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MAR 12 2012

DEPARTMENT OF
WATER RESOURCES

Albert and Alvera Fols

PO Box 56

Carmen, ID 83462

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

In Re: SRBA) **SUBCASE NUMBER: 75-14724**
) **OPPOSITION IN RESPONSE TO MOTION TO**
Case No. 39576) **FILE LATE NOTICE OF CLAIM**
_____)

COMES NOW, by and through themselves, Albert and Alvera Fols as OPPOSITION IN RESPONSE TO MOTION TO FILE LATE NOTICE OF CLAIM FOR SUBCASE NUMBER: 75-14724 filed by James Paul Hudson and hereby moves that the Court DENY the MOTION TO FILE LATE NOTICE OF CLAIM FOR SUBCASE NUMBER: 75-14724 on the basis that Mr. Hudson has not met the criteria of I.R.C.P. 55(c) and the Water Right will NOT have a BENEFICIAL USE.

INTRODUCTION

On January 17, 2012 this Court filed a STANDARD FORM 4 (SF4) for Subcase 75-14724 (ATTACHMENT A). The motion was filed by James Paul Hudson (The Claimant) for a late claim; in addition to a NOTICE OF CLAIM TO A WATER RIGHT (ATTACHMENT B). In the NOTICE OF CLAIM TO A WATER RIGHT, the Claimant seeks 0.224cfs of Carmen Creek water, a tributary to the Salmon River, with a Place of Diversion (Hudson POD) in Township 22N, Range 22E, Section 02, Government Lot 4, County of Lemhi (described more accurately as: T22N, T22E, SEC 02, SENWNW [Lot 4], County of Lemhi); with a priority date of May 1, 1915.

The MOTION TO FILE LATE NOTICE OF CLAIM **must be denied** for the following reasons:

- 1) Primarily, the Idaho Department of Water Resources (IDWR) has determined that there is **NO** beneficial use of Carmen Creek Water in excess of 0.04 cubic feet per second per acre of irrigated land in Water District 75D (Per Acre Cap).
- 2) The IDWR has NOT routinely “stacked” irrigation water rights on top of other Carmen Creek water rights, or surface water rights that are tributary to Carmen Creek, in addition to water rights that already total the Per Acre Cap.
- 3) The Claimant has NOT supplied this Court or IDWR any documentation or legal basis for Subcase 75-14724. The Claimant has not “shown cause” to meet the criteria of I.R.C.P. Rule 55(c).
- 4) The Claimant made erroneous and/or inaccurate statements in his statement “ATTACHMENT FOR MOTION TO FILE A LATE NOTICE OF CLAIM”; attached to his SF4.
- 5) The quantity of irrigation water in The Claimant’s NOTICE OF CLAIM TO A WATER RIGHT, in addition to The Claimant’s decreed water rights, would **further** exceed the Per Acre Cap. The Claimant should be required to file pleadings for subcases 75-10079 and 75-10080 because the two Water Rights will necessarily be affected by The Claimant’s NOTICE OF CLAIM TO A WATER RIGHT (SRBA), AO1 3(j).

BACKGROUND

Some of The Claimant’s water rights already decreed are not what he describes in “ATTACHMENT FOR MOTION TO FILE A LATE NOTICE OF CLAIM” (copy with line numbers added is attached as ATTACHMENT C) attached to his SF4; and the adjudication history of water rights 75-10079 and 75-10080 is different than inferred in The Claimant’s statement. The Claimant states, “Initially, under now decreed water rights 75-10079 (waste water) and 75-10080 (springs), I received one (1) inch/acre for each of my two (2) non-Carmen Creek water rights...”(ATTACHMENT C, lines 1 and 2). Decreed water rights 75-10079 and 75-10080 are **not** “non”-Carmen Creek water rights. Both are now decreed as **tributaries to Carmen Creek** (Decrees for 75-10079 and 75-10080 attached as ATTACHMENT D).

NOTICE OF CLAIM TO A WATER RIGHT DOES NOT HAVE BENEFICIAL USE

IDWR has persistently recommended a **maximum** diverted total combined quantity of surface irrigation water of 0.04cfs, two miner inches, of Carmen Creek water and its tributaries per irrigated acre (Per Acre Cap). IDWR's justification for the Per Acre Cap is that per acre diversion rates greater in quantity has no beneficial use. The Claimant readily admits, "He (Mr. Baxter¹) informed me that a two (2) inch/acre diversion rate cap had been applied to all Carmen Creek drainage water users, regardless of the source, e.g. Carmen Creek water, springs, waste water, etc." (see ATTACHMENT C, lines 11-13)

Furthermore, when "high water"² rights are recommended by IDWR the "high water" rights are limited to a quantity of water to **only fulfill** the Per Acre Cap for the irrigated acreage held by the landowner. Additional quantities of water or water rights are **not** stacked on top of the allowed Per Acre Cap.

The Claimant is currently decreed³ a total quantity of water that is 0.686cfs or 0.0613cfs (3.06 inches) per acre for his 11.2 irrigated acres.

NO DOCUMENTATION

The Claimant has NOT provided ANY "legal and factual documentation" with his SF4 and the information provided by The Claimant is NOT "well-grounded in fact: is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law..."

¹ Mr. Baxter is legal counsel for IDWR ("Mr. Baxter" added to quote)

² Mr. Hudson references "high water" in ATTACHMENT C, line 14

³ James Paul Hudson decreed irrigation water rights: 75-69B, 75-70B, 75-10061B, 75-10062C, 75-10079, and 75-10080 (Copies attached as ATTACHMENT E)

Legal and factual documents do exist for **denying** the water right requested by The Claimant. The Claimant should be aware that some of the documents exist since the documents were included with the 400 plus⁴ pages submitted to IDWR by The Claimant through Hyrum Erickson, Esq.⁵ (Legal Counsel for The Claimant at the time the documents were delivered to IDWR⁶). The documents were to be considered for a pending SUPPLEMENTAL DIRECTOR'S REPORT REGARDING SUBCASE NOS. 75-69A, et al (Thomas Palmer exchange water) and submitted to IDWR on or before June 2009 (Date of Hyrum Erickson, Esq. Letter; ATTACHMENT F).

Included in the documents submitted by The Claimant was the "License and Certificate of Water Right" for Water Right 75-2126 (Slavin License⁷). The POD for the Slavin License is the same point of diversion as the Hudson POD and was constructed to prove up Desert Land Entry, Serial No. Idaho 05648. The priority date for the Slavin License is February 21, 1955. The Claimant has NOT produced any documentation to prove a POD priority date of 1915 as claimed in The Claimant's NOTICE OF CLAIM TO A WATER RIGHT (ATTACHMENT B).

**THERE IS DOCUMENTATION TO SHOW THAT THE "HUDSON POD" WAS
ABANDONED AND FORFEITED PRIOR TO NOVEMBER, 1987**

In an October 15, 2009 letter written by Dave McFarland (former Watermaster of District 75D from 1981 through 1988) he states, "I have been told that there is another diversion to the Parmenter Subdivision serving claims of Hudson et al on the north side of the Creek. During the time of these records that diversion was abandoned and there are no references to it that I noticed in the records." (ATTACHMENT I, Paragraph 4; the attachment also includes the enclosures referenced in Mr. McFarland's letter)

⁴ All 400 plus pages are not produced for the Court due to the enormity. Mr. Hudson and IDWR should have all copies.

⁵ See ATTACHMENT F

⁶ See ATTACHMENT G

⁷ See ATTACHMENT H

Also, a map generated by Idaho Department of Fish and Game (ATTACHMENT J) was provided to Albert Fols during the adjudication of the exchange water rights. It clearly indicates Idaho Department of Fish and Game recognized that **no** PODs existed at the location of the Hudson POD, when the map was produced. It should also be noted that The Claimant is aware of maps indicating the same information. The Claimant submitted a map (ATTACHMENT K), source and date not identified, with the 400+ pages delivered to IDWR by Hyrum Erickson, Esq. as described previously.

ERRONEOUS STATEMENTS IN JAMES PAUL HUDSON'S "ATTACHMENT FOR MOTION TO FILE A LATE NOTICE OF CLAIM"

In James Paul Hudson's "ATTACHMENT FOR MOTION TO FILE A LATE NOTICE OF CLAIM" (ATTACHMENT C), The Claimant offers reasons why The Claimant seeks this MOTION TO FILE A LATE NOTICE OF CLAIM, but **no** evidence or documents to substantiate the "narrative".

The Claimant states, "Although I have historically utilized "high water" early in the irrigation season..."(ATTACHMENT C, Lines 13 and 14), without offering documentation and in contradiction to Mr. McFarland's October 15, 2009 letter (ATTACHMENT J, Paragraph 4). The Claimant purchased his property, May 1982 (Warranty Deed attached as ATTACHMENT L). Without the POD claimed by The Claimant available for more than five (5) consecutive years prior to 1987, historical use can **not** be established.

The Claimant states, "The combination of the unexpected diversion rate cap, the reduction of the IDWR's recommended water rights from Carmen Creek for my property and recent changes in irrigation practices and increased speculation concerning the subdivision of ranch land which is the source of my waste water, has required me to change my mind." (ATTACHMENT C, Lines 17-21)

The Claimant offers **no** explanation or evidence of “recent changes in irrigation practices”. The only “recent changes in irrigation practices” presently known that would affect Mr. Hudson’s water delivery would be the effect of last year’s Interim Administration Order (Interim Administration) by this Court for Subcase No.:00-92021-75D (ATTACHMENT M).

Decreed Water Right No.75-62, priority date May 2, 1882, (ATTACHMENT N) that is the primary source of The Claimant’s waste water (ATTACHMENT D, 75-10079) and the Water Right impacted by Interim Administration belongs to Carmen Land & Livestock (McFarland Family, warranty deed attached as ATTACHMENT O). Among the 400+ pages of documents provided to IDWR in June 2009 by Hyrum Erickson, Esq. as previously described, The Claimant advocated that the Carmen Land & Livestock 1882 Water Right (ATTACHMENT N) delivery should be more strictly administered. In the a document *Combination of 82 and 75 Water as “Matter of Practicality”*, The Claimant, amongst other items, queries; “The question is, how is this hybrid 82 calculated?...Does it include the May 2, 82 right too...” (ATTACHMENT P, Paragraph 5). The Claimant’s concern was heard by IDWR and Water District 75D was instructed to cut Water Right 75-62 before Exchange Water Rights with May 1, 1882 priority dates are curtailed. It is disingenuous that The Claimant would now use “recent changes in irrigation practices” as a reason that his waste water has been diminished after he advocated for a reduction of the decreed water that is the source of his waste water.

The Claimant further states, “...increased speculation concerning the subdivision of ranch land which is the source of my waste water...”(ATTACHMENT C, Lines 19-20); then offers no evidence or documentation concerning subdivision of “ranch land”. In a letter from the Prosecuting Attorney, Lemhi County, November 29, 1984 (ATTACHMENT Q, Paragraph 4) “He (The Claimant) points out that a public roadway through the subdivision would allow other subdividers....to use the road for access...” The statement indicates that The Claimant has been concerned that the “ranch land” may

be subdivided since, at least, November 1984. The Claimant has offered no recent documentation or evidence of “increased speculation”.

MULTIPLE AFFECTED SUBCASES WILL REQUIRE ADDITIONAL PLEADINGS

Procedures in the SRBA, AO1 3(j), require The Claimant to file pleadings for subcases 75-10079 and 75-10080. Mr. Hudson’s MOTION TO FILE LATE NOTICE OF CLAIM FOR SUBCASE NUMBER: 75-14724 demonstrates that subcases 75-10079 and 75-10080 will be affected because of the admitted Per Acre Cap for diverted Carmen Creek water has already been exceeded by The Claimant’s Decreed Water Rights; and The Claimant is seeking an additional 0.224cfs of irrigation water in his MOTION TO FILE LATE NOTICE OF CLAIM FOR SUBCASE NUMBER: 75-14724. The Claimant has ostensibly involved subcases 75-10079 and 75-10080 without filing the required pleadings.

Enforcing the Procedures in the SRBA (AO1, 3(j) “**Multiple Subcases-** When filing a pleading affecting multiple subcases, the filing party shall provide the court a copy of the pleading for each subcase affected.”) would effectively eliminate the necessity of limiting language on one Water Right that affects another Water Right.

If the Court does not deny MOTION TO FILE LATE NOTICE OF CLAIM FOR SUBCASE NUMBER: 75-14724, then the Court must require The Claimant to file pleadings to set aside Partial Decrees for subcases 75-10079 and 75-10080. The combined pleadings for subcases 75-10079, 75-10080, and 75-14724 would allow all parties and the Court to determine which Water Rights and quantities therein diverted would be appropriate for allowing the claimant the most beneficial use allowed by the 0.04cfs rate cap per acre, as defined by IDWR.

The Opposition requests that the Court also require The Claimant to serve the The Opposition **Notice of Motion** for any current or future litigation involving the overlapping Water **Right No's: 75-10079 and 75-10080**.

ARGUMENTMENTS TO DENY MOTION TO FILE LATE NOTICE OF CLAIM

- 1) James Paul Hudson's MOTION TO FILE LATE NOTICE OF CLAIM must be denied, unless pleadings for subcases 75-10079 and 75-10080 to set aside Partial Decrees are filed by The Claimant, because his irrigated land already has decreed rights that exceed the beneficial use quantity in Water District 75D, as determined by IDWR. All of The Claimant's presently decreed Water Rights are Carmen Creek or tributary to Carmen Creek Water Rights.
 - a) The Claimant has ostensibly admitted that the IDWR has a Per Acre Cap of .04cfs and that he has already Decreed Water Rights that exceed that quantity of diverted water, "I was now limited to two (2) inches/acre for all sources. I contacted Mr. Baxter, who agreed to research the issue. Several months passed before Mr. Baxter contacted me. He informed me that a two (2) inch/acre diversion rate cap had been applied to all Carmen Creek drainage water users,...(ATTACHMENT C, Lines 9-12).
- 2) This Court may find that The Claimant could share a legitimate concern of losing his Waste Water, as many users of Waste Water worry because the original diverter of the Water is not required to supply any future Waste Water to the beneficiary of such water. But, in this situation, The Claimant has Decreed Water Rights: 75-69B, 75-70B, 75-10061B, 75-10062C, and 75-10080 (Decrees attached in ATTACHMENT E) that have a combined total diversion rate of 0.462cfs or 0.041cfs per acre without Water Right 75-10079 (waste water); which is a still a greater per acre rate of diversion than the Per Acre Cap.

- 3) The Claimant is required to show good cause in I.R.C.P. Rule 55(c)⁸ for the Court to set aside an entry of default, and the alleged Water Right in The Claimant's motion was lost by default (No Court has ruled on the non-claimed Water Right). The Claimant's MOTION TO FILE LATE NOTICE OF CLAIM FOR SUBCASE NUMBER: 75-14724 was wholly deficient in "legal and factual documentation". Instead, legal and factual documentation are presented by the OPPOSITION TO MOTION TO FILE LATE NOTICE OF CLAIM (The Opposition). The Opposition has supplied the Court copies of:
- a) The Claimant's Decreed Water Rights 75-10079 and 75-10080 to contradict The Claimant's statement that the two Water Rights are "my two (2) **non-Carmen Creek water rights...**"(emphasis added)
 - b) Watermaster records on file with IDWR⁹ and a signed letter by a former Watermaster that show the POD in The Claimant's NOTICE OF CLAIM TO A WATER RIGHT did not exist from, at least, 1976-1988.
 - c) All of The Claimant's Decreed Irrigation Water Rights that show The Claimant has already been decreed a greater quantity of irrigation water than is considered a beneficial use in Water District 75D, by IDWR; even if The Claimant were to lose his Waste Water.
 - d) A letter from the Prosecuting Attorney, Lemhi County, November 29, 1984 indicating The Claimant's "...increased speculation concerning the subdivision of ranch land which is the source of my waste water..." concerns began more than twenty-seven (27) years ago and there is no **recent** documentation to substantiate the concern.
 - e) A document offered to IDWR by The Claimant advocating a more strict administration of the Decreed Water Right that was and is a major source of The Claimant's waste water, negating The Claimant's complaint that

⁸ I.R.C.P. Rule 55(c) states, in part, "For good cause shown the court may set aside an entry of default..."

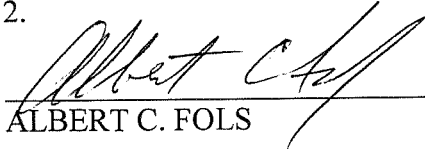
⁹ ATTACHMENT J is legible copies of the Watermaster Records enclosed with former Watermaster McFarland's letter and the same as those less legible on microfiche file at IDWR.

"recent changes in irrigation practices" may affect The Claimant's quantity of waste water.

SUMMARY

Primarily, The Opposition's arguments (1) and (2) conclusively showed that The Claimant has not shown good cause for this MOTION TO FILE LATE NOTICE OF CLAIM, therefore must be denied. And The Opposition's argument (3) is sufficient to show The Claimant's MOTION TO FILE LATE NOTICE OF CLAIM is NOT "well-grounded in fact" and **would** "needlessly increase the cost of litigation."

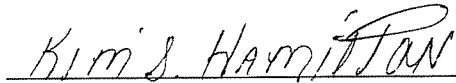
DATED this 2ND day of March, 2012.

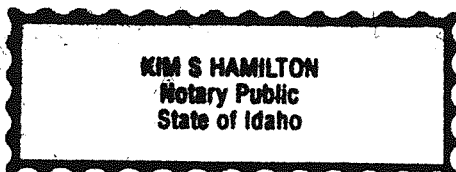

ALBERT C. FOLS

STATE OF IDAHO)
) ss.
County of Lemhi)

On this 2 day of March, 2012, before me, a Notary Public for said County and State, personally appeared ALBERT C. FOLS, known or identified to me the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same

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





NOTARY PUBLIC FOR IDAHO
Residing at: SALMON, IDAHO
My commission expires: 11/05/2014

DATED this 2nd day of March, 2012.

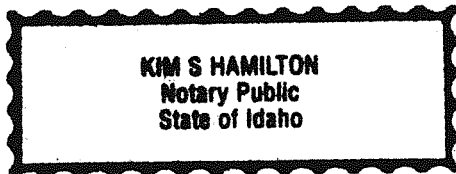
Alvera C Fols
ALVERA C. FOLS

STATE OF IDAHO)
) ss.
County of Lemhi)

On this 2nd day of March, 2012, before me, a Notary Public for said County and State, personally appeared ALVERA C. FOLS, known or identified to me the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same

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

Kim S. Hamilton



NOTARY PUBLIC FOR IDAHO
Residing at: SALMON, IDAHO
My commission expires: 11/05/2014

RECEIVED

MAR 12 2012

DEPARTMENT OF
WATER RESOURCES

CERTIFICATE OF MAILING

I certify that on MARCH 9, 2012, I served the original and copies of the foregoing document to the following persons as indicated:

Original, U.S. Mail, postage prepaid to:

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

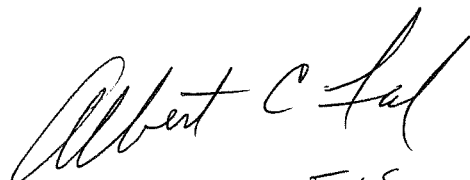
Copies, U.S. Mail, postage prepaid to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

U.S. Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, Idaho 83724

James Paul Hudson
PO Box 173
Carmen, ID 83462


ALBERT C. FOLS

ATTACHMENT A

674

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 17 2012	
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 SRBA

Subcase 75-14724
(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it 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 is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is JAMES PAUL HUDSON

My address is P.O. BOX 173
CARMEN, ID 83462

My phone number is: Work 208-256-5233 Home 208-256-3193

I am an attorney representing N/A

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

SEE ATTACHED EXPLANATION

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER
STATE LAW. BASIS OF CLAIM IS BENEFICIAL USE.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 100.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on APRIL 17, 2012 @ 1:30 P.M.
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

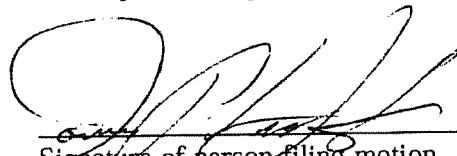
VERIFICATION (Must be completed)

State of IDAHO

County of LEMHI

JAMES PAUL HUDSON, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

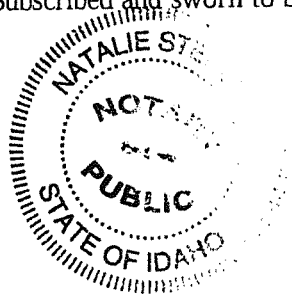
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.



Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 1-11-2012
(Insert Date)



Natalie Steensen
Notary Public for East Idaho Credit Union
Residing at: Salmon, ID
My Commission expires: 5-18-2016

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on January 11, ~~199~~²⁰¹², I mailed the original and copies of this form, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

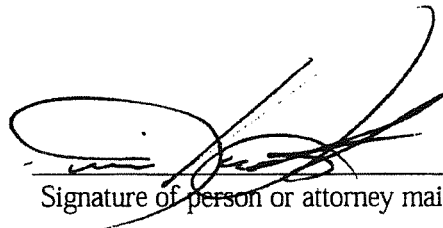
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'J' shape followed by a horizontal line and a small flourish.

Signature of person or attorney mailing the form

ATTACHMENT FOR MOTION TO FILE A LATE NOTICE OF CLAIM

HUDSON, JAMES PAUL

Initially, under now decreed water rights 75-10079 (waste water) and 75-10080 (springs), I received one (1) inch/acre for each of my two (2) non-Carmen Creek water rights, in addition to my then pending Carmen Creek water rights. At the time, this amounted to slightly over three (3) inches/acre, total, with an allowed diversion rate of up to three (3) inches/acre. The Partial Decrees were the result of successful objections to total diversion rate, filed through the court and approved by the Idaho Department of Water Resources (IDWR), with Mr. Garrick Baxter, representing IDWR, approving the language change involving diversion rates. Subsequently, with the arrival of the Partial Decree recommendations for my Carmen Creek water rights in 2011, the diversion rate language had been changed, without any notification to me. I was now limited to two (2) inches/acre for all sources. I contacted Mr. Baxter, who agreed to research the issue. Several months passed before Mr. Baxter contacted me. He informed me that a two (2) inch/acre diversion rate cap had been applied to all Carmen Creek drainage water users, regardless of the source, e.g. Carmen Creek water, springs, waste water, etc. Although I have historically utilized "high water" early in the irrigation season, I had not felt it necessary to file for it in light of the diversion rates that I had received Partial Decrees for, combined with the recommendations for Carmen Creek water by IDWR. This all changed when a final litigation settlement was reached prior to trial involving various Carmen Creek users (including myself), who owned property within the old Thomas Palmer ranch. The combination of the unexpected diversion rate cap, the reduction of the IDWR's recommended water rights from Carmen Creek for my property and recent changes in irrigation practices and increased speculation concerning the subdivision of ranch land which is the source of my waste water, has required me to change my mind.

Attachment For Motion To File A Late Notice Of Claim

Hudson

ATTACHMENT B

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

JAN 17 2012

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

By

Clerk
Deputy Clerk

**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 75-14724

Date Received: _____

Receipt No: _____

Received By: _____

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) James Paul Hudson Phone (208) 756-3193

Mailing Address P.O. Box 173 Carmen ID 83462
Street or Box City State

2. Date of Priority (Only one (1) per claim) 05/01/1915
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Carmen Creek
which is tributary to (b) Salmon River

4. a. Location of Point of Diversion is: Township 22N, Range 22E, Section 02,
_____, 1/4 of _____, 1/4 Govt. Lot 4, BM., County of Lemhi

Parcel (PIN) no. RP22N22E022408

Additional points of diversion if any: _____

If available, GPS Coordinates _____

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

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

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

12 inch diameter culvert with adjustable headgate, leading to an abandoned IDFG fish screen weir, 24

inches wide, with an installed steel plate, which is used for measuring the diversion rate.

OPPOSITION TO MOTION TO FILE LATE NOTICE OF CLAIM SUBCASE 75-14724

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 04/01 to 10/31 amount .224 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) .224 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.)

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	22E	03				10.2									1.0				11.2

Parcel (PIN) no(s) RP001440000050A

Total number of acres irrigated 11.2

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

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

75-00069B, 75-00070B, 75-10061B, 75-10062C, 75-10079, 75-10080 or None ()

13. Remarks: Location of place of use: Lot 5, Ajax Peak Subdivision.

Method of irrigation: Flood

Last Name Hudson

Identification No. 75-14724

OPPOSITION TO MOTION TO FILE LATE NOTICE OF CLAIM SUBCASE 75-14724

14. Basis of Claim (Check One) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

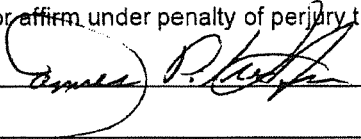
If applicable provide IDWR Water Right Number 75-14724

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the 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: One (1)

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

Signature of Claimant (s)  Date: 4/11/12

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____,
Title Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Last Name Hudson Identification No. 75-14724

OPPOSITION TO MOTION TO FILE LATE NOTICE OF CLAIM SUBCASE 75-14724

Place of Use



HUDSON

75-14724

ATTACHMENT C

ATTACHMENT FOR MOTION TO FILE A LATE NOTICE OF CLAIM

HUDSON, JAMES PAUL

1 Initially, under now decreed water rights 75-10079 (waste water) and 75-10080 (springs), I
2 received one (1) inch/acre for each of my two (2) non-Carmen Creek water rights, in addition to
3 my then pending Carmen Creek water rights. At the time, this amounted to slightly over three
4 (3) inches/acre, total, with an allowed diversion rate of up to three (3) inches/acre. The Partial
5 Decrees were the result of successful objections to total diversion rate, filed through the court
6 and approved by the Idaho Department of Water Resources (IDWR), with Mr. Garrick Baxter,
7 representing IDWR, approving the language change involving diversion rates. Subsequently,
8 with the arrival of the Partial Decree recommendations for my Carmen Creek water rights in
9 2011, the diversion rate language had been changed, without any notification to me. I was now
10 limited to two (2) inches/acre for all sources. I contacted Mr. Baxter, who agreed to research
11 the issue. Several months passed before Mr. Baxter contacted me. He informed me that a two
12 (2) inch/acre diversion rate cap had been applied to all Carmen Creek drainage water users,
13 regardless of the source, e.g. Carmen Creek water, springs, waste water, etc. Although I have
14 historically utilized "high water" early in the irrigation season, I had not felt it necessary to file
15 for it in light of the diversion rates that I had received Partial Decrees for, combined with the
16 recommendations for Carmen Creek water by IDWR. This all changed when a final litigation
17 settlement was reached prior to trial involving various Carmen Creek users (including myself),
18 who owned property within the old Thomas Palmer ranch. The combination of the unexpected
19 diversion rate cap, the reduction of the IDWR's recommended water rights from Carmen Creek
20 for my property and recent changes in irrigation practices and increased speculation concerning
21 the subdivision of ranch land which is the source of my waste water, has required me to change
22 my mind.

Attachment For Motion To File A Late Notice Of Claim Hudson

ATTACHMENT D

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-10079

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

JAN 16 2009

By _____
Deputy Clerk

NAME AND ADDRESS: JAMES PAUL HUDSON
PO BOX 173
CARMEN, ID 83462

SOURCE: WASTE WATER TRIBUTARY: CARMEN CREEK

QUANTITY: 0.224 CFS

PRIORITY DATE: 05/01/1915

POINT OF DIVERSION: T22N R22E S03 NWSENE Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.224 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S03 11.2 Acres Total	SENE 10.2 NESE 1.0

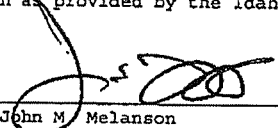
The rights listed below are limited to the irrigation of a combined total of 11.2 acres in a single irrigation season. Combined Right Nos.: 75-69B, 75-70B, 75-10061B, 75-10062C, 75-10079 and 75-10080.

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

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.

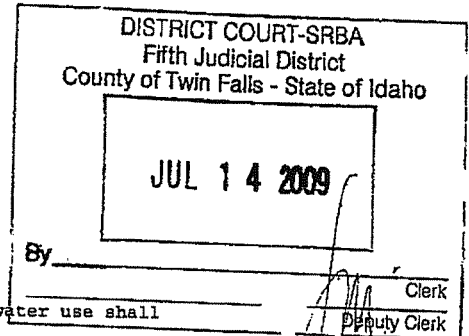

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
)
Case No. 39576)
_____)

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

Water Right 75-10080



NAME AND ADDRESS: JAMES PAUL HUDSON
PO BOX 173
CARMEN, ID 83462

SOURCE: SPRINGS TRIBUTARY: CARMEN CREEK

QUANTITY: 0.244 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1915

POINT OF DIVERSION: T22N R22E S02 LOT 4 (SENNW) Within Lemhi County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	0.224 CFS
Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE:

Irrigation		Within Lemhi County
T22N R22E S03	SENE 10.2	NESE 1.0
11.2 Acres Total		

Stockwater		Within Lemhi County
T22N R22E S03	SENE	

The rights listed below are limited to the irrigation of a
combined total of 11.2 acres in a single irrigation season.
Combined Right Nos.: 75-69B, 75-70B, 75-10061B, 75-10062C,
75-10079 and 75-10080.

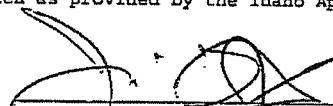
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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.

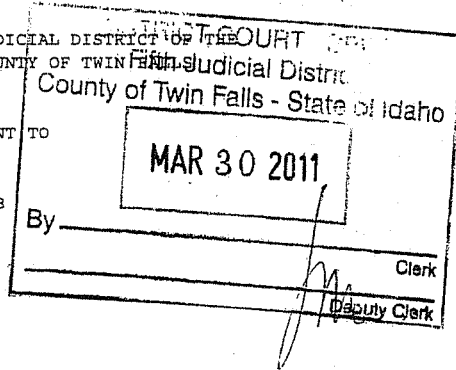

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

ATTACHMENT E

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)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-00069B



NAME AND ADDRESS: JAMES PAUL HUDSON
PO BOX 173
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.055 CFS

The rights listed below are limited to a total combined diversion rate of 0.45 cfs. Combined Right Nos.: 75-69B, 75-70B, 75-10061B, 75-10062C, 75-10079 and 75-10080.

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION: T22N R22E S02 LOT 4 (NWNW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.055 CFS

PLACE OF USE: Irrigation
T22N R22E S03 SENE 10.2 NESE 1.0
11.2 Acres Total

The rights listed below are limited to the irrigation of a combined total of 11.2 acres in a single irrigation season. Combined Right Nos.: 75-69B, 75-70B, 75-10061B, 75-10062C, 75-10079 and 75-10080.

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

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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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)
_____)

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

Water Right 75-00070B

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho MAR 30 2011 By _____ Clerk _____ Deputy Clerk

NAME AND ADDRESS: JAMES PAUL HUDSON
PO BOX 173
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.075 CFS

The rights listed below are limited to a total combined
diversion rate of .45 cfs. Combined Right Nos.: 75-69B, 75-70B,
75-10061B, 75-10062C, 75-10079 and 75-10080.

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION: T22N R22E S02 LOT 4 (NWNW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.075 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S03	SENE 10.2
	11.2 Acres Total	NESE 1.0

The rights listed below are limited to the irrigation of a
combined total of 11.2 acres in a single irrigation season.
Combined Right Nos.: 75-69B, 75-70B, 75-10061B, 75-10062C,
75-10079 and 75-10080.

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

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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-10061B

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho JAN - 5 2011 By _____ Clerk Deputy Clerk
--

NAME AND ADDRESS: JAMES PAUL HUDSON
PO BOX 173
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.06 CFS

The rights listed below are limited to a total combined
diversion rate of 0.45 cfs. Combined Right Nos.: 75-69B, 75-70B,
75-10061B, 75-10062C, 75-10079 and 75-10080.

PRIORITY DATE: 05/01/1875

POINT OF DIVERSION: T22N R22E S02 SENWNW Within Lemhi County
T23N R22E S35 NENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.06 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 SENE 10.2 NESE 1.0
11.2 Acres Total

The rights listed below are limited to the irrigation of a
combined total of 11.2 acres in a single irrigation season.
Combined Right Nos.: 75-69B, 75-70B, 75-10061B, 75-10062C,
75-10079 and 75-10080.

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

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

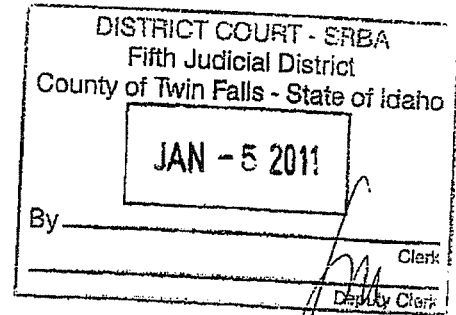
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment 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.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-10062C



NAME AND ADDRESS: JAMES PAUL HUDSON
PO BOX 173
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.028 CFS

The rights listed below are limited to a total combined
diversion rate of 0.45 cfs. Combined Right Nos.: 75-69B, 75-70B,
75-10061B, 75-10062C, 75-10079 and 75-10080.

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION: T22N R22E S02 LOT 4 (NWNW) Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.028 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S03	SENE 10.2
	11.2 Acres Total	NESE 1.0

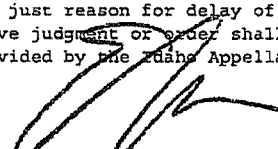
The rights listed below are limited to the irrigation of a
combined total of 11.2 acres in a single irrigation season.
Combined Right Nos.: 75-69B, 75-70B, 75-10061B, 75-10062C,
75-10079 and 75-10080.

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

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.


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

In Re SRBA

Case No. 39576

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

By _____ Clerk

Deputy Clerk

OPPOSITION TO MOTION TO FILE LATE NOTICE OF CLAIM SUBCASE 75-14724

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 75-10080

NAME AND ADDRESS: JAMES PAUL HUDSON
PO BOX 173
CARMEN, ID 83462

SOURCE: SPRINGS TRIBUTARY: CARMEN CREEK

QUANTITY: 0.244 CFS

The quantity of water under this right for stockwater use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1915

POINT OF DIVERSION: T22N R22E S02 LOT 4 (SENWNW) Within Lemhi County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	0.224 CFS
Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S03 SENE 10.2 NESE 1.0
11.2 Acres Total

Stockwater Within Lemhi County
T22N R22E S03 SENE

The rights listed below are limited to the irrigation of a
combined total of 11.2 acres in a single irrigation season.
Combined Right Nos.: 75-69B, 75-70B, 75-10061B, 75-10062C,
75-10079 and 75-10080.

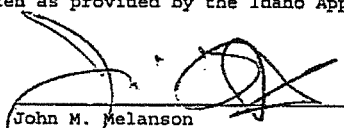
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

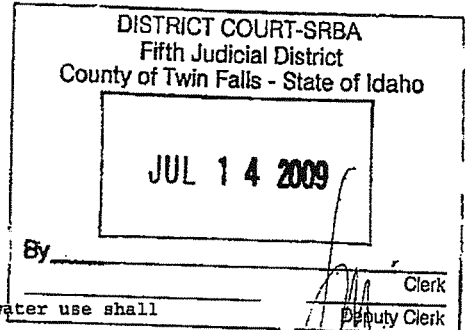
The quantity of water decreed for this water right for
stockwater use is not a determination of historical beneficial
use.

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.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



ATTACHMENT F

Law Offices

RIGBY, ANDRUS & RIGBY
Chartered

Ray W. Rigby
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Hyrum D. Erickson

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone: (208) 356-3633
Fax: (208) 356-0768

June 4, 2009

Travis L. Thompson
Paul L. Arrington
Barker Rosholt & Simpson LLP
P.O. Box 485
Twin Falls, ID 83303

Re: Carmen Creek

Dear Travis,

Enclosed is a copy of the information we provided to the IDWR. We did not accompany it with any memorandum or other written documents.

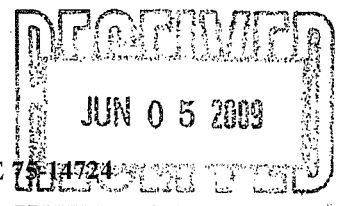
Sincerely yours,



Hyrum Erickson

HE/md
Enclosures
F:\WP6\HE\BURN\SGRP.LT5

OPPOSITION TO MOTION TO FILE LATE NOTICE OF CLAIM SUBCASE 75-14724



ATTACHMENT G

Claimant: James Paul Hudson
Attorney: Ray W. Rigby
of RIGBY, ANDRUS
& MOELLER, Chartered
Attorneys at Law
25 North Second East
Rexburg, ID 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS
Snake River Basin Adjudication Division

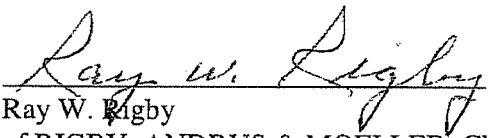
In RE: SRBA	)	Subcases: 75-10061B, 75-10062C,
	)	75-69B & 75-70B
	)	
Case No. 39576	)	NOTICE OF APPEARANCE
_____	)	

DESCRIPTIVE SUMMARY

This document is a Notice of Appearance made on behalf of Claimant, James Paul Hudson, by Ray W. Rigby of the firm Rigby, Andrus & Moeller, Chartered.

PLEASE TAKE NOTICE, that Ray W. Rigby of the firm Rigby, Andrus & Moeller, Chartered, hereby enters an appearance of the firm as the attorneys of record in the subcases listed above for Claimant.

DATED this 6th day of February, 2008.


Ray W. Rigby
of RIGBY, ANDRUS & MOELLER, Chtd.

ATTACHMENT H

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-02126

NAME AND ADDRESS: THE ESTATES OF MILTON E AND
HELEN G SLAVIN
C/O MILTON A SLAVIN
116 N CENTER ST
SALMON, ID 83467

P SAM SLAVIN
212 WASHINGTON ST
SALMON, ID 83467

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.20 CPS

PRIORITY DATE: 02/21/1955

POINT OF DIVERSION: T22N R22E S02 NWNW Within Lemhi County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.20 CPS

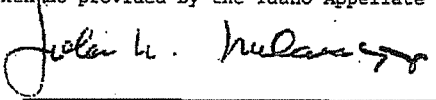
PLACE OF USE: Irrigation Within Lemhi County
T22N R22E S04 SESE 10.0
10.0 Acres Total

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

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).

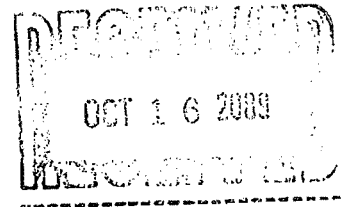
RULE 54(b) CERTIFICATE

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.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

ATTACHMENT I

Carmen, Idaho 83462
October 15, 2009



To Whom It May Concern:

This is in reference to the original Watermaster Records for Carmen Creek for the years 1976 through 1988 which I am sending to Travis Thompson of the law firm Barker Rosholt & Simpson. It is my understanding that four diversions are in question which are related to the clients Mr. Thompson represents. They are identified on the enclosed map as A and B which divert water to the north side of Carmen Creek and C and D which divert water to the south side of Carmen Creek. A and D send water to what is commonly called the Parmenter Subdivision.

In the records A and B are generally referred to as McFarland Upper (A) and McFarland Lower (B). There are other similar designations such as McFarland (B) and McFarland-Foland or Parmenter (A) for these ditches. The references most always occur together and are not hard to identify.

Also diversions C and D are generally referred to as Aldous Upper © and Aldous Lower(D) or Aldous Daniels © and Aldous Parmenter (D). Those references are also easy to identify.

I have been told that there is another diversion to the Parmenter Subdivision serving claims of Hudson et al on the north side of the Creek. During the time of these records that diversion was abandoned and there are no references to it that I noticed in the records.

Sincerely yours,

Dave McFarland, Former Watermaster District 75-D

enclosures:

1 photo
15 record books

PROPERTY OF THE STATE OF IDAHO

Form No. 300-W

NOV 22 1976

WATERMASTER'S

Department of Water Resources
Eastern District Office

DAILY RECORD

Stream Carmen

Water District 75-D

Month of ~~Sept~~ Aug., 1976

Watermaster Jim Smith

P. O. Address Carmen

Ten days after the close of the irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER
RESOURCES
STATE HOUSE
BOISE, IDAHO 83701

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

Month of Aug. 1976

Name of Present Owner	Address	Ditch Right No.	Amount Second Fee (\$)	DAYS OF MONTH				Acres Cultivated	Sec.	Twp.	Rge.
				8/1	8/2	8/3	8/4				
Albert Schu172	92	85		7.08	7.08	7.08	7.08	3.80			
Bursabert Slawin	170"	170"		5.80	5.80	5.80	5.80	4.28			
Slawin (Flt7)	45"	45"		3.00	3.00	3.00	3.00	3.00			
Dick Morton	65"	65"	0.588	2.94	2.94	2.94	2.94	4.18			
Larry Bills	55"	55"		2.94	2.94	2.94	2.94	—			
Jack Neal	120"	120"	0.442	1.23	1.23	1.23	1.23	3.31			
MIT Slawin Sr.	195"	195"		1.23	1.23	1.23	1.23	1.50			
Stan Daniels	75	75		1.00	1.00	1.00	1.00	.900			
Art Aldous	45	45		6.32	6.32	6.32	6.32	3.69			
Art Aldous	165	165		1.11	1.11	1.11	1.11	1.29			
Frank Parmenter	100	100		82	82	82	82	.40			
Frank Parmenter	20	20		2.60	2.60	2.60	2.60	.78			
Arch McFarland	45	45		3.42	3.42	3.42	3.42	1.00			
Arch McFarland	70	70		60	60	60	60	2.20			
Arch McFarland	170	170		0.32	0.32	0.32	0.32	.60			
Parmenter-Aldous	30"	30"		3.42	3.42	3.42	3.42	OFF			
Larry Bills	—	—		3.42	3.42	3.42	3.42	2.83			
Morgan DeBoard	22 1/2	22 1/2		1.90	1.90	1.90	1.90	1.00			
Jack Ellis	37	37		1.00	1.00	1.00	1.00	.60			
Jim McFarland	113	113		3.42	3.42	3.42	3.42	3.42			
Jim McFarland	35	35		0.75	0.75	0.75	0.75	.50			
Mich McFarland	113	113		3.42	3.42	3.42	3.42	3.42			
	35	35		0.75	0.75	0.75	0.75	.50			
	100	100		4.00	4.00	4.00	4.00	4.00			
* Divided # 92											
Water											

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Month of Aug 19 76

0.764
TOT-1
Right
of

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

10' 8' 10' 8' 10' 8'

Name of Present Owner	8/11	8/12	8/14	8/15	DAYS OF MONTH							Acres Cultivated	Sec.	Twp.	Rge.
					10	11	12	13	14	15					
Albert Schultz		3.67	3.42	3.42	ok	3.42									
Bursabau & Slavin up.	T	5.80	.540	.580	ok	.530									
Slavin (Flat)	D	3.00	3.00	3.00	Hi.	3.00									
Dick Morton	D	.418	.418	.418	ok	.418									
Larry Bills	D	—	—	—	ok	—									
Jack Neal	T	4.00	4.00	4.00	Hi.	4.00									
M.I.T Slavin Str.		1.50	1.73	1.73	ok	1.50									
Stan Daniels	D	.900	1.00	.9.00	ok	.9.00									
Art Aldous		3.69	4.15	4.25	Hi.	4.25									
Art Aldous	T	1.29	3.12	3.12	Hi.	3.12									
Frank Parmenter		.40	.40	.40	ok	.40									
Frank Parmenter	D	.77	.77	.77	ok	.82									
Arch McFarland		1.00	1.00	1.00	ok	1.20									
Arch McFarland	D	2.20	2.83	2.83	ok	3.12									
Arch McFarland	D	.60	.60	.60	ok	.60									
Parmenter-Aldous	D	—	—	—	—	—									
Larry Bills		2.93	2.93	2.93	Hi.	2.93									
Morgan DeBoard	D	.50	.50	.50	ok	.50									
Jack Ellis	D	.50	.50	.50	ok	.50									
Jim McFarland		3.42	3.42	4.07	Low	4.07									
Jim McFarland		.50	.50	.50	ok	.50									
Mich McFarland		3.42	3.42	3.67	Low	3.67									
"		.60	.60	.60	ok	.60									
"		24.00	24.00	24.00	ok	24.00									
T Divided Water															

PROPERTY OF THE STATE OF IDAHO

Form No. 300-W
DEC 14 1978

WATERMASTER'S
Eastern District Office

DAILY RECORD

Stream Cadman Creek
Water District 75-D
Month of August & Sept., 1978
Watermaster John Waddington
P. O. Address Box 576 Salmon Idaho
83467

Ten days after the close of the irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER
RESOURCES
STATE HOUSE
BOISE, IDAHO 83701

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

Month of Aug & Sept 1978

Name of Present Owner	6	7	8	9	10	11	DAYS OF MONTH					Acres Cultivated	Sec.	Twp.	Rge.
							August 12	August 13	August 14	August 15					
Albert Schultz							2.48	3.26		4.05					
Borsak & Slavon							1.60	1.53		1.05					
Milt Slavon							1.46	1.45		1.45					
Larry Billson							2.96	2.96		2.88					
Dick Morton							2.48	2.48		2.90					
Jack Neal							1.46	1.46		1.38					
Stan Daniels							5.08	5.03		5.03					
Arthur Aldous							1.46	1.45		1.45					
(to lower)							5.61	5.61		5.49					
Wolff Bros.							2.74	2.55		2.55					
Dave McFarland							2.74	2.74		2.65					
Wolff Bros.							5.61	5.26		5.26					
Carmida Livestock							.90	.90		.90					
Mitch McFarland							4.00	4.00		4.00					
Jack Ellis							4.15	4.15		4.04					
Slavin Bg. Flat							1.61	1.16		1.92					
Morgan DeBeard							1.61	1.53		1.53					
							3.86	3.86		3.78					
							1.45	1.38		1.00					
							1.46	1.38		1.38					
							2.00	1.46		1.38					

Month of *Aug & Sept* 1978

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Flow
in
CFS

Water
Right
Flow

Name of Present Owner	16	17	18	19	20	DAYS OF MONTH					Acres Cultivated	Sec.	Twp.	Rge.
						21	22	23	24	25				
Albert Schultz				3.30										
Borsahn & Slavin				1.08										
Milt Slavin				1.45										
Larry Bills				2.88										
Dick Mortan				2.81										
Jack Neal				6.61										
Stan Daniels				4.92										
Arthur Aldous				1.45										
(L)				5.48										
				6.02										
Wally Bras														
Dave McFarland				2.55										
				4.92										
Wally Bras														
				4.00										
Carmida Livestock				4.04										
				1.69										
Mitch McFarland				1.77										
				3.62										
Jack Ellis				1.00										
Slavin Bg. Flat				1.31										
Margan DeBoard				1.31										

PROPERTY OF THE STATE OF IDAHO

Form No. 300-W

WATERMASTER'S
DAILY RECORD

Stream Carmen Creek

Water District 75-D

Month of July - Aug, 1980
Sept -

Watermaster Jim Smith

P. O. Address Box 80 - Carmen
83462

Ten days after the close of the irrigation season the Watermaster must forward this book to

RECEIVED

DEPARTMENT OF WATER

DEC 16 1980

RESOURCES

STATE HOUSE

OCT 15 1980

Department of Water Resources
BOISE, IDAHO 83701

Eastern District Office

Department of Water Resources

Eastern District Office

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

72

Month of July 1980

Name of Present Owner	Address	Water Right Ident. No.	Amount Second Fee (cfs)	DAYS OF MONTH					Acres Cultivated	Sec.	Twp.	Rgr.
				16	18	20	24	27				
Albert Schultz	90" - 3 7/8" - .32		.581	2.11	.581	2.11	2.11	2.28				
Bars. & Slann	30" - 3 7/8" - .32		.863	1.88	1.88	1.88	1.88	1.88				
M. IT Slann	75" - 2 1/16" - .17		2.02	2.02	-0-	-0-	-0-	-0-				
Dick Marton	45" - 3 1/4" - .27		2.09	2.09	2.09	2.09	2.09	2.04				
Latty Bills	45" - 3 1/4" - .27		2.09	2.09	2.09	-0-	-0-	-0-				
Jack Neal	135" - 5 1/4" - .43		4.47	2.93	2.93	2.74	2.74	2.83				
Stan Daniels	45" - 5 1/4" - .43		1.61	1.61	1.61	1.61	1.61	1.61				
Art Aldous	90" { 5 1/4" - .43		2.46	2.26	2.46	2.26	2.26	2.26				
Art "	75" - 5 - 3 1/8" - .30		4.26	2.26	4.26	2.26	2.26	2.26				
Arch upper	45" - 5 - 3 1/8" - .30		3.62	3.42	3.42	3.42	3.42	3.42				
Arch lower	125" - 5 - 5 1/2" - .46		4.04	3.42	3.42	3.42	3.42	3.42				
Jim McFarland	115" - 4 5/8" - .46		4.47	4.47	4.15	4.15	4.15	4.04				
Mich. McFarland	114" - 4 5/8" - .46		4.47	4.47	4.47	4.47	4.47	4.15				
Flume	H		.412	.412	.412	.412	.412	.367				
Pasture	H		.412	.412	.412	.412	.412	.367				
Ziegler	22 1/2		.470	.470	.470	.470	.470	.470				
Bills - upper	T		3.54	3.54	3.54	3.54	3.54	3.54				
Jack Ellis	22 1/2		.470	.470	.470	.470	.470	.470				
Barton	45"		3.42	3.42	3.42	3.42	3.42	3.42				
Big Flat	15"	.10	1.319	.319	1.319	1.319	1.319	1.319				
Morris Fallon			.954	.954	.954	.954	.954	.954				

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Amount Second Fee (cfs)

Water Right Ident. No.

July / Aug 80

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Water Right

Point

Name of Present Owner	Acreage	DAYS OF MONTH	Sec.	Twp.	Rge.
Month of	Owner				

PROPERTY OF THE STATE OF IDAHO

FORM NO. 300-W

WATERMASTER'S
DAILY RECORD

Stream Carmen Creek

Water District 75-D

Year of 1981
Month of 1981

Watermaster Dave McFarland

P. O. Address Box 125 Carmen
Idaho

★ ★
Ten days after the close of the ir-
rigation season the Watermaster must
forward this book to

STATE RECLAMATION ENGINEER

Room 107, State House
Boise, Idaho

If this book is lost, the finder will please return it
to the Watermaster of the district, as it contains val-
uable records.

Book #1 of 2
Original Data

NOTE — Figures to be given in cubic feet per second for 24-hour period, or 24-hour second feet. Give name of owner of water rights, not tenant.

Month of	Name of Present Owner	Address	Name or Number of Right as Shown in Decree	Priority Date	Amount Sec. Feet	Total Right Sec. Feet	7/24	7/25	Acres Multi-rated	Sec.	Twp.	Rge.
	B. H. S. High	High	90			6.0	7/24	7/25	1.02			
	M. F. (Parker) Ten	High	2			0	2	4				
	allous Amade	5.0	3	10/20/04	6.2	6.2	4.2		4.92			
	allous Amade	5.0	4	10/20/04	6.2	6.2	4.2		2.24			
	allous Amade	5.0	5	10/20/04	6.2	6.2	4.2		4.45			
	allous Amade	5.0	6	10/20/04	6.2	6.2	4.2		1.02			
	allous Amade	5.0	7	10/20/04	6.2	6.2	4.2		2.3			
	allous Amade	5.0	8	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	9	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	10	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	11	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	12	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	13	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	14	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	15	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	16	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	17	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	18	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	19	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	20	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	21	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	22	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	23	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	24	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	25	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	26	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	27	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	28	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	29	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	30	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	31	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	32	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	33	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	34	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	35	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	36	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	37	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	38	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	39	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	40	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	41	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	42	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	43	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	44	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	45	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	46	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	47	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	48	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	49	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	50	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	51	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	52	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	53	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	54	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	55	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	56	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	57	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	58	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	59	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	60	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	61	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	62	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	63	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	64	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	65	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	66	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	67	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	68	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	69	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	70	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	71	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	72	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	73	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	74	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	75	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	76	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	77	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	78	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	79	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	80	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	81	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	82	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	83	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	84	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	85	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	86	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	87	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	88	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	89	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	90	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	91	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	92	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	93	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	94	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	95	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	96	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	97	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	98	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	99	10/20/04	6.2	6.2	4.2					
	allous Amade	5.0	100	10/20/04	6.2	6.2	4.2					

NOTE — Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Feet
10

Month of

Name of Present Owner

7/28

8/3

8/6

8/11

8/12

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8/15

8/16

8/17

8/18

8/19

8/20

8/21

8/22

8/23

8/24

8/25

Bills

31

41

48

51

54

57

60

63

66

69

72

75

78

81

84

87

90

93

M. P. L. L.

44

47

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Albion Damable

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Albion Damable

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Neal

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Morton

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Big Flat

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Schultz

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Burshaw

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NOTE.— Figures to be given in cubic feet per second for 24-hour periods. Give name of owner of water rights, not tenant.

Feet
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Month of

Name of Present Owner

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9/321

NOTE — Figures to be given in cubic feet per second for 24-hour periods or 24-hour second feet. Give name of owner of water rights, not tenant.

Foot
to

Month of

Name of Present Owner

26

27

28

29

30

31

Total
in 24-hour
Sec. Feet

Remarks

Acres
Sub-
sided
rated

Sec.

Twp.

Rge.

Bills High H.

M. Farland from Wells

Albion Daniels

Albion Daniels

Albion Daniels

Morton

Big Fat

Schultz

Benslow

M. Farland

M. Farland

Mitch (and)

Mitch (and)

Tim lower

Neal pasture

Neal pasture

Neal pasture

Neal pasture

Neal pasture

Neal pasture

Neal pasture

Neal pasture

Neal pasture

Neal pasture

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Neal pasture

PROPERTY OF THE STATE OF IDAHO

Form No. 300-W

WATERMASTER'S

DAILY RECORD

Stream Carmen Creek

Water District 75-0

Year of 1981, 1981
Month of _____

Watermaster Dave McFarland

P. O. Address Box 125

Ten days after the close of the Irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER
RESOURCES
STATE HOUSE
BOISE, IDAHO 83701

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

Book #2 of 2
computation of water delivered

Month of 19.....

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Name of Present Owner	Address	Water Right Ident. No.	Amount Second Feet (cfs)	DAYS OF MONTH							Acres Cultivated	Sec.	Twp.	Rge.
				1	2	3	4	5	6	7				
B. H. S.		figures	421	1	2	3	4	5	6	7	67.25	41 3 day sec		1
Common land		42 day sec	34	2	3	4	5	6	7	8	7.2			2
Albino Daniels			695	3	4	5	6	7	8	9	255.07			3
Albino Permittion			210	4	5	6	7	8	9	10	52.09			4
Neel			271	5	6	7	8	9	10	11	253.98			5
Neel			6	6	7	8	9	10	11	12	70.09			6
B. F. L. S.			20	7	8	9	10	11	12	13	65.17			7
Schultz			246	8	9	10	11	12	13	14	8.27			8
Boeslow			175	9	10	11	12	13	14	15	51.17			9
Carmen L. H.			213	10	11	12	13	14	15	16	122.27			10
Carman & Foland			253	11	12	13	14	15	16	17	108.91			11
Ziegler				12	13	14	15	16	17	18	7.60			12
Bar. S. & Carman	17 acres land			13	14	15	16	17	18	19	183.58			13
Bar. S.	Flume			14	15	16	17	18	19	20	38.26			14
Carman & Carman	Lowenditch			15	16	17	18	19	20	21	163.84			15
Carman & Carman	across creek			16	17	18	19	20	21	22	27.30			16
Neal	across creek			17	18	19	20	21	22	23	19.62			17
Ziegler				18	19	20	21	22	23	24	59.31			18
Barton				19	20	21	22	23	24	25	152.85			19
Barton				20	21	22	23	24	25	26	62.20			20
Ellis				21	22	23	24	25	26	27	22.20			21
Barton				22	23	24	25	26	27	28	3.4			22
Ellis				23	24	25	26	27	28	29	36.19			23
Ellis				24	25	26	27	28	29	30	996.91			24
											996.96			

Month of 19

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water right, not tenant.

Water Right Ident.

10 11 12 13 14 15

DAYS OF MONTH

Name of Present Owner	6	7	8	9	10	11	12	13	14	15	Acres Calcu- lated	Sec.	Twp.	Reg.
B. H. S.	2.17	2.53	2.85	2.23	2.3	2.4	2.5	2.6	2.7	2.8	67.25			1
Common land	6.0	6.6	6.6								7.2			2
Albino Daniels	23.25	4.65			44.0	5.0		58.1			255.07			3
Albino Permeton	14.00	1.94			17.05	8.9		8.54	6.04		52.09			4
Neal	12.8	4.3			23.1	4.05		60.2		10.3	253.98			5
Neaton	5.6	1.12			11.2	1.54		17.92		1.26	70.09			6
Big Flat	7.40	1.6			22.0	1.37		24.5		3.62	65.47			7
Schaefer	26.81	4.15			25.0			35.2		4.0	155.29			8
Seeslow	5.88					7.15		9.66			51.17			9
Carman LK	14.42				22.4	5.4		26.26			122.27			10
Carman & Foland	18.87				13.1	3.64		14.17			108.91			11
Ziegler	1.4										7.60			12
Bar S & Cassida	21.6				26	5.2		34.44			183.58			13
Bar S	18.6				7.2	2.46					38.26			14
Cassida & Carman	18.78				21.3	5.04		30.32			163.84			15
Cassida	3.6							16.2			27.30			16
Neal	4.5										19.62			17
Ziegler	18.26	1.31			7.5	1.5		7.7			59.31			18
Barton	33.0					7.56		92.5			1052.85			19
Barton	22.0										62.20			20
Ellis	4.4										22.26			21
Barton	2.2										3.4			22
Ellis											36.19			23
											996.91			24
											996.96			

Month of 19

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water right, not tenant.

Water Right Ident.

DAYS OF MONTH

Name of Present Owner	16	17	18	19	20	21	22	23	24	25	Acres Cultivated	Sec.	Twp.	Rce.
B. H. L.	43	44	45	46	50	52	54	55	56	57	67.25	41	2404	5
Connerland				8.56										
Alfons-Daniel		21.72	3.32		13.7	5.30	4.06				7.2			
Alfons Peterson											7.38	255.07		3
Neal		18.32	4.18		4	2	2				52.09			4
Neaton					127.2	5.42	5.2				9.54	253.98		5
B. F. L.				5.46	27.2	19.4	1.54				2.46	70.09		6
Scholar			62	68	318.5	1.54	1.64				65.17	8.27	SLAIN	7
Shaw			5.66	2.93	11.6	5.0					155.29		SHAW	8
Shaw				64	308	4	1.38				51.17			9
Carmen L. H.					22.32	12		4.45			122.27			10
Carmen V. Foland					13.08	12		8.85			108.91			11
Ziegler											7.60			12
Bur. S. & Camille						29.54		66			183.58			13
Bur. S.											38.26			14
Carminda & Emma						27.16		696			163.84			15
Carminda											27.30			16
Neal											19.62			17
Ziegler											59.31			18
Barton					10.32	6.3					152.85			19
Barton														20
Ellis						27.47					62.20			21
Barton											22.26			22
Ellis											2.4			23
											36.19			24
											996.91			
											996.96			

Month of 19.....

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Mount and Feet (cfs)

Water Right Ident.

DAYS OF MONTH

Name of Present Owner	26	27	28	29	30	31	Total in 24-hour Sec. Feet	REMARKS	Acres Cultivated	Sec.	Twp.	Rgt.
B. H. S.	7.35	7.35							67.25	✓		1
Carman Land									7.2	✓		2
Albino-Denials	17.85	17.85							255.07	✓		3
Albino Permutation									52.09	✓		4
N. S. L.	24.78	24.78							253.98	✓		5
W. S. L.	5.74	5.74							70.09	✓		6
B. S. L.		13.94							65.47	✓	St. John	7
S. S. L.	22.32	13.02							8.27	✓	St. John	8
S. S. L.		13.11							155.29	✓	St. John	9
Carman L. L.		14.27							51.17	✓		10
Carman V. L. L.		25.76							122.27	✓		11
Ziegler									108.91	✓		12
B. S. + Carman		35.2							7.60	✓		13
B. S.									163.58	✓		14
Carman + Carman		37.12							38.26	✓		15
Carman + Carman									163.84	✓		16
N. S. L.									27.30	✓		17
Ziegler		8.7							19.62	✓		18
Burton		8.55							59.31	✓		19
Burton									152.85	✓		20
Burton		12.73							62.20	✓		21
Ellis		5.55							22.20	✓		22
Burton									2.4	✓		23
Ellis		11.55							36.19	✓		24
									996.91	✓		
									996.96	✓		

Month of 19.....

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Water Right Ident.

Ed. R. H. R.

DAYS OF MONTH

Name of Present Owner

DESCRIPTION OF LAND

Subdivision

Acres Cultivated

Sec.

Twp.

Rge.

Bills

Common Land

Albion Daniels

Albion Daniels

Neal

Neal

Neal

Neal

Neal

Neal

Neal

Neal

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Neal

PROPERTY OF THE STATE OF IDAHO

Form No. 300-W

WATERMASTER'S
DAILY RECORD

Stream Carmen Creek

Water District 75-D

~~Season~~
Month of Season, 1982

Watermaster Dave H. Galaf

P. O. Address Box 125

Ten days after the close of the irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER
RESOURCES
STATE HOUSE
BOISE, IDAHO 83701

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

Ref:

Handwritten signature: *Handwritten signature*

OPPOSITION TO MOTION TO FILE LATE NOTICE OF CLAIM SUBCASE 75-14724

Rge.

Colonel

Expend No. 11.571

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PROPERTY OF THE STATE OF IDAHO

Form No. 300-W

DEC 8 1983

WATERMASTER'S

Department of Water Resources
Eastern District Office

DAILY RECORD

Stream Carmen Creek

Water District W.D. 75-D

Month of Season 1983, 19 83

Watermaster Dave McFarland

P. O. Address Box 125 Carmen Id.

Ten days after the close of the irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER
RESOURCES
STATE HOUSE
BOISE, IDAHO 83701

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

Month of Season 1983

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Name of Present Owner	Address	Water Right Ident. No.	Amount (cfs) Second Fee	DAYS OF MONTH					Acres Cultivated	Sec.	Twp.	Rge.
				Sept. 1	Sept. 2	Sept. 3	Sept. 4	Sept. 5				
Bills Jon	9 + 5 → 1.4	75-016						4/16				
Aldous + Daniels	1.6 + 1.5 + 2.0 + 9.4 = 4.5	75-015	6.6	4.2	4.69	4.69	4.69	4.69				
" "	1.8 + 1.9 + 1.5 = 5.2	75-011	6.6	4.15	2.74	1.53	4.86	4.58				
Neal T. E.		75-014										
Morton		75-015										
Big Flat		75-014										
Natus McFarland	3.4	75-013										
1983 was an extremely good water year. I was not called on until Sept. 7. It was only necessary to cut water from the 2 ditches immediately above the Neal + Sloan ditch where the creek was dammed dry. I checked ditches below there and found the recharge demands. I did sufficient to satisfy downstream demands. I did not find it necessary to measure upstream ditches so for purposes of computing water costs will assume any unmeasured ditch had its decreased water in it. Perated use begins Sept. 7 for cost determination. David M. McFarland water master District 25-D 11/29/83												

ATTACHMENT I
(CONTINUED)

Month of 19

Season 1983

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Name of Present Owner	26	27	28	29	30	31	DAYS OF MONTH		REMARKS	Acres Cultivated	Sec.	Twp.	Rge.
							Total in 24-hour	Feet					
Billie Jan	(8d X 2.205)		(4d X 1.88)				9	12	64% Billie = 5.87 36% Aldous = 3.28				
Aldous Daniels	(3d X 4.240)		(9d X 4.69)				54	81	10.8 - Daniels (12 X 8) 44.01 - Aldous				
" "	(2d X 4.15)		(6d X 3.74)				31	1	7.2 - Aldous (2 X 4) 23.29 - Aldous				
Neal S.	(2d X 2.82)		(3d X 5.13)				48	05	71% Neal = 34.12 21% Steven = 13.93				
Morton	12d X 1						1	2	Morton				
Big Flat	12d X 2.4						28	08	6d Slason Milt 65% Slason = 15.6 35% Milt = 8.4				
Natus McFarland	12d X 2.0						24	0					
Carmen Bend							57	06					
Bar 5 Ranch							10	08					
198							5	4					
I was							47	4					
satisfy The Carmida Livestock							35	4					
necessary Barton							51	6					
immediately Ellis							9	0					
where The Poland							10	8					
ditches below							425	08	24-hour sec. feet				
sufficient													
not find it													
so for purp													
assume any													
water in													
and ends Sept 18													

PROPERTY OF THE STATE OF IDAHO

Form No. 300-W

Department of Water Resources
District Office

WATERMASTER'S

DAILY RECORD

Stream Carmen Creek

Water District 75-D

Month of Season, 1984

Watermaster Don H. [unclear]

P. O. Address Box 15 [unclear]

Ten days after the close of the irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER
RESOURCES
STATE HOUSE
BOISE, IDAHO 83701

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Month of 19.....

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Name of Present Owner	7	8	Water Right Ident.	Boundaries	DAYS OF MONTH										Sec.	Twp.	Rge.
					8/13	8/14	8/15	8/16	8/17	8/18	8/19	8/20	8/21	8/22			
John Albers + Son	549		7/31	8/13	8/13	8/14	8/15	8/16	8/17	8/18	8/19	8/20	8/21	8/22	4/3	13	6
" + Co. & Sons			8/22	8/13	8/22	8/23	8/24	8/25	8/26	8/27	8/28	8/29	8/30	8/31	17.8		
Jack Neal	486		6.95 (30)	7.08	7.59	7.59	7.59	7.59	7.59	7.59	7.59	7.59	7.59	7.59	342.07		
Bussalov	83		1.69 (30)	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	60.74		
Alfina + W. F. F. F.	153		4.99 (30)	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	308.77		
Sharon Flat	288		1.22 (30)	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	63.55		
Morton	134		1.77 (30)	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	102.06		
McFarland upper	131		8.82 (30)	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	117.00		
McFarland	161		1.45 (30)	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	86.72		
Willis	151		3.9 (30)	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	340.77		
John McFarland	151		1.07 (37)	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	91.7		
Mitch + Hume	151			7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	71.6		
James Keith McFarland	151			7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	40.0		
Walt Barton	151			7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	86.03		
Jack Ellis	151			7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	277.0		
Ziegler Bros	151			7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	266.6		
				7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	46.5		
				7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	34.0		
				7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	7.68	12.18		

For computation of water use pick July 31 to Sept 30 as representative use. For water users with unmeasured ditches actual water right will be assumed

Month of 19.....

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Name of Present Owner	Subdivision	DESCRIPTION OF LAND	Water Right Ident.	Acres Cultivated	Sec.	Twp.	Rge.	DAYS OF MONTH	
John Albrecht + Son		Stem - 55.8 (2001) 11600 - 326.27		392.07					
" + Company		Anderson - 40.4 11600 - 50.20		60.74					
Jade Neal		Neal - 246.77 Slavin - 93.0		309.77					
Prasanna		Basalora 4 Slavin 101.79		63.55					
Nifua + McFarland		Nifua - 35.02 McFarland - 66.04		101.06					
Slavin Fleet		" - 19.91		117.00					
Morton		Morton 86.22		86.22					
McFarland upper		Poland - 105.4 McFarland - 107.07		210.47					
McFarland		Allen - 44.5 Bills - 59.6		104.1					
Bills		Albous - 145 Bills - 57.6		71.6					
Sam McFarland		Carmida - 90		90.0					
Mitch Thump		Bart - 5 - 86.03		86.03					
Jim + Ruth McFarland		1/2 Carmida - 134.5 Bart - 5 - 134.5		279.0					
Walt Barton		Barton		266.6					
Jack Ellis		Ellis		46.5					
Ziegler Bros		Ziegler Bros		31.0					
				212.18					

PROPERTY OF THE STATE OF IDAHO

Form No. 300-W

DEC 15 1985

WATERMASTER'S Water Resources
Eastern District Office

DAILY RECORD

Stream Carmen Creek

Water District 75-D

Month of Book 1 of 2, 1985

Watermaster Dave M. Galand

P. O. Address Box 125 Carmen

Ten days after the close of the Irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER
RESOURCES
STATE HOUSE
BOISE, IDAHO 83701

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

Month of 19.....		Name of Present Owner	Address	Water Right Ident. No.	Amount Second Rec. (cfs)	DAYS OF MONTH					Acres Cultivated	Sec.	Twp.	Rgt.
						1	2	3	4	5				
		Cernan Carl upper lower	.9 + .9 ^{Flood} .9 + 2.5 ^(1.4)			7/19	7/20							
		Billa	.9			7/20								
		Aldous upper lower	.9 + 1.5 + .9 + 2.0 x .9 ⁵⁰⁰			4/47	4/04							
		Neel	1.4 + .4 + 1.5 + .9 + 1.0			4/16	3/38							
		Morton	.9 + .2			4/22	5/42							
		Bansline	.6 ^(1.3)				1/37							
		Bns	.9 + 3.6 ^(1.4)											
		Carmita												
		Big Flat	.3 + ^(1.0)											
		Tom McInnis/Hofas	.9 + 1.6 + .9											
		Fiegler												

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

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PROPERTY OF THE STATE OF IDAHO

Form No. 800-W
Department of Water Resources
Eastern District Office

WATERMASTER'S
DAILY RECORD

Stream Cannon Creek
Water District 75-D
Month of Book 2 of 2, 1985
Watermaster Dave McFarland
P. O. Address Box 125 Cannon

Ten days after the close of the irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER
RESOURCES
STATE HOUSE
BOISE, IDAHO 83701

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

3.62
1.8

Month of 19

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Amount Second Feet (Cs)

DAYS OF MONTH

Name of Present Owner	Address	Water Right Ident. No.	Amount Second Feet (Cs)	7/30	7/31	8/1	Acres Cultivated	Sec.	Twp.	Rgr.
McDonald	upper		1.14	26			42			
"	lower		3.03	151			3.03			
Edlin			3.83	4.75						
Aldous	upper		3.73	1.41						
"	lower		3	1.88	off					
Neal			6.14	570.85	513		513			
Boyle			3.12	2.13	10"					
John Whelan			1.14	35"						
Ziegler				1.31						
Corniche				3.24						
Pan 3				3.22						
"	Shure			2.73						
Morton				off						
Bersolon										
Ellis, Jack	} No measurement } water delivery estimated									
Barton, Walt										

1.09
1.15

3.62
1.87

'Month of..... 19.....

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Water Right Ident.

DAYS OF MONTH

Name of Present Owner	16	17	18	19	20	21	22	23	24	25	Acres Cultivated	Sec.	Twp.	Reg.
W. J. McDaniel	416	1912												
" "	346													
" "	186													
" "	112													
Edith	22													
Albourn	22													
" "														
W. J. McDaniel	33													
" "	145													
Tom McDaniel	89													
Frederick	48													
Conrad	48													
Pat S.														
Fluor														
Morton														
Barnes														
Ellis, Jack														
Barton, Walt														

3.62
1.87

Month of 19

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Water Right
Ident

DAYS OF MONTH

Name of Present Owner	26	27	28	29	30	31	Total in 24-hour		REMARKS	Acres Cultivated	Sec.	Twp.	Rge.
							Sec.	Feet					
D. F. McFarland							112	67	Island 53.2 Carmen 59.47				
Edin							158	91					
Aldous							29	88	Aldous Carmen				
"							53	03	Daniel 68.4 Aldous 198.97				
Neal							259	37					
Wegler							17	72	All Anderson Slavin 118.37				
Tom McFarland							346	66	Neal 228.29 Tom McF 727.77				
Conville							140	77	Slavin 68				
Pay 5							58	61					
Slaves							54	94					
Marlon							34	14	Carmen				
Barselon							171	46	Sarmida				
Ellis, Jack							104	87					
Barton, Walt							11	42					
							20	82					
							40	8					
							50						
							75						
							1790	52					

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FEB 23 1986

Form No. 300-W

Department of Water Resources
Economic Planning Office

WATERMASTER'S

DAILY RECORD

Stream Carmen Creek
Water District 75-D
Month of Season, 1986
Watermaster Dave McFarland
P. O. Address Box 125 Carmen Id.

Ten days after the close of the Irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER
RESOURCES
STATE HOUSE
BOISE, IDAHO 83701

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

Month of August 1970

Water Right Ident. No.	Acres	Value	Owner	Remarks
1	100	1000	John Doe	
2	200	2000	Jane Smith	
3	300	3000	Bob Johnson	
4	400	4000	Alice Brown	
5	500	5000	Charlie White	
6	600	6000	Diana Green	
7	700	7000	Frank Black	
8	800	8000	Grace Grey	
9	900	9000	Henry Blue	
10	1000	10000	Ivy Red	
11	1100	11000	Jack Purple	
12	1200	12000	Karen Yellow	
13	1300	13000	Leo Orange	
14	1400	14000	Mia Silver	
15	1500	15000	Noah Gold	
16	1600	16000	Olivia Bronze	
17	1700	17000	Peter Copper	
18	1800	18000	Quinn Iron	
19	1900	19000	Rachel Steel	
20	2000	20000	Sam Tin	
21	2100	21000	Tina Lead	
22	2200	22000	Umar Zinc	
23	2300	23000	Valerie Nickel	
24	2400	24000	Walter Cobalt	
25	2500	25000	Xavier Manganese	
26	2600	26000	Yara Magnesium	
27	2700	27000	Zoe Cadmium	
28	2800	28000	Adam Arsenic	
29	2900	29000	Bella Selenium	
30	3000	30000	Carl Tellurium	
31	3100	31000	Dora Polonium	
32	3200	32000	Ethan Astatine	
33	3300	33000	Fiona Francium	
34	3400	34000	Gavin Actinium	
35	3500	35000	Helen Thorium	
36	3600	36000	Ian Uranium	
37	3700	37000	Jane Plutonium	
38	3800	38000	Kyle Americium	
39	3900	39000	Liam Neptunium	
40	4000	40000	Mia Radium	
41	4100	41000	Noah Actinium	
42	4200	42000	Olivia Thorium	
43	4300	43000	Peter Uranium	
44	4400	44000	Quinn Plutonium	
45	4500	45000	Rachel Americium	
46	4600	46000	Sam Neptunium	
47	4700	47000	Tina Radium	
48	4800	48000	Umar Actinium	
49	4900	49000	Valerie Thorium	
50	5000	50000	Walter Uranium	
51	5100	51000	Xavier Plutonium	
52	5200	52000	Yara Americium	
53	5300	53000	Zoe Neptunium	
54	5400	54000	Adam Radium	
55	5500	55000	Bella Actinium	
56	5600	56000	Carl Thorium	
57	5700	57000	Dora Uranium	
58	5800	58000	Ethan Plutonium	
59	5900	59000	Fiona Americium	
60	6000	60000	Gavin Neptunium	
61	6100	61000	Helen Radium	
62	6200	62000	Ian Actinium	
63	6300	63000	Jane Thorium	
64	6400	64000	Kyle Uranium	
65	6500	65000	Liam Plutonium	
66	6600	66000	Mia Americium	
67	6700	67000	Noah Neptunium	
68	6800	68000	Olivia Radium	
69	6900	69000	Peter Actinium	
70	7000	70000	Quinn Thorium	
71	7100	71000	Rachel Uranium	
72	7200	72000	Sam Plutonium	
73	7300	73000	Tina Americium	
74	7400	74000	Umar Neptunium	
75	7500	75000	Valerie Radium	
76	7600	76000	Walter Actinium	
77	7700	77000	Xavier Thorium	
78	7800	78000	Yara Uranium	
79	7900	79000	Zoe Plutonium	
80	8000	80000	Adam Americium	
81	8100	81000	Bella Neptun	

DAYS OF MONTH

Acres Cultivated	Sec.	Twp.	Reg.
8 1/2	20	8 23	4/19
5 1/2	25	8 24	4/19

[illegible]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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[illegible]

2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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[illegible][illegible]

291

[illegible]

188	81
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but not measured. Use is estimated.

[illegible]

22.9

[illegible]

33

Month of 3. 85
 11.55
 .70
 19

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Name of Present Owner	26	27	28	29	30	31	DAYS OF MONTH			REMARKS	Acres Cultivated	Sec.	Twp.	Reg.
							Total in 24-hour Sec.	Feet	Feet					
Carmen land upper box	Holland - 34.2	Carmen 158.97				187.17	66.5	66.5						
Bills						52.00	52.00							
Ziegler						142.84								
Aldous	upper	Inclusion	Amelia - 34.2											
	lower	Anderson	13.8	Aldous 94.84										
Neg, Jack	Neel - 86.26		Slavin 53.2			139.46								
Morton, Dick	Morton					48.64		48.64						
Big Elk Pitch	Slavin & Slavin		38			88.76								
Burrows & Slavin	McFarland - 50.76					21.28		21.28						
Tom McFarland	Burrows					51.97								
The d.														
Jack Ellis	Ellis							17.1						
Keystone	Barton							68.2						
Carmichael	Carmichael - 93.1					115.9		115						
Bar S Ranch						85.5		85.5						

PROPERTY OF THE STATE OF IDAHO

Form No. 300-W

JAN 2 1988

Department of Water Resources
Eastern District Office

WATERMASTER'S

DAILY RECORD

Stream Carmen Creek

Water District 75-D

Month of Season, 1987

Watermaster Dave McFarland

P. O. Address Bx 125 Carmen, Id 83462

Ten days after the close of the irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER
RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

09 20 170
1984 A-1859 500

Month of 19

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Water Right Ident. (cfs) and Feet mount

Name of Present Owner	7/27	7/28	7/30	9/4	8/5	8/7	8/11	DAYS OF MONTH				Acres Cultivated	Sec.	Twp.	Rge.
								4/10	4/11	4/12	14				
~~Eastland~~	~~1.69~~	1.69				1.23						1.69			
~~Eastland~~	~~2.65~~	2.65				1.16						1.38			
Billis	1.34							1.02		1.02	2.00-5.40	1.59			
Albion	5.26	6.349	4.92		3.93			3.32				3.22			
~~Albion~~	~~4.13~~	4.13	0.66		4.83							off			
Wood	3.67	4.58	4.58	4.88				4.05				4.18			
Wood			1.07									9.14			
Big Flat	2.28		2.93					2.53				2.60			
Tam	.89		1.89	3.2				.70				.73			
Paradise			.4									.4			
Trigler	2.66									.46		.55			
Trigler										2.73					
Trigler										1.05					
-5		2.28													
Trigler															
Barton															
I just dropped															
X adobe															

PROPERTY OF THE STATE OF IDAHO

Form No. 300-W

WATERMASTER'S
DAILY RECORD

Stream Carmen Creek

Water District 75D

Month of July 7 - July 13, 1988

Watermaster David M. Brown

P. O. Address _____

Ten days after the close of the Irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER
RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

09 20 170
1984 A-1859 500

1.53
50
7650

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Name of Present Owner	Address	Ident. No.	Amount Second (d)	DAYS OF MONTH					Acres Cultivated	Sec.	Twp.	Rge.
				29	7/3	7/3	4	5				
John Aldous	upper		4.7									
Neal			4.58									
Big Flat			1.77	2.5	1.57							
Bills				2.5	1.57							
Ziegler	lower			2.5	1.57							
"	upper			2.5	1.57							
Merton				2.5	1.57							
Tom McF.	lower			2.5	1.57							
Jane	upper			2.5	1.57							
	lower			2.5	1.57							

153 46 19

Month of 19

153
50
750

Water
Right
Ident.

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Name of Present Owner	DAYS OF MONTH										Acres Cultivated	Sec.	Twp.	Rge.
	7	8	9	10	11	12	13	14	15					
John Aldous 2.2														
Nasal														
Big Flat														
Bills														
Ziegler .48 → .433														
"														
Marion														
Tom McT.														
Dave upper .53 →														
lower 2.02 → 1.33														

PROPERTY OF THE STATE OF IDAHO

Form No. 300-W

WATERMASTER'S

DAILY RECORD

Stream Carmen Creek

Water District 75-D

Month of July 16 - Sept 13, 1988

Watermaster Dave McFarland

P. O. Address Boise, Idaho 83720

Ten days after the close of the irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER
RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

09-20-170
1986 B-5252, 1,500

Month of 19

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

Name of Present Owner	Address	Water Right Ident. No.	Amount Second Feet (cfs)	DAYS OF MONTH					Acres Cultivated	Sec.	Twp.	Rgc.
				7/10	7/13	7/20	6/14	7/25				
Billo	Aldam road .50 in ditch		2.00 1.75	7/10 7/13	7/13 7/13	7/20 7/20	6/14 6/14	7/25 7/25				
Aldam			4.76	7/10 7/13	7/13 7/13	7/20 7/20	6/14 6/14	7/25 7/25				
Neal			4.58	7/10 7/13	7/13 7/13	7/20 7/20	6/14 6/14	7/25 7/25				
Big Flat				7/10 7/13	7/13 7/13	7/20 7/20	6/14 6/14	7/25 7/25				
Turn				7/10 7/13	7/13 7/13	7/20 7/20	6/14 6/14	7/25 7/25				
Burdon				7/10 7/13	7/13 7/13	7/20 7/20	6/14 6/14	7/25 7/25				
Ziegler				7/10 7/13	7/13 7/13	7/20 7/20	6/14 6/14	7/25 7/25				
Wagner				7/10 7/13	7/13 7/13	7/20 7/20	6/14 6/14	7/25 7/25				
Corinda				7/10 7/13	7/13 7/13	7/20 7/20	6/14 6/14	7/25 7/25				
Gur S				7/10 7/13	7/13 7/13	7/20 7/20	6/14 6/14	7/25 7/25				
Bar 2 flume				7/10 7/13	7/13 7/13	7/20 7/20	6/14 6/14	7/25 7/25				
Morton	1/2 Morton water to Bill on 7/13			7/10 7/13	7/13 7/13	7/20 7/20	6/14 6/14	7/25 7/25				
Willis				7/10 7/13	7/13 7/13	7/20 7/20	6/14 6/14	7/25 7/25				
Kaystone - Kanis Keller				7/10 7/13	7/13 7/13	7/20 7/20	6/14 6/14	7/25 7/25				
For water users - 10 days water before 7/16 calculations 10 days " after 9/3												

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

2 8 6 6
1 4 6
2 5 2 4 4
1 6 7 0 9 3
3 6 5 7 3

Water Right Ident.	Amount and Feet (cfs)
1	100
2	200
3	300
4	400
5	500
6	600
7	700
8	800
9	900
10	1000
11	1100
12	1200
13	1300
14	1400
15	1500
16	1600
17	1700
18	1800
19	1900
20	2000
21	2100
22	2200
23	2300
24	2400
25	2500
26	2600
27	2700
28	2800
29	2900
30	3000
31	3100
32	3200
33	3300
34	3400
35	3500
36	3600
37	3700
38	3800
39	3900
40	4000
41	4100
42	4200
43	4300
44	4400
45	4500
46	4600
47	4700
48	4800
49	4900
50	5000
51	5100
52	5200
53	5300
54	5400
55	5500
56	5600
57	5700
58	5800
59	5900
60	6000
61	6100
62	6200
63	6300
64	6400
65	6500
66	6600
67	6700
68	6800
69	6900
70	7000
71	7100
72	7200
73	7300
74	7400
75	7500
76	7600
77	7700
78	7800
79	7900
80	8000
81	8100
82	8200
83	8300
84	8400
85	8500
86	8600
87	8700
88	8800
89	8900
90	9000
91	9100
92	9200
93	9300
94	9400
95	9500
96	9600
97	9700
98	9800
99	9900
100	10000

Name of Present Owner

61/14

8

1612

10

5/22

5

Culti-

Twp.

Reg.

22

Albany

Verl

W. C. F. W.

Form

Kindora

Zuglax

Don't ask me!

Carroll

Ques 5

Box 5 June

May 1970

23/15

KeyStone - "Karni"

For water used
Calculation

PROPERTY OF THE STATE OF IDAHO

Form No. 300-W

WATERMASTER'S

Department of Water Resources
Eastern District Office

DAILY RECORD

Stream

Carmen Creek

Water District

75-D

Month of

Season

19*68*

Watermaster

Don't Butler 1 + 2

P. O. Address

Ten days after the close of the Irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER
RESOURCES
STATE HOUSE
BOISE, IDAHO 83701

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

Month of 19

Name of Present Owner	Address	Amount Second Fee (cts)	DAYS OF MONTH							Acres Cultivated	Sec.	Twp.	Rge.
			1	2	3	4	5	6	7				
Bills	including .5 Allerton	25X4 + 1.57 + 2.00X3	1.76 X10	1.22 X2	2X 1.65	1.15	2.6X5	2.6X5	2.6X5			45.84	✓
Allerton		4.76X10	4.76X2	4.76X2	4.76X2	4.76X2	4.76X2	4.76X2	4.76X2		Daniel	58.29	
Neal	Slavin 1.5	4.58X10	4.58X2	4.58X2	4.58X2	4.58X2	4.58X2	4.58X2	4.58X2		Allerton	174.32	
Big Flat	1/3 to Slavin	4.21X10	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2		Slavin	103.5	
Tom	3/4 to Tom	4.21X10	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2		Neal	143.11	
Basalton		4.21X10	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2		Basalton	47.3	
Trigler		4.21X10	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2		Trigler	124.93	
McIntosh	upper middle 6	4.21X10	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2		Trigler	38.6	
"	Paul	4.21X10	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2		Paul	57.42	
Ceminda	including .5 common land	4.21X10	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2		Ceminda	41.4	✓
Bas S		4.21X10	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2		Bas S	221.57	
Thane		4.21X10	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2		Thane	147.1	
Minton		4.21X10	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2		Minton	103.78	
Kell's		4.21X10	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2		Kell's	59.85	
Keystone-Kella		4.21X10	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2		Keystone-Kella	24.5	
water charge	begin on 7/7/89 end on 7/3/89	4.21X10	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2	4.21X2		water charge	46.3	

OPPOSITION TO MOTION TO FILE LATE NOTICE OF CLAIM SUBCASE 75-14724

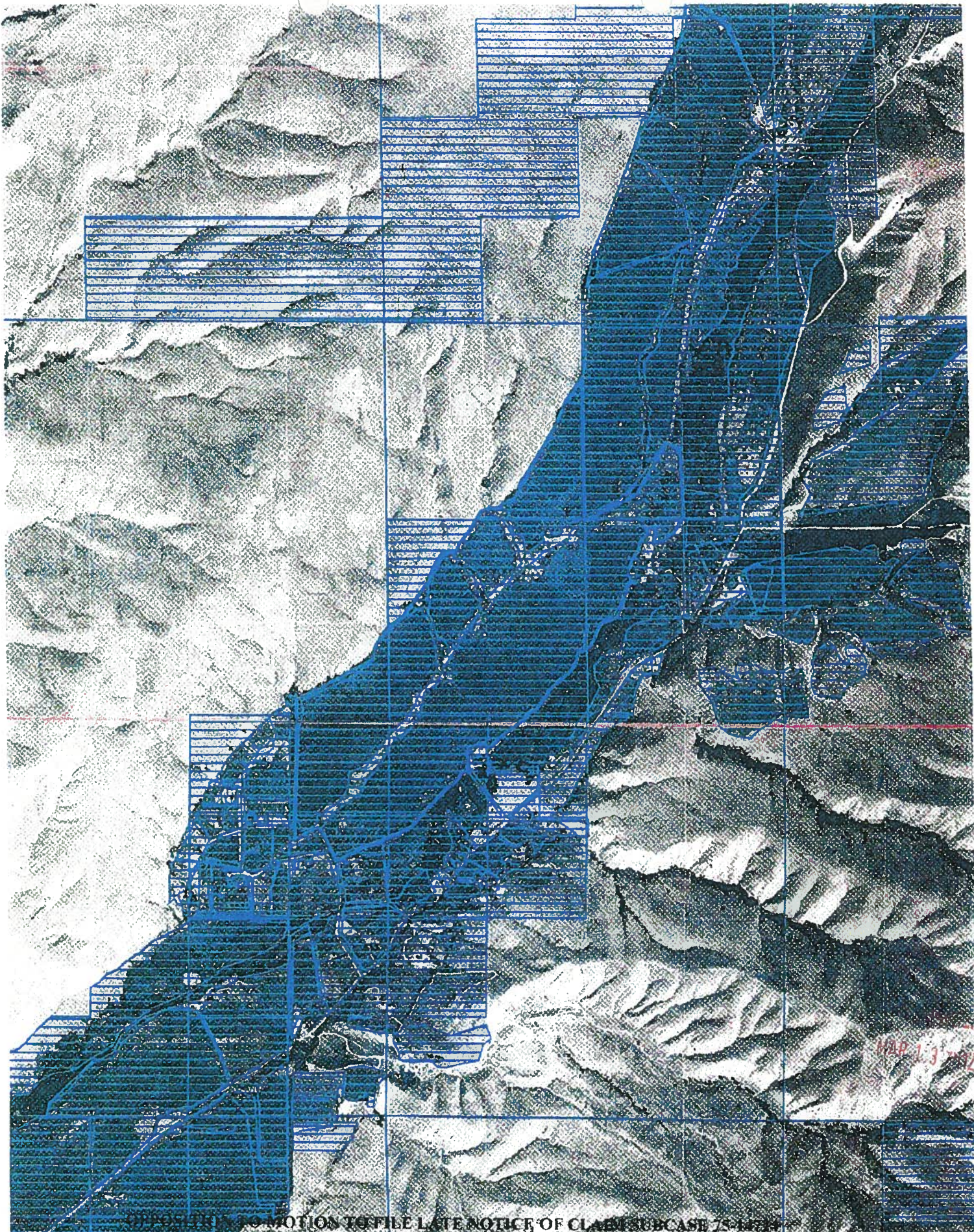
Month of _____ 19 _____

193
1963
27, 150, 178
Water 315
Right
Ident.

NOTE—Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. Give name of owner of water rights, not tenant.

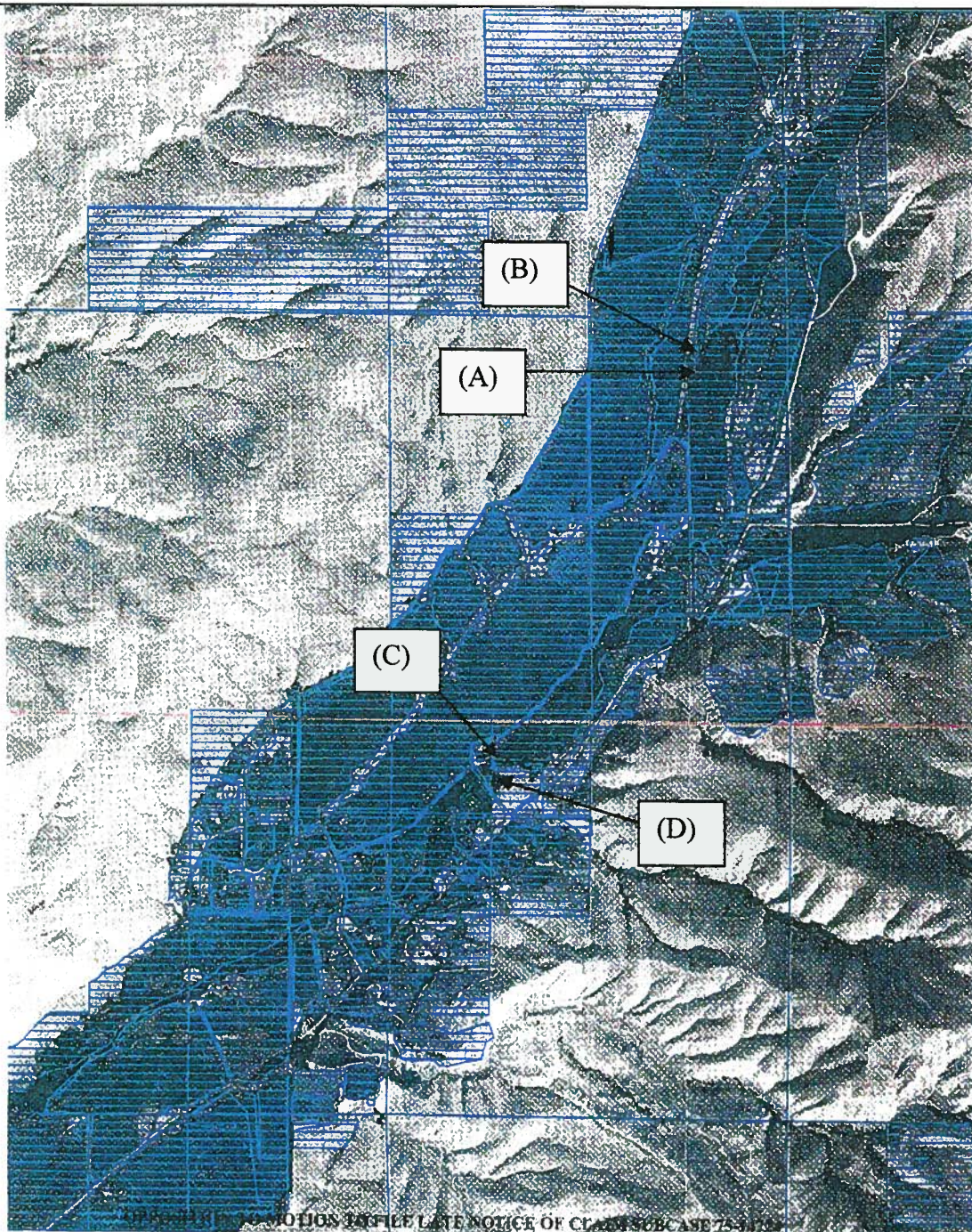
DAYS OF MONTH

Name of Present Owner	26	27	28	29	30	31	Total in 24-hour Sec. Feet	REMARKS	Acres Cultivated	Sec.	Typ.	Rgt.
Bulls							20 32	Bulls 21.32 Alden 7.0			45.84	✓
Alden	Daniels - 9	From 7/2	38.29	412	24.09		225 61	Daniels 58.88 Alden 163.32	Daniels 58.29 Alden 174.32		58.29	
Nash							245 66	Nash 103.5	Nash 103.5		103.5	
Big Flat							141 48	Big Flat 50.33	Big Flat 50.33		47.33	
Tom							30 30	Tom 30.30	Tom 30.30		124.85	
Barstow							38 82				38.82	
Traylor							57 42	Traylor 57.42			57.42	
McDonald							98 56	McDonald 98.56			41.4	✓
"							129 41	" 129.41			221.57	
Ceminda							181 60	Ceminda 181.60			147.1	
Bear							92 98	Bear 92.98			103.78	
three							10 8	three 10.8				
Minton							84 37	Minton 84.37			59.85	
Kelly							34 5	Kelly 34.5			24.5	
Kegstone-Heller							48 3	Kegstone-Heller 48.3			16.3	
with change												

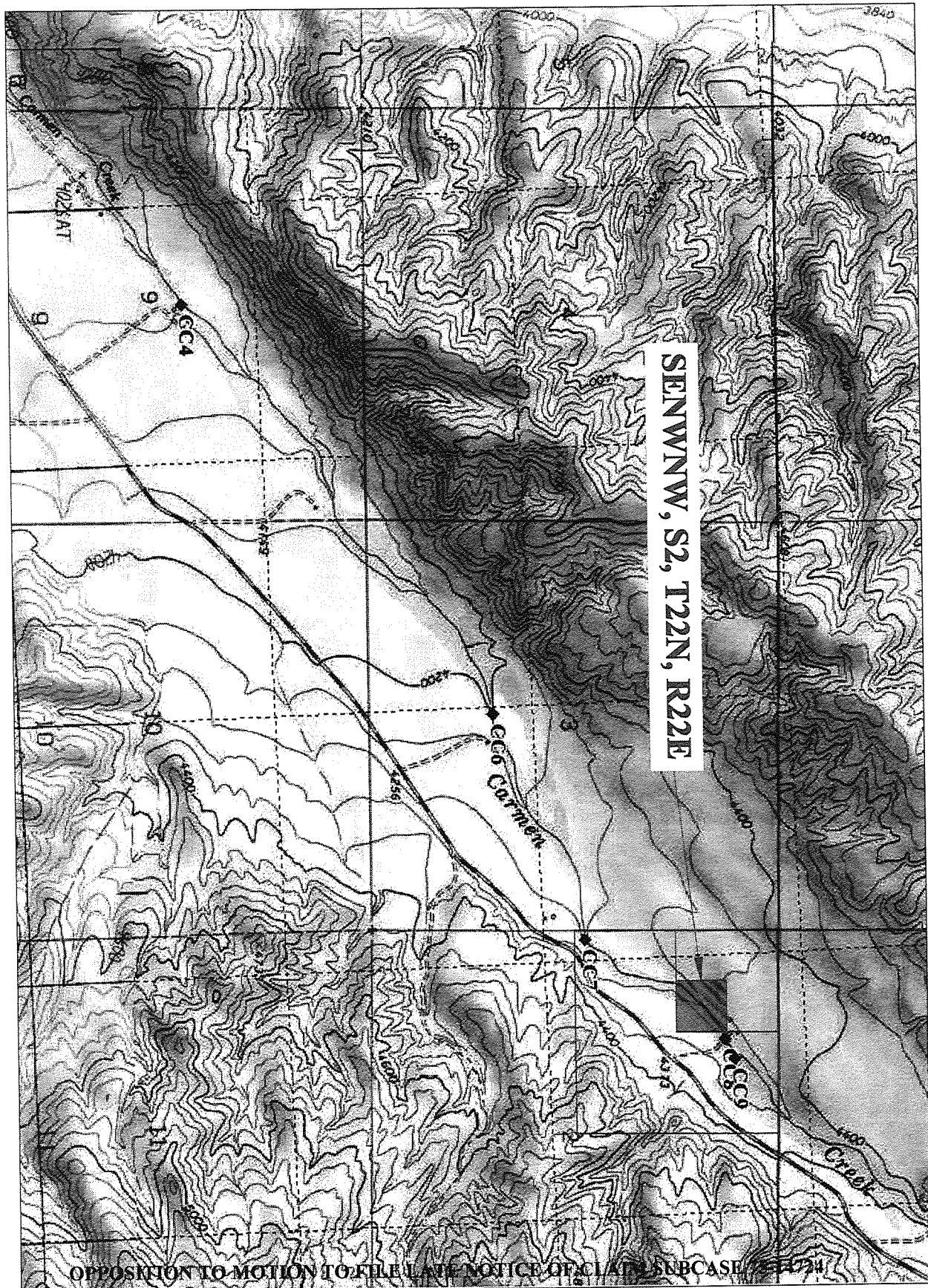


MAP 1.3-1992

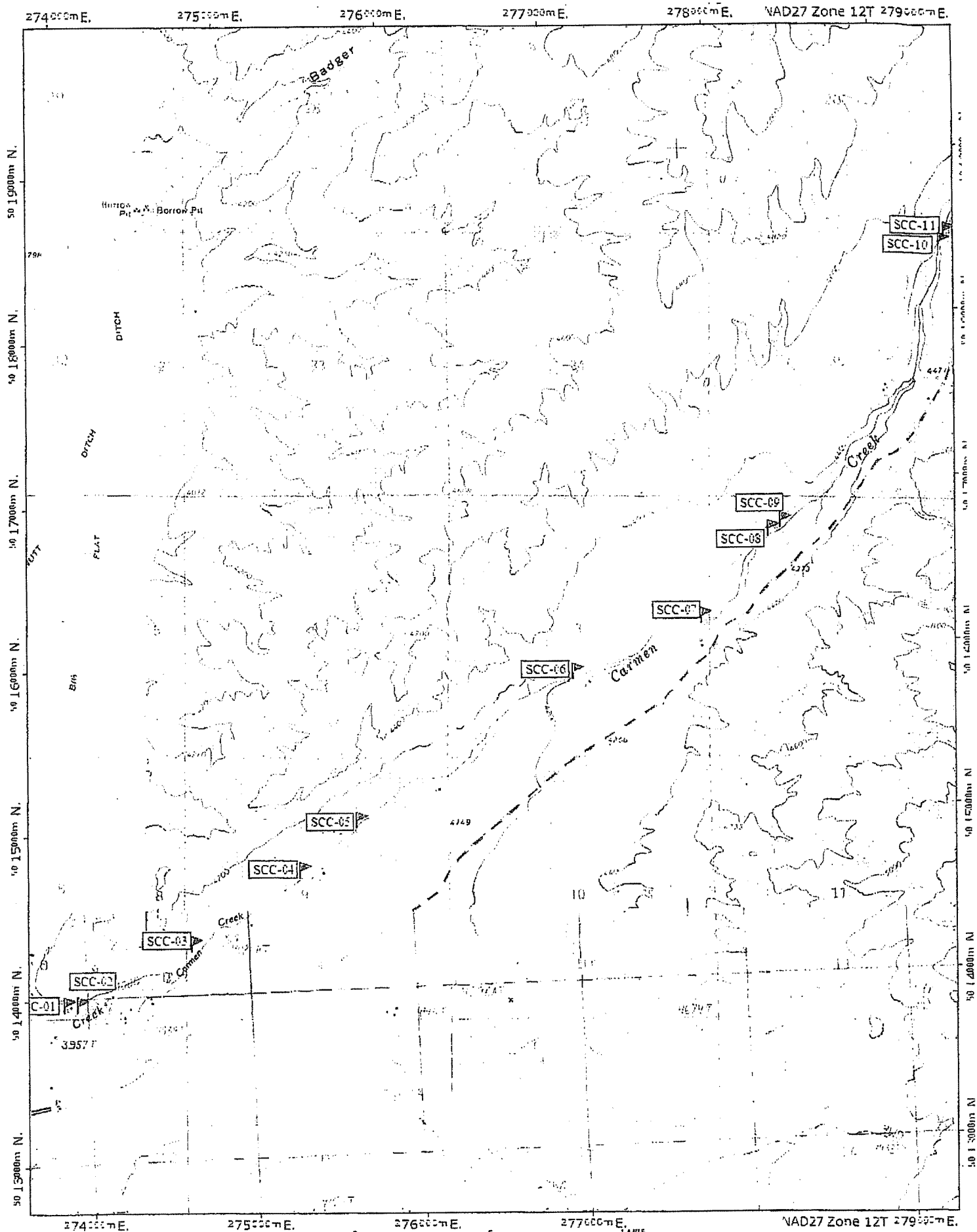
This copy included to assist with finding PODs (A), (B), (C), and (D) as referenced in Dave McFarland's letter dated October 15, 2009.



ATTACHMENT J



ATTACHMENT K



OPPOSITION TO MOTION TO FILE LATE NOTICE OF CLAIM SUBCASE 75-14724

CARMEN PODS (2).JPG

ATTACHMENT L

NEW WARRANT DEED

Please print or type in block letters

(Optional)
Recorded ☐ Platted ☐ Key Punched ☐ To Treasurer ☐
Microfilm ☐ Deed Card ☐ Master File ☐
Indexed ☐ Compared ☐ Abstracted ☐

(DO NOT WRITE ABOVE THIS LINE)

WARRANTY DEED

MAURICE FOLAND
of Salmon, Lemhi County, Idaho
hereby CONVEYS, GRANTS and WARRANTS TO

GRANTOR(S)
State of Idaho

JAMES PAUL HUDSON, an unmarried man,
whose current address is Box 73, Bridgeport, California 93517,
to the sum of TEN DOLLARS and other valuable considerations (\$-----)
the following described tract(s) of land in Lemhi County, State of Idaho

GRANTEE(S)

Lot 5 of the Ajax Peak Subdivision in Lemhi County as is more particularly
described in Book 5 of Plats, records of Lemhi County, Idaho.

TOGETHER WITH all water, water rights, ditches and ditch rights appurtenant
thereto and used in connection therewith.

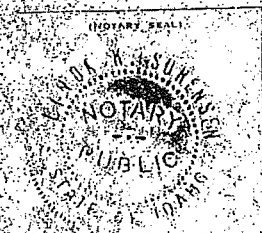
TOGETHER WITH AND SUBJECT TO certain Protective and Restrictive Covenants,
dated March 7, 1980, recorded March 13, 1980 as Instrument No. 151475,
records of Lemhi County, Idaho.

SUBJECT TO all taxes and assessments for the fiscal year 1982, and there-
after coming due and also subject to all covenants, restrictions, conditions,
reservations, easements and rights-of-way of record affecting said property.

Location of above described property _____ House No. _____ Street _____

WITNESS the hand of said Grantors this 25th day of May A.D. 1982

Maurice Foland



State of Idaho
County of Lemhi

ss. On the _____ day of May A.D. 1982
personally appeared before me
MAURICE FOLAND
the signer(s) of the within instrument, who duly acknowledged to me that he
executed the same.

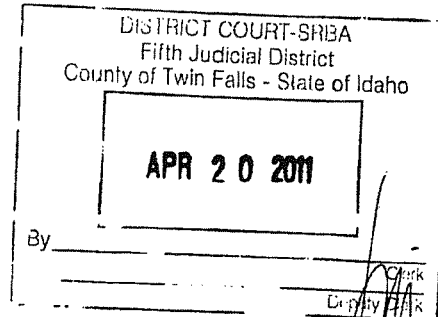
Residing at: Salmon, Idaho My Commission expires: 77

MAIL DEED TO:
James Paul Hudson
Box 73
Bridgeport, California 93517

MAIL TAX NOTICE TO:
Name _____
Address _____
City & State _____ Zip _____

*Foland
to
Hudson
5/25/82*

ATTACHMENT M



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 No.: 00-92021-75D
) (Interim Administration)
)
) ORDER GRANTING STATE OF IDAHO'S
) MOTION FOR ORDER OF INTERIM
) ADMINISTRATION IN IDWR BASIN 75
) FOR THOSE WATER RIGHTS LOCATED
) IN WATER DISTRICT 75D
)

I.

PROCEDURAL BACKGROUND

1. On May 25, 2010, the Court issued an order in the above-captioned matter granting the State of Idaho's *Motion for Interim Administration* of water rights in Basin 75 subject to certain exclusions ("*May 25, 2010 Order*"). One of the exclusions was with respect to certain water rights included in Water District 75D:

With respect to those water rights located in Water District 75D, based on the foregoing, and pursuant to Idaho Code § 42-1417, the State of Idaho *Motion for Interim Administration* . . . is hereby **granted**, subject to the following: As between those water rights comprising the Exchange Water Rights and non-exchange rights interim administration is ordered for purposes of protecting senior rights. However, with respect to the distribution of the Exchange Water Rights between parties claiming a portion of said rights interim administration is denied.

May 25, 2010 Order, p.10.¹

¹ The procedural and factual background set forth in the *May 25, 2010 Order* is hereby incorporated by reference and will not be repeated herein.

ORDER GRANTING STATE OF IDAHO'S MOTION FOR ORDER OF INTERIM
ADMINISTRATION IN IDWR BASIN 75 FOR THOSE WATER RIGHTS LOCATED
IN WATER DISTRICT 75D

- 1 -

OPPOSITION TO MOTION TO FILE LATE NOTICE OF CLAIM SUBCASE 75-14724

2. Since the issuance of the *May 25, 2010 Order*, all of the contested water rights involved in the underlying dispute regarding the Exchange Water Rights have been resolved via the filing of *SF5's*.

3. On April 19, 2011, a status conference was held in the above-captioned matter. All parties agreed that interim administration in IDWR Basin 75 is now proper with respect to those water rights located in Water District 75D that were previously excluded from interim administration by this Court's *May 25, 2010 Order*. All *Objections* filed to the State's *Motion for Interim Administration* with respect to Water District 75D have been resolved and/or withdrawn.

II.

LEGAL STANDARDS FOR INTERIM ADMINISTRATION

Idaho Code § 42-1417 authorizes the district court to order interim administration of water rights and provides, in part, as follows:

(1) The district court may permit the distribution of water pursuant to chapter 6, title 42, Idaho Code:

(a) in accordance with the director's report or as modified by the court's order;

(b) in accordance with applicable partial decree(s) for water rights acquired under state law;

(c) in accordance with applicable partial decree(s) for water rights established under federal law.

(2) The district court may enter the order only:

(a) upon a motion by a party;

(b) **after notice by the moving party by mail to the director and each claimant of water from the water system or portion thereof that could reasonably be determined to be adversely affected by entry of the order; and**

(c) **upon a determination by the court, after hearing, that the interim administration of water rights in accordance with the report, or as the report is modified by the court's order, and in accordance with any**

partial decree(s), is reasonably necessary to protect senior water rights.

I.C. § 42-1417(1) & (2) (emphasis added).

Idaho Code § 42-1417 therefore requires the district court to make the following determinations: (1) a party filed a motion for interim administration, (2) the moving party served by mail each claimant that could reasonably be determined to be adversely affected, (3) interim administration is reasonably necessary to protect senior water rights, and (4) the water rights should be administered in accordance with the *Director's Report*, as modified by the district court, or in accordance with partial decrees that supersede the *Director's Report*.

III.

DISCUSSION

Given that all *Objections* to the State of Idaho's *Motion for Interim Administration* with respect to Water District 75D have been resolved and/or withdrawn, this Court makes the following findings. The Court finds that the State has complied with the notice and service requirements of Idaho Code § 42-1417(2)(b) with respect to those water rights located in Water District 75D and that interim administration of these water rights in accordance with the applicable *Director's Reports* and *Partial Decrees* is reasonably necessary to efficiently administer water rights and to protect senior water rights.² The Court further finds that interim administration of water rights in Water District 75D will facilitate the implementation of conjunctive administration of all water rights diverting from hydraulically connected water sources. Last, interim administration of these water rights in accordance with the applicable *Director's Reports* and *Partial Decrees* is also reasonably necessary to fulfill the terms of the *Stipulation and Joint Motion for Order Approving Stipulation and Entry of Partial Decrees*, Consolidated Subcase No. 75-13316 Wild & Scenic Rivers Act Claim and subsequent *Order* of the SRBA Court.

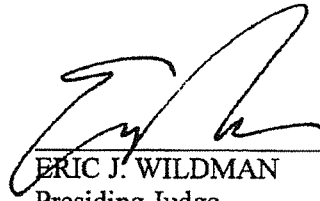
² The State's *Motion for Interim Administration* does not seek authorization for interim administration of domestic and stock water rights as defined under Idaho Code §§ 42-111 and 42-1401A(11).

IV.
ORDER

Therefore, IT IS HEREBY ORDERED that the State of Idaho's *Motion for Order of Interim Administration* with respect to Water District 75D is hereby **granted**. The Court hereby authorizes the distribution of water pursuant to chapter 6, title 42, Idaho Code in accordance with the *Director's Reports* and the *Partial Decrees* that supersede the *Director's Reports* in IDWR Basin 75 for those water rights located in Water District 75D.

IT IS SO ORDERED.

DATED: April 30, 2011



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

ATTACHMENT N

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)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 75-00062

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

JAN 31 2011

By

Clerk
Deputy Clerk

NAME AND ADDRESS: CARMEN LAND & LIVESTOCK INC
C/O DAVE MC FARLAND
PO BOX 124
CARMEN, ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 2.50 CFS

PRIORITY DATE: 05/02/1882

POINT OF DIVERSION: T23N R22E S25 NENW Within Lemhi County
S35 NENE
NENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.50 CFS

PLACE OF USE:	Irrigation	Within Lemhi County
	T22N R22E S02 LOT 3 (NENW) 1.5 LOT 4 (NWNW) 27.0	
	SWNW 1.9	
	S03 LOT 1 (NENE) 37.0	SENE 11.0
	T23N R22E S34 SESE 20.0	
	S35 SWNE 17.0	NENW 3.1
	SWNW 0.2	SENE 24.0
	NESW 39.0	NWSW 21.0
	SWSW 39.0	SESW 30.0
	NWSE 18.0	SWSE 0.3
	290.0 Acres Total	

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season. The rights listed below are limited to the irrigation of a combined total of 290 acres in a single irrigation season. Combined Right Nos.: 75-62, 75-68B, 75-4333, 75-10061V and 75-10062T.

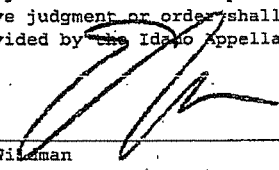
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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).

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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.



Eric J. Wiseman
Presiding Judge of the
Snake River Basin Adjudication

ATTACHMENT O

WARRANTY DEED

For Value Received, ROBERT F. PARMENTER and PHYLLIS B. PARMENTER, husband and wife; WILLIAM D. PARMENTER and CAROLYN J. PARMENTER, husband and wife; and, GERALD A. PARMENTER, a single man;

the grantors, do hereby grant, bargain, sell and convey unto

ARCHIBALD M. McFARLAND and ANITA J. McFARLAND, husband and wife,

the grantees, the following described premises, ~~tract~~ in Lemhi County, Idaho, to wit:

All of Lot 1, Section 3, T. 22 N., R. 22 E., and all of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of S. 34, and all of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of S. 35, T. 23 N., R. 22 E., Boise Meridian.

Also a tract of land lying and being in Lot 4 and in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, and in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, T. 22 N., R. 22 E., Boise Meridian as follows, to wit:

Beginning at the Northwest corner of said Section 2, run thence S. 89°44' E. along the North boundary of Section 2 a distance of 1320 feet; thence S. 0°02' E. 310.0 feet; thence S. 72°41' W. 278.0 feet; thence S. 33°10' W. 68.9 feet; thence S. 0°45' W. 169.0 feet; thence S. 43°43' W. 614.6 feet; thence S. 45°36' W. 481.0 feet; thence S. 45°25' E. 140.5 feet; thence S. 49°06' W. 254.0 feet; thence S. 81°52' W. 542.0 feet; thence S. 69°51' W. 385.0 feet; thence N. 26°48' W. 487.2 feet; thence S. 69°51' W. 328.8 feet, more or less, to a point on the West boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of S. 3; thence N. along the West boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of S. 3 a distance of 277.59 feet to the Northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of S. 3; thence S. 89°44' E. 1320.0 feet to the East boundary of S. 3; thence N. 0°02' W. along the East boundary of S. 3 a distance of 1323.3 feet to the place of beginning.

Together with all water and water rights, ditch and ditch rights, range and range rights used in connection therewith.

The total acres as above described is 160.54.

The range rights at present, including B.L.M. rights or privileges, is 46 AUMs.

The water rights include the following: 45 in. decreed to A.C. Mather, and 25 in. to Eliza Mather in Decree, Book A of Judgments, page 582, District Court in Lemhi County, also 17 in. from Big Flat Agreement.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee s, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: January 21, 1970.

Robert F. Parmenter
Phyllis B. Parmenter

William D. Parmenter
Carolyn J. Parmenter
Gerald A. Parmenter

STATE OF IDAHO, COUNTY OF LEMHI

On this 17th day of February, 1970, before me, a notary public in and for said State, personally appeared Robert F. Parmenter and Phyllis B. Parmenter, husband and wife:

STATE OF IDAHO, COUNTY OF Lemhi

I hereby certify that this instrument was filed for record at the request of

Lemhi Title & Abstract Company
at 75 minutes past 1 o'clock P. M.

ALL OF LOT 1, Section 3, T. 22 N., R. 22 E., and all of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of S. 34, and all of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of S. 35, T. 23 N., R. 22 E., Boise Meridian.

Also a tract of land lying and being in Lot 4 and in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, and in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, T. 22 N., R. 22 E., Boise Meridian as follows, to wit:

Beginning at the Northwest corner of said Section 2, run thence S. 89°44' E. along the North boundary of Section 2 a distance of 1320 feet; thence S. 0°02' E. 310.0 feet; thence S. 72°41' W. 278.0 feet; thence S. 33°10' W. 68.9 feet; thence S. 0°45' W. 169.0 feet; thence S. 43°43' W. 614.6 feet; thence S. 45°36' W. 481.0 feet; thence S. 45°25' E. 140.5 feet; thence S. 49°06' W. 254.0 feet; thence S. 81°52' W. 542.0 feet; thence S. 69°51' W. 385.0 feet; thence N. 26°48' W. 487.2 feet; thence S. 69°51' W. 328.8 feet, more or less, to a point on the West boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of S. 3; thence N. along the West boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of S. 3 a distance of 277.59 feet to the Northwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of S. 3; thence S. 89°44' E. 1320.0 feet to the East boundary of S. 3; thence N. 0°02' W. along the East boundary of S. 3 a distance of 1323.3 feet to the place of beginning.

Together with all water and water rights, ditch and ditch right range and range rights used in connection therewith.

The total acres as above described is 160.54.

The range rights at present, including B.L.M. rights or privileges, is 46 AUMs.

The water rights include the following: 45 in. decreed to A.C. Mather, and 25 in. to Eliza Mather in Decree, Book A of Judgments, page 582, District Court in Lemhi County, also 17 in. from Big Flat Agreement.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee s, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.
Dated: January 21, 1970.

Robert F. Parmenter
Phyllis B. Parmenter

William D. Parmenter
Carolyn C. Parmenter
Gerald A. Parmenter

STATE OF IDAHO, COUNTY OF LEMHI

On this 17th day of February, 1970, before me, a notary public in and for said State, personally appeared Robert F. Parmenter and Phyllis B. Parmenter, husband and wife; William D. Parmenter and Carolyn C. Parmenter, husband and wife; and, Gerald A. Parmenter, a single man,

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

Kudonok Hughes
Notary Public

Residing at Salmon, Idaho
Comm. Expires 10/1/71

STATE OF IDAHO, COUNTY OF Lemhi

I hereby certify that this instrument was filed for record at the request of

Lemhi Title & Abstract Company
at 35 minutes past 1 o'clock P.M.,
this 18th day of February
1970, in my office, and duly recorded in ~~226~~ File
of Deeds at page X

Eleanor Eldous
Ex-Officio Recorder

By *Carol K. Ridgeman* Deputy.
Fees \$ 1.00 Paid
Mail to:

INDEXED

ATTACHMENT P

Combination of 82 and 75 Water as "Matter of Practicality."

The Watermaster, in his letter of March 1982 commenting on his review of the 1982 Abstract, stated that "All exchange water is considered 1882 water as a matter of practicality." This methodology has been restated over time, and most recently by the Watermasters (both) in the 2008 season – i.e. "We don't recognize 1875."

The practice of treating 82 and 75 combined as 82 is apparently of great importance to the "watermaster." This concern and apparent importance seems greatly out of proportion to any possible records keeping benefit until the following is considered:

The 75 exchange water is much larger than the size of the 82: 400 inches of the former and 220 inches of the latter. Each "share" totals 45 inches, therefore with 30 inches of 75 and 15 inches of 82. As long as each recipient is entitled to the same proportion of 75 and 82 it would make no difference to consider it all 82 for applying seasonal cuts. However, in light of the fact that some also have very large 82 rights in addition to exchange water 82 shares, it is obvious that the combination results in an inequality – benefit to some and penalty to others.

Perhaps it is coincidence that the "watermaster" has two large 1882 rights, 75-076 for 162 inches with May 1 priority, and 75-062 for 112.5 inches with May 2 priority. Exactly how these rights have been mathematically handled is uncertain at this time but it is fact that in recent years cuts to "half of 82" as per the "watermaster" have been made.

The question is, how is this hybrid 82 calculated? Does it also include the May 1, 82 right in addition to the exchange 82 right? Does it include the May 2, 82 right too since in the words of the "watermaster" it's "only one day's difference."

This is a matter that requires close examination by the IDWR, and in any case the 1875 and 1882 rights should not be combined for whatever reason.

General Carlson

Department of Water Resources

Eastern District Office

150 Shamp Avenue

Lake Falls, Idaho 83401

RECEIVED

MAR 26 1982

Department of Water Resources
Eastern District Office

Dear Sir:

This letter is to comment on the 1957 record of the abstract for General Clark, with District 701B which included Laramie.

The record is correct and correct with respect to the 1900 deed and exchange agreements. The water rights are probably mostly as stated. The names listed with the abstract are the ones which were used in the water right application. The only person whose name is missing is that of water master Peter O. Clark who was the water master on the 1900 deed of water. All water rights considered 1850 as a matter of fact.

The exception is the Peter McKinnery right which is owned by me or presently. Sometime shortly after 1900 Peter McKinnery purchased the lands of William Smith and Robert Martin and apparently transferred his share to these lands. At least, the old water masters records show these lands as being 3 shares until about 1957. No official record of this transfer has been found but McKinnery testified to its use, if not truth. About 1957, the State Department of Reclamation told the water master to turn off the exchange rights to favor the water master. An agreement was made where the Peter McKinnery right was to be used. The water master just about the Peter McKinnery right off. That is the current status of the right.

Sincerely yours,

Don M. Carlson

watermaster 1151 1510

encl 1 checked

This letter is to comment on the 1951 version of
the abstract for German Works, which is dated 7-2-51. It is
included here as a reference.
The revision is useful and agrees with my interpretation
of the 1903 decision and exchange agreements. The exchange of
rights and probably most dissolving of specific mentions. The
names listed with one exception, and the ones which presently
receive exchange water with one exception. Each person
personally received 15 inches of water except Theodore
Barton and E. Wood. O. Clark was at the point 1/2 share
or 3 1/2 inches of water. All others received
considered 18 1/2 inches as a matter of probability.
The exception is the Peter M. Kinner right which is believed
to be one presently. Sometime shortly after 1902, Peter M. Kinner
and Robert Martin and

ATTACHMENT Q

PROSECUTING ATTORNEY

LEMHI COUNTY

P.O. Box 788 • SALMON, IDAHO 83467

TELEPHONE (208) 756-2921

JAMES C. HERNDON
PROSECUTING ATTORNEY

November 29, 1984

BEVERLY J. ELDER
DEPUTY PROSECUTING ATTORNEY
JUVENILES • CHILD SUPPORT

Lemhi County Commissioners
Lemhi County Courthouse
206 Courthouse Drive
Salmon, Idaho 83467

Gentlemen:

Jim Hudson and I reviewed the Ajax Peak road right-of-way situation and the opinion letter that my office gave to the Commissioners on the maintenance of the roadway.

Mr. Hudson expressed that he was not opposing any type of maintenance agreement between the county, or others, and the homeowners for the maintenance of the road. He conceded that the maintenance would benefit all parties.

However, Mr. Hudson clearly opposes the roadway in the Ajax Peak Subdivision becoming a county roadway either by acquiescence of the parties or by prescription. He points out that the county has not maintained for the statutory period of five years necessary for the road to become a county road by prescription.

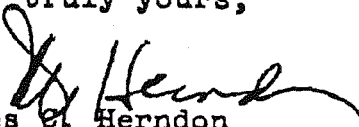
Mr. Hudson's concerns are well taken. He would like the road to remain "private" as contrasted to "county". The roadway traverses his property approximately 1,500 feet. He points to the fact that a public road through the subdivision would increase the burden upon his adjoining real property. He says that he purchased the land knowing that the private right-of-way was there, but believing that the right-of-way would not become open to the general public as a county road would be. One of the reasons he purchased the property was due to the fact that it was somewhat isolated. He points out that a public roadway through the subdivision would allow other subdividers and other individuals to use the road for access and would increase the burden upon his land by the additional traffic flow. In other words, he does not want to be part of a road system that would allow other subdivisions and development on the roadway.

As I pointed out earlier, the county does have the power granted to it by the Legislature to enter into contracts to

Lemhi County Commissioners
November 29, 1984
Page 2

maintain roadways. Perhaps a maintenance agreement would
be called for in this instance.

Very truly yours,


James E. Herndon

JCH/cw