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DEPARTMENT OF
WATER RESOURCES

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	
	)	
	)	Subcase 45-00167A
	)	
Case No. 39576	)	
	)	
	)	REPLY TO INTERROGATORIES,
	)	REQUEST FOR ADMISSIONS AND
	)	REQUEST FOR PRODUCTION OF
	)	DOCUMENTS

COMES NOW, Claimant, Leah Rose, *pro se*, answering Objector, William A. Poulton and his attorney, Michael P. Tribe of the firm Ling, Robinson & Walker the following interrogatories, request for admissions and request for production of documents:

ANSWER TO INTERROGATORY #1: I, Leah Rose, have irrigated the proposed place of use with water from Willow Creek, even though Mr. Poulton forbade me to do so. After four years living in the proposed place of use, the natural Willow Creek stream was diverted from my property by the Burley Highway District.

ANSWER TO INTERROGATORY #2: I took the water from the open stream running on the east side of my property.

ANSWER TO INTERROGATORY #3: Clark Harman claimed he took water from the open stream of Willow Creek that ran to the east of the proposed place of use. This irrigation lasted for a period of time until Mr. Poulton prevented Mr. Harman from doing so. Mr. Harman told this to my husband and I during the purchase of the property from Mr. Harman in 1998.

IN REQUEST FOR PRODUCTION #1: See attached.

ANSWER TO INTERROGATORY #4: Clark Harman will swear in a deposition as a fact witness in this matter and will state the substance of the facts.

ANSWER TO INTERROGATORY #5: The persons expected to be called as expert witnesses in this matter are Jeanie Robertson, Senior Water Resource Agent for the IDWR, being able to interpret maps of the subject area showing water use during various years and John Anderson, being familiar with the area for many years, as a witness of animals of Mr. Poulton grazing on said place of use to explain the need

for irrigation of the property and thus explain the presence of water in the photographs on the subject property.

ANSWER TO INTERROGATORY #6: See map attached. The delivery system for place of use was removed by the Burley Highway District in 2002.

ANSWER TO INTERROGATORY #7: The diversion works and delivery system before the Willow Creek stream was removed from the proposed place of use was to the south and west of the property where a channel of water was opened from Mr. Poulton's diversion, running along a canal into the subject property. There was openings in the stream to the east of the property--all evidenced in the aerial photos obtained.

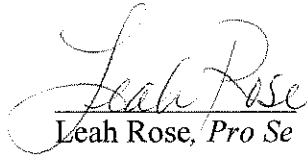
ANSWER TO INTERROGATORY #8: The evidence intended to show historical beneficial use is the evidence provided in the *Supplemental Director's Report* or "706" report prepared by the Idaho Department of Water Resources, as well as other aerial maps of the area during various years.

ANSWER TO INTERROGATORY #9: See answer to Interrogatory #8.

REQUEST FOR ADMISSION #1,#2, AND #3 cannot be given because there is no proof that I/they have never irrigated the proposed place of use.

ANSWER TO INTERROGATORY #10: I, Leah Rose, answered *Objector's First Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents.*

DATED this 30th day of November, 2006.


Leah Rose, Pro Se

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

05/03/2006

WATER RIGHT NO. 45-167A

Owner Type	Name and Address
Current Owner	LEAH ROSE 994 S 150 E BURLEY, ID 83318 (208)677-9985

Priority Date: 11/23/1881

Basis: Decreed

Status: Active

Source	Tributary
WILLOW CREEK	SINKS

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.04 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

WILLOW CREEK	SESESE	Sec. 09	Township 12S	Range 23E	CASSIA County
WILLOW CREEK	SWNESE	Sec. 26	Township 12S	Range 23E	CASSIA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
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12S	23E	9		SESE	1.6										
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Total Acres: 1.6

Conditions of Approval:

1.	D08	The amount of water diverted under this water right, 45-167B and 45-13666 may not exceed 25% or 1/4 of the stream flow of Willow Creek at the point of diversion described below at any given time.
2.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3.		PARCEL NUMBER: RP 12S23E099599 A
4.		The amount of water diverted under the following water rights may not exceed 50% or one half of the stream flow of Willow Creek. Combined Right Nos.: 45-166A, 45-166B, 45-167A, 45-167B, 45-11928, 45-13421, 45-13623, 45-13631, & 45-13632.
5.	P21	THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-167.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Idaho Department of Water Resources
45-167A



RECOMMENDED PLACE OF USE
1962 AERIAL PHOTOGRAPHY
TWP 12S, RNG 23E, SEC. 9

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines



Gis Place of Use Presentation
DATA entry on April 10, 2006
by Jeanie Robertson

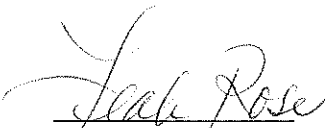
CERTIFICATE OF MAILING

I hereby certify that on the 30th day of November, 2006, I mailed a copy of the
Reply to Interrogatories, Requests for Admissions, and Requests for Production of
Documents to:

Michael Tribe
Ling, Robinson and Walker
615 H Street
P.O. Box 396
Rupert, ID 83350

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098


Leah Rose, Pro Se