant
By Arthur F. Wyllie,
Managing Partner

Published April 24, May 1, 8, 1947

I, Helena Zafra, being first duly sworn upon oath depose and say that I am Clerk of the Times-News, published daily, except Saturday, at Twin Falls, Idaho, and so solemnly swear that a copy of the notice or advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for 3 consecutive Thursdays, commencing with the issue dated April 24, May 1, 1947, and ending with the issue dated May 8, 1947.

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

And I further certify that pursuant to Section 58-108 I. C. A., 1932, as added thereto by Chapter 154, Idaho 1933 Session Laws, Thursday of each week has been designated as the day on which legal notice required by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me this 14th day of May, 1947.

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

TELEPHONE 610

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

May 14, 1947.



Hon. Mark R. Kulp.
State Reclamation Engineer,
Capitol Building,
Boise, Idaho.

In re Canyon Trout Farm
Application No. 27644.

Attention: Jeanne L. Anderson

Dear Sir:

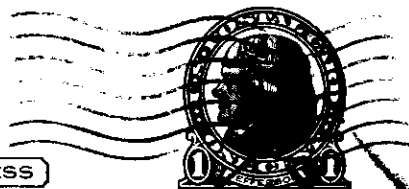
I wish to thank you for your letter of April 22nd and I am herewith enclosing Affidavit of Publication of Notice of Application to Appropriate the Public Waters of the State of Idaho which was published in the Times-News, a newspaper published at Twin Falls, Idaho, in the issues of that paper published April 24, May 1 and May 8, 1947.

I note that the permit will be issued in the event no protests against the application are filed. I assume I will be advised if any protests are filed.

Very truly yours,

HP/p
Enc.

20085



THIS SIDE OF CARD IS FOR ADDRESS

State of Idaho
Department of Reclamation
Boise, Idaho

Att: Mark R. Kulp, Engineer



April 23, 1947

Dear Sir:

This is to acknowledge receipt of Application No. 27644,
Canyon Trout Farm which is being published April 24, May 1, 8.

Thank you.

TIMES-NEWS

By J. Selaya

20085

C. A. Robins

April 22, 1947

Re: Application No. 27644

Mr. Harry Povey
Box 1041
Twin Falls, Idaho

Dear Mr. Povey:

We acknowledge receipt of your letter of April 21, enclosing notice in connection with the Application of the Canyon Trout Farm, to appropriate water from "Tolbert Tunnel".

A copy of the notice has been sent to the Twin Falls Times-News, with instructions to publish it once a week for three consecutive weeks, commencing with their next issue, and upon completion of publication, to send the affidavit of publication to the applicant in your care, together with statement of costs.

Should there be no protests filed against the approval of this applicant, the permit will be issued upon receipt of the affidavit of publication which is a necessary part of the record.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

20085
A:FA

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

Date . April 22, 1947 . . .

Re: Application No. 27644

Twin Falls Times News

Twin Falls, Idaho

Gentlemen:

Enclosed you will find notice for publication once a
three
week for ~~two~~ consecutive weeks ~~previous to~~ commencing with your next issue,
~~the date set for hearing~~, the expense of the publication to be
paid by the applicant, Canyon Trout Farm, C/o Arthur F. Wylie,
Twin Falls, Idaho (or C/o Harry Povey, Ida. Dept. Store Bldg.)
to whom you should furnish proof of publication on or prior to the
date set for hearing.

Please acknowledge receipt of this notice, and furnish this
office with a copy of the first publication.

Very truly yours,

MARK R. KULP

MARK R. KULP
State Reclamation Engineer

By

Chief Clerk

20085

20085

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

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

NOTICE IS HEREBY GIVEN That on the 15th day of April, 1947, Edwin E. Frymyer, Arthur F. Wylie and Clifford E. Wylie, co-partners, doing business as Canyon Trout Farm, of Twin Falls, Idaho, made application to appropriate Nine (9) cubic feet per second of water from a drainage tunnel known as Tobbert Tunnel, of the Twin Falls Canal Company, for fish hatchery, ponds, and domestic purposes.

That the mouth of the tunnel , which is the point of diversion, is about 500 feet South and 35 feet West of the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section Twelve (12), Township Ten (10) South, Range Sixteen (16) East, B.M., and in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section.

That any protests against the approval of this application must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant, and shall clearly set forth his objections to the approval of said application.

Dated this 16th day of April, 1947.

Mark R. Kulp.

MARK R. KULP

State Reclamation Engineer

Date of first publication.....
Date of last publication
Last date for protest May 26, 1947.

SERVICE OF THE FOREGOING, By copy, is hereby admitted, this 17th day of April, 1947. Edwin E. Frymyer, Arthur F. Wylie and Clifford E. Wylie copartners doing business as Canyon Trout Farm

By *Arthur F. Wylie* ~~XXXXXXXXXXXX~~
Managing Partner
Applicant.

TELEPHONE 610

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

April 21, 1947.

Mr. Mark R. Kulp.
State Reclamation Engineer,
Capitol Building,
Boise, Idaho.

In re Canyon Trout Farm. Appln. No. 27644

Attention Jeanne L. Anderson.

Dear Sir:

This will acknowledge receipt of your favor of April 16, 1947 enclosing duplicate copies of the notice in connection with the above application. The original has been signed by the applicant and I am herewith enclosing the same.

In the enclosed notice I changed "Torbert Tunnel" to "Tolbert Tunnel" the latter being the correct spelling.

Very truly yours,

Harry Povey

HP/p
Enc.



20085

20085

C. A. Robins

April 16, 1947

Re: Application No. 27644

Mr. Harry Povey
Box 1041
Twin Falls, Idaho

Dear Mr. Povey:

Reference is made to your letter of April 14, 1947 returning the application of the Canyon Trout Farm to appropriate water from the Tolbert Tunnel and enclosing your check for the \$7.00 filing fee departmental receipt number 19932 for which is enclosed.

We enclose duplicate copies of the notice in connection with this application and will ask that you kindly sign and return the original, retaining the copy for your own files.

We shall then send a copy of the notice to the Twin Falls Times-News, with instructions in regard to publishing same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:FA

Encl.

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 11, 1947

(P. O.) Twin Falls, Idaho.

STATE RECLAMATION ENGINEER

~~TO THE COMMISSIONER OF RECLAMATION~~

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Times-News of Twin Falls, Idaho, published in

the county in which the works are situated.

Edwin E. Frymyer, Arthur F. Wylie and Clifford E. Wylie
copartners doing business as Canyon Trout Farm

By A. F. Wylie
Managing Partner.

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

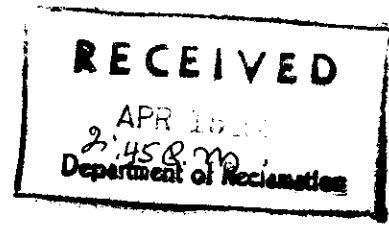
Engineer.

20085

TELEPHONE 610

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

April 14, 1947.



Hon. Mark R. Kulp,
State Reclamation Engineer,
Capitol Building,
Boise, Idaho.

In re Canyon Trout Farm.

Attention: Jeanne L. Anderson

Dear Sir:

Referring to your letter of March 18, 1947 relative to application of Canyon Trout Farm to appropriate water flowing from the Tolbert Tunnel located in Sec. 12, T. 10 S., R. 16 E.B.M., I have endeavored to comply with your requirements as follows:

The amount of water filed on has been corrected to specify the definite amount of nine cubic feet per second.

At the bottom of the second page of the application I had stated: "After water flows through the fish ponds it will be emptied into Rock Creek" However, I have filled in Question 6 (c) to show the place where the water is returned to Rock Creek.

In the application as originally forwarded to you I did not use your regular form of map as I thought the attached blue print would give you more detail. However, I have shown on your form map the course of the tunnel, place of use and return, point of diversion, by subdivision, Section, Township and Range, and the same is herewith enclosed in duplicate, together with application for permit as corrected.

With reference to filing fees, I had misfigured the same and herewith enclose my check for \$7.00, which I believe is the correct amount for 9 second feet.

With reference to permission from Twin Falls Canal Co. I met with the Board and they stated that they had no objection to this filing or the use of the water, but felt it would be better for all concerned if notice of the application was published as suggested in your letter. I am therefore enclosing herewith the authorization for the publication of notice, which has been signed by the applicant. Will you kindly prepare and arrange for the publication of this notice, advising me of the time and place when and where protests may be made.

Trusting that the application as corrected will meet with your approval, I remain,

Very truly yours,

Harry Povey

HP/p
Encs.

C. A. Robins

April 3, 1947

Mr. Harry Povey
Idaho Department Store Building
Twin Falls, Idaho

Dear Mr. Povey:

Reference is made to your letter of April 2nd, in regard to application of the Canyon Trout Farm for permit to appropriate water.

There is no particular form for permission from the Twin Falls Canal Company. This can be made by a letter from its duly qualified officers, which should accompany or be attached to the application.

If publication is necessary, the notice will be made out by this Department, but of course will be at the expense of the applicant. In which case, Form 11 enclosed should be returned to this office, it being authorization for us to have the notice published at applicant's expense, in the designated county newspaper.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encl.

20085

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

TELEPHONE 610

April 2, 1947.

Hon. Mark R. Kulp
State Reclamation Engineer,
Capitol Building,
Boise, Idaho.

In re Canyon Trout Farm.

Dear Mr. Kulp:

Receipt of your letter of March 18th is acknowledged with reference to the application of Canyon Trout Farm to appropriate water flowing from the Tolbert drainage tunnel.

The Twin Falls Canal Co. will hold its regular monthly directors meeting on April 8th and at that time request will be made for its written permission and if the same is not given notice of the application will be published as outlined in your letter.

I wish you would kindly outline the form of permission desired and in the event it is necessary to publish, will you kindly send me the form of notice usually given.

After the meeting of the Canal board the corrections suggested in your letter will be made and the application will be returned.

Very truly yours,

Harry Povey

HP/p

20085



C. A. Robins

March 18, 1947

Mr. Harry Pavey
Idaho Department Store Building
Twin Falls, Idaho

Dear Mr. Pavey:

We acknowledge receipt of your letter of March 15, enclosing the application for the Canyon Trout Farm to appropriate water flowing from drainage tunnel of the Twin Falls Canal Company, accompanied by your check in the amount of \$6.00 to apply on the filing fees.

We return the application herewith for the following corrections.

1. Under Question 2, the application must state definitely the amount of water filed on; an application cannot be accepted for "all the waters" of any given source.
2. Since this is a nonconsumptive use, we assume the water is to be returned to Rock Creek. Under Question 6 (c) give the point of return.
3. We enclose duplicate forms on which please sketch the course of the tunnel and show definitely the point of diversion, place of use and place of return, by subdivision, Section, Township and Range.

Before the application can be approved and permit issued, it will be necessary for you to obtain written permission from the Twin Falls Canal Company, or to have notice of your application published in a county newspaper once a week for three consecutive weeks, setting a date for protests, if any, to be filed with this department.

The correct filing fee, as you will note on the fourth page of the application, is at the rate of \$5.00 for each second foot and \$0.25 additional for each additional foot or fraction thereof. We therefore return your check for \$6.00 for which you may substitute one in the correct amount based on the number of second feet of water applied for.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

Chief Clerk

20085
A:FA
Encl.

TELEPHONE 610

HARRY POVEY
ATTORNEY AT LAW
IDAHO DEPT STORE BLDG.
TWIN FALLS, IDAHO

March 13, 1947.

State Reclamation Engineer,
Department of Reclamation,
Capitol Building,
Boise, Idaho.

In re Canyon Trout Farm.

Dear Sir:

Herewith please find application of Edwin E. Frymyer, Arthur F. Wylie and Clifford E. Wylie, copartners doing business as Canyon Trout Farm, of Twin Falls, Idaho, for permit to appropriate all of the water flowing from drainage tunnel located in NW¹/₄NE¹/₄, Sec. 12, T. 10 S., R. 16 E.B.M., together with blue print.

These men are equal partners and are engaged in constructing a fish hatchery as outlined in the application. The tunnel from which the water flows is one of the tunnels constructed by Twin Falls Canal Company for drainage purposes.

I have endeavored to cover in the application all information which you may require but if there is any further information required I will be glad to furnish the same upon your request therefor. The blueprint is made from a tracing of one of the maps of Twin Falls Canal Company, but does not show the course of the Rock Creek north of Section 12, although this perhaps is not material.

I am enclosing herewith my check for \$6.00 to cover filing fees.

Awaiting your advice, I remain,

Very truly yours,

Harry Povey

HP/p
Encs.

20085

