

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A21-02099
Date Received:
Receipt No: C018457
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID

83707

2. Date of Priority: JAN 26, 1948

3. Source: BLACK SPRINGS Trib. to: SNAKE RIVER, HENRYS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	42E	34	SE	SW			FREMONT

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	10.000		

7. Total Quantity Appropriated is:
10.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FISH/10 VATS 3'X3'X10', 30 INCUBATORS, 16 RACEWAYS 3'X7'X80'

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	42E	3	NW	NE		FISH	
			NE	SW		FISH	
09N	42E	34	SE	SW		FISH	

A21-02099

Page 1

Date: 07/16/90

MICROFILMED
OCT 20 1994



11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
ASHTON STATE FISH HATCHERY.
DIVERTING WORKS: SPRING ENCLOSED WITH BURIED TILE AND ROCK
COBBLE WITH COLLECTOR PIPE SYSTEM TO RACEWAYS.

15. Basis of Claim: LICENSE
Water Right Number: 20270

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin 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: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

MICROFILMED
OCT 20 1992

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A21-02099
Date Received: 2/15/1989
Receipt No: _____
Received By: _____
CA 2-15-89

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

- 1. Name: STATE OF IDAHO
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID 83707
- 2. Date of Priority: JAN 26, 1948
- 3. Source: BLACK SPRINGS Trib. to: SNAKE RIVER, HENRYS FORK
- 4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	42E	34	SE	SW			FREMONT

- 5. Description of diverting works: *Spring enclosed with buried tile and rock cobble with collector pipe system to runways.*
- 6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	<i>1/1</i>	<i>12/31</i>	10.000		

- 7. Total Quantity Appropriated is:
10.000 C.F.S. (and/or) A.F.A.

- 8. Total consumptive use is Acre Feet Per Annum.

- 9. Non-irrigation uses: *Fish propagation 10 Vals 3'x3'x10'*

- 10. Place of Use: *30 Incubators 16 Runways 3'x7'x80'*

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	42E	3	NW	NE		FISH	
			NE	SW		FISH	
09N	42E	34	SE	SW		FISH	

MICROFILMED
OCT 20 1992

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

ASHTON STATE FISH HATCHERY.

15. Basis of Claim: LICENSE

Water Right Number: 20270

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin 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: _____

For Individuals:

I/We do solemnly swear or affirm 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 that I am Director of
IDAHO DEPT. OF FISH & GAME Title

Organization, that I have signed the foregoing
document in the space below as Director of
IDAHO DEPT. OF FISH & GAME Title

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

Director, IDAHO DEPT OF FISH & GAME
Signature of Authorized Agent Title and Organization

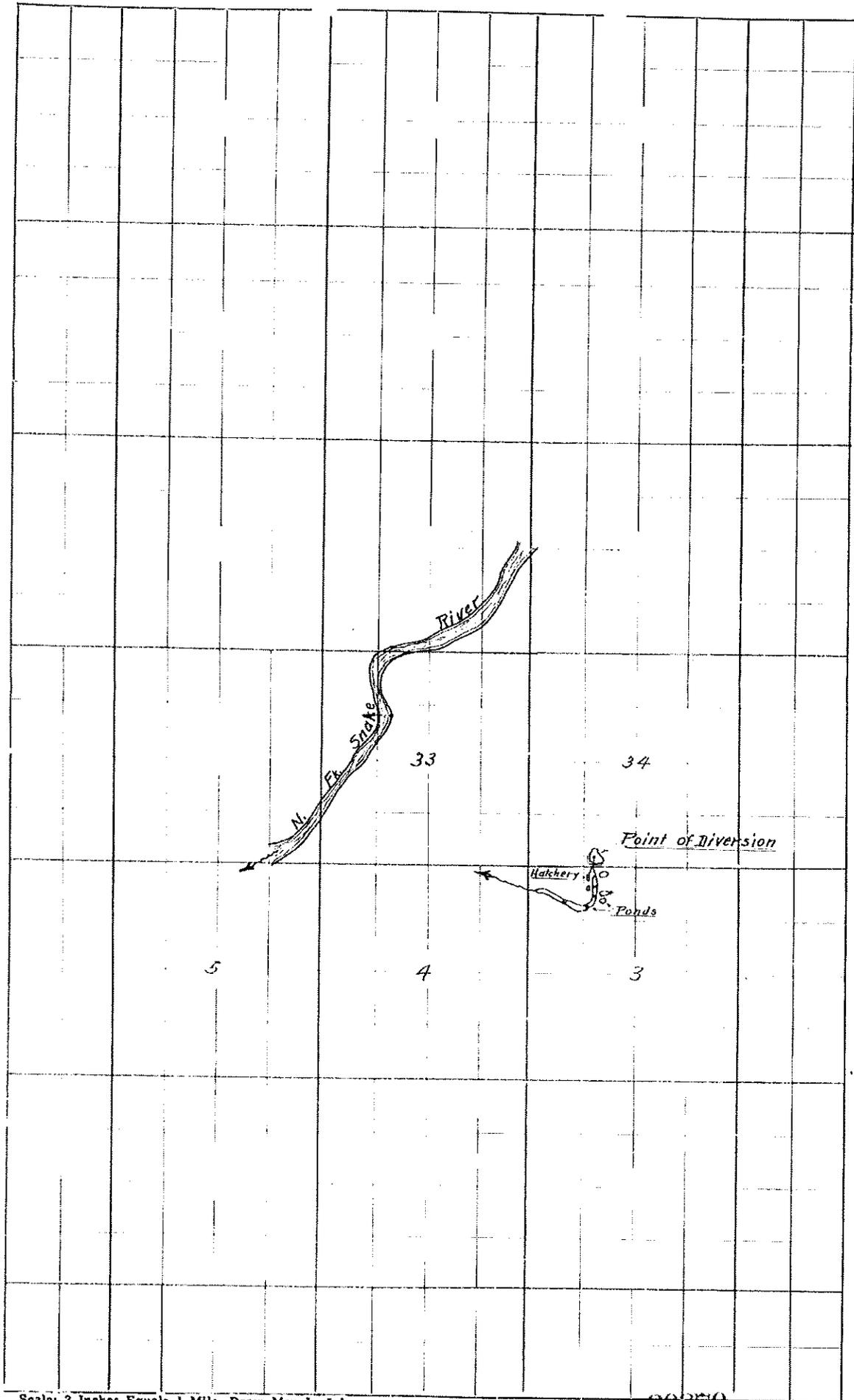
June 20, 1990
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of June 19 90 Barathya Baker
Notary Public

Seal

Residing at Emmett Idaho
My Commission Expires October 31, 1991



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

20270

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Fremont

Ruth Harramitt
being first duly sworn, upon his oath,
deposes and says:

That he is the publisher of The
Fremont County News, a newspaper
as defined by Idaho Codes Annotated,
section 58-196, as amended, and that
said newspaper is a weekly newspaper
printed and published at St. Anthony,
in Fremont County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed and published as a weekly
newspaper in said county for more
than 75 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publication

of *Notice of Proof of Works*
Permit No. 20270

And affiant further says that said
attached notice, advertisement or pub-
lication, 58 per clipping attached, was
published in said newspaper, in the
regular and entire issue thereof, and
not in any supplement issue thereof.

for *49* consecutive issues thereof;
first publication having been made

on the *8* day of *April*

in *48*, and last publication on the
29 day of *April*
1948

And affiant further says that at
the times herein mentioned said
newspaper was made up of at least
four pages of at least five columns
each, printed from type matter, of
at least seventeen and three-fourths
inches deep.

Ruth Harramitt
Subscribed in my presence and

sworn to before me this *14th*

day of *June* in *48*

Joe Shalek

(Seal) Notary public for the
State of Idaho, residence
and post office address:
St. Anthony, Idaho.

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. County of Ada
State of Idaho, before Anna
Mastro, Notary Public, proof will
be submitted of the completion
of works for the diversion of 10
cubic feet per second of the
waters of Black Springs and of
the application to beneficial use
of said water, in accordance
with the terms and conditions of
Permit No. 20270 heretofore is-
sued by the Department of
Reclamation of the State of
Idaho.

1. The name and postoffice
address of the person or corpora-
tion holding said permit are;
State Fish and Game Depart-

ment, 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 accord-
ance with the plans accompany-
ing the application for such per-
mit, is 10 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 10 cubic feet per second.

4. The place where said water
is used is Ashton State Fish
Hatchery, Ashton, Idaho.

5. The date of priority which
said user is prepared to estab-
lish is January 26, 1948.

MARK R. KULP
State Reclamation Engineer
Pub. April 8 to 29 incl.

20270

✓ 5100

State of Idaho License and Certificate of Water Right

Water License No. 20270

Amount 10 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. 20270 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 10 second feet, was issued thereunder on February 11, 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 Black Springs, a tributary of Henry's Fork Snake River, for the purpose of fish culture, under Use Permit No. 20270 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 4439, on the 11th day of February, 1949;

The right hereby confirmed dates from January 26, 1948;

The Point of Diversion is located

in the SE 1/4 SW 1/4, Sec. 34, Tp. 9 N., R. 42 E., B. M. (Fremont)

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 10 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Ashton State Fish Hatchery, in the SE 1/4 SW 1/4 Section 34, TWP. 9 North, Range 42 East, B.M., and NW 1/4 NE 1/4 and NE 1/4 SW 1/4 Section 3, Twp. 8 North, Range 42 East, B.M.		

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

11th day of February, 1949.

MARK R. KULP

State Reclamation Engineer

(SEAL)

21-2099

State of Idaho License and Certificate of Water Right

Water License No. 19736 Amount 2 second feet
 Water District No. _____ Priority December 1, 1945

THIS IS TO CERTIFY that SIDNEY MINING COMPANY
 of Kellogg, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated December 1, 19 45; that Permit No. 19736
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2 second feet, was issued thereunder on December 2, 19 46, showing that said works
 were completed on the 27th day of November, 19 46; and that on the 1st
 day of December, 19 47,

SIDNEY MINING COMPANY

of Kellogg, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of an unnamed
 stream, a tributary of Highland Creek, for the purpose of mining, milling, and
domestic uses under Use Permit No. 19736 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 4440, on the 16th day of February, 19 49;
 The right hereby confirmed dates from December 1, 19 45;

The Point of Diversion is located
 in the NE ¼ NE ¼, Sec. 26, T_{p.} 48 N., R. 2 E., B. M. (Shoshone)

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 Two (2) 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>NW¼ NW¼ Section 26, Range 2 East, B.M.</u>	<u>Township 48 North,</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
16th day of February, 19 49.

MARK R. KULP
 State Reclamation Engineer

(SEAL)

APPLICATION FOR PERMIT To Appropriate the Public Waters of the State of Idaho 21-2099

Application No. 27887
Permit No. 20270
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: Ten (10) cubic feet per second.

3. Source of water supply: Black Springs which is a tributary of Henry's Fork of Snake River

4. Location of point of diversion: B. 82°30' E. 1370 feet distant from the S. W. corner of Section 34, T. 9 N., R. 42 E., B.M., and is in the SE¼ SW¼ of Section 34, T. 9 N., R. 42 E., B.M., County of Fremont

5. Water is to be used for Fish cultural purposes.

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

NW¼ NE¼ and NE¼ NW¼ Section 3, Twp. 8 N., Range 42 E., B.M., and

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

---T-----, R-----, B.M., in the SE¼ SW¼ of Section 34, T. 9 N., R. 42 E., B.M.

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

(c) Water is to be returned to Black Springs Creek at a point S. 6°45' E. 520 feet distant from the N W corner of Section 3, T. 8 N., R. 42 E., B.M., in the NE¼ NW¼ of Section 3, T. 8 N., R. 42 E., B.M.

7. Estimated cost of works: \$ 48,060

8. Kind of works: Dams, ponds and pipe line- Holding and residence

9. Height of dam 7 feet; length of dam at top 300 feet; length of dam at bottom 300 feet; material used in dam: Earth and rock

10. Size of headgate: Width 4 feet; height 6 feet; Concrete

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

dimensions of flume:

Diameter of pipe 20 inches; length of conduit 150 feet miles.

Average grade per mile 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 filling 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 20270
 Recorded in Book 73 Page 20270 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, G. A. ROBINS, Governor of the State of Idaho, and J. D. "CY" PRIOE, 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.

STATE OF IDAHO

Countersigned:

(SEAL)

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

By G. A. ROBINS
 Governor.

Remarks: Works completed and water in use for past 25 years.

14.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
			Permit No. 20270																
			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. 20270, issued upon Application No. 27887 bearing date of priority of January 26, 1948, authorizing the diversion of Ten (10) second feet of the waters of Black Springs, a tributary of Henry's Fork of Snake River, County of Fremont, 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 Ten (10) second feet of the waters of Black Springs; that the point of diversion of said waters is in the SE 1/4 SW 1/4 Section 34, Township 9 North, Range 42, B. M. and that the place of use of said water is at the Ashton State Fish Hatchery, in the SE 1/4 SW 1/4 Section 34, Twp. 9 North, Range 42 East, B.M., and the NW 1/4 NE 1/4 and NE 1/4 NW 1/4 Section 3, Twp. 8 North, Range 42 East, B. M.																
			Witness my hand this 11th day of February, A. D. 1949																
			MARK R. KULP State Reclamation Engineer																
			Proof of Completion of works and beneficial use made July 27, 1948																
			Certificate of Completion of Works made February 11, 1949																
			10 SEC. FT. P. 4429																

February 14, 1949

Re: Permit No 20270

Department of Fish and Game
Building

Dear Sir:

We enclose Certificate of Completion of Work; also License and Certificate of Water Right issued under your Permit No. 20270, confirming your right to the use of 10 second feet of water from Black Springs with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Township 9 North, Range 42 East, B. M., with priority of January 26, 1948 for fish culture use at the Ashton State Fish Hatchery.

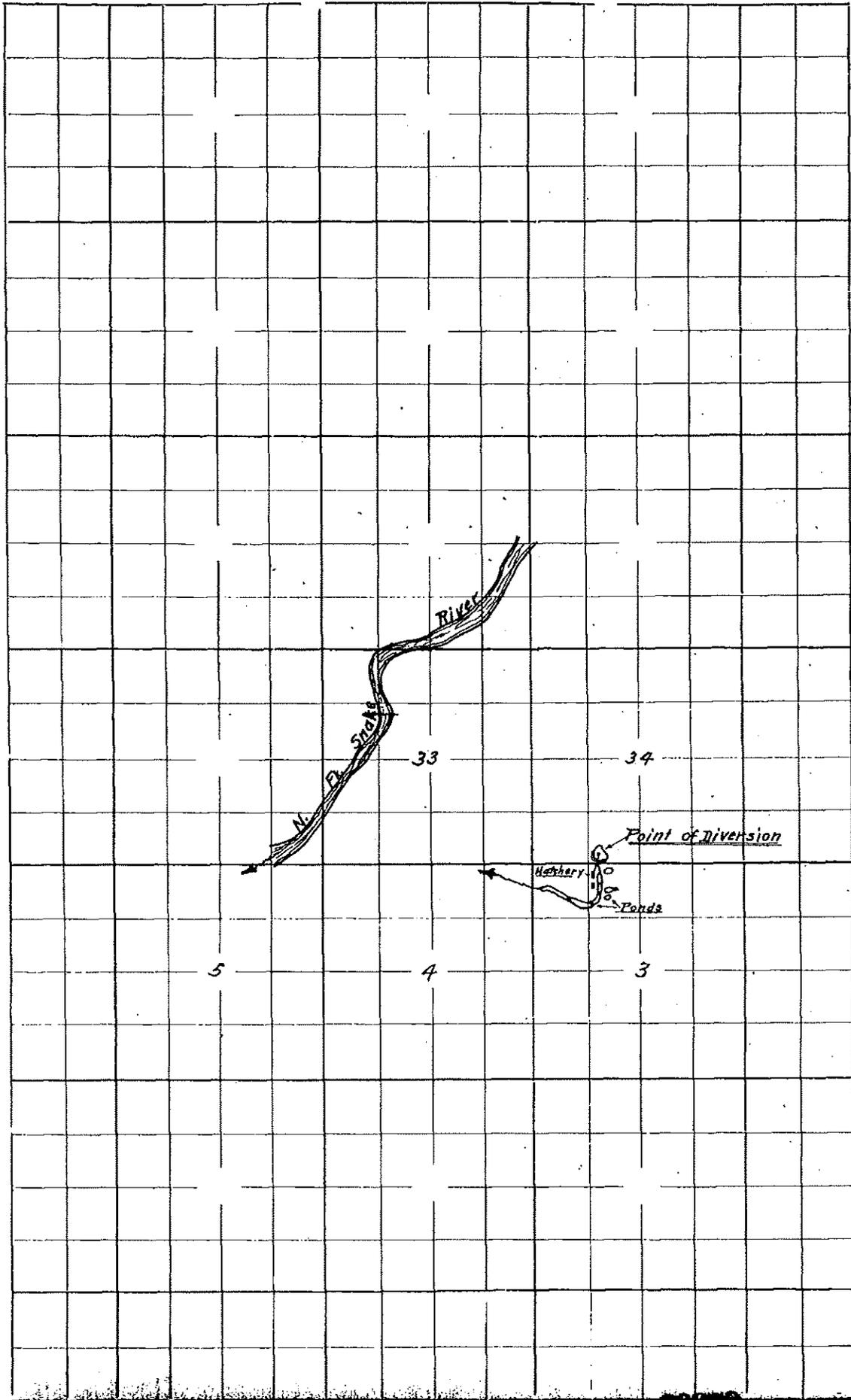
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20270



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20270

REPORT ON PROOF OF Completion of works and beneficial use

app. 10 c.f.s

10 cfs

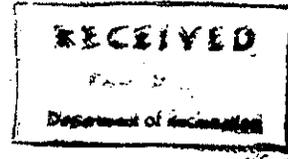
State Fish & Game Department 76

Permit No. 20270

Examination for Completion of works
and Beneficial use
County Fremont.

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.
-



STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 20270

This proof is for Completion of works and Beneficial use In Water District No.

1. Name of applicant State Fish & Game Department, Boise, Idaho

2. Source of water supply: Black Springs

3. Location of point of diversion: Is in the SE 1/4 SW 1/4 of Section 34 T. 9 N. R. 42 E. County of Fremont

4. Describe works as they exist, giving dimensions and capacities of same: A large spring confined by 600 feet of dikes, Max height 12 feet; A 400 foot line of 20 inch wire wound wood stave pipe, under valve control leads to a system of developed rearing ponds; 28 concrete hatching tanks, and a battery of concrete rearing ponds of 120 feet length X 8 foot width, and 3 foot depth.

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 - NW 1/4, SE 1/4 SW 1/4 Section 34, Twp. 9 N., Range 42 E., R. M. NW 1/4 NE 1/4, NE 1/4 NW 1/4 Sec. 3

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

8. What large stream would the water here appropriated finally reach? South Fork of Snake River

Remarks: Yearly output of installation, 1,900,000 Trout.

This examination was made on the 27th day of July 1948

(Signed)

[Signature]

Examiner.

20270

PERMIT NO. 20270

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 Department

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. 20270 - February 5, 1948 - 10 sec. ft. N. 82° - 30' E. 1370' from SW Cor. Sec. 34 T. 9 N. R. 42 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. Since 1922 - 10 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. Fish Hatchery has been in operation for 26 years

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. 150' of 20" pipe carrying 10 Sec. Ft. \$2000.00

(Sign here.) *J. B. Murray*

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 19th day of June, A. D. 1948.

Anna Mastro
Notary Public.

My Commission expires 6/3/50

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

Permit No. 20270

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Frank H. Ostar - 116 E. Idaho - Improvement Supervisor - Boise, Idaho

Ques. 2. Are you acquainted with T. B. Murray, Director, the holder of Permit No. 20270., authorizing the diversion of Ten second-feet of the waters of Black Springs, at Ashton 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. 20270., 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 10 sec. ft.

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

Ans. 150' of 20" pipe which is capable of carrying 10 sec. ft.

(Sign here.) *Frank H. Ostar*

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 19th day of June, A. D. 1948.

Anna M. [Signature]

20270

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

Permit No. 20270

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, Idaho

Ques. 2. Are you acquainted with T. B. Murray, Director, the holder of Permit No. 20270, authorizing the diversion of 2nd-foot of the waters of Black Springs, at Ashton 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. 20270, 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 10 sec. ft.

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

Ans. 150' of 20" pipe which is capable of carrying 10 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 19th day of June, A. D. 1948.

Anna M. [Signature]

20270

June 18, 1948

Re: Permit No. 20270

State Fish & Game Department
Building

Attn: Mr. George E. Tucker

Dear Mr. Tucker:

In making a re-check of the proof submitted for completion of works under Permit No. 20270, we find that the proof was made on Form 6 which is only applicable to small amounts which do not require publication.

This permit is for 10 second feet of water from Black Springs and the proof should be made by the holder and two witnesses on Forms 15 and 14 enclosed herewith.

Since the published notice stated that both these proofs would be made on the 5th of May and Form 6 was executed on that date, we are also returning Form 6 which may be of help to you in completing these proofs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm
Enc.

20270

A 561211

Form 6

Permit No. 20270

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO }
County of Ada } ss.

T. B. Murray, Director, State Fish & Game Department
being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 20270, and that his postoffice address is 6th and Bannock Sts. - Boise State of Idaho.

Second: That the name of the stream from which said water is to be directed is Black Springs.

Third: That the point of diversion of said water is N. 82° - 30' E. 1370' from SW Cor. Sec. 34 T. 9 N. R. 42 E. B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Dec. completed in 1922, 19.....

Fifth: That the use for which said water is intended is fish cultural purposes.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Dam and pipe line
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 7 feet, length of dam at top 300 feet, length of dam at bottom 300 feet. Material used in construction earth and rock

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir.....acre feet.

(c) Size of headgate: Width.....feet, height.....feet.

(d) Conduit.....width at bottom.....feet, width at water line.....feet, depth of water.....feet; diameter of pipe 20 inches, average grade per mile is 10 feet. Length of conduit is 150 ft.

Seventh: That said works are capable of conducting to the place of intended use.....second feet of water.

Eighth: That water appropriated under said permit is available for.....acres of land described as follows:

Ninth: Remarks: That Fish hatchery has been in operation for 26 years. Used in SW 1/4 Sec. 34, T. 9 N. E. 42 E. B.M.

T. B. Murray
(Sign here)

Subscribed and sworn to before me this 5th day of May 19 48

My commission expires 4/3/50

Anna M. Foster
Notary Public.

20270

[Handwritten mark]

Ashton

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 20270

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 Department, 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. 20270, February 5, 1948, February 5, 1948

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

Ans. Black Springs, N. 82° 30' E. 1370' from SW cor. Sec. 34 T. 9 N. R. 42 E. S. 4

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, 20" pipe, 150' long, 10 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 SE 1/4 Sec 34, T. 9 N. R. 42 E. S. 4

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

Ans. None

1948

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. 10 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 1922 - 10 sec. ft. has been used.

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) *J. M. ...*

I hereby certify that the foregoing testimony was read to the above subscribed before 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 ...

My commission expires 6/3/50

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20270

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. Ostar, ⁵⁸ Surveyor - 116 E. Idaho St. Boise, Idaho

Ques. 2. Are you acquainted with T. B. Murray - Director, State Fish & Game Dept. holder of Permit No. 20270? How long have you known him and where does he reside?

Ans. Yes, ^{one year} Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 20270, 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. Black Springs - N 82° - 30' E. 1370' from SW cor. Sec. 34 T. 9 N. R. 42 E. B.M.
20" Pipe - 150' 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. 10 sec. ft.; 10 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 SE 1/4 SW 1/4 Sec. 34, T. 9 N. - R. 42 E. B.M.

20270

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

Ans. Fish cultural purposes - 10 sec. ft. since 1922.

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. 10 sec. ft. for fish cultural purposes since 1945

(Signed) 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 in Boise, County of Ada, State of Idaho, on this 5th day of May, A. D. 19 48.

Anna Mester
Notary Public.

My commission expires 6/3/51

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20270

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 - 1812 State St - Boise, Idaho

Ques. 2. Are you acquainted with T. B. Murray, Director State Fish & Game Dep the holder of Permit No. 20270? How long have you known him and where does he reside?

Ans. Yes, since 1956 & Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 20270, 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. Black Springs - N 82° - 30' E. 1570' from SW cor. Sec. 34 T. 9 N. R. 42 E. B. M.

20" Pipe - 150' 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. 10 sec. ft. 10 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 SE 1/4 SW 1/4 Sec. 34, T. 9 N. - R. 42 E. B. M.

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

Ans. None

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. Since August 1946 - 10 sec. ft. used for fish cultural purposes.

(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. 19 48

Anna Mostler
Notary Public.

My commission expires 6/3/50

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Fremont

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

That he is the publisher of The Fremont County News, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication

of *Training Prof. Work*
etc. No. 21270

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof,

for *14* consecutive issues thereof; first publication having been made on the *8* day of *April* 19*48*, and last publication on the *21* day of *April* 19*48*

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Ruth Harramit
Subscribed in my presence and

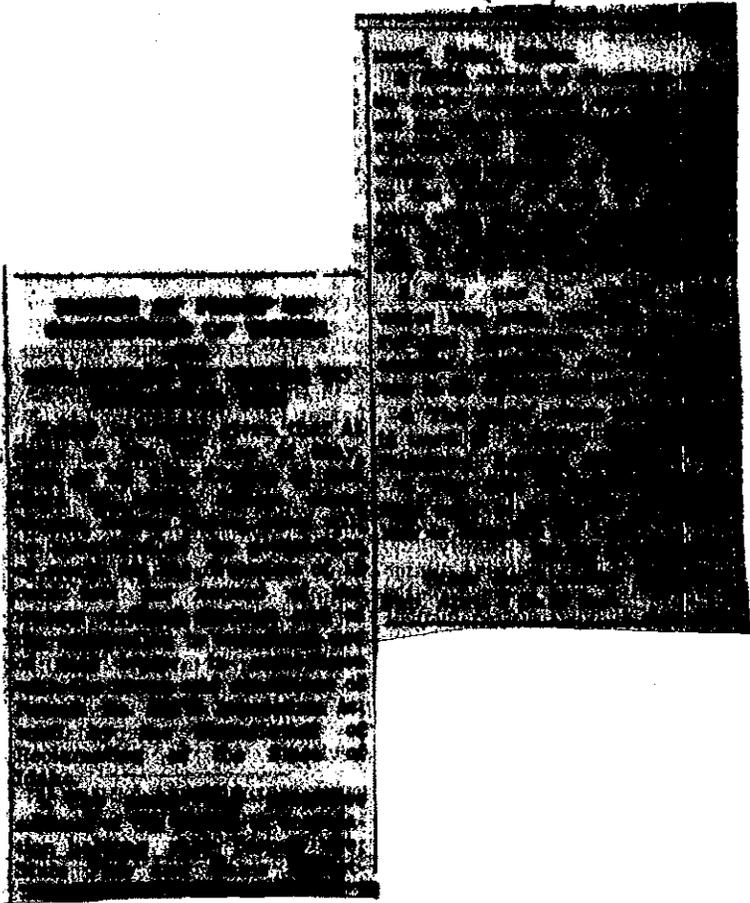
sworn to before me this *14th* day of *June* 19*48*

J. D. Shales

Notary public for the State of Idaho, residence and post office address: St. Anthony, Idaho.

(Seal)

20270
JUN 15 1948
STATE FISH & GAME COMMISSION
BOISE, IDAHO



20270

6/15
[Signature]

THE
FREMONT COUNTY
NEWS



Fremont County's Leading Newspaper

ST. ANTHONY, IDAHO

Published Every Thursday

20270

April 5, 1948

T. E. - R. M. HANAWALT
E. F. BOTTERBUSCH
Publishers

Mark Kelp

Department of Reclamation;

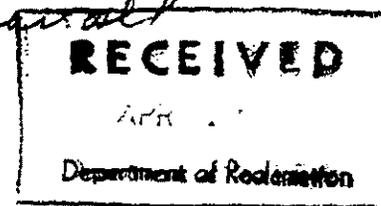
I wish to acknowledge receipt of
legal " Notice of Proof of Completion of Works etc " which
will be in the issue of April 8th and will continue until
April 29 inclusive.

Proof of publication will be sent following each
issue.

Yours truly

Ruth Hanawalt

20270



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, 19 48, at 10: AM M. County of

Ada State of Idaho, before Anna Mestre, Notary Public

proof will be submitted of the completion of works for the diversion of 10
cubic feet per second of the waters of Black Springs and of
the application to beneficial use of said water, in accordance with the terms and
conditions of Permit No. 20270 heretofore issued by the
Dept. 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 Department, 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 10 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
10 cubic feet per second.

4. The place where said water is used is Ashton State Fish Hatchery,
Ashton, Idaho

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

MARK R. KULP
State Reclamation Engineer

20270

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) February 16, 1948

(P. O.) Boise, Idaho

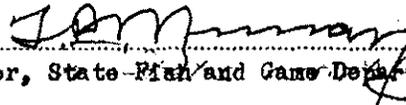
STATE RECLAMATION ENGINEER:

TO THE ~~COMMISSIONER OF RECLAMATION~~

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Fremont County News of St. Anthony, 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.

20270

20270

February 12, 1948

State Fish and Game Department
State House
Boise, Idaho

Gentlemen:

We enclose Permit Nos. 20270, 20271 and 20272 in connection with your Ashton Whiskey Creek and Heyapur Projects.

As these works are all completed and in use you will note that we have allowed three months or until May 5, 1948 within which to make the necessary proofs, and we are enclosing the proper forms of notice in connection with such proofs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
BY

Chief Clerk

A/da
Enc.

20270

**NOTICE OF PROOF OF
COMPLETION OF WORKS**

**APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at Boise on the 5th day of May, 1948, at 10: A.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 10 cubic feet per second of the waters of Black Springs and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 20270 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 Department, 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 10 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 10 cubic feet per second.

4. The place where said water is used is Ashton State Fish Hatchery, Ashton, Idaho.

5. The date of priority which