

FEB 06 2025

DEPT. OF WATER RESOURCES

Form No.42-1409-1 (Internet 06/21)

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS****IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM****CIVIL CASE NUMBER: 79576**Claim ID: 13-2153

Date Received: _____

Receipt No: _____

Claim Fee: \$250 By: _____**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW****Please type or print clearly**

1. Name of claimant(s) State of Idaho - Dept. of Fish & Game Phone (208) 287-2712
Mailing address PO Box 25 Boise, ID Zip 83707
Street or Box _____ City _____ State _____
Email address (optional) beau.gunter@idfg.idaho.gov
2. Date of priority: (Only one per claim) 01/26/1948 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Spring
which is tributary to (b) Whiskey Creek
4. a. Location of point of diversion is: Township 11S, Range 41E, Section 7,
SW 1/4 of SE 1/4, Govt. Lot 0, BM, County of Caribou
Parcel no. _____
Additional points of diversion, if any: _____
If available, GPS Coordinates 42.4752, -111.70994
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Water is collected with perforated HDPE pipe and directed to a concrete spring collection box. From the spring collection box, water is delivered to the fish hatchery facility via pipelines (16" and 24").

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Fish propagation purposes from 01-01 to 12-31 amount 20 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 20 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) State of Idaho fish hatchery

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11s	41E	18		H															

Parcel no(s) _____ Total number of acres irrigated _____

10. In which county(ies) are lands listed above as place of use located? Caribou

11. Do you own the property listed above as place of use? Yes (☒) No (☐)
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
13-7022 or None (☐)

13. Remarks (Include an explanation of the priority date selected):

Priority date is currently listed on the IDWR Water Right Report for this water right.

The fish hatchery contains the following number and size of raceways: 16 @ 3'x1.5'x13', 16 @ 4'x3.5'x40', 6 @ 12'x3.5'x300', 4 @ 4'x3.5'x100'. Hatchery produces approximately 150,000 pounds annually.

Name of claimant(s) State of Idaho - Dept. of Fish & Game Claim ID _____

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License (☒) Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 13-2153

15. **Signature(s)**

- (a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."
(b.) I/We do () do not (☒) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Mr. Beau Gunter, Fish Production Manager _____ of Idaho Department of Fish and Game _____
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] Date 2/6/25

Printed Name of Authorized Agent Beau Gunter

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) Ann Yribar, Deputy Attorney General, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature] Date 2/6/2025

Address _____ Ann N. Yribar

Name of claimant(s) State of Idaho - Dept. of Fish & Game Claim ID _____

Water Right Report : 13-2153(License/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	STATE OF IDAHO	DEPT OF FISH AND GAME PO BOX 25	BOISE	ID	83707-0025

Water Right Status

Priority Date : 1/26/1948
Basis : License
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
SPRING		WHISKEY CREEK	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
SPRING	11S	41E	7	0				SW SE CARIBOU	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
FISH PROPAGATION	/	/	20.00 CFS	
TOTAL			20.00 CFS	

Places of Use

Place of Use Legal Description : FISH PROPAGATION (CARIBOU county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
11S	41E	18				NW NE	

Dates

Licensed Date : 3/23/1979
Decreed Date :
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargment Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

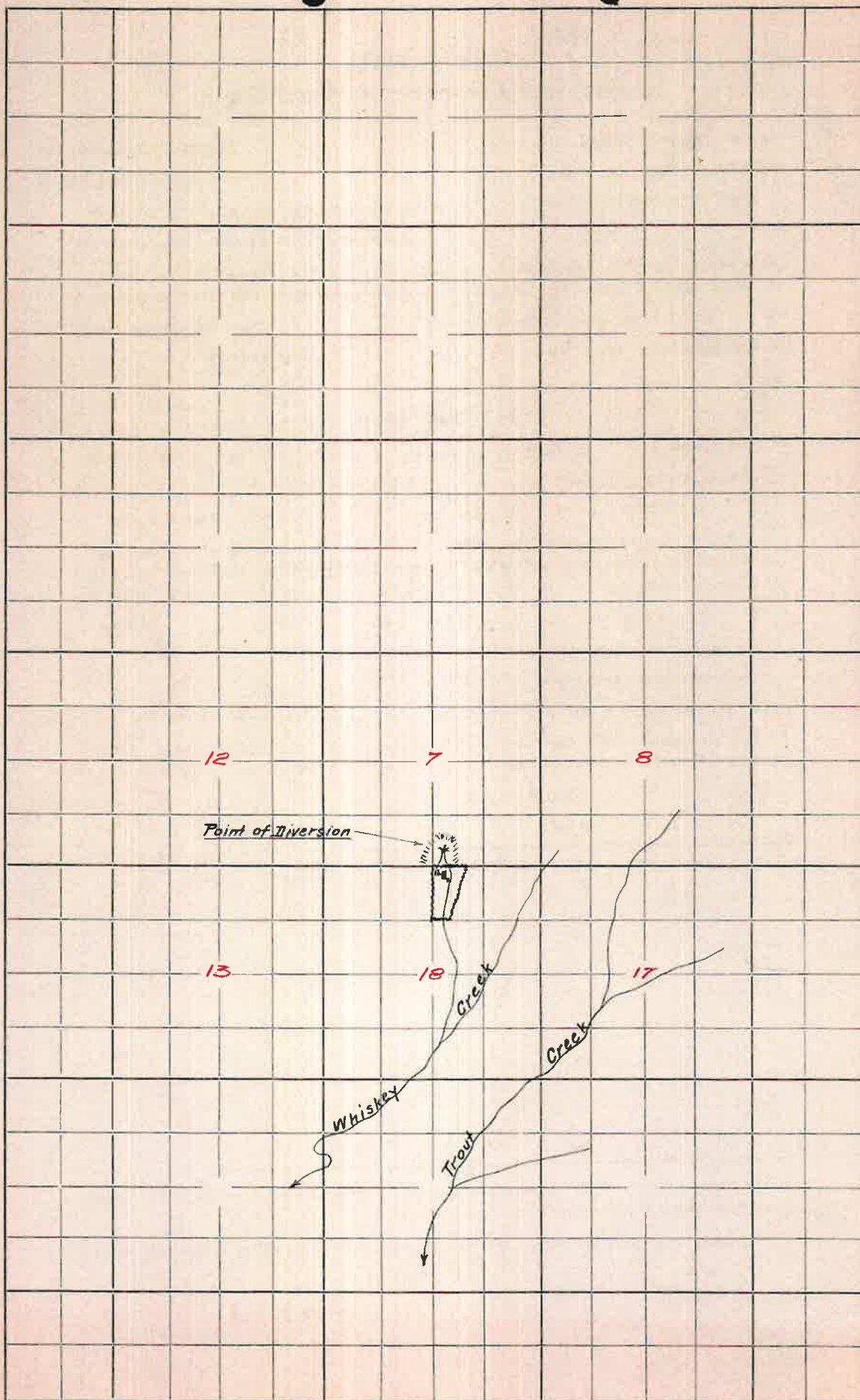
State or Federal :
Water District Number : 13S
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Combined Acre Limit :
Combined Volume Limit:
Combined Rate Limit: 20.00
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

FISH PROPAGATION

The image is an aerial photograph of a rural landscape, likely a farm or small town, overlaid with a grid. The grid is composed of 12 squares, with a central square highlighted in yellow. The grid is labeled with letters and numbers: NESW, NNE, NNE, SSW, SSW, SSW, SSW, SSW, SSW. The center square is labeled '7' and '18'. The bottom right corner has text: 'The USDA-FSA Aerial Photography Field Office asks to be credited in digital products.'



Place of use: Section 18, Township 11S, Range 41E



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

20271

State of Idaho
License and Certificate of Water Right

Water License No. 20271

Amount 20 second feet

Water District No. _____

Priority January 26, 1948

THIS IS TO CERTIFY that

STATE OF IDAHO DEPARTMENT OF FISH AND GAME

of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 26, 1948; that Permit No. 20271 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 20 second feet, was issued thereunder on March 5, 1949, showing that said works were completed on the 5th day of May, 1948; and that on the 5th day of May, 1948,

STATE OF IDAHO DEPARTMENT OF FISH AND GAME

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a spring, a tributary of Whiskey Creek, for the purpose of Fish culture, under Use Permit No. 20271 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 2 of Licenses at page 4454, on the 3rd day of March, 1949; The right hereby confirmed dates from January 26, 1948;

The Point of Diversion is located

in the SW 1/4 SE 1/4, Sec. 7, Twp. 11 S., R. 41 E., B. M. Benbrook 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 20 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			<u>Whiskey Creek area, of the NW 1/4 Section 15, Township 11 South, Range 41 East.</u>		

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 3rd day of March, 1949.

(SEAL)

MARK H. KULP

State Reclamation Engineer

APPLICATION FOR PERMIT

Nº 20271

13-2153

To Appropriate the Public Waters of the State of Idaho

Application No. 27888

Permit No. 20271

District No.

1. Name of Applicant: STATE OF IDAHO, DEPARTMENT OF FISH AND GAME

Postoffice address: Boise

County: Ada

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: Twenty (20) cubic feet per second.

3. Source of water supply: Spring which is a tributary of Whiskey Creek, a tributary of Bear River

4. Location of point of diversion: N. 34°00' E. 430 feet distant from the S $\frac{1}{4}$ corner of Section 7, T. 11 S., R. 41 E., B.M., and is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, T. 11 S., R. 41 E., B.M., County of Bannock

5. Water is to be used for Fish cultural purposes

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 NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, T. 11 S., R. 41 E., B.M.

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

(c) Water is to be returned to Whiskey Creek at a point feet

distant from the corner of Section , T. , R. , B.M., in the

SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, T. 11 S., R. 41 E., B.M.

7. Estimated cost of works: \$ 35,000.00

8. Kind of works: Pipe line, concrete rearing ponds, fish hatchery

9. Height of dam 3 feet; length of dam at top 30 feet; length of dam at bottom 30 feet; material used in dam: Concrete

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 16 inches; length of conduit 650 ft. -miles.

Average grade per mile Fall 32 ft. feet.

12. The time required for the completion of such work is Completed years.

13. The time required for the complete application of the water to the proposed use is -- 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.

IDAHO FISH & GAME DEPARTMENT *Applicant.*

By T. B. Murray *Agent.*
Director

Date of first receipt at Department of Reclamation: 3:00 P. M. January 26, 1948

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20271
Recorded in Book 73 Page 20271 Approved February 5, 1948
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 Completed 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 -
The whole of said work to be completed on or before May 5, 1948
Beneficial use of water appropriated in accordance herewith, to be made on or before May 5, 1948

Witness my hand this 5th day of February, 1948

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBBS, 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 5th
day of February, 1948

Countersigned:

(SEAL)

By J. D. "CY" PRICE Secretary of State.

Remarks: Department has purchased right-of-way from Guy Harris, the owner of the land upon which the spring is situated and also have an agreement with the agricultural water users of the decreed water, copies of which are enclosed; originals of which are on file with the Fish & Game Department.

14.

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 $\frac{1}{4}$		
			Permit No. 20271					
			Certificate of Completion of Works					
			TO ALL WHOM IT MAY CONCERN:					
			This is to certify that STATE OF IDAHO DEPARTMENT OF FISH AND GAME of Boise, County of Ada, and State of Idaho, the holder of Permit No. 20271, issued upon Application No. 27888 bearing date of priority of January 28, 1946, authorizing the diversion of Twenty (20) second feet of the waters of a spring, tributary to Whiskey Creek, thence Bear River, County of Benneock, State of Idaho, for fish cultural purposes, has 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 Twenty (20) second feet of the waters of said spring; that the point of diversion of said waters is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, Township 11 South, Range 41 East, B.M. and that the place of use of said water is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, Township 11 South, Range 41 East, B.M. (Whiskey Creek Hatchery)					
			Witness my hand this 3rd day of March, A.D. 1949					
						MARK R. KULP		
						State Reclamation Engineer		
			Proof of Completion of Works made May 5, 1946					
			Certificate of Completion of Works made March 3, 1949					
			COUNT FOR 20 SEC. FT.					

CECIL D. ANDRUS, Governor
COMMISSION
ROBERT G. KALB, Sandpoint
PAUL C. KEETON, Lewiston
JOHN EATON, Cascade
JACK HEMINGWAY, Sun Valley
H. JACK ALVORO, Pocatello

IDAHO FISH AND GAME DEPARTMENT

January 4, 1973

Department of Water Administration

JOSEPH C. GREENLEY
Director

POST OFFICE BOX 25
600 SOUTH WALNUT STREET
BOISE, IDAHO 83707

Mr. Lovell J. Mendenhall
Secretary of Water District #13s
344 East Tenth North
Logan, Utah 84321

Grace Fish Hatchery
Caribou County

Dear Mr. Mendenhall:

In explanation of the Department's operation and construction of an improvement at its Grace Fish Hatchery and fish rearing ponds which led to a protest by the water users of Whiskey Creek District #13s on the Department's use of the waters of Whiskey Creek, the Department considers the new improvement to be an integral part of its Grace Fish Hatchery facilities and necessary for its orderly operation.

We wish to assure you that the Department's use of the waters from the Big Spring of Whiskey Creek will conform with that use permitted by water use Permit #20271 and that all of its Hatchery pipelines and waterways will be metered and weired to determine maximum water flow.

The building which is 48' X 24' of which one half is for storage has a sidewalk area of 396 feet and will have a vehicle use area of about 2700 square feet. Both the building and vehicle use areas have or will replace that amount of existing lawn area. We expect that this savings of lawn water needs will exceed the domestic water needs of the Department's new building during the irrigation season.

We hope that this explanation of the Department's Grace Hatchery operations meets with the accord and approval of the water users of Water District #13s.

Sincerely,

IDAHO FISH AND GAME DEPARTMENT

JOG:TDB:sb
CC: Water Administration ✓
Fisheries Division
T. J. Jones, III

Joseph C. Greenley
Director

13 2153

March 5, 1949

Re: Permit No. 20271

State Fish and Game Department
Building

Gentlemen:

We enclose Certificate of Completion of Works and also License and Certificate of Water Right issued under your Permit No. 20271, confirming your right to the use of 20 second feet of water from a spring tributary to Whiskey Creek with priority of January 26, 1948, with point of diversion in the SW 1/4, Section 7, Township 11 South, Range 41 East, for fish culture at the Whiskey Creek Hatchery in the NW 1/4, NE 1/4, Section 18, same Township and Range.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

20271

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

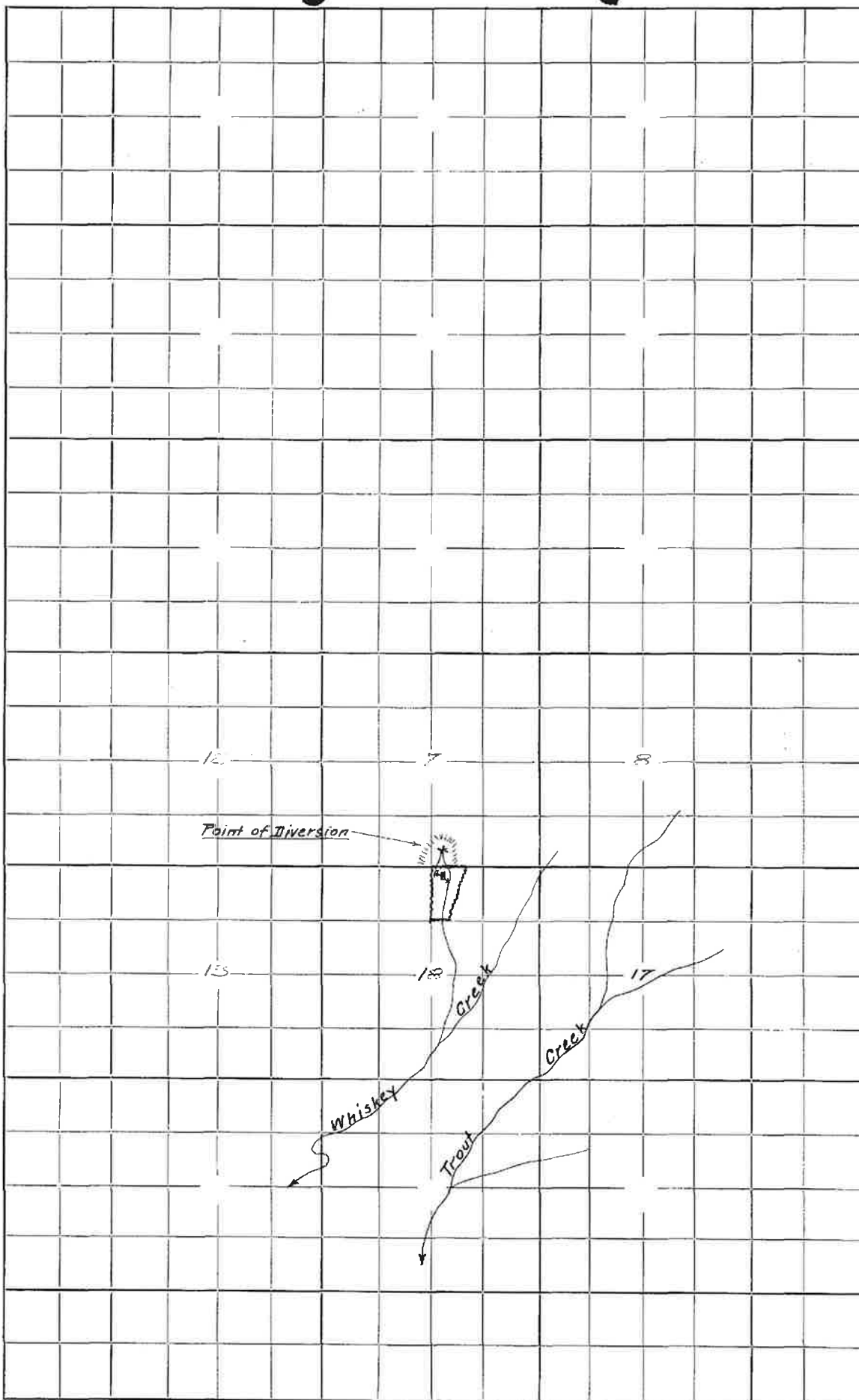
REPORT OF ENGINEER

PERMIT NO. 20271

REPORT ON PROOF OF Completion of works and Beneficial use

2004
11/11

8 p. 2004



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

20271

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

Permit No. 20271This proof is for Completion of works and beneficial use In Water District No. _____

1. Name of applicant State Fish and Game Department, Boise, Idaho
2. Source of water supply: Whiskey Spring Creek
3. Location of point of diversion: Is in the SW¹ SE¹ of Section 7
T. 11 S. R. 41 E. County of Bannock
4. Describe works as they exist, giving dimensions and capacities of same: The spring outlet is controlled by a concrete dam 14 feet long and 6 feet high. A supply line of 650 feet length, and 16 inch diameter of welded steel pipe leads to a concrete surge tank at the hatchery, and thence 100 feet of 16 inch pipe to four concrete rearing ponds.
5. Water is used for: Fish cultural 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: Whiskey Creek Hatchery, Grace, Idaho, in NW¹ NE¹ Section 18,
Twp. 11 South, Range 41 East, 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? Bear River
- Remarks: The annual output of this installation is approximately 1,000,000 trout

This examination was made on the 28th day of July, 19 48

(Signed)



Examiner.

20270

State Fish & Game Department
Boise, Idaho

Permit No. 20271

Examination for Completion of works
and Beneficial use
County Benneek

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.

The McCammon News

LOWELL L. LEEK--E. H. PAYSAN, PUBLISHERS.

MEMBER SOUTHEAST IDAHO PUBLICATIONS GROUP

MCCAMMON, IDAHO

PUBLISHED WEEKLY....

THE MCCAMMON NEWS
THE DOWNEY COMET &
BANCROFT STANDARD
THE GRACE HERALD

PLANT AT MCCAMMON

April 17, 1948

20271

Jeanne L. Anderson, Chief Clerk,
Department of Reclamation,
State of Idaho,
Boise, Idaho

Dear Madame:

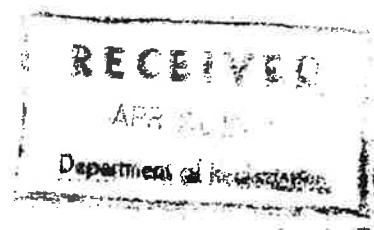
Enclosed is a copy of the first publication
of Notice of Proof of the State Fish and
Game Department.

The notice will be published in four issues
of The Grace Herald, in accordance with
your instructions, and proof of publication
and bill will be sent to The Fish and Game
Department.

Very truly yours

THE MCCAMMON NEWS

E. H. Paysan



20271

PROOF OF PUBLICATION

STATE OF IDAHO
COUNTY OF BANNOCK

SS

NOTICE OF PROOF

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at Boise, Idaho on the 5th day of May, 1948, at 10:00 A. M., County of Ada, State of Idaho, before Anna Maestro, Notary Public, proof will be submitted of the completion of works for the diversion of 20 cubic feet per second of the waters of Whiskey Creek Spring and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 20271 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are State Fish and Game Dept., Boise, Idaho.
2. 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 use, in accordance with the plans accompanying the application for such permit, is 20 cubic feet per second.
3. The use to which said water has been applied is Fish Cultural purposes, and the amount applied to beneficial use is 20 cubic feet per second.
4. The place where said water is used is Whiskey Creek Hatchery, Grace, Idaho.
5. The date of priority which said use is prepared to establish is January 26, 1948.

MARK R. KULP
State Reclamation Engineer
4-22-4g

E. M. Payne being first duly sworn, deposes and says that he is the printer of The GRACE HERALD, a weekly newspaper published in GRACE, Bannock County, in the State of Idaho. That the notice, a true copy of which is hereto attached was published in The GRACE HERALD for four consecutive weeks, first publication having been made on the 1st day of April 1948, and the last publication having been made on the 22nd day of April 1948.

That said paper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of said notice or advertisement, and is a newspaper within the meaning of the laws of Idaho.

E. M. Payne
SUBSCRIBED and SWORN TO before me this 21st day of

June A. D. 1948

[Signature]
Notary Public.

My commission expires March 16th 1949

JUN 24 1948

20271

PERMIT NO. 20271

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. T. B. Murray, Director, State Fish and Game Dept., Boise, Idaho

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. 20271 - February 5, 1948 - 20 sec. ft. - N. 34° - 00' E. 430' from S₁

Cor. Sec. 7 T. 11 S. R. 41 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. Fish Cultural 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. Yes; 1946 - 20 sec. ft.

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. Yes

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. 650' of 16" steel pipe - \$2000.00

(Sign here.)

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 Boise

County of Ada, State of Idaho, on this 5th day of May, A. D. 1948.

Notary Public.

My Commission expires 6/2/50

20271

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

Permit No. 20271

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. Frank H. Oster - 116 E. Idaho - Improvement Supervisor - Boise

Ques. 2. Are you acquainted with T. B. Murray, Director, State Fish & Game, the holder of Permit No. 20271, authorizing the diversion of Twenty second-feet of the waters of Whiskey Spring, at Grace for Fish Cultural purposes? How long have you known him, and where does he reside?

Ans. One year; Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 20271, and are you familiar with its terms and conditions?

Ans. Yes

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.

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?

Ans. Yes - Capable of conveying 20 sec. ft.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. 650' of 16" steel pipe capacity 20 sec. ft.

(Sign here.)

Frank H. Oster

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 Boise

County of Ada, State of Idaho, on this 5th day of May, A. D. 19 48.

Annie Mester

20271

Permit No. 20271

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. George E. Tucker - 1912 State St., Civil Engineer - Boise

Ques. 2. Are you acquainted with T. B. Murray, Director, State Fish & Game, the holder of Permit No. 20271, authorizing the diversion of Twenty second-feet of the waters of Whiskey Spring, at Grace, for Fish Cultural purposes? How long have you known him, and where does he reside?

Ans. Since 1935 - Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 20271, and are you familiar with its terms and conditions?

Ans. Yes

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.

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?

Ans. Yes - Capable of conveying 20 sec. ft.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. 650' of 16" steel pipe capacity 20 sec. ft.

(Sign here.)

George E. Tucker

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 Boise

County of Ada, State of Idaho, on this 5th day of May, A. D. 1948.

Anna M. Minter

20271

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 20271

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. T. B. Murray, Director State Fish and Game Dept., Boise, Idaho

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. 20271 - February 5, 1948 - February 5, 1948

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

Ans. Whiskey Spring - N. 34°-00' E. 430' from S $\frac{1}{2}$ cor. sec. 7 T. 11 S. R. 41 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. Small dam - 650' - 16" pipe: 20 sec. ft.

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. Fish cultural purposes in NW $\frac{1}{4}$ Sec 18 T. 11 S. R. 41 E. B. M.

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

Ans. None

20271

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

Ans. 20 sec. ft.

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. Since July 1946 - 20 sec. ft.

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. None

(Sign)

I hereby certify that the foregoing testimony was read to the above subscribed before his 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 Boise, County of Ada, State of Idaho, on this 5th day of May, A. D. 1948.

My commission expires

6/3/50

20271

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20271

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. George E. Tucker, 58, Civil Engineer - 1912 State Street Boise, Idaho

Ques. 2. Are you acquainted with T. B. Murray, Director, State Fish & Game Dept. the holder of Permit No. 20271? How long have you known him and where does he reside?

Ans. Yes, since 1935 - Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 20271, and are you familiar with its provisions and conditions?

Ans. Yes

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. Whiskey Spring N. 34°-00' E. 430' from S $\frac{1}{2}$ Sec. 7. T. 11 S.-R. 41 E.B.M.

16" Pipe - 650' long

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. 20 sec. ft. - 20 sec. ft.

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. Fish Cultural purposes in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 18 and
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 18, T. 11 S.-R. 41 E.B.M.

20271

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

Ans. 20 sec. ft. for fish cultural purposes, since July 1946

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. None

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

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. 20 sec. ft. since July 1946

(Signed)

George E. Tucker

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 Boise, County of Ada, State of Idaho, on this 5th day of May, A. D. 1948.

Anne Mustis

Notary Public.

My commission expires

6/3/50

20271

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20271

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. Frank H. Oster, 56, Surveyor, 116 E. Idaho St., Boise, Idaho

Ques. 2. Are you acquainted with T. B. Murray, Director, State Fish & Game Dept. the holder of Permit No. 20271? How long have you known him and where does he reside?

Ans. Yes - about 1 year - Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 20271, and are you familiar with its provisions and conditions?

Ans. Yes

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. Whiskey Spring N. 34° -00' E. 430' from S $\frac{1}{2}$ Sec. 7 T. 11 S. - R. 41 E. B.M.

16" Pipe - 650' long

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. 20 Sec. ft. - 20 Sec. ft.

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. Fish cultural purposes. in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, T. 11 S. - R. 41 E. B.M.

20271

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

Ans. 20 sec. ft. for fish cultural purposes since July 1946

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. None

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

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. 20 sec. ft. since July 1946

(Signed)

Frank N. Oster

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 Boise, County of Ada, State of Idaho, on this 5th day of May, A. D. 1948

Anna Master

Notary Public.

My commission expires 6/2/50

20271

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Date: **March 31, 1948**

Re: **Permit No. 20271**

Grace Herald

Grace, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **May 5, 1948** . the date set for proof, the expense of the publication to be paid by the applicant, **State Fish & Game Department of Boise, 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, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

20271

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at Boise on the 5th
day of May, 1948, at 10: A.M. M. County of
Ada State of Idaho, before Anna Mastro, Notary Public
proof will be submitted of the completion of works for the diversion of 20
cubic feet per second of the waters of Whiskey Creek Spring and of
the application to beneficial use of said water, in accordance with the terms and
conditions of Permit No. 20271 heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation
holding said permit are T. B. Murray, Director, State Fish and Game Dept., Boise, Idaho

2. 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 con-
ducting to the place of use, in accordance with the plans accompanying the appli-
cation for such permit, is 20 cubic feet per second.

3. The use to which said water has been applied is Fish Cultural
purposes, and the amount applied to beneficial use is
20 cubic feet per second.

4. The place where said water is used is
Whiskey Creek Hatchery - Grace, Idaho

5. The date of priority which said user is prepared to establish is
February 5, 1948 ~~January 26, 1948~~

MARK R. KULP
State Reclamation Engineer

20271

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) February 16, 1948

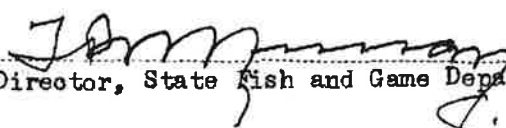
(P. O.) Boise, Idaho

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
Grace Herald of Grace, Idaho, published in
the county in which the works are situated.



Director, State Fish and Game Department

(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.

20271

EASEMENT FOR RIGHT OF WAY FOR PIPE LINE

20271

This agreement made this 27 day of Sept., 1945,
between the state of Idaho, Department of Fish and Game, represented by
James O. Beck, Director, grantee and Coy Harris
of Grace, Idaho, grantor, and Cora Harris
of Grace, Idaho, wife of grantor.

Witnesseth, That for and in consideration of Fifty Dollars (\$50.00)
and the construction by the grantee of the hereinafter mentioned pipe
line, the grantor does hereby grant, bargain, convey, and confirm un-
to the State of Idaho, Department of Fish and Game, an easement and right
of way over the following tract, lot, piece, or parcel of land situated in
the County of Bannock, State of Idaho, and particularly described as
follows:

Land lying in Southwest Quarter (SW $\frac{1}{4}$) of Southeast Quarter (SE $\frac{1}{4}$) Section
Seven (7), Township Eleven (11) South, Range Forty-One (41) East. Beginning
at South Quarter ($\frac{1}{4}$) corner of said section Seven (7), Township Eleven (11)
South, Range Forty-One (41) East, thence along Section Line South 89 degrees
50 minutes East 145 feet; thence North 2 degrees 25 minutes West 264 feet;
thence North 46 degrees 50 minutes East 155 feet; thence South 43 degrees 10
minutes East 30 feet; thence South 46 degrees 50 minutes West 20 feet; thence
North 43 degrees 10 minutes West 10 feet; thence South 46 degrees 50 minutes
West 125 feet; thence South 2 degrees 25 minutes East 255 feet to Section line;
thence North 89 degrees 50 minutes West 20 feet to point of beginning, contain-
ing 0.2 acres more or less.

It is understood that the grantors retain free and unrestricted crossing
right for livestock over said land.

The said right of way hereby granted is for the construction, maintenance
and full, free, and unrestricted use of the above-mentioned pipe line, by the
State of Idaho, Department of Fish and Game, for fish cultural purposes only.

This grant shall be effective only as long as said easement shall be used
as a pipe line right of way, and all rights hereunder shall revert to the grantor
as soon as the said use thereof shall be permanently abandoned and discontinued
by the grantee. PROVIDED, That the improvements made of the above-described
land by the grantee shall be considered and treated as personal property, and
at the termination of the contract the grantee may remove, sell, and dismantle
any of the structures erected on the premises. Written notice will be given

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grantor by grantee upon termination of easement.

IN WITNESS WHEREOF, I have affixed my signature hereto the day and year first above written.

Subscribed and sworn to before me this
_____ day of Sept. 27, 1945,
194--

/s/ Guy Harris
Grantor

Cora C. Harris
Wife of Grantor

Melvin Whitehead,
Notary Public, Residing at
County of Bannock, State of Ida-
ho
My Commission expires 5-15, 1948

Subscribed and sworn to before me this
3rd day of October, 1945.

IDAHO FISH AND GAME DEPARTMENT

By /s/ James O. Beck
Grantee

/s/ Dorothy M. Cellien
Notary Public, Residing at Boise
County of Ada, State of Idaho.
My Commission expires Oct. 18, 1948.

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20271

A G R E E M E N T

THIS AGREEMENT, made and entered into this 13th day of April, 1942, by and between the State of Idaho, acting through the Idaho State Fish and Game Department at Boise, Idaho, party of the first part, and the undersigned water-users of Whiskey Creek, the parties of the second part, witnesseth:

That Whereas, the party of the first part has purchased, or is about to purchase, certain lands from L. B. Bitton and Eva Bitton, which said lands are situated in the NE₄ of Section 18, Township 11 South, Range 41 East Boise Meridian, in the County of Bannock, State of Idaho, and

Whereas, said party of the first part contemplates the construction and operation of a fish hatchery and rearing ponds on said lands, and

Whereas, the parties of the second part are all water-users of Whiskey Creek below the proposed State fish hatchery site,

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, paid to the parties of the second part by the party of the first part, receipt whereof is hereby acknowledged, it is mutually agreed as follows:

1. The party of the first part shall have the right to divert the waters of Big and Middle Whiskey Creek and use the same for the purposes of hatching, propagation and rearing of fish. It is understood and agreed that the party of the first part may use said water for all purposes necessary for the operation of the hatchery and its rearing ponds, and that the operation of the hatchery and rearing ponds will be continuous.

2. The party of the first part, after using said water as herein specified, agrees to turn said water back into the original channel, so that said second parties may use the same for irrigation purposes.

20271

IN WITNESS WHEREOF, said parties have hereunto set their
hand on the day and year first above written.

(Signed) STATE OF IDAHO
DEPARTMENT OF FISH AND GAME

By /s/ James O. Beck
Director
Party of the First part.

(Signed) Michael Mickelson

(Signed) Raymond Swensen

(Signed) Melvin Mio kelson

(Signed) James Swensen

(Signed) Willis Swensen

(Signed) Harris A. Mickelson

(Signed) Clark A. Mickelson

Parties of the Second part.

NOTICE OF PROOF

NOTICE OF PROOF OF COMPLETION OF WORK AND APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at Boise, Idaho on the 5th day of May, 1948, at 10:00 A. M., County of Ada, State of Idaho, before Anna Maestro, Notary Public, proof will be submitted of the completion of works for the diversion of 20 cubic feet per second of the waters of Whiskey Creek Spring and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 20271 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are State Fish and Game Dept., Boise, Idaho.

2. 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 use, in accordance with the plans accompanying the application for such permit, is 20 cubic feet per second.

3. The use to which said water has been applied is Fish Cultural purposes, and the amount applied to beneficial use is 20 cubic feet per second.

4. The place where said water is used is Whiskey Creek Hatchery, Grace, Idaho.

5. The date of priority which said use is prepared to establish is January 26, 1948.

MARK R. KULP

State Reclamation Engineer

4-22-4g

Apr 1 - 1948