

36-00022 Part 2:

36-15681 =

PENDING LATE CLAIM

ENLARGEMENT OF

36-00022 & 36-00023

Fee:

\$50-

\$60-

\$110-

IN THE DISTRICT COURT OF THE FIFTH
IN AND FOR THE

OF THE STATE OF IDAHO,
LS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

L CASE NUMBER: 39576

PENDING LATE CLAIM

.. Number 36-15681
Date Received: 6/28/01
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BIG SPRINGS WATER USERS ASSN

Phone:

2727 S 1050 E
HAGERMAN ID USA 83332

2. Date of Priority: 09/30/1987

3. Source: BIG SPRINGS

Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	14E	18	SE NW NW 3	GOODING	

5. Description of diverting works:

concrete collection box to pipeline system.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
FISH PROPAGATION		01/01	12/31 6	

7. Total Quantity Appropriated is:
6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
07S	13E	24	SW NW	FISH PROPAGATION	

COPY

COPY

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

FISH USE IS LOCATED ON GEORGE LEMMON PROPERTY.
THIS CLAIM IS AN ENLARGEMENT OF 36-00022 AND 36-00023.

15. Basis of Claim: Beneficial Use

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

State of Idaho)

County of _____)

SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

12/15/00 SC

2ND Amended Dir. Rept. : due today!

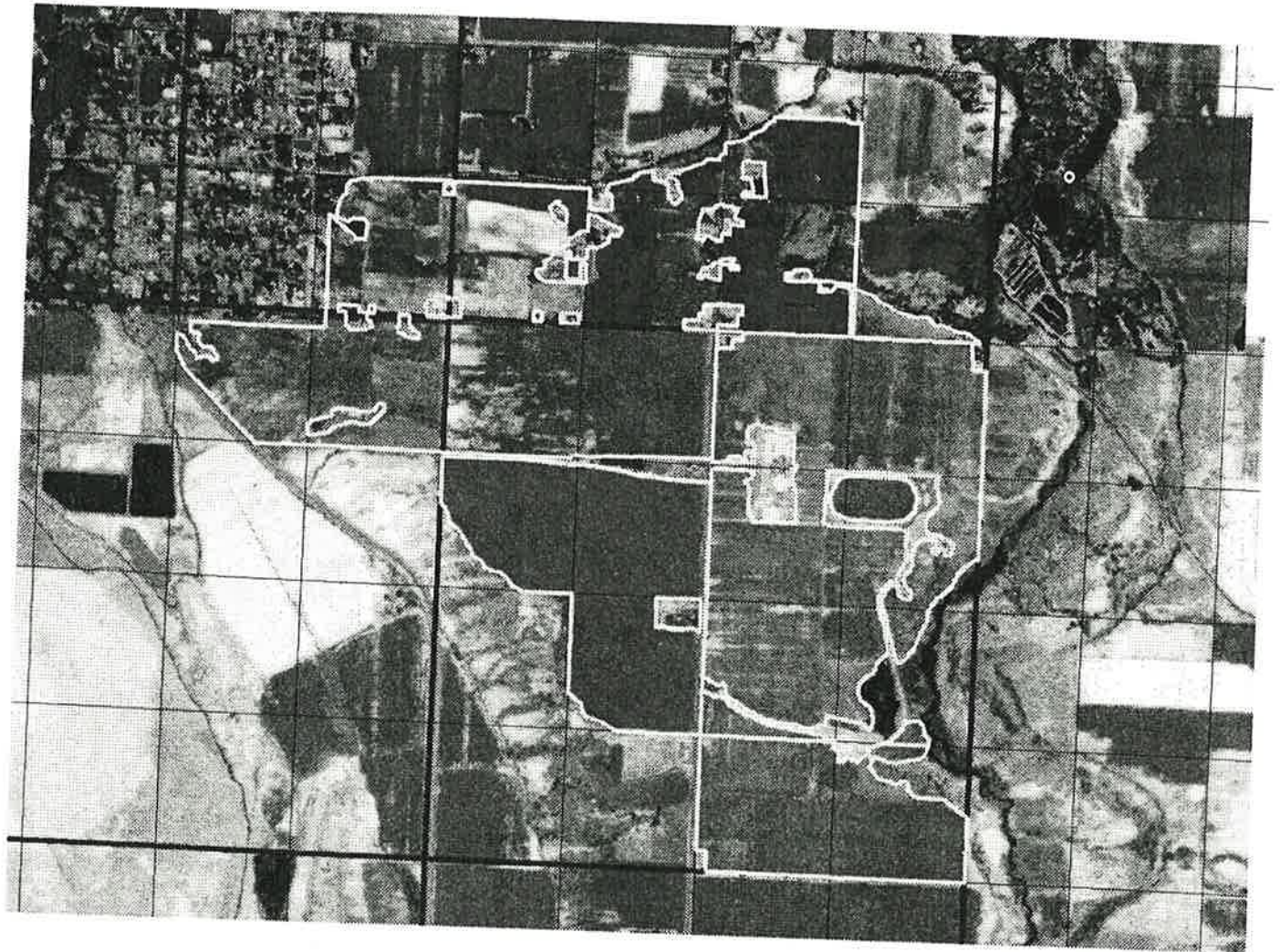
$$Q = 14.5 \text{ cfs (725")}$$

$$Ac = 617 \text{ (vs 620 Ac Hubble)}$$

(resubmitted after "official"
Hubble is done by Marci)

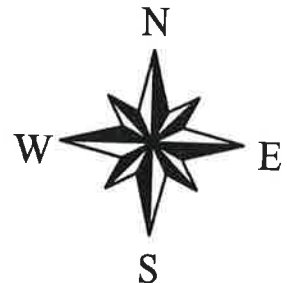
IDAHO DEPARTMENT OF WATER RESOURCES

36-00022 & 36-00023



1320 0 1320 Feet

TNS 7S, RNG 13E,
SEC 13, 14, 23, & 24



⊙ Recommended Point of Diversion

□ Recommended Place of use

— Section lines

□ Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY SEPTEMBER 1997
BY STEVE CLELLAND

AIM NUMBERS A36-00022
A36-00023

DATE 9/30/97
 AGENT SCC

TRANSFER NUMBER _____
 OBJECTION FILED YES

TOTAL ACRES FROM RECOMMENDATION 685

GEOGRAPHIC INFO SYSTEM

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	7s	13E	13									4		35	34		19	37	6
GIS												5		35	34		20	36	7
																			135
RECOM			14																
GIS																		30	30
																		33	33
RECOM			23	35	24														
GIS				36	26														59
RECOM			24	40	36	36	31	40	39	34	34	35				31	36	39	30
GIS				39	35	33	30	38	40	32	36	35				24	27	39	30
Correct Acres				16	20	20	20									20	20	0	0

UPDATED

POLYGON #

UPDATED

POLYGON CREATED ON 604 ()

9/30/97 SCC

B36-DBPOU.DBF

ATTRIBUTES OF B36-POU.SHP (*) see below

B36-DBPOD.DBF

ATTRIBUTES OF B36-POD.SHP #457 Big Springs

Lands in the E 1/2 of Sec. 24 were not originally recommended by me at final Review - Billingsley Cr. Ranch only has ownership of 116 Acres of this Right on these Lands. Correct acres are shown in red above. Acres in SWSE + SESE are not part of the Big Springs Decree and are covered by A36-00046.

Some irrigation on the SE corner of the Townsite ~~is~~ is covered under the municipal use within the City Limits

* pou poly: # 496 Main Place of Use - GIS Acres = 415 Ac.

497 Billingsley Creek Ranch = 188 Ac

498 A36-00046 pou part = 69 Ac.

A36-00023 was Disallowed so no GIS record can be created.

P/U CONFLICT yes (X) no ()

P/D CONFLICT yes () no (X)

READY FOR DECREE yes () no (X)

SENT FOR DECREE yes () no ()

KKC: 8/13/97

SUBCASE NO. 36-00022

	CLAIM(10/21/92)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Big Spring Water Users Association	N/A	Big Spring Water Users Association	#1 - Big Springs Water Users Association #2 - U.S. - DOJ
BASIS OF CLAIM	Decree		Decree	
SOURCE	Big Spring		Big Spring	
QUANTITY	12.90 cfs		11.24 cfs	XX - #1 (as decreed)
PRIORITY DATE	3/21/1901		3/21/1901	
PURPOSE OF USE	Irrigation Domestic Fish Propagation Stockwater		Irrigation Municipal Domestic	XX - #1 include fish propagation and stockwater
PERIOD OF USE	Irr.: 3/15 - 11/15 Domestic: 1/1 - 12/31 F.P.: 1/1 - 12/31 S.W.: 1/1 - 12/31		Irr.: 3/15 - 11/15 Mun.: 1/1 - 12/31 Domestic: 1/1 - 12/31	XX - #1 - 1/1 - 12/31 for all uses
POINT OF DIVERSION	T07S R14E S18		T07S R14E S18	
PLACE OF USE	T07S R13E S13 T07S R13E S14 T07S R13E S23 T07S R13E S24 T07S R14E S19 737 acres		T07S R13E S13 T07S R13E S14 T07S R13E S23 T07S R13E S24 685 acres	XX - #1 states 602 acres
remarks			standard 1416(1) remark; combined use remarks; use of portion of this right is combined with non-Big Spring Water Users Assoc. members within the place of use; municipal place of use is within Hagerman city limits.	XX - #1strike all remarks except first presumption remark. XX - #2 - expansion remark not appropriate if provided due to lack of information in New International Mortgage decree; wants remarks similar to 36-15168; combined diversion rate is excessive since POU is sprinkler irrigated (wants limit on combined diversion rate of 6.06 cfs).

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 36-00022

Date Received 12/15/97

Receipt Number 5026285 899

RECEIVED

DEC 15 1997

Department of Water Resources
Southern RegionAMENDED
NOTICE OF CLAIM

COPY

TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Big Springs Water Users Assoc. Inc. Phone (208) 837-4806Mailing Address 2727 S. 1050 E. Hagerman ID Zip 833322. Date of Priority (Only one (1) per claim) 3/21/19013. Source of water supply (a) Big Springs (Durfes Secor Tunnel)
which is tributary to (b) Billingsley Creek4. a. Location of existing point of diversion is: Township 7 Range 13 E Section 18
1/4 of NW 1/4 of SW 1/4, Govt. Lot, 3 B.M., County of Gooding

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of _____
1/4, Govt. Lot _____ B.M., 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.collected at Big Springs to concrete
headbox to 30" steel pipe:

JAN 1 1998

SCANNED

6. Water is claimed for the following purposes:

For 1. Municipal (both dates are inclusive) amount 1.19 (cfs) or _____ (acre feet)
2. Domestic 1/1 to 12/31
3. Irrigation purposes from 1/1 to 12/31 amount 1.24 or _____
 For 4. Fish Propagation purposes from 1/1 to 12/31 amount 7.5 or _____
 For 5. Stockwater purposes from 1/1 to 12/31 amount 0.22 or _____
 For 6. System Maintenance purposes from nonirrigation season amount 7.0 or _____

7. Total quantity claimed (a) 12.9 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic 62 houses; Municipal water to City of Hagerman; Fish Propagation 20 raceways; Stock 100 head beef cattle; System Maintenance is the water which must be kept flowing through the pipeline to prevent freezing & damage to system and keep system pressurized

10. 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) for uses 1, 2 and 5, in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	13E	24								Fish					Fish				

Total number of acres irrigated 715

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

12. Do you own the property listed above as place of use? Yes _____ No X
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
The landowners hold shares of stock in the claimant corporation
36-00023 or None ()

14. Remarks:

SCANNED

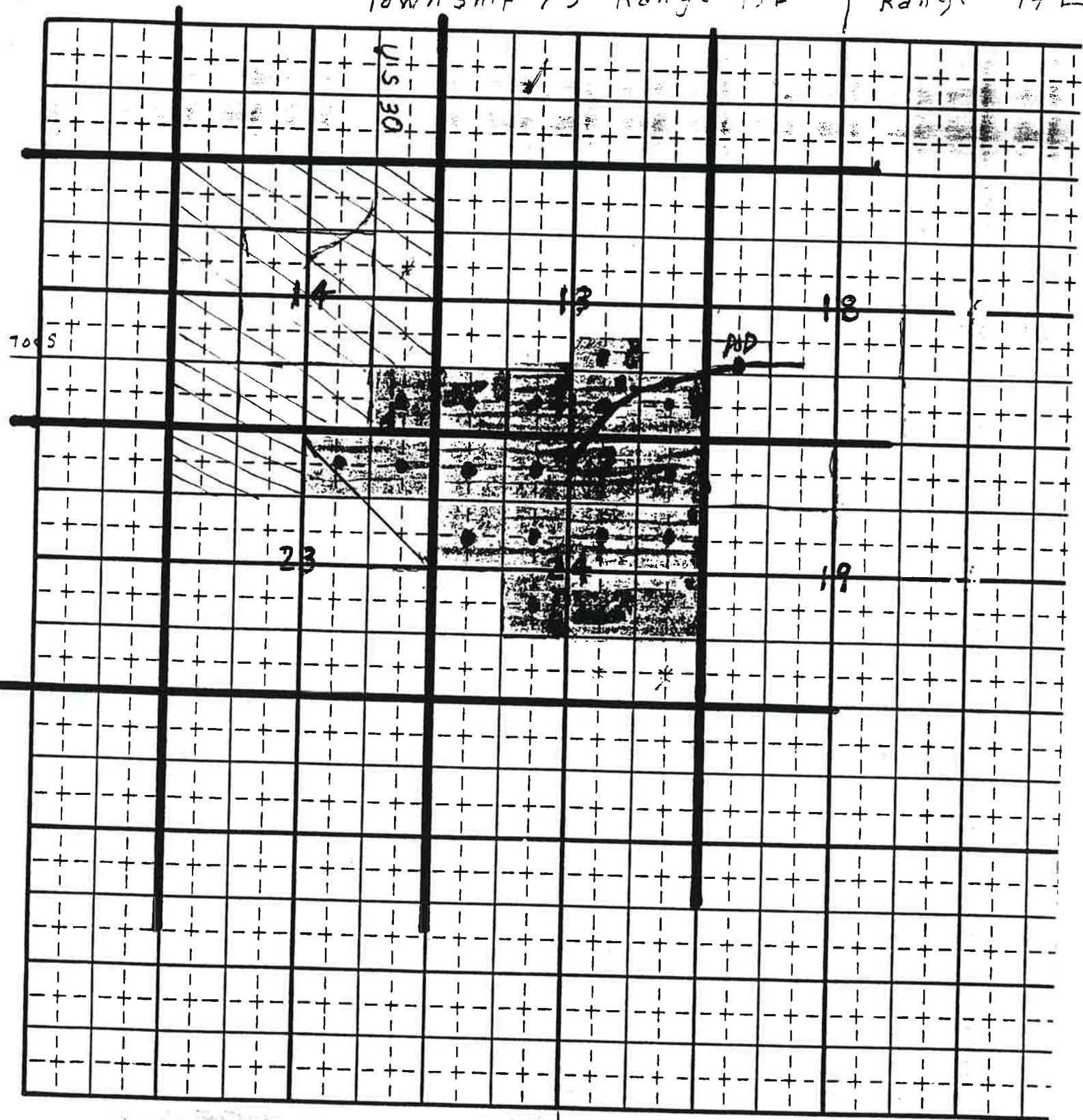
JUN 1 2003

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Township 7S Range 13E

Range 14E



MUNICIPAL U.S.

Last Name Big Springs water

Ident No. 36-00023

Copies: White-State, Yellow-Claimant

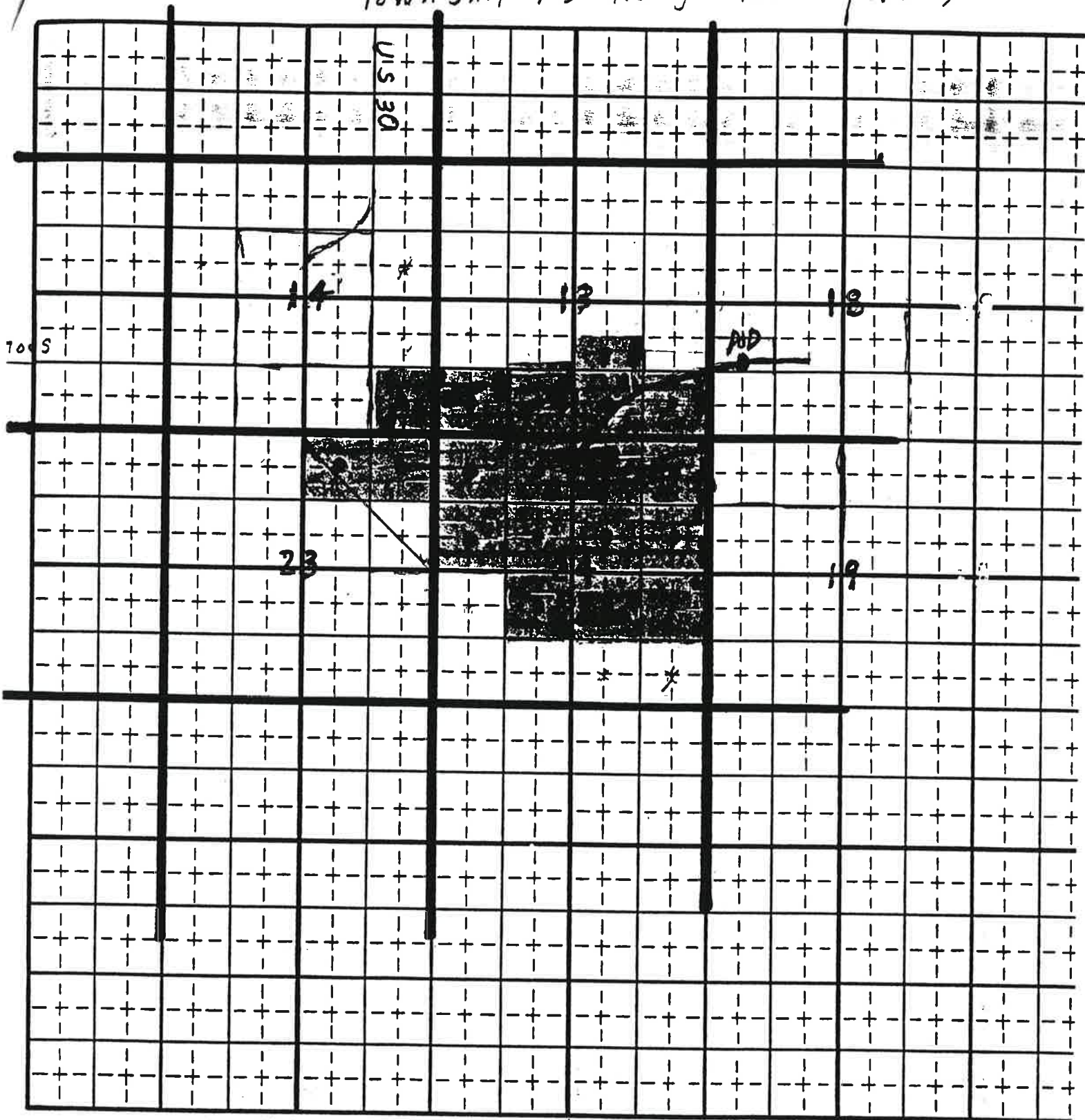
Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Irrigation Uses

Township 7S Range 13E

Range 14E



IRRIGATION USES

1050E

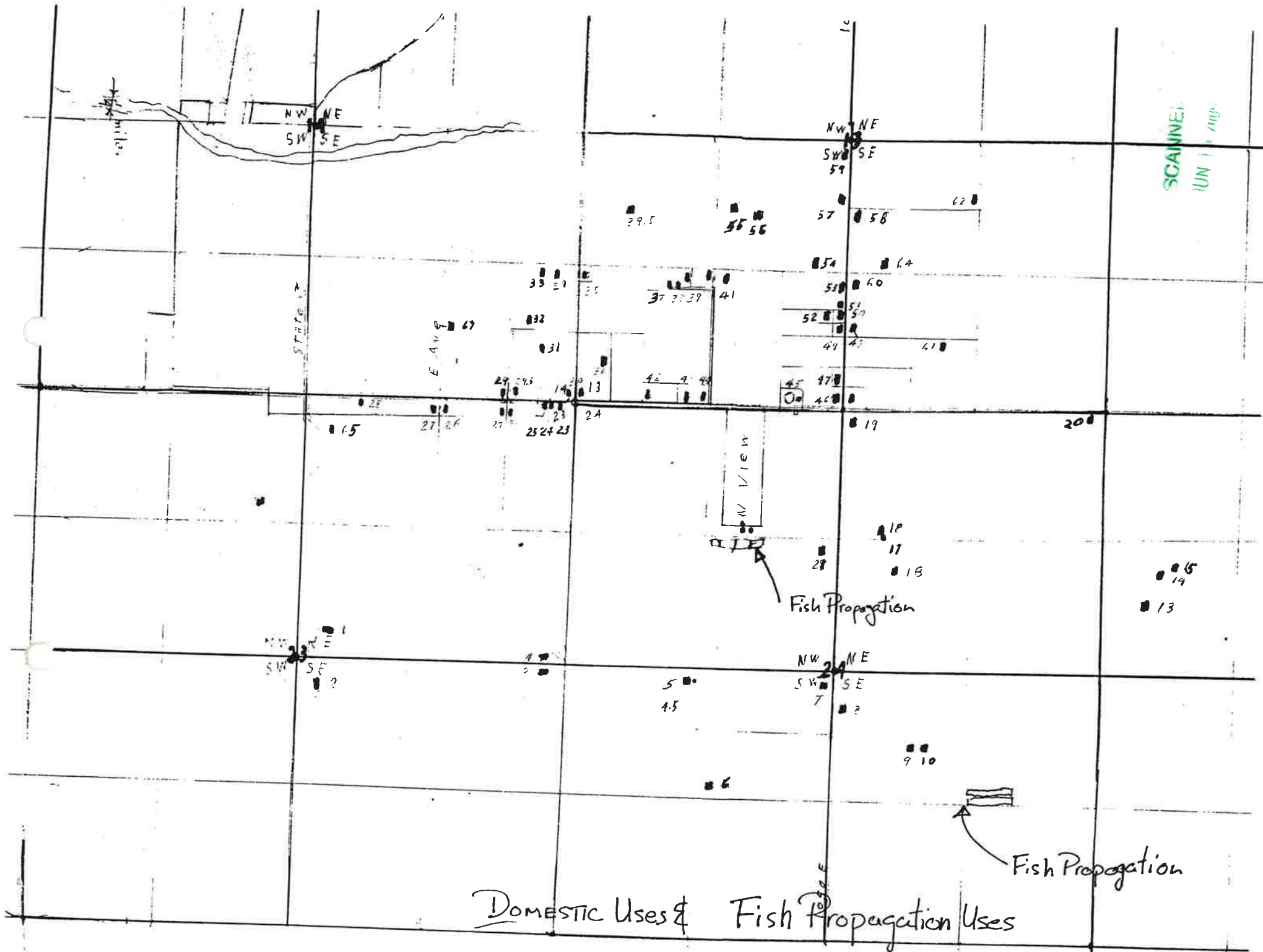
SCANNED

11/11/2005

Last Name Big Spring Water

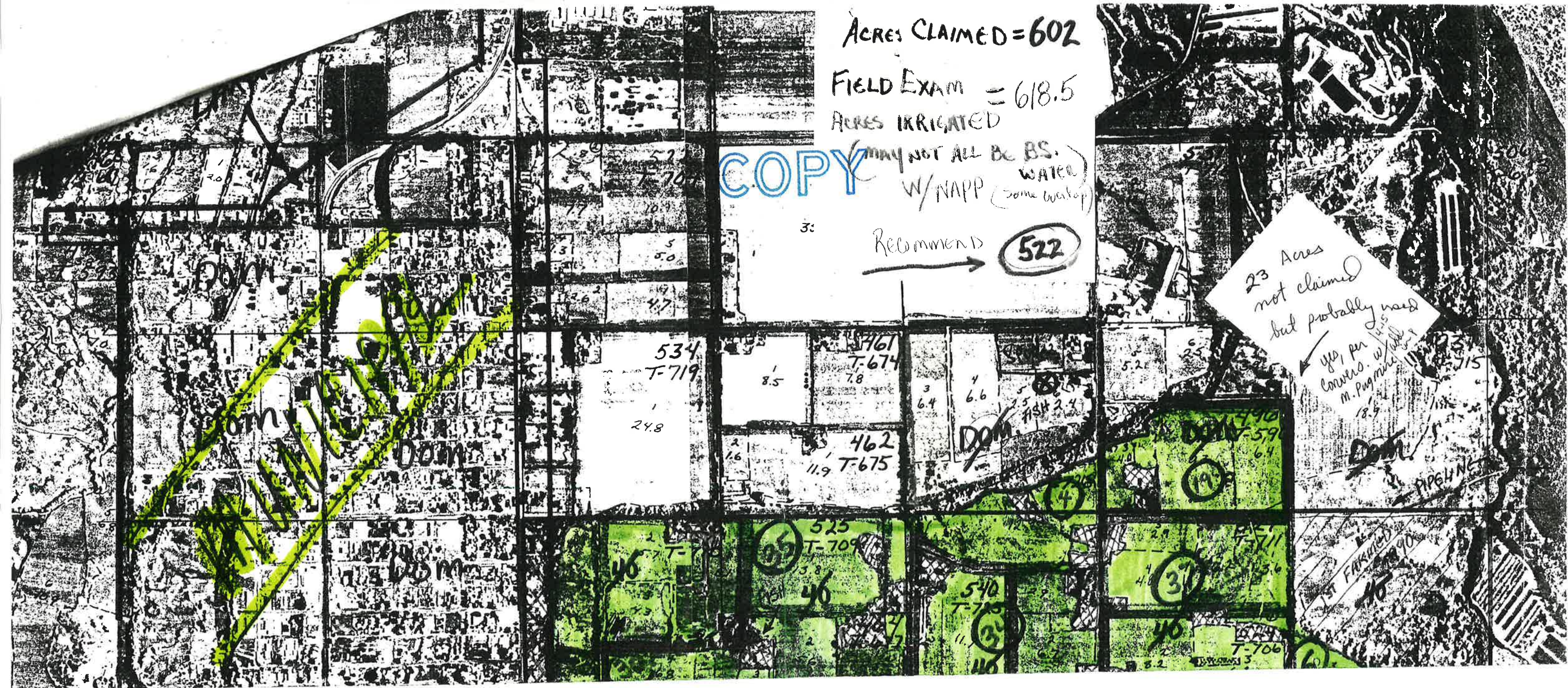
Ident No. 36-00023

Copies: White-State, Yellow-Claimant



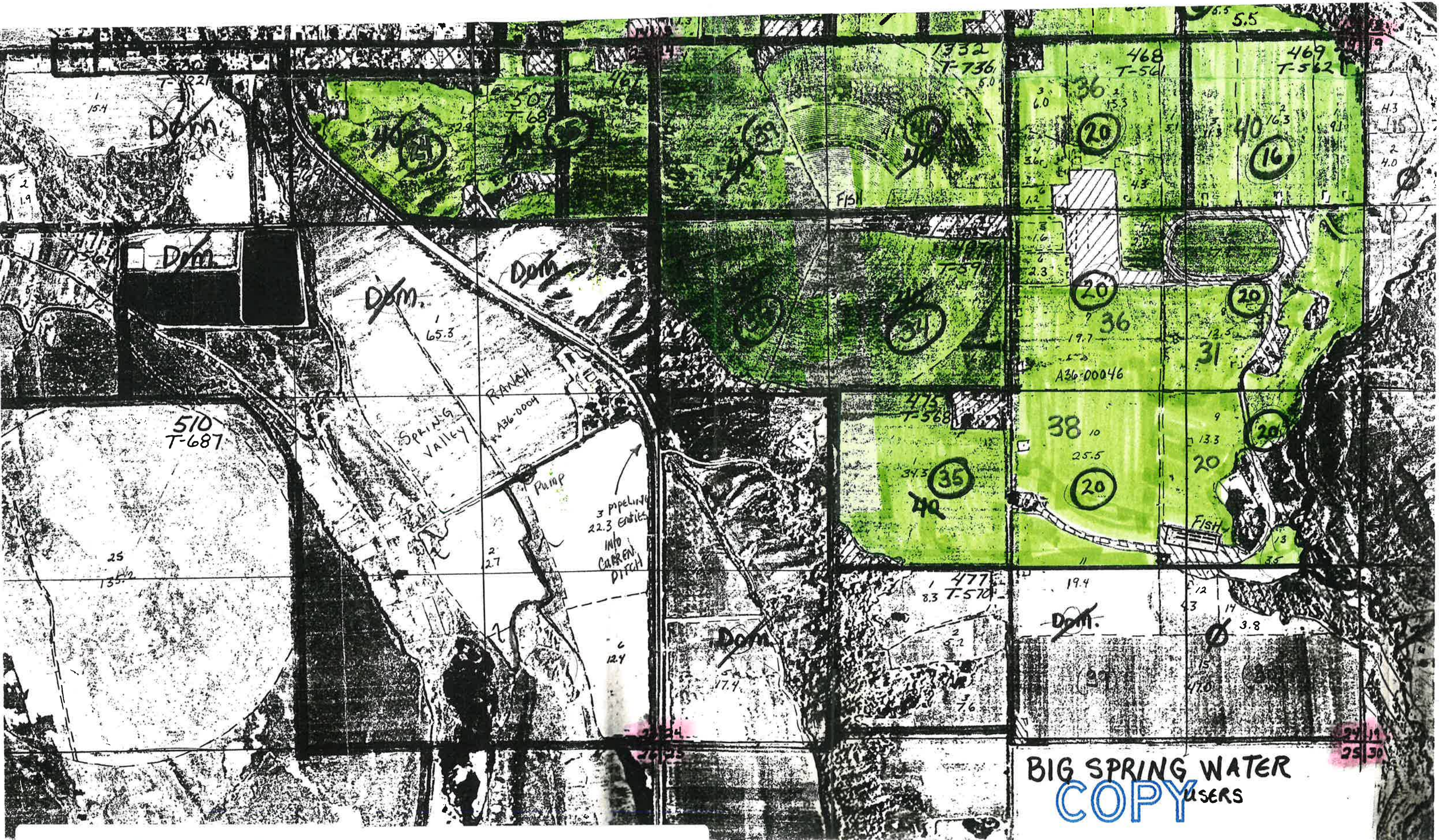
LARGE MAP: TOP PORTION

**SEE NEXT PAGE FOR
BOTTOM PORTION**



LARGE MAP: TOP PORTION

**SEE NEXT PAGE FOR
BOTTOM PORTION**



LARGE MAP:
BOTTOM PORTION

SEE PREVIOUS PAGE FOR
TOP PORTION

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 17 2002

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-15681

By

Clerk

Deputy Clerk

NAME AND ADDRESS: BIG SPRINGS WATER USERS ASSN
2727 SOUTH 1050 EAST
HAGERMAN, ID 83332

SOURCE: BIG SPRINGS

TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 6.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-22 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 12.9 CFS.

PRIORITY DATE: 09/30/1987

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T07S R14E S18 LOT 3 (SENWSW) Within Gooding County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

Fish Propagation

01-01 TO 12-31

6.00 CFS

PLACE OF USE:

Fish Propagation

Within Gooding County

T07S R13E S24

SENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 36-00022
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

SEP 18 2002

Department of Water Resources

PATRICK D. BROWN, P.C.
LAW OFFICES

October 11, 1999

Mr. David Tuthill
Idaho Department of Water Resources
1341 Fillmore Street, suite 200
Twin Falls, ID 83301-3380

RECEIVED

OCT 13 1999

Department of Water Resources
Southern Region

RE: SUBCASES NO. 36-00022 and 36-00023
BIG SPRINGS WATER USERS ASSOCIATION

Dear Mr. Tuthill:

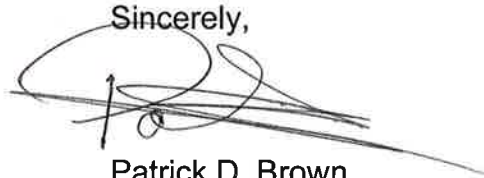
According to testimony you gave at the August 11, 1999 trial in subcase No. 36-00039D it is, and has been since 1998, IDWR's statewide policy to recommend quantities based on gravity irrigation, not on sprinkler irrigation, if the right was established by gravity irrigation.

My understanding is the recommendation in this subcase was based on a sprinkler analysis. I ask that you amend the Director's Report to reflect the quantity of water IDWR believes reasonable and necessary for flood irrigation, as of the time the right was established.

Please let me know immediately if you will amend the Director's Report accordingly or if you need any information from my client in order to do so.

Also, if for some reason you cannot or will not amend the Director's Report, please let me know, including any reasons. I look forward to hearing from you.

Sincerely,



Patrick D. Brown
Attorney at Law

pdb/tf

RECEIVED

AUG 31 1998

Department of Water Resources
Southern Region

RECEIVED

AUG 26 1998

Department of Water Resources

36-60022 SOUTH
DJ
1998 AUG 24 PM 01:43
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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) NOTICE SETTING SUBCASE
Case No. 39576) FOR SCHEDULING CONFERENCE
)
) SUBCASE NOS: SEE ATTACHED EXHIBIT A

The Scheduling Conference for this subcase will be
held as follows:

MONDAY, SEPTEMBER 21, 1998 at 10:00 AM
SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties and their attorneys, if any, shall attend the
Scheduling Conference and shall be prepared to discuss the
following matters:

1. Claimant representation and alignment of the parties;
2. Identification of the issues;
3. Admissions of facts and documents;
4. Amendment of pleadings, if required;
5. Discovery and discovery cut-off dates;
6. Expert witnesses, if planned;
7. Pre-trial conference dates;
8. Motions;
9. Settlement/alternative dispute resolution; and
10. Firm trial date.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

SCANNED
Page 1/4 8/24/98

(continued)

The date for the scheduling conference will not be changed unless a Stipulation to Reset is received by the court fourteen (14) days before the date of the scheduling conference. Parties who wish to change the date of the scheduling conference must do the following:

1. Contact the clerk of the SRBA Court and obtain alternative dates and times (208-736-3011).
2. Contact each party to the subcase(s) or their attorney, if any, and reach an agreement on the alternative date(s) and time(s) provided by the clerk.
3. Prepare a Stipulation to Reset the hearing. The hearing must be reset on one of the dates and times provided by the clerk. The stipulation must specify the date(s) and time(s) agreed to and must contain a statement that you have contacted each party or their attorney and that all have agreed on the alternative date(s) and time(s). The court will send a notice resetting the hearing.
4. If the parties cannot agree on one of the alternative dates and times provided by the clerk, the party wishing to change the date and time must file an Expedited Motion to Reset with the court at least 21 days prior to the scheduled hearing.

Dated: AUGUST 24, 1998

/S/ DEBBIE LASH
Deputy Clerk
Snake River Basin Adjudication

SCANNED
JUN 11 2009

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING
SUBCASE FOR SCHEDULING CONFERENCE was mailed on AUGUST 24, 1998,
with sufficient first-class postage to the following:

IDAHO DEPT OF FISH & GAME

Represented by:
AMPE, PETER J
DEPUTY ATTORNEY GENERAL
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

STATE OF IDAHO

Represented by:
CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

NORTH SNAKE GROUND WATER DIST

Represented by:
DANA L. HOFSTETTER
BEEMAN & HOFSTETTER
608 WEST FRANKLIN STREET
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

CRANNEY BROS
CRANNEY BROS.

DOUG GRANT
KEVIN MICHAELSON
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701
Phone: 208-342-6571

NORTH SNAKE GROUND WATER DIST

Represented by:
JOSEPHINE P. BEEMAN
BEEMAN & HOFSTETTER
608 WEST FRANKLIN STREET
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

BANBURY PIPE CO., INC.

BIG SPRINGS WATER USERS ASSN
BIG SPRINGS WATER USERS ASSOC.
BOB PORTER
BOB PORTER, FRED SURBAUGH,
C-CAN CORPORATION
C-CAN PARTNERS
JOHN W. & DELORIS D. JONES
JOHN W. JR. JONES
JOINT HAGERMAN SCHOOL DIST 233
JOINT HAGERMAN SCHOOL DIST.
PAUL E. WATKINS
PAUL WATKINS
WILLIAM E. NORRIS
WILLIAM STRANGE

Represented by:
PATRICK D. BROWN
812 SHOSHONE ST. EAST
TWIN FALLS, ID 83303
Phone: 208-735-8812

A & B IRRIGATION DISTRICT

Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

DALE E. BOYER
BOYER, ELAINE M.
PO BOX 232
HAGERMAN, ID 83332
Phone: 208-352-1152

JOHN W. JR. JONES
JONES, DELORIS
PO BOX 265
HAGERMAN, ID 83332

WALTER II & JUDY BONNING
PO BOX 360
HAGERMAN, ID 83332
Phone: 208-837-4578

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

(Notice Setting Scheduling Conference)

(Certificate of mailing continued)

ALMA BLASTOCK
ROUTE 1, BOX 442
HAGERMAN, ID 83332

SCANNED
JUN 11 2009

Exhibit A

Subcase Nos:

36-00006
36-00007
36-00008
36-00022
36-00023
36-00047
36-00068
36-00069
36-00070
36-00079
36-00099
36-00100
36-00106
36-00108B
36-02038
36-08099
36-15463

Anderson, Peter

From: Steve at Southern
To: Anderson, Peter
Cc: SCLELLAN
Subject: 36-00022 system description
Date: Monday, March 02, 1998 10:10AM

Peter,

here is what I have on the system description....

let me know what else you need.
Steve

BIG SPRINGS SYSTEM

MARCH 2, 1998
STEVE CLELLAND

PURPOSE: To describe the diversion and delivery system of the Big Springs water system for file reference.

BASIS OF INFORMATION: I conducted field exams on this system during the summers of 1990 and 1991. I have obtained some details through discussions with George Lemmon and Marion Pugmire, long time residents and users on the system.

DESCRIPTION: The spring is a large flowing spring that has been tunneled back into the canyon rim and sealed within a large, concrete collection box. The spring is located on the north side of the Vardis Fisher lake and all un-diverted water flows into the lake.

From the concrete collection box the flow is diverted into a 30 inch steel pipeline. The pipeline runs above ground on the talice of the canyon rim, crosses over Billingsley Creek and runs above ground several hundred feet on the opposite bank before disappearing underground. The system is piped underground from that point.

I attempted to obtain a map of the pipeline system from the Big Spring Water Users Assn. but the officers mentioned above stated no such map existed.

The pipeline networks out to the various users and appears to fan outward at the section corner for sections 14, 13, 23, & 24, TWN 7S, RNG 13E. This is the location of the City of Hagerman's chlorination site and now the location of the City's main water storage tank. The deliveries to the domestic uses are piped underground to the houses served. The larger irrigation users have the water delivered to pump systems to re-pressurize the water for sprinkler system irrigation. It is unclear if any users actual irrigate directly from the natural pressure in the system.

----- Message Header Follows -----

Received: from adm-smtp.state.id.us by admmsmgw.state.id.us
(PostalUnion/SMTP(tm) v2.1.9h for Windows NT(tm))

1998 JAN -5 PM 2: 19

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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)

Water Rights: 36-00022, 36-00023

Case No. 39576)

NOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ Amended Claim:

☐ point of diversion ☐ place of use

☒ period of use ☒ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than: April 1, 1998.

DATED: 1/2/98

Douglas Jones
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 1-5, 1998, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant or attorney of record:
Patrick D. Brown
Hepworth Lezamiz & Hohnhorst
PO Box 389
Twin Falls ID 83303-0389
3. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
4. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

January 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

PATRICK D BROWN
HEPWORTH LEZAMIZ AND HOHNHORST
PO BOX 389
TWIN FALLS ID 83303-0389

RE: SRBA Claim(s) 36-00006, 36-00007, 36-00008, 36-00022,
36-00023, 36-00047, 36-00068, 36-00069,
36-00106, 36-08099, 36-15463

Dear Mr. Brown:

Please find the enclosed copies of the Notices of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: U.S. Dept. of Justice
Idaho Attorney General

SCANNED
JAN 11 2006

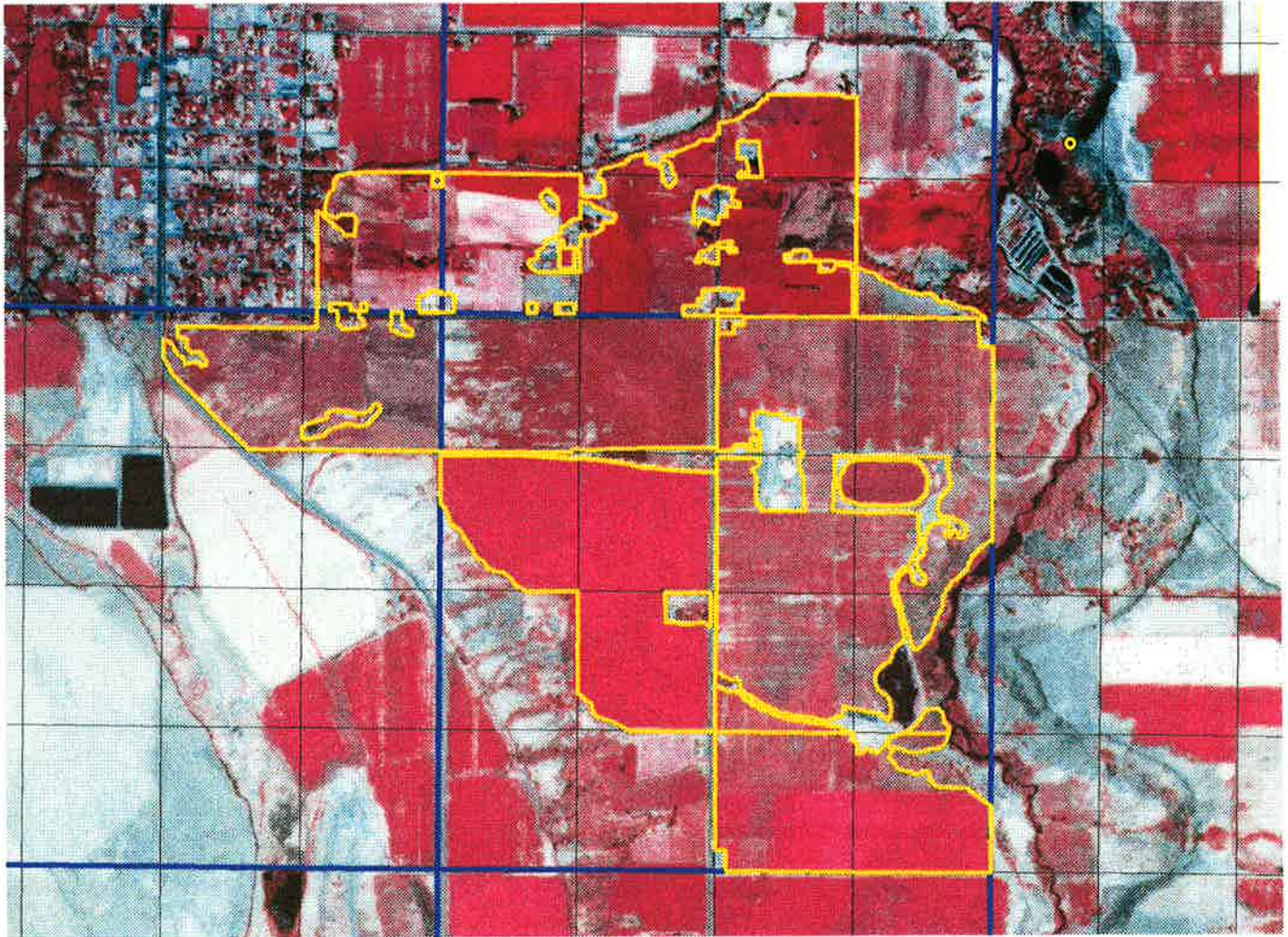
SUBCASE NO. 36-00022

	CLAIM(10/21/92)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Big Spring Water Users Association	N/A	Big Spring Water Users Association	#1 - Big Springs Water Users Association #2 - U.S. - DOJ
BASIS OF CLAIM	Decree		Decree	
SOURCE	Big Spring		Big Spring	
QUANTITY	12.90 cfs		11.24 cfs	XX - #1 (as decreed)
PRIORITY DATE	3/21/1901		3/21/1901	
PURPOSE OF USE	Irrigation Domestic Fish Propagation Stockwater		Irrigation Municipal Domestic	XX - #1 include fish propagation and stockwater
PERIOD OF USE	Irr.: 3/15 - 11/15 Domestic: 1/1 - 12/31 F.P.: 1/1 - 12/31 S.W.: 1/1 - 12/31		Irr.: 3/15 - 11/15 Mun.: 1/1 - 12/31 Domestic: 1/1 - 12/31	XX - #1 - 1/1 - 12/31 for all uses
POINT OF DIVERSION	T07S R14E S18		T07S R14E S18	
PLACE OF USE	T07S R13E S13 T07S R13E S14 T07S R13E S23 T07S R13E S24 T07S R14E S19 737 acres		T07S R13E S13 T07S R13E S14 T07S R13E S23 T07S R13E S24 685 acres	XX - #1 states 602 acres
remarks			standard 1416(1) remark; combined use remarks; use of portion of this right is combined with non-Big Spring Water Users Assoc. members within the place of use; municipal place of use is within Hagerman city limits.	XX - #1strike all remarks except first presumption remark. XX - #2 - expansion remark not appropriate if provided due to lack of information in New International Mortgage decree; wants remarks similar to 36-15168; combined diversion rate is excessive since POU is sprinkler irrigated (wants limit on combined diversion rate of 6.06 cfs).

CLASS 2 CANNEL
JUN 11 2006

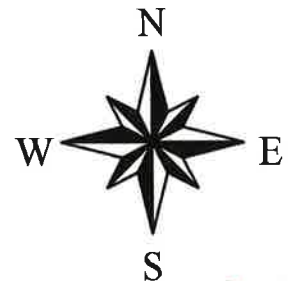
IDAHO DEPARTMENT OF WATER RESOURCES

36-00022 & 36-00023



1320 0 1320 Feet

TNS 7S, RNG 13E,
SEC 13, 14, 23, & 24



SCANNED
JUN 10 2009

⊙ Recommended Point of Diversion

□ Recommended Place of use

— Section lines

□ Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY SEPTEMBER 1997
BY STEVE CLELLAND

ACRES CLAIMED=602
FIELD EXAM = 618.5
ACRES IRRIGATE **DOM**
(MAY NOT ALL BE BS. WATER)
V/NAPP (some overlap)

CITY
LIMITS

23 Acres
not claimed
but probably used
40¢ per
acre w/
M. Payment

Blue -
claimed
Pink -
found
circled
etc.

Need to resolve
the use of water
on the SVR.
See Also:
A36-0004
May have developed
in 1987/88!

3 pipeline
22.3 miles
into
CUTTEN
DITCH

BIG SPRING WATER
USERS

COPY

RECEIVED
NOV 28 1997
Department of Water Resources

Big Springs Water Users Association

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

DEC 10 1997

Department of Water Resources
Southern Region

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

Case No. 39576

)
) Subcase Nos. 36-00022 & 36-00023

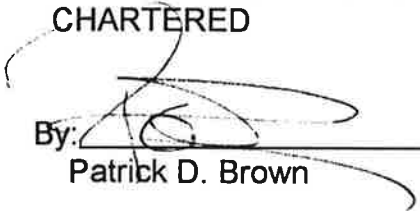
) **NOTICE OF APPEARANCE**

) *records modified 12-8-97*
'R' & blank prefix *ps*

COMES NOW the firm of Hepworth, Lezamiz & Hohnhorst, Chartered, and
appears on behalf of claimants for the water right numbers listed above.

Dated this 26 day of November, 1997.

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED

By: 

Patrick D. Brown

CERTIFICATE OF MAILING

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimants in this matter, certifies that he caused to be mailed a copy of the above and foregoing NOTICE OF APPEARANCE on the 26 day of November, 1997, to:

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

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



Patrick D. Brown

(water\61293.noa)\lm

TRANSFER NUMBER _____

OBJECTION FILED YesTOTAL ACRES FROM RECOMMENDATION 685

GEOGRAPHIC INFO SYSTEM

CLAIM NUMBERS A36-00022
A36-00023DATE 9/30/97
AGENT SCC

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
RECOM	7s	13E	13									4		35	34		19	37	6	135
GIS												5		35	34		20	36	7	
RECOM			14																30	30
GIS																			33	33
RECOM			23	35	24															59
GIS				36	26															
RECOM			24	40	36	36	31	40	39	34	34	35				31	36	39	30	461
GIS				39	35	33	30	38	40	32	36	35				14	27	39	30	
Correct Acres				16	20	20	20									20	20	0	0	

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF _____

POLYGON CREATED ON 604 () 9/30/97 SCCATTRIBUTES OF B36-POU.SHP (*) see below

B36-DBPOD.DBF _____

ATTRIBUTES OF B36-POD.SHP #457 Big Springs

○ Lands in the E 1/2 of Sec. 24 were not originally recommended by me at final Review - Billingsley Cr. Ranch only has ownership of 116 Acres of this Right on these Lands. Correct acres are shown in red above. Acres in SWSE + SESE are not part of the Big Springs Decree and are covered by A36-00046.

Some irrigation on the SE corner of the Townsite ~~is~~ is covered under the municipal use within the City Limits

* pou poly: # 496 Main Place of Use - GIS Acres = 415 Ac.

497 Billingsley Creek Ranch = 188 Ac

498 A36-00046 pou part = 69 Ac.

A36-00023 was Disallowed so no GIS record can be created.

P/U CONFLICT yes (X) no ()

P/D CONFLICT yes () no (X)

READY FOR DECREE yes () no (X)

SENT FOR DECREE yes () no ()

KRC: 8/13/97

SCANNED
JUN 10 2009

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00022

A36-00023

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IDWR Employee/Agent Steve Clelland

May 17, 1996 4:26pm

NAME:

JARED VAUGHAN

CALLIN

RE:

QUERY ON CLAIMS

HE IS ASKING ABOUT THE WATER FOR WILLIAM A. CURTIS, A BIG SPRING WATER USER. I TOLD HIM THE RIGHT IS HELD BY THE ASSOCIATION AND SHARES ARE SOLD TO THE INDIVIDUAL WATER USERS. HE GAVE ME THE LEGAL OF T07S, R13E, S13, SESW AS A PORTION HE OWNS AND I FOUND THE CLAIM WAS FOR 40.0 ACRES. THE REC'D WAS FOR 34.0 ACRES AND DOMESTIC USES, PROBABLY TAKING OUT ACRES FOR THE ROADS, HOUSES AND CORRALS. SUGGESTED HE CONTACT GEORGE LEMMON FOR ADDITIONAL INFORMATION OR CONTACTS RE: BIG SPRING ASSOC.
CLAIMS: A36-00022 & A36-00023

SCANNED
JUN 14 2009



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

September 24, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

BILLINGSLEY CREEK RANCH
RT 1 BOX 216
HAGERMAN ID 83332

RE: LIMITED ANALYSIS AND CONSIDERATIONS OF PROPOSED TRANSFERS FOR
SRBA CLAIMS A36-00022, A36-00023 & A36-02465; SETTLEMENT OF
A36-10870

Dear Mr. McFadden,

As we discussed by telephone and during the recent settlement conference, here is my analysis of the pending actions stemming from the proposed transfers with the City of Hagerman. Let me say up front this is not intended as legal advice nor is it all inclusive as to the facts; all information is part of the SRBA claims on file at our office. Some recent information is a result of conversations to frame the pending transfers.

POTTER SPRINGS:

SRBA Claim A36-10870 from Potter Springs was disallowed because of forfeiture. Based on current cropping patterns of the fields (as irrigated from other sources of water) and comparison with 1974 aerial photography, the original place of use appears to have measured 10 acres in size. All acres within the T07S, R14E, S19, SESW. These ten acres are to be replaced and irrigated with water from the City of Hagerman, A36-02465, 4.0 cfs also Potter Springs water.

BIG SPRINGS:

Big Springs Water Users Assn. (Assn.) has ownership of the SRBA Claims A36-00022 and A36-00023 (aka A36-15166). The Assn. issues shares to the actual water users and provides delivery of the water. During examination of this pair of water rights in the SRBA conflicting reports were given to IDWR about the number of shares within this company. The trend was the Assn. continues to issue new shares as needed and indicated in it's SRBA claims that the claims included beneficial uses yet to be developed in the future. This, combined with the outstanding objection to the flow rate as recommended for the Association's claims, make it impossible for IDWR to establish any relationship between the shares of the company and the flow rate they are entitled to receive.

There are a couple of citations in the claim files where the shares were equated as one share equals one miner's inch, i.e. memo

with City of Hagerman mayor on 4/15/1991. The remainder of this discussion will be based upon that figure.

In reviewing the documentation provided in A36-00022/23, there are conflicting statements as to the number of shares owned by Donnie McFadden. The "official" shares listing provided to IDWR shows 90 shares are the total owned while a statement from you on 10/21/1992 indicates you have 159 shares. This discrepancy is probably a concern within the Assn., and could be dealt with internally by the Assn., since actual shares are not directly related to the water right itself.

PENDING TRANSFERS:

You, Mr. McFadden, have filed your transfer to convey the City's right, A36-02465, to your uses and ownership. The Department is still awaiting the return of the prepared transfer form from the Assn. so the complete proposal can be processed together.

It is my understanding of the proposal that the City will give you the 4.0 cfs from Potter Springs, A36-02465, and you will exchange 107 shares in Big Springs Water Users Assn. to be transferred to the City.

As we discussed at settlement conference on 9/13/1996, you would identify 107 acres to be "dried up" and not be irrigated pursuant to the Assn.'s transfer. This 107 inches, or 2.14 cfs would then be converted to municipal use and conveyed to the City; bringing the total shares of the City to 200 shares (93 existing shares plus 107 shares equals 200). This transfer proposal appears to be simple and straight forward. In my initial review of the acre overlaps between A36-00046 and A36-00022/23, I determined you had 116 acres covered by the Assn. rights; that would cover the 107 acres as requested by the transfer.

The transfer of the 4.0 cfs from the City to Billingsley Creek Ranch poses the most options and questions. The simplest part is the first 2.14 cfs must be converted from municipal use to irrigation use and conveyed to "replace" the 107 acres previously "dried up" in the other transfer action.

The remaining portion of 1.86 cfs is the part that causes concern for IDWR. Although the SRBA claim was allowed in full to the City, the full beneficial use of the right must now be determined and only that portion can be transferred. I posed the question to use some of this water to irrigate the 10 acres at Potter Springs. It remains to be resolved, based on the facts presented along with the transfers filed. Did the City fully beneficially use the 4.0 cfs (when it was available) and if so, how is that use being "dried up" to allow the transfer of the use to Billingsley Creek Ranch? The approved transfer cannot allow expansion of the original use or right.

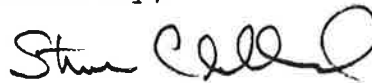
SCANNED
JUN 10 2009

A similar analysis would apply to the conversion of this municipal use right to other uses such as fish propagation, aesthetic uses and/or wildlife habitat. This would also include the proposed mitigation plans outlined in a recent letter from Allen Merritt, dated September 18, 1996.

SUMMARY:

At this point I don't believe complete information has been presented, along with the transfers, to adequately address these issues and questions. I do believe there is a good chance of substantiating the 4.0 cfs to cover the uses of ten acres irrigation at Potter Springs and the amounts needed for mitigation of the pending permits. However, the objections filed against rights A36-00022 and A36-00023 will also delay the review and approval of the transfers until those water right elements are quantified and resolved.

Sincerely,



STEVE CLELLAND
Water Resource Agent

ENC: map of Potter Springs area

cc: Allen Merritt
Jim Stanton
Charlie Honsinger

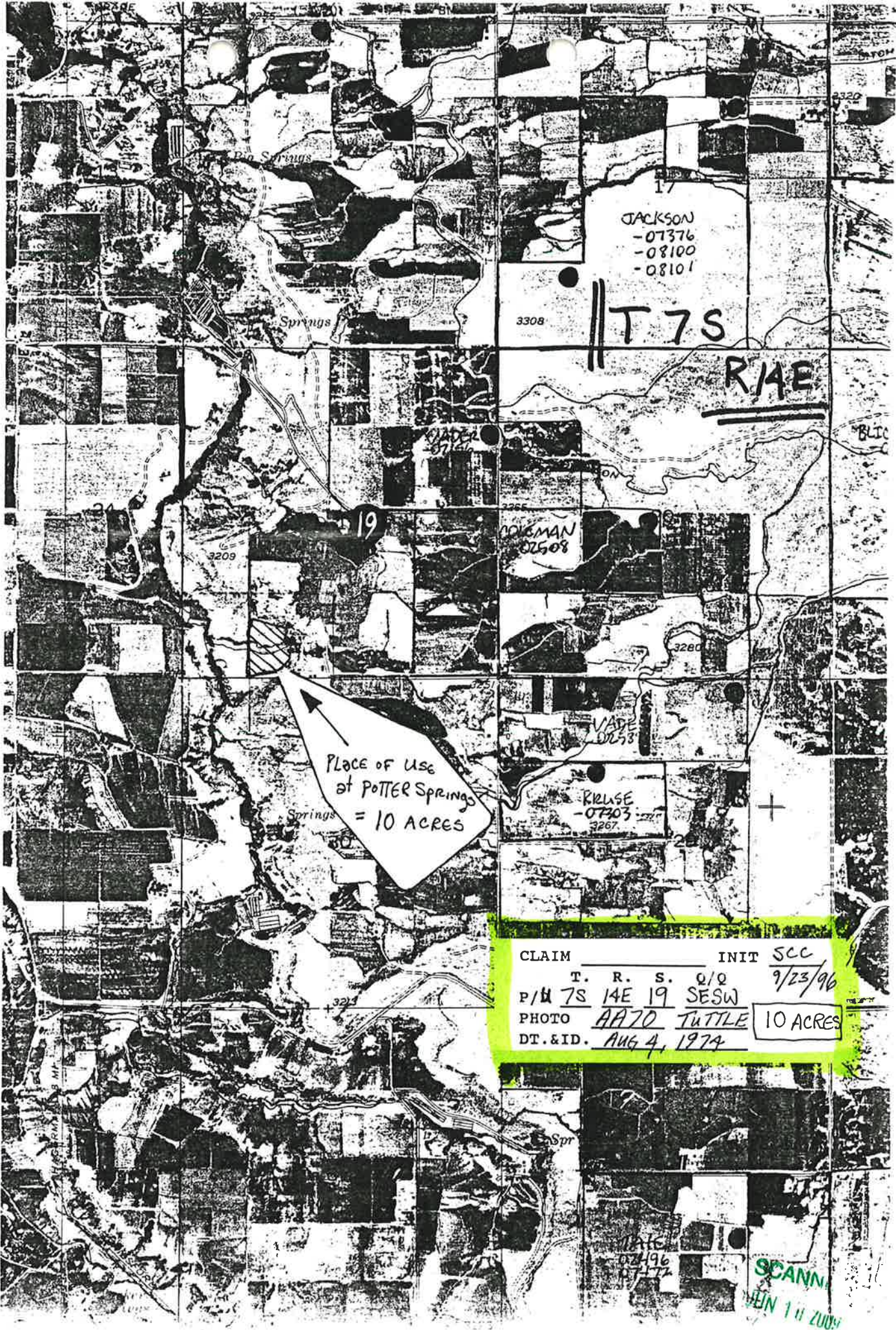
SCANNED
JUN 10 2008

11812

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7
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R13
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T 7 S



Place of Use
at POTTER Springs
= 10 ACRES

CLAIM	T. R. S. Q/Q	INIT	SCC
P/H	7S 14E 19	SES	W 9/23/96
PHOTO	AA70	TUTTLE	10 ACRES
DT. & ID.	AUG 4, 1974		

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

March 22, 1996 11:35am

NAME:
DONNIE MCFADDEN

CAMEIN

RE:
HELP ON SRBA

HE IS TRYING TO SPEED UP THE PROCESS TO GET THE WATER SWAP BETWEEN HIMSELF AND THE CITY OF HAGERMAN. TRANSFERS HAVE BEEN FILED BUT ARE PENDING APPROVAL UPON THE OUTCOMES OF THE SRBA OBJECTIONS ON FILE. I SUGGESTED THE FIRST PLACE TO START WOULD BE WITH THE SRBA COURT. GO THERE AND TALK TO TERRY DOLAN, HE IS VERY OPEN TO SPEEDING THIS PROCESS ALONG. I PROVIDED THE BIGS SPRINGS RIGHT NUMBERS AND THE CITY'S POTTER SPRING RIGHT NUMBER FOR HIM TO TAKE TO THE SRBA COURT.

CLAIMS: A36-00022 A36-00023 A36-02465

SCANNED
JUN 11 2009

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00022 &

A36-00023

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

November 8, 1995 2:59pm

NAME:
PAM PENCOCK

CALLIN

RE:
QUERY ON BIG SPRINGS WATER

SHE WANTED TO KNOW IF WILLIAM A. CURTIS INDEED OWNED THE 8 ACRES UNDER THE BIG SPRINGS WATER RIGHT AS HE CLAIMED. I TOLD HER I CAN'T TELL IF HE OWNS THE LAND BECAUSE THE WATER RIGHT IS OWNED COLLECTIVELY AS AN ASSOCIATION. I WAS ABLE TO SHOW THE 40 ACRES WHERE SHE DESCRIBED HIS PROPERTY AS BEING WITHIN THE BIG SPRING SERVICE AREA. (T07S, R13E, S13, SWSE) I GAVE HER THE WATER RIGHT NUMBERS A36-00022 & A36-00023 AND THE NAME AND ADDRESS AND PHONE NUMBER FOR THE CURRENT OWNER OF THESE RIGHTS.

SCANNED
JUN 11 2009

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED
OCT 11 1984
JUN 11 2009

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 the Rights to the Use of Water)
from the Snake River Basin)
Water System)

Case No. 36-00022 -0001

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources;)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

UNCLASSIFIED
SCANNED

2. Person who filed objection:

Name: BIG SPRINGS WATER USERS ASSN
Address: PO BOX 218
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. ☒ Quantity: I respond to the objection concerning:
- 3a. ☒ The total quantity of water used in cubic feet per second.
- 3c. ☒ The total quantity of water reserved for each and every purpose, including all present and future uses.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I respond to the objection concerning:
- 9a. ☒ The legal description of the place of use.
- 9b. ☒ The number of irrigated acres within each forty (40) acre subdivision.

10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
14. ☒ Other: I respond to the objection concerning:

ALL MATTERS RAISED IN THE CLAIMANTS' ANSWER,
AFFIRMATIVE DEFENSES AND PRAYER FOR RELIEF.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: There is an error in the description of the amount of this right in the director's report. The total amount of water from this point of diversion is 13.36 cfs. The amount of water claimed is 12.9 cfs. The balance of the amount of water should appear as a correction to the recommendation for water right 36-00023. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law."

In response to Statement of the Objection item 3c., and all allegations of the objection regarding that item, IDWR responds as follows: Since this water right is not a federal reserved water right, this objection item is inapplicable and the claimant's assertion of it is in error. IDWR further responds that under Idaho law water cannot be reserved for future use, but must be appropriated and put to beneficial use before the user can acquire a water right.

In response to Statement of the Objection item 7, and all allegations of the objection regarding that item, IDWR responds that it recommended the purposes of use that were identified on the notice of claim and that were found when the claim was investigated. IDWR further responds that it did not recommend fish propagation as a purpose of use because that use was found to constitute an expansion of use to which neither Idaho Code section 42-1416 nor 42-1416A apply.

In further response to this objection item, there is an error in the purpose of use by excluding stockwater. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law." IDWR denies

(Over)

MICROFILMED
SCANNED
OCT 11 1994
JUN 14 2005

UN 11 11 AM
SCANNED

this statement of the objection and all allegations of this statement of the objection not expressly admitted herein.

In response to Statement of the Objection item 8, and all allegations of the objection regarding that item, IDWR responds as follows: The decree asserted by the claimant does not contain a period of use decreed for this water right. Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The irrigation season of use cannot exceed the period in which water may be beneficially used. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report.

In further response to this objection item, IDWR responds that it recommended the season of use for irrigation and domestic uses of the water right as claimed. By now seeking to include a year around season of use for irrigation, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection 9 and 9.a, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the place of use of the right.

In response to Statement of the Objection 9 and 9.b, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the total number of acres within each 40 acre subdivision upon which IDWR found water was beneficially used under this water right. IDWR further responds 737 total acres were claimed for irrigation, and IDWR recommended 685 total acres. The objection states 602 total acres for irrigation. IDWR, therefore, believes the objection to this issue is in error.

In response to Statement of the Objection item 10 and all allegations of the objection regarding that item, IDWR responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2) Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. (3) Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided for by Idaho Code Sec. 42-1401A(2). (5) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

In further response to this objection item, IDWR responds that it recommended a greater consumptive use volume than was claimed.

In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, IDWR responds as follows: (1) IDWR has authority pursuant to Idaho Code Sec. 42-1411(2)(j) to include in its recommendations of water rights acquired under state law and recommended in the director's report "such other matters as are necessary to define the right." (2) IDWR included the first item of the remark solely for informational purposes. The remark was not necessary to define the right, and IDWR has no objection to deletion of this remark. IDWR is informed and believes, however, that the recommended place of use includes more irrigated acres than the place of use at the time this right was decreed in *New International Mortgage Co. v. Idaho Power*. (3) The remainder of the remarks objected to are necessary to adequately describe and define this water right.

In response to Statement of the Objection item 14, and all allegations of the objection regarding that item, see attached "IDWR's Response to Answer Affirmative Defenses and Prayer for Relief of Claimant".

(Over)

MICROFILMED
OCT 11 1994
JUN 14 2005

SCANNED
JUN 11 2009

In response to the sentence listed in Changes to the Director's Report, whereby the claimant attempts to "reserve the right to claim all purposes of use and quantities of use as shown by the evidence at trial," IDWR responds as follows: Insofar as this purported reservation of rights may constitute an attempt to reserve the right to amend at trial the claimant's notice of claim, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim just as a party must obtain leave of the court to file a late claim after the director's report is filed.

CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

	No. of Pages
Notice of Claim No. A36-00022	38
Recommended Water Rights Acquired under State Law	2
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing response

By:


(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 10th day of September, 1993.



Notary Public for Idaho

Residing at: _____

My Commission expires: _____

Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

(Over)

2007 JUN 11 AM 11:02
SCANNED

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of SEPTEMBER, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

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

2. One copy to the owner of the water right, and you must fill in the following information:

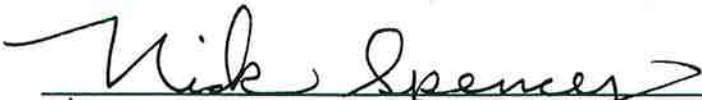
See No. 3

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: HEPWORTH NUNGESTER & LEZAMIZ
Address: PATRICK D BROWN
& PENELOPE PARKER
PO BOX 389
TWIN FALLS ID 83303

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734


Signature of Respondent or attorney
mailing on Respondent's behalf

105 (ac.)
50 (late)
205

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: A36-00022
Date Received: 8/22/1988
Receipt No: 5015096
Received By: HHT 10-21-92

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BIG SPRING WATER USERS ASSN
Address: PO BOX 218
HAGERMAN ID. 83332 208-837-4806

2. Date of Priority: MAR 21, 1901

3. Source: BIG SPRING Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	14E	18		SW	NW	2	GOODING

5. Description of diverting works:
VIA DURFEE-SECOR TUNNEL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	12.900		
DOMESTIC	01/01	12/31	12.900		
FISH PROPAGATION	01/01	12/31	12.900		
STOCKWATER	01/01	12/31	12.900		

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

8. Total consumptive use is 1806.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOM, 370 HOMES; FISH, 4 SETS PONDS; STOCKWATER, 1000 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	13	NE	SW		FISH	

A36-00022

Page 1

Date: 10/21/92
JAN 20 1993

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JAN 20 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	13	NE	SW		DOMEST	
			SW	SW		FISH	
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		DOMEST	
			NW	SE		DOMEST	
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	200.0
		14	SW	NE		DOMEST	
			SE	NW		DOMEST	
			NE	SW		DOMEST	
			NW	SE		DOMEST	
			SW	SE		DOMEST	
			SE	SE		IRR	40.0
						Section Acres	40.0
		23	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		DOMEST	
			SE	NE		DOMEST	
			SE	NE		IRR	15.0
			SE	NE		DOMEST	
			NE	NW		DOMEST	
			SE	NW		DOMEST	
			NE	SE		DOMEST	
			NW	SE		STOCK	
			NW	SE		COMMER	
						Section Acres	95.0
		24	NE	NE		IRR	16.0
			NW	NE		IRR	20.0
			SW	NE		IRR	20.0
			SE	NE		IRR	20.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			SE	NW		FISH	
			NE	SW		IRR	40.0
			NE	SW		FISH	
			SW	SW		DOMEST	
			NE	SE		IRR	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	24	NE		SE		FISH	
			NW		SE		IRR	20.0
			SW		SE		DOMEST	
			SW		SE		IRR	40.0
			SE		SE		FISH	
			SE		SE		IRR	40.0
							Section Acres	396.0
	14E	19	NE		SW		IRR	2.0
			NW		SW		IRR	2.0
			SW		SW		IRR	2.0
							Section Acres	6.0
							Total Acres	737.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
USES ALSO SUPPLIED WATER FROM OTHER SOURCES (SEE REMARKS)

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER COMPANY
vs Decree Defendant

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: _____

SCANNED

JUN 11 2008

MICROFILMED
MICROFILMED

OCT 11 1994

JAN 20 1993

For Organizations:

I do solemnly swear or affirm that I am Secretary of
Title
Big Spring Water Users Assn Inc., that I have signed the foregoing
Organization

document in the space below as Secretary of
Title

Big Spring Water Users Assn Inc. and that the statements contained in the
Organization

foregoing document are true and correct.

Geoff Lemmon
Signature of Authorized Agent

Sec. Big Springs Water Users
Title and Organization

10-21-92
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of October 19 92

Helen Harvath
Notary Public

Seal

Residing at Borise ID

My Commission Expires 12-1-1994

AMENDMENT TO BY-LAWS
OF
BIG SPRINGS WATER USERS' ASSOCIATION,
a corporation.

We, the undersigned stockholders of the Big Springs Water Users' Association, a corporation, do hereby give our written consent that the by-laws of said corporation may be amended, and we, and each of us, do hereby amend the by-laws of said corporation by adding thereto a new Article, to be known as Article No. XI, such new Article to be and read as follows:

ARTICLE XI

"No water shall be delivered to any shareholder or member of the Big Springs Water Users' Association until all current assessments have been paid; and no stock shall be transferred on the books of the company until all due and unpaid assessments on the same or any portion thereof are paid in full."

This amendment is had in accordance with Sec. 30-132 (6) of the Idaho Code, and we, and each of us, hereby consent and agree that when the above Article XI is agreed to and adopted by the necessary number of the stockholders of said corporation that such Article XI shall be certified by the directors of the corporation and recorded in the book of by-laws, and shall thereupon become one of the official by-laws of said corporation as fully as though the same had been incorporated into and made a part of the original by-laws of the corporation. Such amendment shall be and become effective as soon as the same is so certified to by the Board of Directors and properly recorded in the book of by-laws of the corporation.

MICROFILMED

OCT 11 1994

STATE OF

IN WITNESS WHEREOF, We have hereunto set our hands

as of the date April 8, 1953.

John R. Lemoine
Witness of Hageman
Emerson Hageman

Martin E. Lundell

John Mark

Felix Madarieta

Herman Andersson

Greg H. Lemmon

Jan. E. Kanner

Evan Kers

Albert H. Ballins

O. C. Taylor

M. H. Huffington

H. A. Parsons

C. B. Pesh

Emmett Bartlett

W. B. Blue

Geo. H. Lemmon

Lam Collier

Janette K. Moore

Ray W. McQuilty

Ralph Thelme

MICROFILMED

OCT 11 1994

STATE OF IDAHO)
County of Gooding) ss.

On this 25 day of April, 1953, before the undersigned,

a notary public in and for said state, personally appeared

John R. LeMayne	Albert Cullins	Janett LeMayne
Willie G. Hagerman	O.C. Taylor	Rex M. McNulty
By Emma C. Hagerman	W.H. Huntington	Ralph Hulme
Martin E. Carren	H.A. Parsons	
J.H. Harsh	F.B. Beck	
Helix Waderetha	Emmett Bartlett	
Herman Anderson	W.B. Cline	
Guy Lemons	Gip Lemmon	
J.E. Farmer	Sam Collier	
Dwan Acus		

known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal as of the day and year first above written.

Emerson C. Hagerman
Notary Public, Hagerman, Idaho

State of Utah
County of Salt Lake ss

On this _____ day of _____, 1953, before the undersigned a notary for said state personally appeared Emma J. Kennicott, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

In witness whereof I have hereunto set my hand and affixed my seal the day and year in this certificate first above written.

Notary public, Salt Lake City, Utah

MICROFILMED

OCT 11 1994

partnership could do or exercise, and which it now or hereafter may be authorized by law.

ARTICLE III.

That the place where its principal place of business is to be transacted is Hagerman, County of Lincoln, State of Idaho.

ARTICLE IV.

That the term for which it is to exist is fifty years from and after the filing and recording of its Articles of Incorporation.

ARTICLE V.

That the numbers of its Directors shall be five and the names and residences of those who are appointed for the first year, or until the first annual election, are:

James S. Johnson,	Hagerman, Idaho.
H. E. Secor,	" "
Henry S. Lower,	" "
William C. Holcomb,	" "
Myron J. Durfee,	" "

ARTICLE VI.

That the amount of the Capital Stock of said Corporation is Sixty Thousand (\$60,000.00) Dollars, and the number of shares into which it is divided is one thousand (1000) of the par value of Sixty (\$60.00) Dollars each, and each share entitles the holder thereof to the use of one fiftieth of a cubic foot of water per second of time for irrigation, domestic and all useful purposes.

ARTICLE VII.

That the amount of capital stock which has been actually subscribed is six hundred and forty five (645) shares, amounting to the sum of ^{Thirty} Eight Thousand Seven Hundred (\$38,700.00) Dollars, which has been subscribed by the following named persons:

Names of Subscribers.	Number of shares,	Par Value.
W. F. Dickinson,	10	\$ 600.00
H. E. Secor,	113	6780.00
P. L. Hiles,	40	2400.00
A. E. Conklin,	10	600.00
William G. Holcomb,	25	5200.00
Hattie Iorns,	20	1200.00

775
43580

ARTICLES OF INCORPORATION
of the
BIG SPRING WATER USER'S ASSOCIATION.

POOR ORIGINAL

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, at least one of whom is a bona fide resident of the State of Idaho, having this day voluntarily associated ourselves together for the purpose of forming a corporation under the laws of the State of Idaho, as stated in Section 2842, Revised Codes of 1909, and Laws amendatory thereof.

And we hereby certify:

ARTICLE 1.

That the name of the corporation shall be Big Spring Water User's Association.

ARTICLE 11.

That the purpose for which this corporation is formed shall be

(a) To acquire water, water rights, flumes, Ditches or canals by exchange, purchase, development or otherwise, to dig, excavate, tunnel, drill or sink for water, to construct reservoirs or dams, to erect, install and construct pumping machinery, to build, erect and construct flumes and ditches, to lay Water Mains, Pipes and Siphons.

(b) To furnish water for all useful purposes to its stockholders only and to neither sell, rent or dispose of water in any manner whatsoever to any person or persons, company or companies, corporation or corporations that are not owners of record and holders of one or more shares of the Capital Stock of this corporation.

(c) To operate on the co-operative plan solely and not for revenue purposes, and to do any and all things necessary and useful for the best interest of the stockholders of this corporation and to exercise any and all other powers which a natural person or

MICROFILMED

OCT 11 1994

POOR ORIGINAL

2 Chas. L. Green,	40	\$ 2400.00
8 William Van Iorns,	15	900.00
2 Orchard Investment Co. Ltd.,	25	1500.00
10 Thos. Hainesworth,	3.5	210.00
11 Fred Thompson,	.5	30.00
12 Albert Gridley,	1	60.00
13 James S. Johnson,	43	2580.00
14 Henry S. Lower,	135	8100.00
15 Myron J. Durfee,	95	5700.00

IN WITNESS WHEREOF, We have hereunto set our hands this 24th
day of October A. D. 1910. Executed in Duplicate.

Signed and executed in
the presence of

Myron J. Durfee
Henry S. Lower
Henry E. Socer
James S. Johnson
William G. Holcomb

The State of Idaho)
County of Lincoln.) ss.

On this 24th day of October, in the year 1910, before
me, M. O. Aubolee a Notary Public in and for said
County, personally appeared James S. Johnson, H. E. Socer, Henry S.
Lower, William G. Holcomb and Myron J. Durfee, known to me to be
the persons whose names are subscribed to the within instrument,
and they and each and all of them, separately, each for himself,
acknowledged to me that they executed the same.

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

M. O. Aubolee

Notary Public.

My Commission expires

MICROFILMED

MICRONILMED

JAN 20 1993

State of Idaho



POOR ORIGINAL

Department of State

CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION

L. ARNOLD WILLIAMS, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State of Idaho, do hereby certify that the

BIG SPRING WATER USERS' ASSOCIATION

a corporation organized and existing under and by virtue of the laws of the State of Idaho, filed in this office on the Fourteenth day of May, 19 62, original articles of amendment, as provided by Sections 30-146, 30-147, and 30-160, Idaho Code, extending corporate existence to perpetual,

and that the said articles of amendment contain the statement of facts required by law, and are recorded on Film No. 119 of Record of Domestic Corporations of the State of Idaho.

I THEREFORE FURTHER CERTIFY, That the Articles of Incorporation have been amended accordingly.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise City, the Capital of Idaho, this 14th day of May, A. D., 19 62.

L. Arnold Williams
Secretary of State

MICROFILMED

SCANNED JAN OCT 1983 1984

CERTIFICATE AS TO STOCKHOLDERS' ASSENT
TO EXTENSION OF CORPORATE CHARTER
BIG SPRING WATER USERS' ASSOCIATION, A CORPORATION

POOR ORIGINAL

STATE OF IDAHO)
) ss. George. H. Lemmon President
County of Gooding) T. B. Fausett Vice President

Norman L. Billington, LeRoy Jolley and David P. Nicholson,
being all the directors of the Big Spring Water Users' Association,
a corporation, organized and existing under the laws of the State of
Idaho, do hereby certify that the attached extension of corporate
charter of said corporation, executed in triplicate, was executed
by the stockholders of said corporation for the purpose of extending
the existence and charter of said Big Spring Water Users' Association
perpetually from October 28, 1960, and reinstating the charter of
said corporation, in accordance with Section 30-160, Idaho Code and
the other sections of the statutes referred to therein; that it is
not proposed to change the name of said corporation, but only to
reinstate the same and extend its existence perpetually; that it is
not proposed to change the purposes for which said corporation was
organized and has been existing, or to change its methods of operation,
or its obligations to its stockholders and members;

That under the articles of incorporation of said corporation
as filed October 28, 1910 its charter expired 50 years from that
date, or October 28, 1960; and through inadvertence and oversight
the officers of said corporation neglected to effect an extension
of the period of existence of said corporation, and it is now desired
to reinstate the same and extend the corporate existence of said
corporation perpetually from and after October 28, 1960;

That the persons whose names are subscribed to the hereto
attached assent constitute 2/3 of the stockholders or members of

MICROFILMED
SCANNED
JUN 19 2006
JAN 20 1993
1994

said corporation, holding and owning more than 2/3 of the authorized and outstanding capital stock of said corporation;

WHEREFORE, the Secretary of State of the State of Idaho is respectfully requested to reinstate said corporation and extend its existence indefinitely;

IN WITNESS WHEREOF we the undersigned, being all the duly elected, qualified and acting directors of the Big Spring Water Users' Association, a corporation, have hereunto set our hands this 27th day of February, 1961;

POOR ORIGINAL

STATE OF IDAHO)
) ss.
County of Gooding)

On this 27th day of February, 1961 before the undersigned, a notary public in and for said county, personally appeared Norman L. Billington, LeRoy Jolley and David P. Nicholson known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal the day and year in this certificate first above written.

Emmerson
Notary Public, for the State
of Idaho.

Seal)

SCANNED

MICROFILMED
JAN 20 1993
OCT 11 1994

NT TO EXTENSION OF CORPORATE CHA
BIG . ANNG WATER USERS' ASSOCIATION, A C ORATION

POOR-ORIGINAL

KNOW ALL MEN BY THESE PRESENTS:

That we , the undersigned stockholders of the Big Spring
Water Users' Association, a corporation organized and existing under
the laws of the State of Idaho, with an authorized capital stock of
1,000 shares, of which 725 shares are issued and outstanding,
and being the owners of more than 2/3 of the capital stock of said
corporation, do hereby assent in writing and request that the charter
and corporate existence of said corporation be extended perpetually
from October 28, 1960, and we and each of us do hereby ratify, consent
to and authorize any and all acts and things done or which may be done
by the officers and board of directors, or either thereof, of said
corporation, for the purpose of making such extension effective.

And the undersigned stockholders, and each of us, hereby
request, and consent to, the reinstatement of the articles of incor-
poration and corporate charter of said corporation.

Each of the stockholders whose name is subscribed hereto is
the owner of the number of shares in such corporation set opposite
his respective name.

Dated February 27, 1961.

<u>NAME OF STOCKHOLDER</u>	<u>No. shares</u>
<u>Woy Elbert Brachett</u>	<u>2</u>
<u>David P. Nicholson</u>	<u>15</u>
<u>Geo. H. Lemmon</u>	<u>80</u>
<u>Howard L. March Norman</u>	<u>110</u>
<u>J.E. Vance</u>	<u>90</u>

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OCT 11 1994

NO. SHARES

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MICROFILMED
OCT 11 1994
JAN 20 1993

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ARTICLES OF
AMENDMENT OF

BIG SPRING WATER USERS'
ASSOCIATION

Amendment extending corporate
existence to perpetual.

STATE OF IDAHO
DEPARTMENT OF STATE
Secretary's Office
Boise, Idaho

POOR ORIGINAL

Approved, filed, and admitted to
the records of Articles of Incorporation
of the State of Idaho and
certificate issued

this 14th day of
May, 1962
at 10:00 o'clock A.M.

FEES PAID

Filing \$ 10.00

Recording

Certificate

License Fee

TOTAL \$ 10.00

ARNOLD WILLIAMS

SECRETARY OF STATE

By

CORPORATION CLERK

SCANNED

JUN 14 2006

MICROFILMED

JAN 20 1993

OCT 11 1994

**CERTIFICATE AS TO STOCKHOLDERS' ASSENT
TO EXTENSION OF CORPORATE CHARTER**

BIG SPRING WATER USERS' ASSOCIATION, A CORPORATION

STATE OF IDAHO

George H. Lemmon President

County of Gooding

T. B. Fausett Vice President

Norman L. Billington, Leroy Jolley and David P. Nicholson,

being all the directors of the Big Spring Water Users' Association,
a corporation, organized and existing under the laws of the State of
Idaho, do hereby certify that the attached extension of corporate
charter of said corporation, executed in triplicate, was executed
by the stockholders of said corporation for the purpose of extending
the existence and charter of said Big Spring Water Users' Association
perpetually from October 28, 1960, and reinstating the charter of
said corporation, in accordance with Section 30-160, Idaho Code and
the other sections of the statutes referred to therein; that it is
not proposed to change the name of said corporation, but only to
reinstate the same and extend its existence perpetually; that it is
not proposed to change the purposes for which said corporation was
organized and has been existing, or to change its methods of operation,
or its obligations to its stockholders and members;

That under the articles of incorporation of said corporation
as filed October 28, 1910 its charter expired 50 years from that
date, or October 28, 1960; and through inadvertence and oversight
the officers of said corporation neglected to effect an extension
of the period of existence of said corporation, and it is now desired
to reinstate the same and extend the corporate existence of said
corporation perpetually from and after October 28, 1960;

That the persons whose names are subscribed to the hereto
attached assent constitute 2/3 of the stockholders or members of

POOR ORIGINAL

SCANNED

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JAN 20 1993

OCT 11 1994

said corporation, holding and owning more than 2/3 of the authorized and outstanding capital stock of said corporation;

WHEREFORE, the Secretary of State of the State of Idaho is respectfully requested to reinstate said corporation and extend its existence indefinitely;

IN WITNESS WHEREOF we the undersigned, being all the duly elected, qualified and acting directors of the Big Spring Water Users' Association, a corporation, have hereunto set our hands this 27th day of February, 1961;

Geo. H. Linneman
J. B. Paunett
Norman L. Billington
LeRoy J. Jolley
David P. Nicholson

STATE OF IDAHO)
) ss.
County of Gooding)

On this 27th day of February, 1961 before the undersigned, a notary public in and for said county, personally appeared Norman L. Billington, LeRoy Jolley and David P. Nicholson known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal the day and year in this certificate first above written.

Emmanuel T. Torgerson

Notary Public for the State
of Idaho.

Seal)

POOR ORIGINAL

SCANNED

MICROFILMED

100

MICROFILMED

JAN 20 1961

POOR ORIGINAL

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned stockholders of the Big Spring Water Users' Association, a corporation organized and existing under the laws of the State of Idaho, with an authorized capital stock of 1,000 shares, of which 725 shares are issued and outstanding, and being the owners of more than 2/3 of the capital stock of said corporation, do hereby assent in writing and request that the charter and corporate existence of said corporation be extended perpetually from October 26, 1960, and we and each of us do hereby ratify, consent to and authorize any and all acts and things done or which may be done by the officers and board of directors, or either thereof, of said corporation, for the purpose of making such extension effective.

And the undersigned stockholders, and each of us, hereby request, and consent to, the reinstatement of the articles of incorporation and corporate charter of said corporation.

Each of the stockholders whose name is subscribed hereto is the owner of the number of shares in such corporation set opposite his respective name.

Dated February 27, 1961.

<u>NAME OF STOCKHOLDER</u>	<u>No. shares</u>
<u>Woy Elbert Brachett</u>	<u>2</u>
<u>David P. Nicholson</u>	<u>15</u>
<u>Geo. H. Linnson</u>	<u>80</u>
<u>Howard Marsh Norman</u>	<u>40</u>
<u>J. E. Yancey</u>	<u>90</u>

MICROFILMED

OCT 11 1994
JAN 20 1993

7213-a

**ARTICLES OF
AMENDMENT OF**
**RIG SPRING WATER USERS'
ASSOCIATION**

POOR ORIGINAL

Amendment extending corporate
existence to perpetual.

**STATE OF IDAHO
DEPARTMENT OF STATE
Secretary's Office
Boise, Idaho**

Approved, filed, and admitted to
the records of articles of incorpor-
ation of the State of Idaho and
certificate issued

this 14th day of
May, 1962

at 10:00 o'clock A.M.

FEES PAID

Filing \$ 10.00

Recording

Certificate

Income Tax

TOTAL \$ 10.00

ARNOLD WILLIAMS
SECRETARY OF STATE
by *Edna A. Williams*
CORPORATION CLERK

SCANNED

JUN 14 2011

MICROFILMED

OCT 11 1994
JAN 20 1993

Certificate of Reinstatement

ARTICLES OF INCORPORATION
of the
BIG SPRING WATER USER'S ASSOCIATION.

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, at least one of whom is a bona fide resident of the State of Idaho, having this day voluntarily associated ourselves together for the purpose of forming a corporation under the laws of the State of Idaho, as stated in Section 2842, Revised Codes of 1909, and Laws amendatory thereof.

And we hereby certify:

POOR ORIGINAL

ARTICLE I.

That the name of the corporation shall be Big Spring Water User's Association.

ARTICLE II.

That the purpose for which this corporation is formed shall be (a) To acquire water, water rights, flumes, ditches or canals by exchange, purchase, development or otherwise, to dig, excavate, tunnel, drill or sink for water, to construct reservoirs or dams, to erect, install and construct pumping machinery, to build, erect and construct flumes and ditches, to lay Water Mains, Pipes and Siphons.

(b.) To furnish water for all useful purposes to its stockholders only and to neither sell, rent or dispose of water in any manner whatsoever to any person or persons, company or companies, corporation or corporations that are not owners of record and holders of one or more shares of the Capital Stock of this corporation.

(c) To operate on the co-operative plan solely and not for revenue purposes, and to do any and all things necessary and useful for the best interest of the stockholders of this corporation and to exercise any and all other powers which a natural person or partnership could do or exercise, and which it now or hereafter may be authorized by law.

ARTICLE III.

That the place where its principal place of business is to be transacted is Hagerman, County of Lincoln, State of Idaho.

SCANNED



Secretary of State

ARTICLE IV.

That the term for which it is to exist is fifty years from and after the filing and recording of its Articles of Incorporation.

ARTICLE V.

That the numbers of its Directors shall be five and the names and residences of those who are appointed for the first year, or until the first annual election, are:

James S. Johnson,	Hagerman, Idaho.
H. E. Secor,	" "
Henry S. Lower,	" "
William G. Holcomb,	" "
Myron J. Durfee,	" "

POOR ORIGINAL

ARTICLE VI.

That the amount of the Capital Stock of said Corporation is Sixty Thousand (\$60,000.00) Dollars, and the number of shares into which it is divided is one thousand (1000) of the par value of Sixty (\$60.00) Dollars each, and each share entitles the holder thereof to the use of one fiftieth of a cubic foot of water per second of time for irrigation, domestic and all useful purposes.

ARTICLE VII.

That the amount of capital stock which has been actually subscribed is six hundred and forty five (645) shares, amounting to the sum of Thirty Eight Thousand Seven Hundred (\$38,700.00) Dollars, which has been subscribed by the following named persons:

Names of Subscribers.	Number of Shares,	Par Value.
W. F. Dickinson,	10	\$ 600.00
H. E. Secor,	112	6720.00
P. M. Niles,	40	2400.00
A. N. Conklin,	10	600.00
William G. Holcomb,	95	5700.00
Hattie Iorns,	20	1200.00
Chas. L. Green,	40	2400.00
William Van Iorns,	15	900.00
Orchard Investment Co.Ltd.,	25	1500.00
Thos. Hainesworth,	3.5	210.00
Fred Thompson,	.5	30.00
Albert Gridley,	1	60.00
James S. Johnson,	43	2580.00
Henry S. Lower,	135	8100.00
Myron J. Durfee,	95	5700.00

IN WITNESS WHEREOF, We have hereunto set our hands this 24th day of October, A. D. 1910. Executed in Duplicate.

Signed and executed in the presence of

M. O. AUBOLEE

MYRON J. DURFEE
HENRY S. LOWER
HENRY E. SECOR
JAMES S. JOHNSON
WILLIAM G. HOLCOMB

SCANNED
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Secretary of State.

The State of Idaho }
County of Lincoln. } ss.

On this 24th day of October, in the year 1910, before me,
M. O. Aubolee a Notary Public in and for said County, personally
appeared James S. Johnson, H. E. Socer, Henry S. Lower, William
G. Holcomb and Myron J. Durfee, known to me to be the persons whose
names are subscribed to the within instrument, and they and each
and all of them, separately, each for himself, acknowledged to me
that they executed the same.

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

(NOTARY SEAL)

M. O. AUBOLEE
Notary Public.

My commission expires:
June 25, 1913

Filed for record at the request of M. O. Aubolee at 9:00 A.M.,
October 28th, 1910.

Harry W. Anderson,
Recorder

Fees: \$.50

By J. C. Helman,
Deputy

MICROFILMED

OCT 11 1994

THE BIG-SPRING WATER USERS' ASSOCIATION.

ARTICLE 1.

STOCK.

1. Certificates of stock shall be issued in numerical order from the Stock Certificate Book, be signed by the President and Secretary and sealed with the corporate seal. A record of each certificate issued shall be kept on the stub thereof.

2. Transfer of shares of stock shall be made only upon the books of the Company, and no transfer of shares of stock shall be valid or binding upon this Company until the same is so entered upon the books of the corporation as to show names of the parties by and to whom transferred, the number and designation of the shares, and the date of the entry; and no transfer of shares of stock shall be made upon the books of this corporation, until all indebtedness to the said corporation of the person in whose name the stock stands, is paid.

3. Each share of stock represents one fiftieth ($1/50$) of one cubic foot of water per second of time and entitles the holder thereof to that amount of water from the ditch, flume or canal of this association.

4. The Capital Stock of this Association shall be subject to assessment by the Board of Directors, for purposes of development, repairs and maintenance of the properties and property right of this association.

5. The treasury stock of the Company shall consist of such issued and outstanding stock of the Company as may be donated to the Company, or otherwise acquired, and shall be held subject to disposal by the Board of Directors. Such stock shall neither vote nor participate in dividends, nor be subject to assessments, while held by the Company.

ARTICLE II.

FIRST AND SUBSEQUENT MEETINGS OF STOCKHOLDERS.

1. The first meeting of the stockholders of this Company shall be held at its principal office in Hagerman, ^{Gooding} Lincoln County, Idaho.

2. The annual meeting of the stockholders of this Company shall be held at its said principal office in Hagerman, ^{Gooding} Lincoln County, Idaho, on the first Tuesday after the second Monday in February of each year.

3. Special meetings of the stockholders may be called at any time by resolution of the Board of Directors, or upon written request of three stockholders, holding no less than five shares of the capital stock of the Company.

4. Notice of meetings, written or printed, for every regular or special meeting of the stockholders, shall be prepared and mailed to the last known post-office address of each stockholder not less than fifteen days before any such meeting, and, if for a special meeting, such notice shall state the object or objects thereof.

5. The President of the corporation shall be the presiding officer at such meetings, and in his absence the Vice President shall so act; and the order of business at the annual meeting, and, as far as possible, at all other meetings of the stockholders, shall be:-

- (1) Calling of Roll.
- (2) Proof of due notice of meeting.
- (3) Reading and disposal of any unapproved minutes.
- (4) Annual Reports of Officers and Committees.
- (5) Election of Officers.
- (6) Unfinished business.
- (7) New Business.
- (8) Adjournment.

ARTICLE III.

QUORUM AT ANY MEETING OF THE STOCKHOLDERS.

Two-thirds of the stockholders representing 3/4 of stock
~~Two-thirds of the stockholders representing at least three-fourths~~
 of the Capital Stock of the Company, either in person or by proxy, shall be and constitute a quorum at all Stockholders meetings.

Illegally Amended 3/31/19 to read 1/2 the holders
Legally amended to read 10 stockholders majority of stock on 7/11/30



Secretary of State.

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ARTICLE IV.

VOTING BY PROXY.

Any stockholder of this Company, entitled to a vote, may be represented at any regular or special meeting of the stockholders by a duly executed proxy. Proxies shall be in writing, properly signed by the owner of the stock and shall be witnessed by, at least, one witness, but shall require no other attestation. No proxy shall be recognized unless executed within eleven months of the date of the meeting at which it is presented. No person shall be allowed to represent any stockholder of this Company by proxy, unless the would be representative is a bona fide stockholder, having stock in his own name on the stock book of this corporation, at least ten days prior to the meeting.

See Minutes 4/19/20

ARTICLE V.

ANNUAL ELECTION.

The annual election of the Directors of this Company shall be held at the annual meeting of the stockholders, on the first Tuesday after the second Monday in February of each year, at the Company's principal place of business in Hagerman, *Gooding* Lincoln County, Idaho, the hour thereof to be fixed by the President and attested by the Secretary, and the notice of said election shall be advertised for two weeks in a newspaper published in *Gooding* Lincoln County, Idaho, in addition to the notice provided for, specified and required in section four of article two hereof.

ARTICLE VI.

DIRECTORS.

1. The Business and Property of the Company shall be exercised conducted, controlled and managed by a Board of five Directors, who shall be elected annually, as hereinbefore provided. They shall hold their office for the term of one year, and shall serve until the

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election and acceptance of their duly qualified successors. Any vacancies may be filled by the Board for the unexpired term.

2. Directors shall receive no compensation for their services as such, nor shall the company be held liable for any services rendered, except it is so expressly provided; the members of said Board of Directors shall be allowed their reasonable traveling expenses when actually engaged in the business of the Company, same to be audited and allowed as in other cases of demand against the Company.

3. No person shall be elected, nor competent to act as a Director of this Company, unless he is, at the time of election, the holder of record of at least ^{ten} five shares of its Capital Stock. At least one of the Directors of the Company must be a bona fide resident of the State of Idaho.

4. The REGULAR MEETINGS of the Board of Directors shall be held in the principal office of the Company in Nagerman, ^{Bozeman} Lincoln County, Idaho, on the second Tuesday of each month, at 2 o'clock P. M.

5. SPECIAL MEETINGS of the Board of Directors may be held at any place within the State of Idaho, and may be called at any time by the President, or by any two members of the Board, or may be held at any time and place, without notice, by unanimous written consent of all the members, or by the presence of all members at such meeting.

6. NOTICES OF BOTH REGULAR AND SPECIAL MEETINGS of the Board of Directors shall be mailed by the Secretary to each member of said Board, not less than two days before any such meeting, and notices of special meetings shall state the object and purpose thereof.

7. A QUORUM at any meeting shall consist of a majority of the Board of Directors. A majority of such quorum shall decide any question that may come before the meeting.

8. OFFICERS OF THE COMPANY shall be elected by ballot by the Board of Directors at their first meeting, after the election, qualification and organization of the said Board of Directors, each year, if any office becomes vacant during the year, the Board of Directors shall fill the



Secretary of State

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ARTICLES OF INCORPORATION
OF THE
BIG SPRINGS WATER USERS ASSOCIATION.

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KNOWN ALL MEN BY THESE PRESENTS: That we, the undersigned, at least one of whom is a bona fide resident of the State of Idaho, having this day volutarily associated ourselves together for the purpose of forming a corporation under the laws of the State of Idaho, as stated in Section 2842, Revised Codes of 1909, and Laws amendatory thereof:

And we hereby certify:

ARTICLE I.

That the name of the corporation shall be the Big Spring Water User's Association.

ARTICLE II.

That the purpose for which this corporation is formed shall be
(a) To acquire water, Water rights, flumes, ditches or canals by exchange, purchase, development or otherwise, to dig, excavate, tunnel, drill or sink for water, to construct reservoirs or dams, to erect, insatll and construct pumping machinery, to build, erect and construct flumes and ditches, to lay water mains, Pipes and siphons.

(b) To furnish water for all useful purposes to its stockholders only and to neither sell, rent or dispose of water in any manner whatsoever to any person or persons, company or companies, corporation or corporations that are not owners of record and holders of one or more shares of the Capital Stock of this corporation.

(C) To operate on the co-operative plan solely and not for Revenue purposes, and to do any and all things necessary and useful for the best interest of the stockholders of this corporation, and to exercise any and all powers other powers which a natural person or partnership could do or exercise, and which it now or hereafter may be authorized by law.

ARTICLE III.

That the place where its principal place of business is to be transacted is Hagerman, County of Lincoln, State of Idaho.

ARTICLE IV.

That the term for which it is exist is fifty years from and after the filing and recording of its Articles of incorporation.

ARTICLE V.

That the number of its Directors shall be five and the Names and residences of those appointed for the first year, or until the first annual election, are;

James S. Johnson	Hagerman, Idaho
H.E. Secor	" "
Henry S. Lower	" "
William G. Holcomb	" "
Myron J. Durfee	" "

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ARTICLE VI.

That the amount of the capital stock of said corporation is Sixty Thousand (\$60.000.00) Dollars, and the number of shares into which it is divided is one thousand (1.000.) of the par Value of Sixty (\$60.00) Dollars each, and each share entitles the holder thereof to the use of one fiftieth of a cubic foot of water per second of time for irrigation, domestic and all useful purposes.

ARTICLE VII.

That the amount of Capital stock which has been actually subscribed is Six hundred and forty five (645) shares, amounting to the sum of Thirty eight Thousand Seven Hundred (\$38.700.00) Dollars which has been subscribed by the following persons:

Names of Subscribers	Number of shares	Par Value.
W.F.Dickinson,	10	\$ 600.00
H.E.Secor,	112	6720.00
P.M.Niles	40	2400.00
A.H.Conklin	10	600.00
William G.Holcomb	95	5700.00
Hattie Irons	20	1200.00
Chas.L.Green	40	2400.00
William Van Irons	15	900.00
Orchard Investment Co.Ltd.,	25.5--	1530.00
Thos Hainsworth	3.5	210.00
Fred Thompson	.5	30.00
Albert Gridley	1	60.00
James S.Johnson	43	2580.00
Henry S. Lower	135	8100.00
Myron J. Durfee	95	5700.00

INWITNESS WHEREOF, We have hereunto set our hands this 24th day of October A.S. 1910 Executed in Duplicate.

Signed and executed in the presence of

Myron J. Durfee
Henry S. Lower
Henry E. Secor
James S. Johnson
William G. Holcomb

The State of Idaho }
County of Lincoln. } SS

On this 24th day of October in the year 1910, before me M.O.Aubolee a Notary Public in and for said County, personally appeared James S.Johnson, H.E.Secor, Henry S.Lower, William G.Holcomb and Myron J.Durfee, known to me to be the persons whose names are subscribed to the within instrument, and they each and all of them separately, each for himself acknowledged to me that they executed the same.

INWITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first in this certificate first above written.

Signed M.O.Aubolee

Notary Public Commission expires June 25th 1914

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same for the unexpired term. The Board of Directors shall fix the compensation of the officers, agents and servants of the Company.

9. The order of business at any regular or special meeting of the Board of Directors shall be:-

- (1) Reading and Disposal of any unapproved Minutes.
- (2) Reports of Officers and Committees.
- (3) Unfinished Business.
- (4) New Business.
- (5) Adjournment.

ARTICLE VII.

OFFICERS AND THEIR DUTIES.

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1. The Officers of the Company shall be a President, Vice President, Secretary and Treasurer, General Superintendent or acting Water Master. Those officers shall be elected by the Board of Directors at its first regular meeting, as hereinbefore provided. The President, Vice President, Secretary and Treasurer shall hold their office for the term of one year, and until their successors are duly elected and qualified. The General Superintendent or Acting Water Master shall hold his office during the pleasure of the Board of Directors, shall be guided by their orders and commands, and may be discharged by said Board of Directors at any time, without notice, and without giving any cause therefor.

2. The President shall preside at all meetings, shall have General supervision of the affairs of the Company, shall sign, or countersign, all certificates, contracts or other instruments of the Company, as authorized by the Board of Directors; shall make reports to the Directors and Stockholders and perform all such other duties as are incident to his office, or are properly required of him by the Board of Directors. In the absence or disability of the President, the Vice President shall exercise all his functions.

3. The Secretary shall issue notices for all meetings, shall keep their

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Minutes, shall have charge of the seal, shall keep a Journal of all meetings of the Board of Directors and Stockholders, shall keep a "Stock and Transfer Book.", according to law shall sign with the President such instruments as require such signature, and shall make such reports and perform such other duties as are incident to his office, or are properly required of him by the Board of Directors. *line*

4. The Treasurer shall have the custody of all moneys and securities of the Company, and shall keep regular books of account, and balance the same each month. He shall sign or counter sign such instruments as require his signature, shall perform all duties incident to his office or that are properly required of him by the Board of Directors, and shall give bond for the faithful performance of his duties in such sum, and with such sureties as may be required by the Board of Directors.

5. The General Superintendent or acting Water Master shall have general supervision and charge of all the water, ditches, flumes, siphons and canals belonging to this association. He shall have authority to hire and discharge men, to look after and superintend all the work of the association, to construct headgates and measuring devices and, in general, to designate the amount of water each Stockholder is entitled to. He shall be subject to the instructions and directions of the Board of Directors, and in addition thereto he shall perform the duties imposed by laws relating to the Water Masters under the Laws of this State.

ARTICLE VIII.

DIVIDENDS AND FINANCE.

1. There shall be no dividends, no stock shall be sold except to parties using water from the ditch belonging to the association.

2. Assessments for purposes of development, repairs and maintenance of the properties of this association may be levied by the Board of Directors



Secretary of State.

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William G. Halscomb

Director

James S Johnson

Director

H. Van Lins

Secretary.

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Secretary of State

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POOR ORIGINAL

We, the undersigned, owning, holding and controlling at least two thirds of the Capital Stock of Big Spring Water Users' Association, do hereby assent that the above and foregoing shall be the Code of By-Laws of said corporation, and hereby confirm and ratify the same without a meeting for that purpose.

Dated this 19th day of November A. D. 1910.

amended by adoption of
article XL. April 21, 1953.
Which amendment is to be found
in this book.

April 25, 1953

Ervin B. Allen

James S. Johnson
Charles J. Green
Henry E. Secor
J. P. Mullis
W. Van Irons
Henry S. Lower
W. J. Dickerson
Myron J. Durfee
William B. Holcomb

Orchard Investment Co Ltd by John W. Holcomb

We, the undersigned, James S. Johnson, H. E. Secor, Henry Lower, Wm. B. Holcomb and Myron J. Durfee, being and constituting the entire Board of Directors of Big Spring Water Users' Association, and Wm. Van Irons, the duly elected, qualified and acting Secretary of said Company, do hereby certify that the foregoing and within By-Laws were duly and legally adopted by the Stockholders owning and representing more than 2/3 of the entire Capital Stock of said Big Springs Water Users' Association, as the By-Laws of said corporation.

Dated at Nagerman, Idaho, 19 day of November A. D. 1910.

Henry E. Secor Director
Henry S. Lower Director
Myron J. Durfee Director

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Secretary of State.

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Certificate of Reinstatement

in accordance with law, and the moneys thus collected from the Stockholders of this Association shall be paid by the respective parties to the duly elected, qualified and acting Treasurer of this Association, and shall be deposited by him, in the name of this Association, in such bank or banks as the Board of Directors shall designate, and shall be drawn out only by check signed by the Treasurer and countersigned by the President.

ARTICLE IX.

S E A L .

POOR ORIGINAL

The corporate seal of the Company shall consist of two concentric circles, between which is the name of the Company, and in the center shall be inscribed, "Incorporated 1910-Idaho", and the said seal is hereby adopted as the corporate seal of this Company.

ARTICLE X.

A M E N D M E N T S .

1. These By-Laws may be repealed or amended, or New By-Laws may be adopted at the annual meeting, or at any meeting of the stockholders called for that purpose by the Directors, by a vote representing two thirds of the subscribed stock. Whenever any amendment or new by-law is adopted, it shall be copied in the "Book of By-Laws" with the Original By-Law and immediately after them and shall not take effect until so copied. If any By-Law be repealed, then fact of the repeal, with the date of the meeting at which the repeal was enacted, must be stated in said Book, and until so stated the repeal must not take effect.

2. The power to repeal and amend the By-Laws and adopt new By-Laws may, at the annual meeting, or at any meeting of the stockholders called for that purpose, by a vote representing two thirds of the Capital be delegated to the Board of Directors. This power, when so delegated, may be revoked by a similar vote at any regular meeting of the stockholders.

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State of Idaho



Department of State

CORPORATION REINSTATEMENT CERTIFICATE

I, GEO. H. CURTIS, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State and collector of the annual corporation tax, do hereby certify that..... BIG SPRING WATER USERS' ASSOCIATION

.....a corporation organized and existing under and by virtue of the laws of the State of Idaho, with its principal place of business in Idaho located at Haegerton, Idaho,

forfeited on the 30th day of November, 19 41, its charter or authority to do business in the State of Idaho, because of failure to pay the annual license tax and penalty due the State of Idaho for the fiscal year ending June 30th, 19 42, as provided by Section 29-607, Idaho Code, Annotated.

AND I FURTHER CERTIFY, That the said corporation has subsequently and on the 26th day of October, 19 42, paid the annual license tax and penalty assessed against it and the said BIG SPRING WATER USERS' ASSOCIATION is therefore reinstated on the records of this office, and all the corporate rights which it enjoyed under the Constitution and Laws of the State of Idaho prior to the date of said forfeiture, are hereby restored.

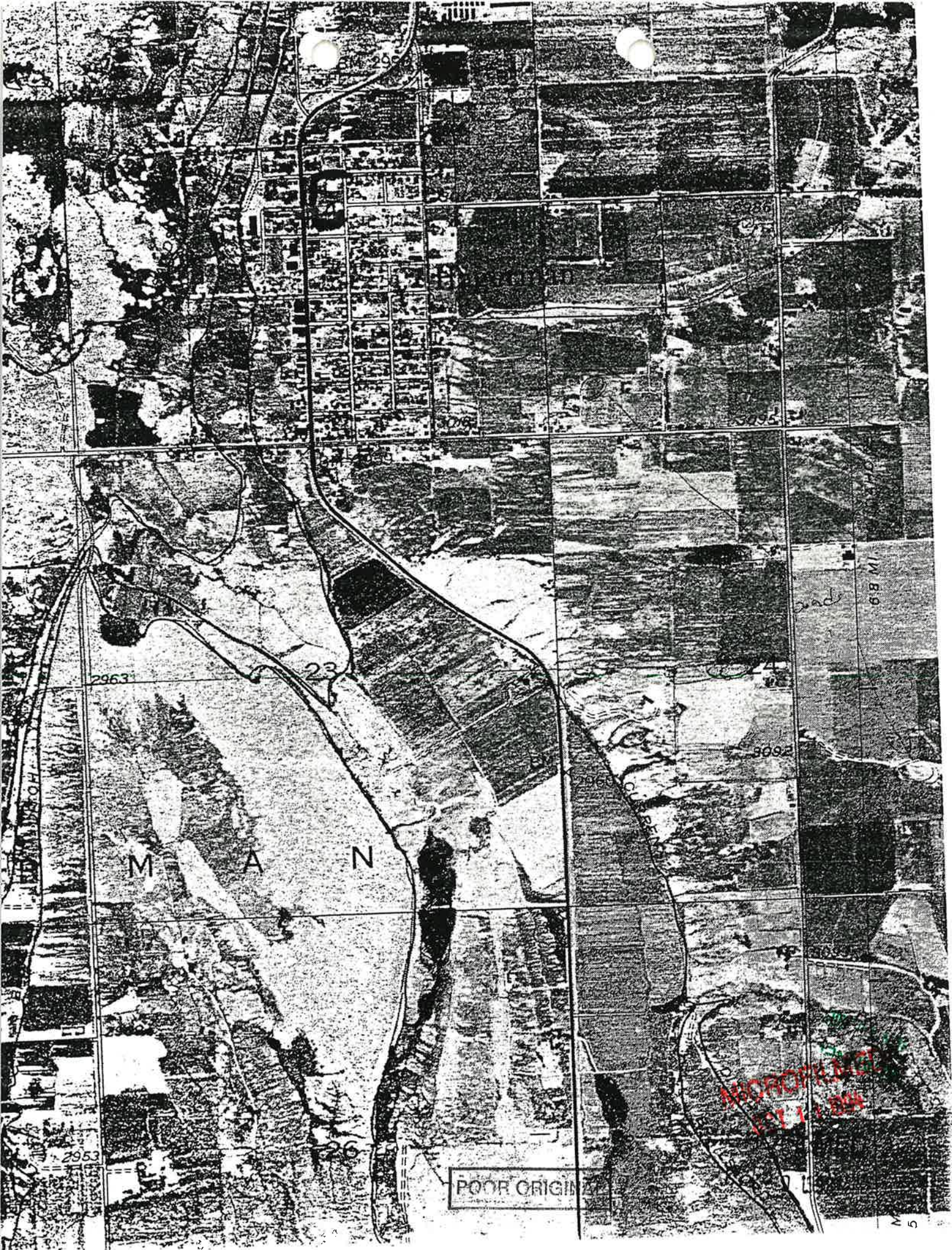
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise City, the Capital of Idaho, this 26th day of October, in the year of our Lord one thousand nine hundred Forty-two, and of the Independence of the United States of America the One Hundred Sixty-seventh



Secretary of State

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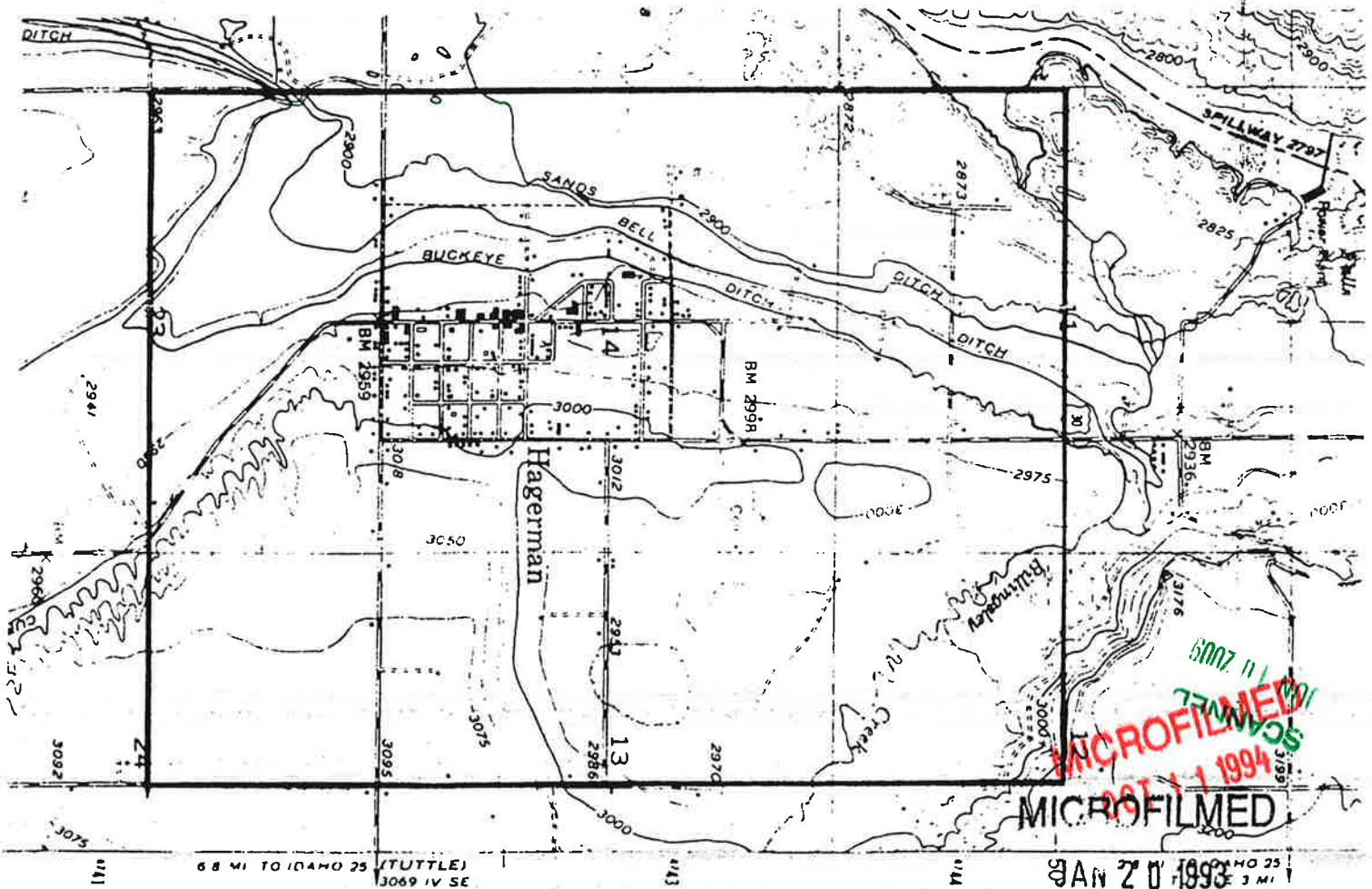
CHAPTER 11

IMPACT AREA

4-11-1: The area of City impact of the City of Hagerman, Idaho is fixed as follows:

1. Commencing at the center of Section 24, Township 7 South, Range 13 E.B.M., thence North to the center of Section 12 Township 7 South, Range 13 E.B.M., thence West to the West quarter corner of Section 11, Township 7 South, Range 13, E.B.M. thence South to the West quarter corner of Section 23, Township 7 South, Range 13 E.B.M., thence East to the Point of Beginning.
2. That the plan of the City planning commission and all amendments and supplements thereto are hereby made applicable to the area defined above.
3. The zoning and subdivision ordinances and subsequent amendments thereto as officially adopted by the City of Hagerman, Idaho shall apply to the area of City impact as above defined. [Ord.933, 3-12-80]

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-9-1993
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: BIG SPRING		TRIBUTARY: BILLINGSLEY CREEK				
36-00022	BIG SPRING WATER USERS ASSN PO BOX 218 HAGERMAN ID 83332	03/21/1901	IRRIGATION	03-15 11-15	~~11.24~~ 12.90	CFS DECEED
			MUNICIPAL	01-01 12-31	1.86	CFS
			DOMESTIC	01-01 12-31	.4	CFS
			STOCKWATER	01-01 12-31	22	CFS
TOTAL QUANTITY:					11.24 12.90	CFS
CONSUMPTIVE USE:					2055.0	AFY
NON-IRRIGATION-USES:						
MUNICIPAL, CITY OF HAGERMAN; DOMESTIC, 62 HOMES; STOCKWATER, 1000 HEAD.						
POINT OF DIVERSION:						
T07S R14E S18 LOT 3 (SENWSW)						
PLACE OF USE: IRRIGATION						
	T07S R13E S13	NESW 4.0	SWSW 35.0	SESW 34.0	NWSE 19.0	
	S14	SWSE 37.0	SESE 6.0			
	S23	SESE 30.0				
	S24	NENE 35.0	NWNE 24.0			
		NENE 40.0	NWNE 36.0	SWNE 36.0	SENE 31.0	
		NENW 40.0	NWNW 39.0	SWNW 34.0	SENW 34.0	
		NESW 35.0	NESE 31.0	NWSE 36.0	SWSE 39.0	
		SESE 30.0				
685.0 ACRES TOTAL						
PLACE OF USE: MUNICIPAL						
	T07S R13E S14	NENE	NWNE	SWNE	SENE	
		SENW	NESW	SESW	NESE	
	S23	NWSE	SWSE	SESE		
		NENE	NWNE	NENW		
PLACE OF USE: DOMESTIC						
	T07S R13E S13	NESW	SWSW	SESW	NWSE	
	S14	SWSE				
	S23	NESE	SESE			
	S24	NENE	NWNE	NESE		
		NENE	NWNE	SWNE	SENE	
		SENW	NESW	NWSW	NWSE	
PLACE OF USE: STOCKWATER						

REMARKS: SAME AS OTHER USE
THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT
TO IDAHO CODE 42-1416(1).
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO

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JUN 14 2005

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-9-1993
PAGE: A-2

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
	SOURCE: BIG SPRING			TRIBUTARY: BILLINGSLEY CREEK		

36-00022 CONTINUED

A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 3189 AF AND
TO THE IRRIGATION OF A COMBINED TOTAL OF 1063 ACRES IN A SINGLE
IRRIGATION SEASON. OTHER RIGHT NOS.: 36-00023 36-02465 & 36-15168.
USE OF PORTIONS OF THIS RIGHT IS COMBINED WITH USE UNDER RIGHTS
NOT HELD BE BIG SPRING WATER USERS ASSN. WITHIN THE PLACE OF USE
DESCRIBED ABOVE.

MUNICIPAL PLACE OF USE IS LANDS WITHIN CITY LIMITS OF HAGERMAN.

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IDWR'S RESPONSE TO ANSWER, AFFIRMATIVE DEFENSES AND PRAYER FOR
RELIEF OF CLAIMANT

This portion of the response addresses the multi-page attachment to the objection (hereinafter "the attachment"), wherein the claimant admits or denies all sections of Parts I, II, and III of the director's report, asserts 27 affirmative defenses, and alleges a prayer for relief. The attachment contains the following sections, corresponding to the various sections of the director's report:

- (1) I. GENERAL RESPONSE
- (2) II. DESCRIPTIVE SUMMARY, (first unnumbered page of Part I of the director's report)
- (3) III. TABLE OF CONTENTS (second and third unnumbered pages of Part I of the director's report)
- (4) IV. 1. INSTRUCTIONS FOR USING THIS REPORT PART I (page 1 of Part I of the director's report)
- (5) IV. 2. SCOPE OF THE ADJUDICATION (pages 1-3 of Part I of the director's report)
- (6) IV. 3. PURPOSE OF THIS REPORT PART I (pages 3-4 of Part I of the director's report)
- (7) V. 1. BOUNDARIES OF BASIN (pages 4-6 of Part I of the director's report)
- (8) V. 2. WATER SOURCES (page 6 of Part I of the director's report)
- (9) V. 3. DEVELOPMENT OF WATER USE (pages 6-9 of Part I of the director's report)
- (10) VI. GENERAL PROVISIONS 1-8 APPLY TO ALL WATER RIGHTS IN BASIN 36 (page 9 of Part I of the director's report)
- (11) VI. General Provision 1. EFFECT OF ADJUDICATION (page 9 of Part I of the director's report)
- (12) VI. General Provision 2. GENERAL ADMINISTRATIVE PROVISIONS (pages 9-10 of Part I of the director's report)
- (13) VI. General Provision 3. CONJUNCTIVE ADMINISTRATION (page 10 of Part I of the director's report)
- (13) VI. General Provision 4. ADMINISTRATION OF GROUND WATER RIGHTS (page 10 of Part I of the director's report)
- (14) VI. General Provision 5. ADMINISTRATION OF BASIN 36 RELATIVE TO THE SNAKE RIVER (page 10 of Part I of the director's report)
- (15) VI. General Provision 6. ADMINISTRATION OF SMALL DOMESTIC AND STOCK WATER RIGHTS (page 11 of Part I of the director's report)
- (16) VI. General Provision 7. MEASURING DEVICES AND CONTROL

IDWR'S RESPONSE TO ANSWER, AFFIRMATIVE DEFENSES AND PRAYER FOR
RELIEF OF CLAIMANT, Page 1

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- WORKS (page 11 of Part I of the director's report)
- (17) VI. General Provision 8. FIRE FIGHTING PURPOSES (page 11 of Part I of the director's report)
 - (18) VI. General Provision 9. CONSUMPTIVE USE (page 12 of Part I of the director's report)
 - (19) VI. GENERAL PROVISION 10 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE (page 12 of Part I of the director's report)
 - (20) VI. General Provision 10. DOMESTIC USE (page 12 of Part I of the director's report)
 - (21) VI. GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE (page 13 of Part I of the director's report)
 - (22) VI. General Provision 11. STOCK WATER USE (page 13 of Part I of the director's report)
 - (23) VI. GENERAL PROVISIONS 12-16 APPLY TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH IRRIGATION AS A PURPOSE OF USE (page 13 of Part I of the director's report)
 - (24) VI. General Provision 12. IRRIGATION USE (pages 13-14 of Part I of the director's report)
 - (25) VI. General Provision 13. DIVERSION VOLUME FOR IRRIGATION (page 14 of Part I of the director's report)
 - (26) VI. General Provision 14. CONSUMPTIVE USE FOR IRRIGATION (pages 14-15 of Part I of the director's report)
 - (27) VI. General Provision 15. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION (page 15 of Part I of the director's report)
 - (28) VI. General Provision 16. DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE (pages 15-16 of Part I of the director's report)
 - (30) VI. 17. INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS (pages A-i through A-iii of Part I of the director's report)
 - (31) VI. 18. IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW (pages A-1 through B-25 of Part I of the director's report)
 - (32) DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART II)
 - (33) DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART III)

The attachment also contains part VIII, AFFIRMATIVE DEFENSES (pp. 20 through 28) and a PRAYER FOR RELIEF (untitled, p. 28).

In response to each of the items enumerated above IDWR responds that pursuant to Section 4 a.(2)(c) of SRBA Administrative Order 1, Rules of Procedure, IDWR generally denies each and every allegation, if any, contained in each enumerated portion of the attachment. IDWR affirmatively responds that neither SRBA Administrative Order 1, Rules of Procedure, nor Title 42, Chapter 14, Idaho Code, make provision for IDWR to affirm, amplify, or otherwise respond to the claimant's admissions, or to deny the claimant's denials, and that IDWR therefore does not believe that it is required to do so. Title 42, Chapter 14, Idaho Code solely defines the content and scope of the director's report. It is to contain a description of the water system and is to provide a recommendation as to each water right claimed and as to those matters necessary for administration of those water rights. Therefore, the content and scope of the objection is limited to those same matters. The attachment to the present objection asserts or otherwise raises matters not directly addressing the elements of the water right as recommended, the description of the water system, or the general provisions. Rather, the attachment raises broad issues as to the constitutional, statutory and administrative efficacy of the entire adjudication process. All such issues should be raised by means of motions to designate basinwide issues and similar procedural vehicles specifically designed to provide for basinwide notice and participation. They should not be permitted to divert the focus of any individual subcase away from the issues directly connected to the elements of the water right and the administration thereof. Therefore, because the attachment to the present objection is not within the scope of the statutory purpose of an objection it should be stricken.

However, in the event that the court should determine that all or part of the attachment is properly within the scope of the objection, IDWR further responds as follows:

IDWR affirmatively responds that all statements within the director's report are properly included therein pursuant to Title 42, Chapter 14, Idaho Code, and in particular pursuant to Idaho Code §§ 42-1411 and 42-1412(8); and that the provisions of the Idaho Rules of Civil Procedure regarding pleadings are inapplicable to the extent that they are in conflict with the statutory requirements. Therefore IDWR denies all allegations directed at the contents of the director's report.

As to the enumerated portions of the attachment addressing the listings of recommended water rights, abstracts of federal reserved water right claims, or negotiated agreements, other than the individual recommendation that is the subject of this objection, IDWR responds that such claims or agreements are not brought before this court by this objection.

Responding to the 27 affirmative defenses asserted in the attachment, IDWR generally denies each and every affirmative defense asserted. IDWR further responds that affirmative defense numbers 1, 2, 4, 5, 10, 11, 12, 18, and 22, asserting various violations of civil or constitutional rights, fail to comply with the requirements I.R.C.P. 9(b) providing that in all averments of violation of civil or constitutional rights the factual circumstances constituting such violation must be stated with particularity. Accordingly, IDWR asserts that those affirmative defenses should be stricken.

In response to that portion of the multi-page attachment to the objection wherein the claimant asserts a prayer for relief, IDWR responds as follows:

1. IDWR denies that the director's report asserts any claims against the claimant; rather, the director's report contains only the recommendation of the director as to how the claimant's water right should be decreed and administered.
2. IDWR denies that the claimant is entitled to have the water right decreed as claimed unless in the director's report the water right has been recommended as claimed.
3. IDWR denies that any acts upon its part constitute the taking of private property for which just compensation should be allowed and awarded.
4. IDWR denies that the claimant is entitled to recover court costs and reasonable attorney fees.
5. IDWR denies that the claimant by this objection has raised any claims against IDWR entitling such claimant to any relief other than the eventual judicial determination and decree of the various elements of the claimant's water right, if any, and of those related matters necessary to describe and administer that water right.

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 the Rights to the Use of Water
from the Snake River Basin
Water System

Case No. 36-00022 -0002

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

RESPONSE TO OBJECTION

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

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NICHOLAS B. SPENCER

2. Person who filed objection:

Name: US DEPT OF JUSTICE
Address: ENVT & NAT RESOURCES DIV
550 W FORT ST BOX 33
BOISE ID 83734

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, including the Reasons for Objections and Recommended Changes, IDWR responds as follows:

In response to the first paragraph of Reasons for Objections and Recommended Changes, IDWR responds that it included this remark solely for informational purposes. The remark is not necessary to define the right, and IDWR has no objection to deletion of this remark. IDWR is informed and believes, however, that the recommended place of use includes more irrigated acres than the place of use at the time this right was decreed in New International Mortgage Co. v. Idaho Power.

In response to the second paragraph of Reasons for Objections and Recommended Changes, IDWR agrees with the statements made by the objector.

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In response to the third paragraph of Reasons for Objections and Recommended Changes, IDWR responds that the "comment" requested by the objector is included in Remarks in this recommendation and, therefore, the objection to this issue is in error.

In response to the fourth paragraph of Reasons for Objections and Recommended Changes, IDWR responds that unless specifically stated otherwise in the recommended water right, the combined use of rights for irrigation purposes is generally limited to .02 cfs per acre pursuant to general provision 15.a of the director's report.

IDWR denies the objection and all allegations of the objection not expressly admitted herein.

There is an error in the description of this right in the director's report in that stockwater use was omitted. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law."

CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

No. of
Pages

The notice of claim is attached to IDWR's response
to Objection No. 36-00022-0001
Recommended Water Rights Acquired under State Law

2

(Over)

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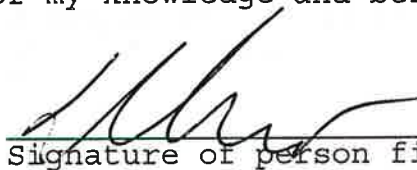
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing response

By:


(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 10th day of September, 1993.


Notary Public for Idaho

Residing at: _____

My Commission expires _____

Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

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CERTIFICATE OF MAILING

I hereby certify that on the 10th day of September, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

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

2. One copy to the owner of the water right, and you must fill in the following information:

Name: HEPWORTH NUNESTER & LEZAMIZ
Address: PATRICK D BROWN
& PENELOPE PARKER
PO BOX 389
TWIN FALLS ID 83303

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE
Address: ENVT & NAT RESOURCES DIV
550 W FORT ST BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-9-1993

PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: BIG SPRING		TRIBUTARY: BILLINGSLEY CREEK				
36-00022	BIG SPRING WATER USERS ASSN PO BOX 218 HAGERMAN ID 83332	03/21/1901	IRRIGATION	03-15 11-15	11.24 CFS	DECREED
			MUNICIPAL	01-01 12-31	1.86 CFS	
			DOMESTIC	01-01 12-31	.4 CFS	
			STOCKWATER	01-01 12-31	22 CFS	
TOTAL QUANTITY:					11.24 CFS	
CONSUMPTIVE USE:					2055.0	AFY

NON-IRRIGATION-USES:

MUNICIPAL, CITY OF HAGERMAN; DOMESTIC, 62 HOMES; STOCKWATER, 1000 HEAD.

POINT OF DIVERSION:

T07S R14E S18 LOT 3 (SENWSW)

PLACE OF USE: IRRIGATION

T07S R13E S13	NESW 4.0	SWSW 35.0	SESW 34.0	NWSE 19.0
	SWSE 37.0	SESE 6.0		
S14	SESE 30.0			
S23	NENE 35.0	NWNE 24.0		
S24	NENE 40.0	NWNE 36.0	SWNE 36.0	SENE 31.0
	NENW 40.0	NWNW 39.0	SWNW 34.0	SENW 34.0
	NESW 35.0	NESE 31.0	NWSE 36.0	SWSE 39.0
	SESE 30.0			

685.0 ACRES TOTAL

PLACE OF USE: MUNICIPAL

T07S R13E S14	NENE	NWNE	SWNE	SENE
	SENW	NESW	SESW	NESE
	NWSE	SWSE	SESE	
S23	NENE	NWNE	NENW	

PLACE OF USE: DOMESTIC

T07S R13E S13	NESW	SWSW	SESW	NWSE
	SWSE			
S14	NESE	SESE		
S23	NENE	NWNE	NESE	
S24	NENE	NWNE	SWNE	SENE
	SENW	NESW	NWSW	NWSE

PLACE OF USE: STOCKWATER

SAME AS OTHER USE

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT
TO IDAHO CODE 42-1416(1).
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO

JUN 10 2007

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-9-1993
PAGE: A 2

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
	SOURCE: BIG SPRING			TRIBUTARY: BILLINGSLEY CREEK		

36-00022 CONTINUED

A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 3189 AF AND
TO THE IRRIGATION OF A COMBINED TOTAL OF 1063 ACRES IN A SINGLE
IRRIGATION SEASON. OTHER RIGHT NOS.: 36-02465 & 36-15168.
USE OF PORTIONS OF THIS RIGHT IS COMBINED WITH USE UNDER RIGHTS
NOT HELD BE BIG SPRING WATER USERS ASSN. WITHIN THE PLACE OF USE
DESCRIBED ABOVE
MUNICIPAL PLACE OF USE IS LANDS WITHIN CITY LIMITS OF HAGERMAN.

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Department of Water Resources
Adjudication Bureau

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

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

Case No. 36-00022
(The water right number
you are responding to
must be inserted)

STANDARD FORM 2

RESPONSE TO OBJECTION

INSTRUCTIONS

This form must be used to file a response to any objection filed against a water right recommended in a Director's Report. You may respond to all objections filed against one water right, using one response form. If you choose this option, your response should cover every issue raised in the objections. To respond to objections filed against more than one water right, you must file a separate response form for each water right. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you do, the text must be on the front and back of each page exactly as it appears here. The response must be received by the court on or before the deadline specified in the Notice of Filing the Director's Report that IDWR mailed to you. Follow the Instructions for Mailing this response (Page 5), or the court will not accept it for filing.

This form has been adopted by the court in SRBA Administrative Order 1 (amended June 21, 1993), Section 4, which may be consulted for further information.

Any party filing 25 (twenty-five) or more responses must make an appointment with the Clerk of the SRBA Court.

(Over)

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OCT 11 1994

By filing a response form, you are certifying that the response is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Party/Claimant responding to objection:

Name: Big Spring Water Users Assn.

Address: P. O. Box 218
Hagerman, Idaho 83332

Phone: Work: (208) 837-4806 Home:

Briefly describe your interest in this water right:

Owner/claimant of water right

If this response is filed by an attorney:

Attorney Name: Patrick D. Brown

Attorney Address: Hepworth, Nungester & Lezamiz
P.O. Box 389, Twin Falls, ID 83303

Attorney Phone No.: (208) 734-7510; Fax#: (208) 734-4115

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. Party/Claimant who filed objection:

Name: U.S.A/Environment & Natural Resources Division

Address: 550 West Fort Street, Box 33
Boise, Idaho 83734

II. STATEMENT OF THE RESPONSE

Please check each "box" which identifies your response.

1. ☐ **Name and Address:** I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☐ **Source:** I respond to the objection concerning the source of water.
3. ☐ **Quantity:** I respond to the objection concerning:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ **Priority Date:** I respond to the objection concerning the priority date.
5. ☐ **Points of Diversion:** I respond to the objection concerning the legal description of the point(s) of diversion.
6. ☐ **Instream Flow:** I respond to the objection concerning the legal description of the beginning and ending points of the instream flow.
7. ☐ **Purpose(s) of Use:** I respond to the objection concerning the purpose(s) of use.
8. ☐ **Period of Year:** I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☐ **Place of Use:** I respond to the objection concerning:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ **Consumptive Use:** I respond to the objection concerning the annual volume of consumptive use.
11. ☒ **Remarks:** I respond to the objection concerning the "remarks" listed with the water right.
12. ☐ **Water Right Recommendation:** I respond to the objection concerning:
 - a. ☐ this water right being recommended at all; or
 - b. ☐ this water right not being recommended.

13. ☐ **Description of Reservation:** I respond to the objection concerning the legal description of the reservation.

14. ☐ **Other:** I respond to the objection concerning: _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

(See Page 7)

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

See the Objection filed by this Claimant.

Please note that you should attach copies of documents which support your response. Note on each document the "box number" it supports.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. Exhibit "A", John W. Jones' Objection to right no. 36-00046 (Billingsley Creek Ranch) (4 pages).

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls.

Patrick D. Brown, being first duly
sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the person or entity filing this response (as listed on Page 2, Section 1, "Person responding to objection"), as defined by I.C. Sec 42-1401A(1) and (7), and I have read this response, know its contents and that the statements are true to the best of my knowledge and belief.

Signature of party/claimant
filing response

By: [Signature]
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 15th day of September,
1993.

[Signature]
Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 9-20-94

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to all of the parties listed below in the Certificate of Mailing.

You must sign the Certificate of Mailing to show that you followed these steps.

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CERTIFICATE OF MAILING

I hereby certify that on the 15th day of September, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. One copy to the owner of the water right, and you must fill in the following information:

Name: Big Spring Water Users Assn.

Address: P. O. Box 218

Hagerman, Idaho 83332

3 One copy to the party who filed the objection, or if represented by an attorney, to their attorney, and you must fill in the following information:

Name: U.S. Dept. of Justice

Address: 550 West Fort Street, Box 33

Boise, Idaho 83734

4 One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

5 One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, ID 83724



Signature of party/claimant
or attorney

REASONS SUPPORTING EACH BOX CHECKED

11. Claimants admit that the Remarks indicate an expansion of acreage under Idaho Code Section 42-1416(1), but lack sufficient knowledge and information to know why the remark was included and therefore deny that it was included because the New International Mortgage Bank v. Idaho Power Company, (1932) decree does not fully describe the place of use. Claimants admit that the remarks indicate use of the right is combined with other rights held by individual shareholders and that the recommendation only specifically mentions right nos. 36-02465 and 36-15168.

Claimants admit that in regard to 36-15168, the Director's Report includes a remark as stated by the objector USDOJ, but deny that a similar comment should be added to the present right.

With respect to right no. 36-00046, Claimants admit that the claimant of that water right (Billingsley Creek Ranch) owns 90 shares of Big Springs Water Users Association, but deny that it is necessarily equivalent to 1.8 cfs. Claimants deny that remarks should be added as suggested by USDOJ. Claimants deny that IDWR's recommendation to right 36-00046 is accurate or based on fact or law for the reasons set out in the Objection to right no. 36-00046 filed April 29, 1993, by John W. Jones, Jr. Claimants have attached a copy of that Objection to this Response and adopt and incorporate by reference the allegations set forth in that Objection into this Response. Claimants deny all averments by the USDOJ which are not specifically admitted in this Response, including those adopted by reference and attached to this Response.

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

Case No. 36-00022

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as
Director of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States; the State of Idaho;
and all Claimants to the use of water
from the Snake River Basin Water
System,

Respondents.

OBJECTION

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Department of Water Resources
Adjudication Bureau

I. GENERAL INFORMATION

1. Person objecting:

Name: United States of America,
Environment and Natural Resources Division
550 West Fort Street
Box 33
Boise, Idaho 83734

Briefly describe your interest in this water right: The United States
holds water rights of many types in all reporting areas within the SRBA.

2. Owner of the water right:

Name: BIG SPRING WATER USERS ASSN.

Address: PO Box 218
Hagerman, ID 83332

3. If this objection is filed by an attorney:

Attorney Name: David W. Harder

Attorney Address: United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street
Box 33
Boise, Idaho 83734

Attorney Phone No.: (202) 272-5784

If filed by an attorney, notice of pending court proceedings will be sent to
the attorney only.

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II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right
2. ☐ Source: I object to the source of water.
3. ☐ Quantity: I object to:
 - ☐ a. the total quantity of water used in cubic feet per second; or
 - ☐ b. the total quantity of water stored in acre-feet per year; or
 - ☐ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of Use: I object to:
 - ☐ a. the legal description of the place of use; or
 - ☐ b. the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.
12. ☐ Water Right Recommendation: I object to:
 - ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to certain paragraphs of the general provisions in the Director's report as noted on the attached "Reasons Supporting Objections and Proposed Changes".

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

See attached "Reasons Supporting Objections and Proposed Changes" numbered as per above check list.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

See attached "Reasons Supporting Objections and Proposed Changes" numbered as per above check list.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

[X] Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

REASONS SUPPORTING OBJECTIONS AND PROPOSED CHANGES - 1 Page

SCANNED
JUN 10 2009

MICROFILMED
OCT 11 1994

7-11-93
SCAS

VERIFICATION

NICHOLSON

In the District of Columbia,

The United States of America, being first duly sworn, upon oath, deposes and says:

That I am the entity filing this objection, that I am a water claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

By: David W. Horder
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 29th day of April, 1993.

Notary Public for: District of Columbia

Residing at: District of Columbia

My Commission Expires: July 14, 1997

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

2. One copy to the owner of the water right:

Name: BIG SPRING WATER USERS ASSN.

Address: PO Box 218
Hagerman, ID 83332

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

David W. Horder
Signature of Objector or attorney mailing
on Objector's behalf

REASONS FOR OBJECTIONS AND RECOMMENDED CHANGES

BIG SPRINGS WATER USERS

CASE NO. 36-00022

11. REMARKS

The remarks indicate an expansion in acreage pursuant to I.C. § 42-1416(1). If this remark is provided solely because no legal description of the place of use was provided in New International Mortgage Bank vs. Idaho Power Company, it is not appropriate.

The remarks indicate that the use of recommended right 36-00022 is combined with numerous rights held by the individual shareholders. The only recommended rights specifically mentioned are 36-02465 and 36-15168.

In regard to 36-15168, the Director's Report includes the remark "Use of portions of this right is combined with use under rights not held by Hagerman Water Users Association within the place of use described above." A similar comment referring to the Big Springs Water Users Association should be added to recommended right 36-00022.

The claimant for recommended right 36-00046 owns 90 shares, equivalent to 1.8 cfs, of Big Springs Water User Association. The recommended quantity for recommended right 36-00046 is 5.7 cfs. Both recommended rights are used in combination on 303 acres. With no limit on the combined use of the two recommended rights, the diversion rate is 0.028 cfs per acre. This is excessive considering the fact that all of the land is sprinkler irrigated. A remark should be added limiting the combined diversion rate to 6.06 cfs.

SCANNED
JUN 7 11 2005
MICROFILMED
OCT 11 1994

DISTRICT COURT-SREA
Fifth Judicial District
of Twin Falls - State of Idaho

Cou

By

Clerk

Deputy Clerk

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

Case No. A36-00046
(You must insert the
water right number you
are objecting to)

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

OBJECTION

Petitioner,

vs.

COPY

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

OBJECTION - 1

MICROFILMED
OCT 11 1994
EXHIBIT A

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: John W. Jones, Jr.

Address: P. O. Box 265

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Water for this right is diverted through the
objector's diversion and the amounts claimed by
Billingsley Creek Ranch and/or recommended
exceed actual and historical use. Therefore,
the objector's rights would be diminished if
the recommendation is followed.

2. Owner of the water right:

Name: Billingsley Creek Ranch

Address: 2726 South 1050 East

Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

P.O. Box 389, Twin Falls, ID 83303

Attorney Phone No.: (208) 734-7510

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

RECEIVED
JUN 14 2000

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - a. ☒ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of Use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☐ Remarks: I object to the "remarks" listed with the water right.

(Over)

MICROFILMED
OCT 11 1994
SCANNED

12. ☐ Water Right Recommendation: I object to:

a. ☐ this water right being recommended at all; or

b. ☐ this water right not being recommended.

13. ☐ Description of Reservation: I object to the legal description of the reservation.

14. ☒ Other: I object to: Water Right Claim Nos. A36-11060 and A36-15462 simply restate other additional uses of the same water described in this right. Consequently, all three rights should be consolidated and limited accordingly.

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

See page 7

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

See page 7

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

601 1 1000
MICROFILMED

SCANNED
10/11/2005



Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls

John W. Jones, Jr., being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. Sec 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

John W. Jones Jr.

Signature of person filing objection

By: [Signature]

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 27th day of April,
1993.

[Signature]
Notary Public for Idaho

Residing at: Summit Falls, ID
My Commission Expires: 9.20.94

(Over)

MICROFILMED
OCT 1 1994
JUN 1 1994
SCANNED

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name: Billingsley Creek Ranch

Owner's address: 2726 South 1050 East

Hagerman, Idaho 83332

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

Box 3 and 3a - The recommendation is for a greater quantity of water than has been beneficially used since at least before 1970. Thus, the right to anything more than 3.5 cfs does not exist. It has been forfeited or abandoned and/or the claimant is estopped from claiming the unused portion pursuant to agreement between the claimant and this objector.

Box 10 - The consumptive use amount is inaccurate as it is derived from an inflated flow rate.

CHANGES TO DIRECTOR'S REPORT, page 4

The total rate of diversion should be 3.5 cfs which is the maximum quantity used since at least 1970.

Water right claim nos. A36-11060 and A36-15462 should be consolidated with this right to reflect that each right constitutes use of the same water.

Objectors reserve the right to make additional and more specific objections which will be shown by evidence at trial.

MICROFILMED
OCT 11 1994
SCANNED
JUN 11 2009

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

Case No. 36-00022

RECEIVED

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as
Director of the Idaho Department of
Water Resources,

OBJECTION

MAY 04 1993

Department of Water Resources
Adjudication Bureau

Petitioner,

vs.

The United States; the State of Idaho;
and all Claimants to the use of water
from the Snake River Basin Water
System,

36-00022 -0002/
93-04-0024

Respondents.

I. GENERAL INFORMATION

1. Person objecting:

Name: United States of America,
Environment and Natural Resources Division
550 West Fort Street
Box 33
Boise, Idaho 83734

Briefly describe your interest in this water right: The United States
holds water rights of many types in all reporting areas within the SRBA.

2. Owner of the water right:

Name: BIG SPRING WATER USERS ASSN.
Address: PO Box 218
Hagerman, ID 83332

3. If this objection is filed by an attorney:

Attorney Name: David W. Harder
Attorney Address: United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street
Box 33
Boise, Idaho 83734
Attorney Phone No.: (202) 272-5784

If filed by an attorney, notice of pending court proceedings will be sent to
the attorney only.

SCANNED
MICROFILMED
OCT 11 1994

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right
2. ☐ Source: I object to the source of water.
3. ☐ Quantity: I object to:
 - ☐ a. the total quantity of water used in cubic feet per second; or
 - ☐ b. the total quantity of water stored in acre-feet per year; or
 - ☐ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of Use: I object to:
 - ☐ a. the legal description of the place of use; or
 - ☐ b. the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.
12. ☐ Water Right Recommendation: I object to:
 - ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to certain paragraphs of the general provisions in the Director's report as noted on the attached "Reasons Supporting Objections and Proposed Changes".

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

See attached "Reasons Supporting Objections and Proposed Changes" numbered as per above check list.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

See attached "Reasons Supporting Objections and Proposed Changes" numbered as per above check list.

SCANNED
JUN 14 2007

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

[X] Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

REASONS SUPPORTING OBJECTIONS AND PROPOSED CHANGES - 1 Page

SCANNED

MICROFILMED

OCT 11 1994

3007
SCANNED

VERIFICATION

In the District of Columbia,

The United States of America, being first duly sworn, upon oath, deposes and says:

That I am the entity filing this objection, that I am a water claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

By: David W. Horder
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 29th day of April, 1993.

Notary Public for: District of Columbia

Residing at: District of Columbia

My Commission Expires: July 14, 1997

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

2. One copy to the owner of the water right:

Name: BIG SPRING WATER USERS ASSN.

Address: PO Box 218
Hagerman, ID 83332

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

David W. Horder
Signature of Objector or attorney mailing
on Objector's behalf

REASONS FOR OBJECTIONS AND RECOMMENDED CHANGES

BIG SPRINGS WATER USERS

CASE NO. 36-00022

11. REMARKS

The remarks indicate an expansion in acreage pursuant to I.C. § 42-1416(1). If this remark is provided solely because no legal description of the place of use was provided in New International Mortgage Bank vs. Idaho Power Company, it is not appropriate.

The remarks indicate that the use of recommended right 36-00022 is combined with numerous rights held by the individual shareholders. The only recommended rights specifically mentioned are 36-02465 and 36-15168.

In regard to 36-15168, the Director's Report includes the remark "Use of portions of this right is combined with use under rights not held by Hagerman Water Users Association within the place of use described above." A similar comment referring to the Big Springs Water Users Association should be added to recommended right 36-00022.

The claimant for recommended right 36-00046 owns 90 shares, equivalent to 1.8 cfs, of Big Springs Water User Association. The recommended quantity for recommended right 36-00046 is 5.7 cfs. Both recommended rights are used in combination on 303 acres. With no limit on the combined use of the two recommended rights, the diversion rate is 0.028 cfs per acre. This is excessive considering the fact that all of the land is sprinkler irrigated. A remark should be added limiting the combined diversion rate to 6.06 cfs.

MICROFILMED
OCT 11 1994
JUN 14 2006

RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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

Case No. A36-00022
(You must insert the
water right number you
are objecting to)

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

OBJECTION

Petitioner,

vs.

36-00022 -0001/
93-04-0023

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

OBJECTION - 1

MICROFILMED
OCT 1 1994
JUN 11 2000

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Big Springs Water Users Association

Address: P. O. Box 218

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Big Springs is a water supply delivery corp.

w/decreed water rights pursuant to New Int'l.

Mortgage Bank v. Idaho Power Company, decree

dated 3/22/1932; Big Springs was decreed 12.9 cfs

with a priority date of 3/1/1901

2. Owner of the water right:

Name: Big Springs Water Users Association

Address: P. O. Box 218

Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

P.O. Box 389, Twin Falls, ID 83303

Attorney Phone No.: (208) 734-7510

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - a. ☒ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☒ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I object to:
 - a. ☒ the legal description of the place of use; or
 - b. ☒ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.

(Over)

MICROFILMED
SCANNED
OCT 11 1994
JUN 17 2005

12. ☐ Water Right Recommendation: I object to:

a. ☐ this water right being recommended at all; or

b. ☐ this water right not being recommended.

13. ☐ Description of Reservation: I object to the legal description of the reservation.

14. ☒ Other: I object to: See attached

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

See page 7

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

Maximum quantity: 12.9 cfs - consumptive use to be changed
accordingly; period of use: 01/01 to 12/31; remarks should be
stricken below first sentence outlining expansion; place of use:
conformed to land claimed in notice of claim for a total of 602.0
acres; purpose of use: include fish propagation and stock water

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.



Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

See Hagerman Water Right Owners, Inc.'s compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of Gooding

GEORGE H. LEMMON - SEC.

(Name of person filing objection), being first duly sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. Sec 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Geo H Lemmon Sec.
Signature of person filing objection

By:

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 19th day of April, 1993.

[Signature]
Notary Public for Idaho
Residing at: HAGERMAN, Idaho
My Commission Expires: 5-10-97

(Over)

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name: Big Springs Water Users Association
Owner's address: P. O. Box 218
Hagerman, Idaho 83332

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

Box 3, 3a and 10 - IDWR recommends an amount less than decreed and/or beneficially used. A reduction in water right would constitute a taking.

Box 7 - Beneficially used for purposes set forth in notice of claim.

Box 8 - IDWR recommends a period of use less than decreed and/or beneficially used. A reduction in water right would constitute a taking.

Box 9 - Director's Report fails to accurately state the place of use.

Box 11 - This is beyond the statutory authority vested in the Director.

CHANGES TO DIRECTOR'S REPORT, page 4

Objectors reserve the right to claim all purposes of use and quantities of use as shown by the evidence at trial.

Question 14., page 4, Other

I.

GENERAL RESPONSE

Except as specifically admitted herein, objectors deny each and every allegation contained in the Director's Report, any related or subsidiary pleadings, and/or any attachments thereto.

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

The objectors admit that Part I of the Director's recommendation contains some claims to water rights appropriated under state law from Reporting Area 3. The objectors deny all other averments because the objectors lack sufficient knowledge or information upon which to form a belief as to the truth of the averments.

III.

TABLE OF CONTENTS

(DRP-I at 2nd and 3rd unnumbered pages)

The objectors admit that the Table of Contents reflects the page numbers of the referenced sections and deny all other averments based upon the objectors' lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments and because any averment, expressed or implied, is so

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indefinite that it prevents the objectors from knowing what would be admitted or denied.

IV.

INTRODUCTION

1. INSTRUCTIONS FOR USING THIS REPORT PART I. (DRP-I at page 1)

The objectors admit that Part I consists of seven sections; that the description of the water system includes a brief description of Reporting Area 3 and an illustration of the boundaries of the reporting area; that the water rights and the list of the recommended rights are grouped alphabetically by source and listed chronologically by priority date; that the rights or claims in the list of claims/rights not recommended are listed numerically by water right number; and that brief instructions are found at the beginning of the applicable sections. The objectors deny that any description or any implication that the description of the water system or the illustrations are true and accurate due to lack of knowledge or information regarding the truth of the averment; deny that the general provisions apply to all water rights or define or limit classes of water rights; and deny that the general provisions "will affect your water right," based upon insufficient knowledge or information upon which to form a belief as to the truth of the averments.

2. SCOPE OF THE ADJUDICATION. (DRP-I at page 1 - 3)

The objectors deny all averments in paragraph a., due to lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments.

Regarding paragraph b., the objectors lack sufficient information or knowledge upon which to form a belief as to whether water rights which are not claimed in the adjudication will or will not exist upon entry of the court's decree and, therefore, deny such averment. The objectors admit that the court entered an order dated January 17, 1989, but presently lack sufficient knowledge to know whether any of the other averments concerning the court's order are true or accurate and, therefore, deny the same. The objectors deny that a right must be adjudicated before water may be distributed by the director. The objectors deny all other averments in paragraph b.

3. PURPOSE OF THIS REPORT PART I. (DRP-I at page 3 - 4)

The objectors admit that portion of the first sentence which states "This report contains the Director's recommendations to the SRBA District Court as to the nature and extent of water rights," but deny that such recommendations "are necessary for administration of water rights in Reporting Area 3," and further deny the Director has authority to "administer" such rights.

Regarding the second paragraph, the objectors admit that all water rights remain subject to the applicable law generally, but deny the remainder of the second paragraph.

Regarding the third paragraph of this section, the objectors deny all averments therein based upon lack of knowledge or information upon which to form a belief as to the truthfulness of the averments.

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V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

1. BOUNDARIES OF BASIN. (DRP-I at pages 4 - 6)

Regarding the first paragraph of this section, the objectors deny all averments due to a lack of knowledge or information upon which to admit or deny.

Regarding the second, third and fourth paragraphs of this section, the objectors admit that as broad statements, those paragraphs are generally accurate but the statements are so broad and attenuated from any matter relevant to the objectors' water right that the objectors are unable to know what would be implicitly admitted or denied and therefore, deny the same.

With respect to the fifth paragraph of this section, the objectors lack sufficient knowledge or information upon which to form a belief as to the truth of any matter averred and, therefore, deny the averments.

2. WATER SOURCES. (DRP-I at page 6)

The objectors admit that the Snake River Plain Aquifer is the source of outflows of springs located along the Snake River Canyon Wall in the Hagerman Valley. The objectors presently lack sufficient knowledge or information upon which to form an opinion as to the truth of the other averments set out in this section and, therefore, deny the same.

3. DEVELOPMENT OF WATER USE. (DRP-I at pages 6 - 9)

The objectors admit that numerous factual and historical averments are set out in this section, which may be accurate, but

these objectors have no basis for knowing whether some or all of the averments are intended to relate to the objectors' claims and, thus, are prevented from knowing what would be admitted or denied. Therefore, the averments are denied.

VI.

GENERAL PROVISIONS

GENERAL PROVISIONS 1 - 8 APPLY TO ALL WATER RIGHTS IN BASIN 36.
(DRP-I at page 9)

The objectors deny that "General Provisions 1 - 8" apply to all water rights in Basin 36 as the statements are so broad and attenuated from any matter relevant to the objectors' water rights, that the objectors are unable to know what would be explicitly admitted or denied. The objectors also specifically deny that general provisions 1-8 apply to the objectors' right.

1. EFFECT OF ADJUDICATION. (DRP-I at page 9)

With respect to paragraph a., the objectors presently have no knowledge or information upon which to form a belief as to the truth of whether a future decree would supersede prior decrees, or whether unclaimed rights would cease to exist and, therefore, deny the same.

Regarding paragraph b., the objectors deny that the Director has any powers to administer water rights other than those specifically delegated by the Legislature of the State of Idaho, and which do not violate the objectors' state and federal constitutional rights, and therefore the averments are denied.

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2. GENERAL ADMINISTRATIVE PROVISIONS. (DRP-I at pages 9 - 10)

The objectors admit paragraphs a. and b.

3. CONJUNCTIVE ADMINISTRATION (DRP-I at page 10)

The objectors deny the conjunctive administration provisions based upon the objectors' lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments and because any averment expressed or implied is so indefinite that it prevents the objectors from fairly understanding what would be admitted or denied. Additionally, the objectors deny that the Department of Water Resources has any statutory or regulatory authority for the "conjunctive administration" as therein described.

4. ADMINISTRATION OF GROUND WATER RIGHTS (DRP-I at page 10)

The objectors deny the averments within this section.

5. ADMINISTRATION OF BASIN 36 RELATIVE TO THE SNAKE RIVER (DRP-I at page 10)

The objectors admit that the springs are hydrologically interconnected with the Snake River Aquifer, but deny all other averments based upon the objectors' lack of sufficient information or knowledge upon which to form a belief as to the averments herein. The objectors additionally deny any said averments expressed or implied because the averments are so indefinite and generalized as to prevent the objectors from fairly understanding what would be admitted or denied.

6. ADMINISTRATION OF SMALL DOMESTIC AND STOCK WATER RIGHTS (DRP-I at page 11)

The objectors admit that part of the first sentence of subparagraph a. to the effect that "small domestic and stock water rights from surface water are not subject to administration," but deny the balance of said sentence and said paragraph.

The objectors admit the first sentence of paragraph b., and deny the balance of that paragraph because the criteria set forth therein ("if the director determines that administration is necessary") is so ambiguous, indefinite and uncertain that it prevents the objectors from knowing what would be admitted or denied, and by further reason of the fact that no statutory or regulatory authority exists conferring such sweeping and unlimited authority upon the Director or the Department.

The objectors deny the averments in paragraph c. as the averments are inaccurate and because the objectors lack sufficient knowledge or information upon which to form a belief as to the truth of the matters averred.

7. MEASURING DEVICES AND CONTROL WORKS (DRP-I at page 11)

The objectors deny all averments contained herein as such averments are based upon an indeterminate subjective standards which are so ambiguous and indefinite as to prevent the objectors from fairly knowing what would be admitted or denied. Additionally, no statutory or regulatory authority exists conferring such sweeping and unlimited authority upon the Director or the Department as is alleged in this paragraph.

MICHOEL WED

8. FIRE FIGHTING PURPOSES (DRP-I at page 11)

The objectors admit that subparagraph a. and subparagraph b. are generally accurate statements of present law, but deny the averments are in any way relevant to defining the objectors' right.

9. CONSUMPTIVE USE (DRP-I at page 12)

The objectors lack sufficient knowledge or information upon which to form a belief as to the truth of any matter averred and, therefore, deny the same.

GENERAL PROVISION 10 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE (DRP-I at page 12)

The objectors deny that "General Provision 10" applies to all water rights in Basin 36 shown with domestic use as a purpose of use as the statements are so broad and attenuated from any matter relevant to the objectors' water rights, that the objectors are unable to fairly understand what would be explicitly admitted or denied and, therefore, deny the same.

10. DOMESTIC USE (DRP-I at page 12)

The objectors deny that the definition of "domestic use" contained in paragraphs a., b., and c. is consistent or in conformity with the definition of such term for purposes of the Idaho Constitution, or statutory definition contained in I.C. Section 42-111 as now, or as heretofore in effect at relevant times. The objectors further deny that the limitations set forth therein exist, are in force, or apply or serve in any way to limit objectors' rights.

GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE. (DRP-I at page 13)

The objectors deny that "General Provision 11" applies to all water rights in Basin 36 shown with stock water use as a purpose of use as the statements are so broad and attenuated from any matter relevant to the objectors' water right, that the objectors are unable to fairly understand what would be admitted or denied and, therefore, deny the same.

11. STOCK WATER USE (DRP-I at page 13)

The objectors deny the averments herein as beyond the scope and applicability of the definition as provided by Idaho law as now, or as heretofore in effect at relevant times. The objectors further deny that the limitations set forth therein limit the objectors' right or are relevant to the right.

GENERAL PROVISIONS 12 - 16 APPLY TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH IRRIGATION AS A PURPOSE OF USE (DRP-I at page 13)

The objectors deny that "General Provisions 12 - 16" apply to all water rights in Basin 36 shown with irrigation as a purpose of use as the statements are so broad and attenuated from any matter relevant to the objectors' water right that the objectors are unable to fairly understand what would be admitted or denied.

12. IRRIGATION USE. (DRP-I at pages 13 - 14)

The objectors deny all averments based upon the objectors' lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments and because

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prevent the objectors from fairly knowing what would be admitted or denied; because the standard utilized ("as determined by the director") is ambiguous, subjective and indefinite so as to prevent objectors from knowing what would be admitted or denied; and because it is both expressly and implicitly in excess of the power and authority conferred upon the State of Idaho, the Director or the Department by the Constitutions of the United States and State of Idaho, pertinent provisions of the Idaho Code or valid applicable regulations, if any, adopted by the Department in conformity with law. Therefore, the objectors deny the same.

13. DIVERSION VOLUME FOR IRRIGATION. (DRP-I at page 14)

The objectors admit that Figure 1 generally depicts certain lands in Basin 36; however, the objectors deny all other averments including that the amounts set forth are the maximum annual volume of water reasonably required at the field headgate for irrigation, either within Basin 36 in general, or upon objectors' real property in particular. The objectors additionally deny that the maximum annual volumes per acre set forth is that which is "reasonably required for irrigation unless a higher annual diversion volume is reasonably required due to conveyance losses, method of irrigation or field conditions;" because the standard utilized ("as determined by the director") is ambiguous, subjective and indefinite so as to prevent objectors from knowing what would be admitted or denied; and because it is both expressly and implicitly in excess of the power and authority conferred upon the State of Idaho, the Director or the Department

by the Constitutions of the United States and State of Idaho, pertinent provisions of the Idaho Code or valid applicable regulations, if any, adopted by the Department in conformity with law. Therefore, the objectors deny the same.

14. CONSUMPTIVE USE FOR IRRIGATION. (DRP-I at page 14 and 15)

The objectors admit that the recommended water rights contained within the Director's Report show only the irrigation use listed unless otherwise indicated in "Remarks." The objectors deny all other averments contained within this section, including the amount of maximum annual volume of consumptive use per acre in the northern and southern portions of the basin, all of which is beyond the scope of any power or authority vested in the Director or the Department, and contrary to fact; historical use; established, vested, decreed, licensed or permitted rights.

15. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION. (DRP-I at page 15)

The specific averments have no relationship to or basis in fact relating to the individual needs or rights of the objectors, and accordingly, objectors deny this section in its entirety. In addition, no statutory or regulatory authority exists conferring upon the Director, or the Department, the power to limit use and ownership of objectors' private property rights as alleged.

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16. DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE. (DRP-I at page 15 - 16)

The objectors deny the averments contained in this section in its entirety.

17. INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS. (DRP-I at page A-i, A-ii and A-iii)

The objectors admit that each water right in the list of recommended water rights includes a description including right number, name and address, source, maximum quantity, consumptive use, priority date, point of diversion, purpose of use, period of use, place of use, basis of right and others. The objectors lack sufficient knowledge or information upon which to form a belief as to the truth of any matter averred in said descriptions other than that the descriptions allegedly include the Director's or Department's version of the facts as they relate to the matters identified. Objectors deny the accuracy of the substantive allegations or information set forth with regard to the objectors' right.

18. IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW. (DRP-I, pages A-1 - B-25)

The objectors lack sufficient knowledge or information upon which to form a belief as to the truth of any matter averred in said recommended water rights other than those specific admissions contained in Questions 1 - 12 of the attached individual objection, and therefore deny the same.

DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36)

(DIRECTOR'S REPORT PART II)

I.

Objectors do not understand the allegations, averments or contents of Part II of the Director's Report for Reporting Area 3 (Basin 36) to pertain or relate to objectors or their claims, and do not believe any response is required. To the extent a response is required, objectors deny the same in its entirety.

DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36)

(DIRECTOR'S REPORT PART III)

I.

No report denominated as Part III of the Director's Report for Reporting Area 3 (Basin 36) has been filed, and accordingly objectors are unable to admit, deny or otherwise response to the same. Objectors do not understand that the contemplated subject matter of such Part III will relate or pertain to objectors or their claims, and no response is required in any case. To the extent any response is required, objectors deny the same in its entirety.

VIII.

AFFIRMATIVE DEFENSES

Pursuant to I.R.C.P. 8(c), objectors herewith state the following matters of affirmative defense or avoidance:

AFFIRMATIVE DEFENSE NO. 1

The objectors' water right is an incorporeal form of real property (as defined by Idaho Code Sections 7-703, 73-114, 55-101,

and like statutes) protected by Section 14, Article 1, of the Idaho Constitution, and the Fifth Amendment to the United States Constitution, and allege that the actions of the Director in recommending, limiting and/or regulating said rights is an unconstitutional infringement upon and a taking of private property, without just compensation and violation thereof.

AFFIRMATIVE DEFENSE NO. 2

The adjudication authorization legislation, I.C. Section 42-1401, et seq., on its face and as applied by the Director and the Department constitutes an improper delegation of constitutional power and authority conferred upon the executive, legislative and/or judicial branches of government and as such violate the provisions governing separation of powers set forth in Article 2, Section 1, Idaho Constitution.

AFFIRMATIVE DEFENSE NO. 3

The procedure set forth in the adjudication authorization legislation, statutes, I.C. Section 42-1401, et seq., and any rules, regulations, procedures, policies or standards promulgated by the Director and/or the Department, if any, are vague and so lacking in reasonable specificity so as to render them impossible of reasonable comprehension, or consistent and meaningful application.

AFFIRMATIVE DEFENSE NO. 4

The procedures, rules, regulations, policies or standards, if any, adopted, implemented and applied by the Department and/or the Director violate the equal protection and due

process clauses of the Fourteenth Amendment, United States Constitution, and Article 1, Sections 2 and 13, Idaho Constitution.

AFFIRMATIVE DEFENSE NO. 5

The adjudication authorization legislation, Idaho Code Section 42-1401, et seq., and the actions of the Director and Department in recommending, limiting and/or regulating the objectors' water right constitutes a violation of 42 U.S.C. Section 1983.

AFFIRMATIVE DEFENSE NO. 6

The water right owned by the objectors is the subject of valid existing decrees issued by the Director and Department, which decrees are binding upon the State of Idaho, the Department and the Director. As a result, the State of Idaho, the Department and the Director are precluded by the doctrines of res judicata, collateral estoppel, judicial estoppel and the like from relitigating or questioning the validity, existence or priority of such right, and/or from taking any position in the Director's Report, or otherwise, which is inconsistent with such decrees.

AFFIRMATIVE DEFENSE NO. 7

The Director's recommendations are contrary to decreed rights, historical use and extent licenses and permits issued by the Department. There has been no forfeiture nor abandonment of the objectors' water rights, nor have the objectors' water rights been prescriptively or adversely possessed, nor have such decrees been vacated or such licenses and permits revoked.

AFFIRMATIVE DEFENSE NO. 8

The Directors' Report fails to state a claim to the extent the same asserts a forfeiture, abandonment, prescriptive or adverse acquisition or loss, or loss resulting from estoppel, of the objectors' water right in the absence of any fact upon which forfeiture, abandonment, prescriptive or adverse acquisition for loss, or loss resulting from estoppel, may be based or asserted.

AFFIRMATIVE DEFENSE NO. 9

The objectors' water right is an incorporeal form of real property, as defined by Idaho Code Sections 7-703, 73-114, 55-101, and like statutes, and, as such, pursuant to Idaho Code Section 7-904, et. seq., the actions of the Director in attempting to limit, reduce and/or regulate such rights, and the assertion of some inconsistent proprietary ownership or right to use or control by the State of Idaho, constitutes an unauthorized and invalid taking of private property without the payment of just compensation, or compliance with statutory requirements, all in violation of Title 7, Chapter 7, Idaho Code.

AFFIRMATIVE DEFENSE NO. 10

The actions of the Director, the Department and their agents, servants and employees in recommending, limiting, reducing and/or regulating objector's water rights, either as alleged in the Director's Report or as in fact applied, violates objectors' rights as secured by Art. 1, Section 1; Art. 15, Sections 3, 4 and/or 5; and/or as otherwise provided in the Constitution of the State of Idaho.

AFFIRMATIVE DEFENSE NO. 11

The various allegations, statements and assertions contained in the Director's Report concerning the Department and/or the Director's position or intentions with regard to the adjudication, as well as the implementation of statutes and/or regulations, as well as the administration of water or management of water rights or claims to the beneficial uses of water, if implemented, constitute a violation of various provisions the United States and Idaho constitutions, and/or a violation of the letter, spirit and/or intent of various statutes enacted by the legislature, and/or constitute an exercise of purported authority or powers either in excess of those conferred by law, or in a manner inconsistent with those conferred by law, or both.

AFFIRMATIVE DEFENSE NO. 12

The individual recommendations relating to the specific water right of the objectors as set forth in the Director's Report are (1) not based upon substantial evidence and/or are not, in fact, the product of any reasonable, complete or accurate investigation as required by law; (2) are the product of arbitrary and capricious action on the part of the Department or the Director; (3) have been made in excess of the constitutional and statutory authority of the Department and the Director; (4) have been made upon an unlawful and invalid procedure; (5) are affected by various and sundry errors of law; and/or (6) are clearly erroneous in view of the reliable, probative and substantial evidence.

MICHAEL WEP

AFFIRMATIVE DEFENSE NO. 13

The Director's Report is a pleading subject to the provisions of the Idaho Rules of Civil Procedure, including, but not limited to the requirement of I.R.C.P. 8(a)(1) that such pleadings contain a clear and plain statement of the facts, demonstrating an entitlement to relief. The Director's Report violates such provision.

AFFIRMATIVE DEFENSE NO. 14

The Director's Report fails to state a claim upon which relief may be granted.

AFFIRMATIVE DEFENSE NO. 15

The Director's Report is subject to, and must comply with, the requirements of Idaho Code Section 42-1411. The Director's Report does not comply with the requirements of the statute.

AFFIRMATIVE DEFENSE NO. 16

In conducting the investigation and compiling the Director's Report, the Department and the Director have not complied with the requirements of Idaho Code Section 42-1410.

AFFIRMATIVE DEFENSE NO. 17

In conducting the investigation and compiling the Director's Report, the Department and the Director have not complied with the requirements of Idaho Code Section 42-1416.

AFFIRMATIVE DEFENSE NO. 18

The procedures specified in the authorizing legislation and procedural rules promulgated in accordance therewith serve to

deny objectors due process of law in violation of Amendment Fourteen to the Constitution of the United States and Art. 1, Section 13, Idaho Constitution.

AFFIRMATIVE DEFENSE NO. 19

The "General Provisions" and "Other Statements" contained in the Director's Report, along with the Claims Investigation Manual, Adjudication Memoranda and other materials of a similar nature used or employed by the Department, the Director and/or their agents, servants and/or employees constitute rules and regulations which were required to be proposed, promulgated, adopted and approved in conformity with the Administrative Procedures Act and other applicable statutory provisions. The Department, Director and their agents, servants and employees have failed to comply with such requirements, and accordingly, the "General Provisions," "Other Statements", Claims Investigation Manual and the like are invalid, void and of no force or effect.

AFFIRMATIVE DEFENSE NO. 20

Neither the "General Conditions," the Claims Adjudication Manual, Adjudication Memoranda or other promulgations, adoptions, policies, or the like have been submitted to or approved by the Legislature as required by Idaho Code Section 67-5217.

AFFIRMATIVE DEFENSE NO. 21

The relief requested by the Department and the Director in the Director's Report are beyond and in excess of the subject matter jurisdiction of the Court.

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AFFIRMATIVE DEFENSE NO. 22

The actions of the Legislature, or the Department and the Director to enact, adopt, implement or enforce statutes, regulations, rules or policies subsequent to November 19, 1987, and to apply or enforce the same for the purpose of, or with the effect of recommending, diminishing or altering objectors' water rights, constitute a violation of Amendment Fourteen, United States Constitution; Art. 1, Section 13, Idaho Constitution; the SRBA authorization legislation; and Idaho Code Sections 73-101 and 73-106.

AFFIRMATIVE DEFENSE NO. 23

These proceedings are subject to the requirements and provisions of Idaho Code Sections 12-117, 12-121, 12-123 and I.R.C.P. 11, and the provisions of the private attorney general doctrine, and other related doctrines, and the Department, Director and State of Idaho are obligated to objectors for the payment and reimbursement of any and all reasonable costs or attorney fees incurred herein.

AFFIRMATIVE DEFENSE NO. 24

The Director's Report asserts what amounts to be a taking of private property by power of eminent domain as governed by Idaho Code Section 7-701 et seq., and as such, venue is therefore improper.

AFFIRMATIVE DEFENSE NO. 25

The Department and the Director are equitably estopped from seeking any reduction in the quantity, quality or priority of

objectors' water rights by virtue of prior statements, representations and actions of the Department, Director or their agents, servants and employees.

AFFIRMATIVE DEFENSE NO. 26

The Department and the Director are barred by laches and the applicable statutes of limitation, including, but not limited to, Idaho Code Sections 5-202, 5-203, 5-204, 5-206, 5-207, 5-208, 5-215, 5-218, 5-219(2), 5-224 and/or 5-241.

AFFIRMATIVE DEFENSE NO. 27

Objectors hereby reserve the right to assert any further affirmative defenses not expressly stated herein, but which subsequently become apparent.

WHEREFORE, the objectors pray for judgment as follows:

1. That the State of Idaho take nothing by reason of its Directors' Report, and that this action, and any claims asserted against objectors, be dismissed.

2. That a decree be entered adjudicating the existence, validity, amount and priority of objectors' water rights in accordance with objectors' claims.

3. That to the extent the acts of the Department or Director constitute a taking of objectors' property for public use, that objectors be allowed and awarded just compensation therefor.

4. That the objectors be allowed all costs of suit and reasonable attorney fees incurred herein.

5. For such further relief to which the Court finds objectors justly entitled.

(WATER\21530ANS)

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Big Springs Water users



Family Cancer Plan Insurance Company in Texas
Home Office: Columbus, Georgia 31999

GEORGE H. LEMMON
1050 E. 2727 SOUTH
HAGERMAN, ID 83332

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JAN 08 1993
Department of Water Resources
Southern Region Office

SO15276



Dept. of Water Resources
222 Shoshone St. E
Twin Falls, Id 83301

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.

in case follow-up is needed.

LAND AND WATER FUND OF ROCKIES

CINDY 04-16-93 1:55 PM BOISE, ID.

2. SUBJECT OF INQUIRY:

36-00022

BIG SPRINGS WATER USERS

send cc of decr

3. RESPONSE TO INQUIRY:

sent - FAX - caption sheet of decr
description of -00022 in decr

per TCW to confirm decr
w/hm

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

F. Hitchcock 04-16-1993
F. Hitchcock (FH)
36-00022

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JUN 11 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

23-Dec-1992

GEORGE LEMMON
BIG SPRINGS WATER USERS ASSN
PO BOX 218
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00022, 36-00023, 36-15166

Dear Mr. Lemmon:

Please find enclosed the copies of documents you recently requested contained in the above referenced SRBA file(s) as of this date. Please note that copies of orthophoto quad maps or NAPP photography or aerial slides which may have been used in the review of your claim(s) have not been included since they are not easily reproduced. These items are however available for your review at our office. Please also note that in some situations some water rights may have other associated files which contain privileged information between IDWR staff and our legal council which has not been copied.

Please remit the following for the cost of the copies and postage:

\$14.87

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

*paid 1-8-93
receipt # 5015270*

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JUN 11 2004

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

George Lemmon

Big Spring Water Users Assn.
PO Box 2180
Hagerman TX 83332

2. SUBJECT OF INQUIRY:

Mr. Lemmon stopped by the office around
4:45 p.m. on 12/21 wanting copies of his adjudication
files. He agreed I would make the copies and just
mail them to him.

3. RESPONSE TO INQUIRY:

I offered to make the copies and
mail them to him.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

Jeanie Robertson 12/21/92
Jeanie Robertson

36-00022, 36-00023, 36-15156

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MEMORANDUM TO: ^{per} Norm, Dave S.
FROM : R. Keith Higginson *RKH*
DATE : December 14, 1992
SUBJECT : Basin 36 Report

I had a conversation with George Lemon at the IWUA Seminar on Saturday. He expressed concern over our recommendation on the Hagerman City portion of some irrigation ditch water right. I couldn't make heads or tails of our conversation but I promised him I would look into the matter.

Please have someone give me a status report.

12-15-92 -

I reviewed the claim file 36-00022 in the name of Big Springs Water Users Assn. The diversion rate for the Village of Hagerman was based on 93 shares, equivalent to 102 cfs per share (1.86 cfs.).

The total diversion rate recommended (11.24 cfs) is based on a measurement of the Big Springs pipeline made on 8-10-90 (copy attached).

Helen Harrington-Thornton
12-15-92

A36-15166

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OCT 11 1991
JUN 11 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

MODE SELECT
INPUT
OUTER DIAMETER
30.1756 IN
PIPE MATERIAL
? CS, SS
WALL THICKNESS
0.2140 IN
INNER LINING
? NO LING.
KIND OF FLUID
? WATER
SENSOR MOUNTING
? Z
TYPE OF SENSOR
? SMALL
DATA CHANGE
? NO
SPACING
12.253 IN Z
ZERO MODE
CLEAR
ZERO MODE
AUT ZERO
ZERO MODE
ZERO OPR
08-10 08:2600 *R
+002.60 % AI2
MODE SELECT
T0 CHECK
0558.4 MMSEC
100.46 % T0
08-10 08:2700 *R
+504.568E 1GPM

Big Springs Water Users

Big Springs
Pipeline.

8-10-90 by SCC/HHT

pipe was full and had
a spill overflow at
the top of the collection
Box.

= 5045.68 GPM

= 11.24 cfs

BIG SPRINGS WATER USER'S

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OCT 11 1994
SCANNED
JUN 14 2001

Water Right Number - R36-00022

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***

COMBINED RIGHT

1 -
2 -
3 -

City- X

Phone - 208-000-0000

VERIFIED BY

State- ID Zip- 0

*** O - ORIGINAL OWNER ***

BIG SPRING WATER USERS ASSN.

1 - P.O. BOX 218

2 -
3 -

City- HAGERMAN

Phone - 208-837-4806

State- ID Zip- 83332

+ - - Priority Date - - +
03/21/1901+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +

+ - - Status - - - +
Z - SEE REMARKS+ - - Source - - - - +
BIG SPRINGS
COMBINED RIGHT+ - - Tributary - - - - +
BILLINGSLEY CREEK+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 14E 18 SW NW 2 (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume01 - IRRIGATION 03/15 11/15 12.900
40 - MUNICIPAL 01/01 12/31 12.900+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
12.900 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

07S	13E	13	SW SW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SE SW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SW SE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SE SE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SE SE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	23	NE NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	23	NW NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	24	NE NE		16.0	01	IRRIGATION	(47) GOODING
07S	13E	24	NW NE		20.0	01	IRRIGATION	(47) GOODING
07S	13E	24	SW NE		20.0	01	IRRIGATION	(47) GOODING
07S	13E	24	SE NE		20.0	01	IRRIGATION	(47) GOODING
07S	13E	24	NE NW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	24	NW NW		40.0	01	IRRIGATION	(47) GOODING

"DO NOT FILM"

SCANNED
JUN 14 2004

Water right number - R36-00022

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	24	SW NW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	24	SE NW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	24	NE SW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	24	NE SE		20.0	01	IRRIGATION	(47) GOODING
07S	13E	24	NW SE		20.0	01	IRRIGATION	(47) GOODING
07S	14E	19	NE SW		2.0	01	IRRIGATION	(47) GOODING
07S	14E	19	NW SW		2.0	01	IRRIGATION	(47) GOODING
07S	14E	19	SW SW		2.0	01	IRRIGATION	(47) GOODING
07S	13E	13	NE SW			19	FISH PROPAGATION	(47) GOODING
07S	13E	13	SW SW			19	FISH PROPAGATION	(47) GOODING
07S	13E	24	NE SW			19	FISH PROPAGATION	(47) GOODING
07S	13E	24	SE SE			19	FISH PROPAGATION	(47) GOODING
07S	13E	13	NE SW			43	DOMESTIC	(47) GOODING
07S	13E	13	NE SE			43	DOMESTIC	(47) GOODING
07S	13E	13	NW SE			43	DOMESTIC	(47) GOODING
07S	13E	14	SW NE			43	DOMESTIC	(47) GOODING
07S	13E	14	SE NW			43	DOMESTIC	(47) GOODING
07S	13E	14	NE SW			43	DOMESTIC	(47) GOODING
07S	13E	14	NW SE			43	DOMESTIC	(47) GOODING
07S	13E	14	SW SE			43	DOMESTIC	(47) GOODING
07S	13E	23	SW NE			43	DOMESTIC	(47) GOODING
07S	13E	23	SE NE			43	DOMESTIC	(47) GOODING
07S	13E	23	NE NW			43	DOMESTIC	(47) GOODING
07S	13E	23	SE NW			43	DOMESTIC	(47) GOODING
07S	13E	24	SW SW			43	DOMESTIC	(47) GOODING
07S	13E	24	SW SE			43	DOMESTIC	(47) GOODING

Total Acres: 602.0

+ - - Diversion Means - VIA DURFEE-SECOR TUNNEL

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - USES ALSO SUPPLIED WATER FROM OTHER SOURCES (SEE REMARKS)

+ - - - - - Remarks - - - - -
SEE NO. 36-15166+ - - - - - Old Water Right Numbers - - - - -
A3600022+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - +
NEW INTERNATIONAL MORTGAGE BANK+ - - - - Decree Defendant - - - +
IDAHO POWER COMPANY+ - Decree Date - +
00/00/0000SCANNED
JUN 11 2009

"DO NOT FILE"

Water right number - R36-00022

Prefix Translation: RESEARCH

+ - - - - - Comments - - - - - +
Date: 04/20/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS
INCLUDES DOMESTIC USES IN THE CITY OF HAGERMAN.
WATER INTERMINGLED WITH CARRAN DITCH, WEATHERBY SPRINGS, POTTER
DOMESTIC, AND SOME FISH PROPAGATION USES.
36-00022 3/21/1901 12.90 CFS

THE STOCKWATER USES ARE INCIDENTAL TO THE IRRIG. & DOMESTIC USES.
IN THE BIG SPRINGS WATER USERS ASSN., A CORPORATION ORGANIZED
INTENT OF THIS CLAIM TO ASSERT THE RIGHT FOR ANY AND ALL PRESENT
WILL IN THE FUTURE BENEFICIALLY USE.
IDWR NOTE
A36-15166 TO SHOW THE COMBINED RIGHT STATUS OF THIS CLAIM. THIS
36-00022 WATER RIGHT. POU AND REMARKS ARE UNCHANGED FROM CLAIM.
P/D GIVEN INCORRECTLY IN DECREE AS NWSW S18 T7S R14E.
SPRING, SHERMAN SPRING AND HAGERMAN WATER USERS ON SOME IRRIG,
THIS CLAIM IS BASED ON A COMBINATION OF DECREES AS FOLLOWS:
36-00023 4/01/1911 5.00 CFS
TOTAL 17.90 CFS
THE PLACES OF USE DESCRIBED ARE OWNED BY THE VARIOUS STOCKHOLDERS
UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF IDAHO. IT IS THE
AND FUTURE USES TO THE 17.9 CFS TO WHICH THE STOCKHOLDERS HAVE OR
THIS CLAIM FOR BIG SPRINGS WATER USERS ASSN. HAS BEEN RENUMBERED
RECORD HAS BEEN REVISED IN SOME AREAS TO REPRESENT THE ORIGINAL

+ - - Audit Fields - - +

04/20/92 CHRISTEN

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 04/20/1992	Old Judicial District	-
Claim Received Date	- 08/22/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 36A
		POU Ownership Flag	- N	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

"DO NOT FILM"

SCANNED
JUN 11 2009

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - A36-00022

Adj. Flag Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
COMBINED RIGHT

1 -
2 -
3 -
City- X State- ID Zip- 0
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
BIG SPRING WATER USERS ASSN.

1 - P.O. BOX 218
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-4806

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
03/21/1901 17 Error in Region Z - SEE REMARKS

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
BIG SPRINGS BILLINGSLEY CREEK

+ - - COMBINED RIGHT - - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County (Blank if no Index Code)
07S 14E 18 SW NW 2 (47) GOODING

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	12.900	
40 - MUNICIPAL		01/01	12/31	12.900	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
12.900

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	13	SW SW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SE SW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SW SE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	13	SE SE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	14	SE SE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	23	NE NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	23	NW NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	24	NE NE		16.0	01	IRRIGATION	(47) GOODING
07S	13E	24	NW NE		20.0	01	IRRIGATION	(47) GOODING
07S	13E	24	SW NE		20.0	01	IRRIGATION	(47) GOODING
07S	13E	24	SE NE		20.0	01	IRRIGATION	(47) GOODING
07S	13E	24	NE NW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	24	NW NW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	24	SW NW		40.0	01	IRRIGATION	(47) GOODING

"DO NOT FILM"

SCANNED
JUN 17 2009

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - A36-00022

Adj. flag translation: ADJUDICATION CLAIM

+	Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County	+
	07S	13E	24	SE NW		40.0	01	IRRIGATION	(47)	GOODING
	07S	13E	24	NE SW		40.0	01	IRRIGATION	(47)	GOODING
	07S	13E	24	NE SE		20.0	01	IRRIGATION	(47)	GOODING
	07S	13E	24	NW SE		20.0	01	IRRIGATION	(47)	GOODING
	07S	14E	19	NE SW		2.0	01	IRRIGATION	(47)	GOODING
	07S	14E	19	NW SW		2.0	01	IRRIGATION	(47)	GOODING
	07S	14E	19	SW SW		2.0	01	IRRIGATION	(47)	GOODING
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	07S	13E	13	SW SW			19	FISH PROPAGATION	(47)	GOODING
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	07S	13E	13	NE SW			43	DOMESTIC	(47)	GOODING
	07S	13E	13	NE SE			43	DOMESTIC	(47)	GOODING
	07S	13E	13	NW SE			43	DOMESTIC	(47)	GOODING
	07S	13E	14	SW NE			43	DOMESTIC	(47)	GOODING
	07S	13E	14	SE NW			43	DOMESTIC	(47)	GOODING
	07S	13E	14	NE SW			43	DOMESTIC	(47)	GOODING
	07S	13E	14	NW SE			43	DOMESTIC	(47)	GOODING
	07S	13E	14	SW SE			43	DOMESTIC	(47)	GOODING
	07S	13E	23	SW NE			43	DOMESTIC	(47)	GOODING
	07S	13E	23	SE NE			43	DOMESTIC	(47)	GOODING
	07S	13E	23	NE NW			43	DOMESTIC	(47)	GOODING
	07S	13E	23	SE NW			43	DOMESTIC	(47)	GOODING
	07S	13E	24	SW SW			43	DOMESTIC	(47)	GOODING
	07S	13E	24	SW SE			43	DOMESTIC	(47)	GOODING

Total Acres: 602.0

+ - - Diversion Means - VIA DURFEE-SECOR TUNNEL

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - USES ALSO SUPPLIED WATER FROM OTHER SOURCES (SEE REMARKS)

+ - - - - - Remarks - - - - -

INCLUDES DOMESTIC USES IN THE CITY OF HAGERMAN.
P/D GIVEN INCORRECTLY IN DECREE AS NWSW S18 T7S R14E.
WATER INTERMINGLED WITH CARRAN DITCH, WEATHERBY SPRINGS, POTTER
SPRING, SHERMAN SPRING AND HAGERMAN WATER USERS ON SOME IRRIG,
DOMESTIC, AND SOME FISH PROPAGATION USES.
THIS CLAIM IS BASED ON A COMBINATION OF DECREES AS FOLLOWS:

36-00022	3/21/1901	12.90 CFS
36-00023	4/01/1911	5.00 CFS
TOTAL		17.90 CFS

THE STOCKWATER USES ARE INCIDENTAL TO THE IRRIG. & DOMESTIC USES.
THE PLACES OF USE DESCRIBED ARE OWNED BY THE VARIOUS STOCKHOLDERS
IN THE BIG SPRINGS WATER USERS ASSN., A CORPORATION ORGANIZED

DO NOT FILM

SCANNED
JUN 11 2009

SCANNED
JUN 11 2009

MEMORANDUM

TO: Big Spring Water Meas. File
SRBA File 36-00022 & 36-00023

FROM: Tim Luke

DATE: 5/16/1996

RE: Big Spring Measurements

RECEIVED

MAY 20 1996

Department of Water Resources
Southern Region

On 5/15/96, I made a polysonic meter measurement of the Big Spring pipeline with watermaster George Lemmon. The measurement location was on the pipe just west of Billingsley Creek. The polysonic meter measurement was 13.53 cfs. George Lemmon also measured the pipe in the same location using his portable pitot gage. George's instrument registered a velocity of about 2.4 to 2.5 feet per second (fps), as compared with an average velocity of 2.73 fps using the polysonic meter. Using George's velocity measurements, discharge ranged from about 11.9 to 12.4 cfs, about a -9 to -11 percent difference with the polysonic meter. George had suspected that his measurements may have been a little low because his meter does not insert far enough into this large diameter pipe.

On April 16, 1995, Scott King and I measured the Big Spring pipe just east of Billingsley Creek using the same polysonic meter and obtained a discharge of 10.96 cfs (11.0 cfs). Our measurement was made at about 5:00 p.m. George had made a measurement on the pipe the same day, but earlier in the morning. George said he obtained a measurement of about 9 cfs. George mentioned that pipe flow can vary throughout the day as a result of the City of Hagerman's use at its pumping plant and water tank facility. He said the City's Big Spring lateral mainline and pump diverts water only at certain times of the day, usually in the mornings.

Based on the comparison between IDWR and George Lemmon's measurements on 5/15/96, I have decided to adjust the estimate of total volume that will be reported by IDWR for 1995. The calculated volume based on the flows submitted by Lemmon will be adjusted by a calibration multiplier of 1.10, which is a +9 percent adjustment.

SCANNED
JUN 11 2009



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

JANUARY 18, 1991

BIG SPRING WATER USER'S ASSN.
P O BOX 218
HAGERMAN, ID 83332

RE: CHANGE OF NUMBER A36-15166

DEAR SIRs,

PLEASE FIND ENCLOSED A COPY OF YOUR ADJUDICATION CLAIM PREVIOUSLY
NUMBERED A36-00022. SINCE THIS CLAIM CONSISTS OF COMBINED WATER
RIGHTS YOUR CLAIM HAS BEEN RE-NUMBERED A36-15166 TO MORE
ACCURATELY DESCRIBE YOUR WATER RIGHT. NO CHANGES HAVE BEEN MADE
TO THE INFORMATION YOU SUPPLIED IN YOUR ORIGINAL CLAIM.
IF YOU HAVE ANY QUESTIONS PLEASE CONTACT ME AT OUR OFFICE.

SINCERELY,

A handwritten signature in black ink, appearing to read 'Steve Clelland'.

STEVE CLELLAND
WATER RESOURCE AGENT

SC:sc
ENC:

SCANNED
JUN 10 2009