

Water Right Number - A02-00225

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
STANLEY

MARGARET A

1 - 2858 9TH AVE EAST

2 -

3 -

City- TWIN FALLS

Phone - 208-734-4823

1 - 2858 9TH AVE EAST

2 -

3 -

City- TWIN FALLS

Phone - 208-734-4823

State- ID Zip- 83301

State- ID Zip- 83301

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1883 ERROR IN REGION D - DECREED

+ - - Source - - - - - + + - - - - Tributary - - - - - +
SNAKE RIVER COLUMBIA RIVER

+ - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

08S 13E 1 SE NW SE (47) GOODING

+ - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

43 - DOMESTIC 01/01 12/31 0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KV Usage - +
0.040 0.040 0.0

+ - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

08S 13E 1 NW SE 11 43 DOMESTIC (47) GOODING

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use - 1 HOME & LAWN

+ - - Other Rights for Same Use - NONE

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

EXP PROPERTY IS ALSO KNOWN AS LOT 14, GRIDLEY ISLAND SUBD.

Water right number - A02-00225

Prefix Translation: ADJUDICATION CLAIM

+ - - - - - Old Water Right Numbers - - - - - +
+ - - - - - Old Water Right Numbers - - - - - +
3600055AD

+ - - - - - Conditions of Approval - - - - - +
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - - Decree Date - - - +
NEW INT. MORTGAGE BANK IDAHO POWER 03/22/1932

+ - - - - - Comments - - - - - +
Date: 04/09/1991 User Id: CLELLAND Subject: COPIED FROM REMARKS
POU FURTHER DESCRIBED AS LOT 14 GRIDLEY ISLAND SUBD.
RIVER HAS BEEN FILED BUT NOT YET APPROVED.
TRANSFER TO CHANGE THE DIVERSION FROM RILEY CR. TO THE SNAKE

Date: 04/09/1991 User Id: CLELLAND Subject: DISALLOWED
LEGAL REVIEW OF THE TRANSFER RESULTED IN DISALLOWAL.
AND IS STILL NOT IN USE TODAY.
THIS PORTION OF THE WATER RIGHT HAS NOT BEEN IN USE SINCE 1970

Date: 09/17/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/16/92. CHANGED NOE FLAG FROM BLANK TO A.
Date: 10/14/1992 User Id: CHRISTEN Subject: RESPONSE TO NOE
NO CHANGE TO RECOMMENDATION MADE. ABANDONMENT APPEARS TO BE
Date: 12/16/1997 User Id: SCELLAN Subject: REFORMATTED FOR SF5
PREPARED THIS RECORD FOR POSSIBLE SF5 AGREEMENT.
CLAIM VERIFIED 8/12/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 12/17/1997 User Id: SCELLAN Subject: RENUMBERED
THIS CLAIM ORIGINALLY FILED AS A36-00055AD. APPROVED TRANSFER
RENUMBERED TO THIS 02 BASIN NUMBER TO BETTER DESCRIBE THE SOURCE OF THE RIGHT USED.
VALID. RESPONDED TO CLAIMANT BY LETTER. KKC 10-14-92.

+ - - Audit Fields - - +
12/18/98 DJONES

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 08/12/1988 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - X777777 Water District - 36A
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - AND/OR Presumption Flag - S
Notice of Error Flag - B

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A36-00055AD**
Date Received: 8/12/1988
Receipt No: S001421
Received By: _____

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

1. Name: MARGARET A STANLEY
Address: 2858 9TH AVE EAST
TWIN FALLS ID 83301

AND/OR

Name: DONALD K STANLEY 208-734-4823
Address: 2858 9TH AVE EAST
TWIN FALLS ID 83301

2. Date of Priority: MAY 1, 1883

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 08S | 13E | 1 | SE | NW | SE | | GOODING |

5. Description of diverting works:
PUMP FROM RIVER TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.040 | | |

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

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 08S | 13E | 1 | NW | SE | 11 | IRR | 0.6 |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| | | | | | Section Acres | 0.6 |
| | | | | | Total Acres | 0.6 |

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

POU FURTHER DESCRIBED AS LOT 14 GRIDLEY ISLAND SUBD.
TRANSFER TO CHANGE THE DIVERSION FROM RILEY CR. TO THE SNAKE
RIVER HAS BEEN FILED BUT NOT YET APPROVED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/22/1932

NEW INT. MORTGAGE BANK
Decree Plaintiff

IDAHO POWER
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

☐ Water Right Number(s): A36-00055AD

☐ Old Mailing Address: Donald K. & MARGARET A Stanley
430 Buckingham Dr
TWIN FALLS ID 83301

☐ New Mailing Address: 2858 9th Ave East

☐ New Telephone Number: () -

☐ Signature of Claimant(s): Margaret A Stanley

Date: 12/17/97

| | |
|-------------------------------|---------------|
| FOR IDWR USE ONLY | |
| Initial Review and Data Entry | |
| Date: <u>12/17/97</u> | By: <u>SA</u> |
| Further Action Needed: | |
| Further Action Taken | |
| Date: | By: |
| Final Review and Data Entry | |
| Date: <u>12/17/97</u> | By: <u>SA</u> |

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00055AD

Date Received: 8/12/1988

Receipt No: 5001421

Received By: TB

COPY
FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARGARET A. STANLEY

Address: TWIN FALLS, ID 83301

AND/OR

Name: DONALD K. STANLEY

208-734-4823

Address: 430 BUCKINGHAM DR.
TWIN FALLS, ID 83301

2. Date of Priority: MAY 01, 1883

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 08S | 13E | 1 | SE | NW | SE | | GOODING |

5. Description of diverting works:
PUMP FROM RIVER TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.040 | | |

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

A.F.A.

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 08S | 13E | 1 | NW SE | 11 | IRR | 0.6 |
| Section Acres | | | | | | 0.6 |
| Total Acres | | | | | | 0.6 |

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

DOMESTIC FROM GRIDLEY ISLAND WATER ASSOC.

14. Remarks:

P/U FURTHER DESCRIBED AS LOT # 14 GRIDLEY ISLAND SUBD.
TRANSFER TO CHANGE THE DIVERSION FROM RILEY CR. TO THE SNAKE
RIVER HAS BEEN FILED BUT NOT YET APPROVED.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Margaret A. Stanley Date: 8-12-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 12th day

of August 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

April 1, 1998

is now

02-00225 ← already
has correct address.

RECEIVED
MAY 11 1998

Department of Water Resources

State of Idaho
Snake River Basin Adjudication
P. O. Box 2707
Twin Falls, ID 83303-2707

RECEIVED
MAY 11 1998

Department of Water Resources
Adjudication Bureau

Greetings

Record Modified 05-15-98
cc: W.A. + R. Loveall

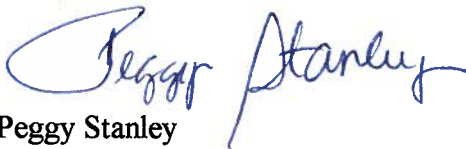
RE: SRBA Case No. 39576, Subcase 36-00055AD

No
NCAP
df

Please be advised that you do not have our correct address in the above matter.
Our current mailing address is: Donald K. and Margaret A. Stanley
2858 9th Ave. E.
Twin Falls, ID 83301

Please make note of this in your file. We have not lived at our other address for over
5 years and we are not getting the information that you are sending to us.

Thank you.



Peggy Stanley

RECEIVED

MAY 27 1998

Department of Water Resources
Southern Region

RECEIVED

JAN 02 1998

Department of Water Resources
Southern Region

1997 DEC 17 PM 2: 57

DISTRICT COURT - SRBA

TWIN FALLS, IDAHO

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 No.: 36-00055AD
)
)
)
)
)
)
)

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date: 12/17/97

Margaret A. Stanley
Margaret Stanley, Claimant

Steve Chubb
IDWR Concurrence

Approved as to form: Charles Z. Hunsinger
Attorney for IDWR

MAS

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

RIGHTS FROM: SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

RIGHT NUMBER: 02-00225

NAME AND ADDRESS: MARGARET A STANLEY
DONALD K STANLEY
2858 9TH AVE EAST
#30 BUCKINGHAM DR
TWIN FALLS ID 83301

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/01/1883

POINT OF DIVERSION: T08S R13E S01 SENWSE Within GOODING County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------------------|-----------------------------------|--------------------|-----------------|
| | <u>DOMESTIC 1 HOME & LAWN</u> | <u>01-01 12-31</u> | <u>0.04 CFS</u> |

PLACE OF USE: DOMESTIC Within GOODING County
T08S R13E S01 Lot 11 (NWSE)

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

PROPERTY IS ALSO KNOWN AS LOT 14, GRIDLEY ISLAND SUBD.

C.2.H.
Ma. P.
Su

1-00055AD (CONT.)

GHTS FROM: SOURCE: RENUMBERED RIGHT

GHT NUMBER: 36-00055AD

NAME AND ADDRESS: RENUMBERED RIGHT
X ID 0

MARGARET A STANLEY
DONALD K STANLEY
430 BUCKINGHAM DR
TWIN FALLS ID 83301

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
RENUMBERED RIGHT

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/01/1883

POINT OF DIVERSION: T08S R13E S01 SENWSE Within GOODING County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
DOMESTIC 1 HOME & LAWN 01-01 12-31 0.04 CFS
IRRIGATION 04/01 10/31 0.04 CFS

PLACE OF USE: DOMESTIC Within GOODING County
T08S R13E S01 Lot 11 (NWSE)

IRRIGATION Within GOODING County
T08S R13E S01 Lot 11 (NWSE) 0.6

ASSUMPTIVE USE: 3.0 AFY

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
SEE NO. 02-00225 IN BASIN 02 REPORT.

FORFEITED/ABANDONED

PLANATORY MATERIAL: BASIS OF CLAIM -

C.2.H.
M.G.S.
See

Because the right for which claim no. A36-00055AD was submitted has as its source the Snake River, IDWR and the party agree that right no. 36-00055AD should be recommended in the Basin 02 Directors Report as right no. 02-00225 when that report is filed with the SRBA court. IDWR and the party further agree that the elements of 02-00225 are properly described on the attached page. IDWR and the party further agree that because this right will be recommended in the future as right no. 02-00225, right no. 36-00055AD should be decreed disallowed.

C.2.H.

Ma.S.

gu

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

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

CERTIFICATE OF MAILING

I certify that on 12/17, 1997, 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:

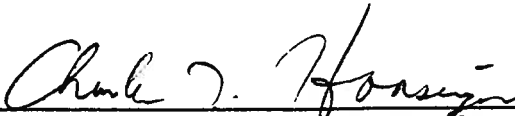
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0010

Charlie L. Honsinger
Idaho Dept of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

Margaret Stanley - Hand Delivery
2858 9th Ave. E.
Twin Falls, ID 83301



Signature of person or attorney mailing the form

RIGHTS FROM: SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

RIGHT NUMBER: 02-00225

NAME AND ADDRESS: MARGARET A STANLEY
DONALD K STANLEY
2858 9TH AVE EAST
#30 BUCKINGHAM DR
TWIN FALLS ID 83301

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/01/1883

POINT OF DIVERSION: T08S R13E S01 SENWSE Within GOODING County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------------------|-----------------------------------|--------------------|-----------------|
| | <u>DOMESTIC 1 HOME & LAWN</u> | <u>01-01 12-31</u> | <u>0.04 CFS</u> |

PLACE OF USE: DOMESTIC Within GOODING County
T08S R13E S01 Lot 11 (NWSE)

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

PROPERTY IS ALSO KNOWN AS LOT 14, GRIDLEY ISLAND SUBD.

C.2.H.
Ma. P.
Su

36-00055AD (CONT.)

RIGHTS FROM: SOURCE: RENUMBERED RIGHT

RIGHT NUMBER: 36-00055AD

NAME AND ADDRESS: RENUMBERED RIGHT
X ID 0MARGARET A STANLEY
DONALD K STANLEY
430 BUCKINGHAM DR
TWIN FALLS ID 83301SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
RENUMBERED RIGHT

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/01/1883

POINT OF DIVERSION: T08S R13E S01 SENWSE Within GOODING County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|-----------------------------------|--------------------|-----------------|
| | <u>DOMESTIC 1 HOME & LAWN</u> | <u>01-01 12-31</u> | <u>0.04 CFS</u> |
| | <u>IRRIGATION</u> | <u>04/01 10/31</u> | <u>0.04 CFS</u> |

PLACE OF USE: DOMESTIC Within GOODING County
T08S R13E S01 Lot 11 (NWSE)IRRIGATION Within GOODING County
T08S R13E S01 Lot 11 (NWSE) 0.10

CONSUMPTIVE USE: 3.0 AFY

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

SEE NO. 02-00225 IN BASIN 02 REPORT.FORFEITED/ABANDONED/

EXPLANATORY MATERIAL: BASIS OF CLAIM -

C.2.H.
Ma.S.
su

Because the right for which claim no. A36-00055AD was submitted has as its source the Snake River, IDWR and the party agree that right no. 36-00055AD should be recommended in the Basin 02 Directors Report as right no. 02-00225 when that report is filed with the SRBA court. IDWR and the party further agree that the elements of 02-00225 are properly described on the attached page. IDWR and the party further agree that because this right will be recommended in the future as right no. 02-00225, right no. 36-00055AD should be decreed disallowed.

C. Z. H.
M. A. S.
gu

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on 12/17, 1997, 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:

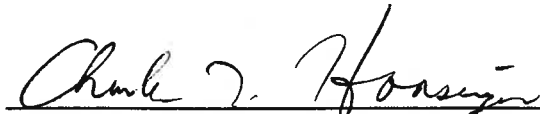
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0010

Charlie L. Honsinger
Idaho Dept of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

Margaret Stanley — Hand Delivered
2858 9th Ave. E.
Twin Falls, ID 83301



Signature of person or attorney mailing the form

SUBCASE NO. 36-00055AD

| | CLAIM
(8/12/88) | AMENDED CLAIM | RECOMMENDATION | OBJECTION |
|---------------------------|---|----------------------|-----------------------|--|
| NAME | Margaret & Donald Stanley | N/A | Disallowed. | Margaret & Donald Stanley |
| BASIS OF CLAIM | Beneficial Use | | | |
| SOURCE | Snake River | | | |
| QUANTITY | 0.04 cfs | | | |
| PRIORITY DATE | 5/1/1883 | | | |
| PURPOSE OF USE | Irrigation | | | |
| PERIOD OF USE | 3/15 - 11/15 | | | |
| POINT OF DIVERSION | T08S R13E S1 | | | |
| PLACE OF USE | T08S R13E S1
0.6 acres | | | |
| remarks | "Place of use further described as Lot #14 Gridley Island subdivision. Transfer to change the diversion from Riley Creek to the Snake River has been filed but not yet approved."
(note: Transfer #3527) | | | XX water right not being recommended. Requests that right be recommended as described in transfer. |
| | | | | |

LARRY ECHOHAWK
Attorney General
State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

A. LYNNE KROGH-HAMPE
NICHOLAS B. SPENCER
Deputy Attorneys General
Idaho Department of Water Resources
P.O. Box 44449
Boise, Idaho 83711-4449
Telephone: (208) 327-7920

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

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System.

Sub-case no.
36-00055AD-0001

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

IDWR'S MOTION TO
FILE LATE RESPONSE
TO OBJECTION NO.
36-00055AD-0001

Petitioner,

vs.

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

Defendants.

Descriptive Summary

This document is IDWR's motion to file a late response to objection number 36-00055AD-0001.

Motion to File Late Objection

The State of Idaho, ex rel. R. Keith Higginson in his official capacity as Director of the Idaho Department of Water Resources (IDWR), by and through its undersigned counsel of record, moves this court to enter an order accepting for filing the attached response to objection no. 36-00055AD-0001.

Objection no. 36-00055AD-0001 was not filed by the May 1, 1993, deadline for filing Basin 36 objections. On or about May 28, 1993, legal counsel for the objector filed a motion for leave to file a late objection. IDWR did not oppose the motion. A hearing on the motion was held on July 13, 1993. On that same day the court entered its order granting the motion.

Since this objection was filed ten weeks after the filing deadline, IDWR was unable to incorporate the objection into the review process it was using for the 520 objections that had been filed by May 1st. Therefore IDWR was unable to complete its review of this objection in time to prepare a response to it at the same time it prepared responses to the timely filed objections. However, IDWR did expedite its review of this objection; it has investigated the objection and prepared a response to it within approximately nine weeks of the time it was filed. (In contrast, Idaho Code §42-1411(4)(i) contemplates that IDWR be allowed a

minimum of 120 days--over 17 weeks--within which to respond to objections).

This motion to file a late response is made pursuant to Idaho Code §42-1412(11), which provides that the court may extend the time for filing any response to an objection to the director's report. No party will be prejudiced by the late filing of this response.

DATED this 27TH day of September, 1993.



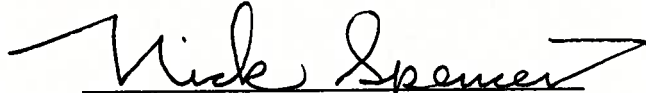
NICHOLAS B. SPENCER
Deputy Attorney General
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of September, 1993, I served true and correct copies of the foregoing IDWR'S MOTION TO FILE LATE RESPONSE TO OBJECTION NO. 36-00055AD-0001 on the following persons by mailing in the U.S. Mail, first class, with the correct postage affixed thereto.

Patrick D. Brown, Esq.
Penelope Parker, Esq.
Hepworth, Nungester & Lezamiz, Ctd.
P.O. Box 389
Twin Falls, Idaho 83303-0389

U.S. Dept. of Justice
Env't & Nat'l Resources Div.
550 W. Fort St. Box 33
Boise, ID 83734


NICHOLAS B. SPENCER
Deputy Attorney General

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

In Re the General Adjudication)
of the Rights to the Use of Water) Case No. 36-00055AD-0001
from the Snake River Basin)
Water System)

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

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

Respondents.)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

2. Person who filed objection:

Name: DONALD K & MARGARET STANLEY

Address: 430 BUCKINGHAM DR

TWIN FALLS ID 83301

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12b. ☒ This water right not being recommended.
14. ☒ Other: I respond to the objection concerning:

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

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, IDWR responds as follows: Because this claim was recommended for disallowal, there are no remarks to be objected to. The objection therefore is in error. The objection that the claimants are asserting is to objection item 12b. IDWR responds to that objection item below. In further response to this objection item, IDWR responds

that it has authority pursuant to Idaho Code Sec. 42-1411(2)(j) to include in its recommendations of water rights acquired under state law and recommended in the director's report "such other matters as are necessary to define the right." IDWR includes remarks in its recommended water rights whenever such are necessary to adequately describe and define the water right.

In response to Statement of the Objection items 12 and 12b., and all allegations of the objection regarding those items, IDWR responds as follows: It recommended this right for disallowal because evidence in its possession indicates that the water right has been forfeited due to at least five years of non-use. IDWR further responds that its approval of the transfer application relied upon by the claimants does not preclude a finding of forfeiture of this water right.

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

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

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

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

(Over)

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(LAST)

No. of
Pages

Notice of Claim No. A36-00055AD 3
IDWR's Response to Answer, Affirmative Defenses and Prayer
For Relief of Claimant 4

has previously been discussed in the previous pages of this document. The following is a summary of the facts and circumstances surrounding the claimant's allegations.

The claimant alleges that the defendant has engaged in a course of conduct that is oppressive and unconscionable. The claimant seeks relief from the defendant's actions.

REPLY TO THE DEFENSE'S MOTION

The defendant's motion is based on the claimant's failure to provide sufficient evidence to support its allegations. The claimant has provided ample evidence to establish its case. The defendant's motion is denied.

The claimant's evidence is sufficient to establish its case. The defendant's motion is denied. The claimant's evidence is sufficient to establish its case. The defendant's motion is denied.

The claimant's evidence is sufficient to establish its case. The defendant's motion is denied. The claimant's evidence is sufficient to establish its case. The defendant's motion is denied.

The claimant's evidence is sufficient to establish its case. The defendant's motion is denied. The claimant's evidence is sufficient to establish its case. The defendant's motion is denied.

CERTIFICATE OF MAILING

I hereby certify that on the 27 day of September, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

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

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

See No. 3

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

Name: HERWORTH NUNGSTER & LEZAMIZ

Address: PATRICK D BROWN

PENELOPE PARKER

PO BOX 389

TWIN FALLS ID 83303

4. One copy to:

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

Signature of Respondent or attorney
mailing on Respondent's behalf

[Handwritten Signature]

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(Over)

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

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

By: Mark Simpson
(Attorney signing in
representative capacity)

Signature of person filing response

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

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

State of IDAHO
County of ADA

VERIFICATION (Must be Completed)

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00055AD
Date Received: 8/12/1988
Receipt No: 5001421
Received By: TR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARGARET A. STANLEY
Address:

TWIN FALLS, ID 83301

AND/OR

Name: DONALD K. STANLEY
Address: 430 BUCKINGHAM DR.
TWIN FALLS, ID

208-734-4823

83301

2. Date of Priority: MAY 01, 1883

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 08S | 13E | 1 | SE | NW | SE | | GOODING |

5. Description of diverting works:
PUMP FROM RIVER TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.040 | | |

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

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 08S | 13E | 1 | NW SE | 11 | IRR | 0.6 |
| Section Acres | | | | | | 0.6 |
| Total Acres | | | | | | 0.6 |

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

DOMESTIC FROM GRIDLEY ISLAND WATER ASSOC.

14. Remarks:

P/U FURTHER DESCRIBED AS LOT # 14 GRIDLEY ISLAND SUBD.
TRANSFER TO CHANGE THE DIVERSION FROM RILEY CR. TO THE SNAKE
RIVER HAS BEEN FILED BUT NOT YET APPROVED.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Margaret A. Stanley Date: 8-12-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 12th day

of August 19 88

Seal

Roxanne Storey
Notary Public

Residing at Buhl, Id

My Commission Expires 6-30-94

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

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

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

- OCT 11 1984
- WORKS (page 11 of Part I of the director's report)
- (17) VI. General Provision 8. FIRE FIGHTING PURPOSES (page 11 of Part I of the director's report)
 - (18) VI. General Provision 9. CONSUMPTIVE USE (page 12 of Part I of the director's report)
 - (19) VI. GENERAL PROVISION 10 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE (page 12 of Part I of the director's report)
 - (20) VI. General Provision 10. DOMESTIC USE (page 12 of Part I of the director's report)
 - (21) VI. GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE (page 13 of Part I of the director's report)
 - (22) VI. General Provision 11. STOCK WATER USE (page 13 of Part I of the director's report)
 - (23) VI. GENERAL PROVISIONS 12-16 APPLY TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH IRRIGATION AS A PURPOSE OF USE (page 13 of Part I of the director's report)
 - (24) VI. General Provision 12. IRRIGATION USE (pages 13-14 of Part I of the director's report)
 - (25) VI. General Provision 13. DIVERSION VOLUME FOR IRRIGATION (page 14 of Part I of the director's report)
 - (26) VI. General Provision 14. CONSUMPTIVE USE FOR IRRIGATION (pages 14-15 of Part I of the director's report)
 - (27) VI. General Provision 15. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION (page 15 of Part I of the director's report)
 - (28) VI. General Provision 16. DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE (pages 15-16 of Part I of the director's report)
 - (30) VI. 17. INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS (pages A-i through A-iii of Part I of the director's report)
 - (31) VI. 18. IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW (pages A-1 through B-25 of Part I of the director's report)
 - (32) DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART II)
 - (33) DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART III)

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

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

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

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

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

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

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

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

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

36-00055AD

Receipt No: 8015806

RECEIVED

MAY 27 1993
Department of Water Resources
Southern Region Office

Date: 5/27/1993
Time: 14:13:08

Received From: STANLEY PEGGY

| Type of Payment | Program A cct | Amount |
|---|---------------|--------|
| FEE FOR COPIES OF ADJUDICATION CLAIM
64100 | 229 21 1760 | 1.80 |

Total

CHECK 4716 \$1.80

Region: SOUTHERN

Signature:

R. Foster

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OCT 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

27-May-1993

MARGARET A STANLEY
430 BUCKINGHAM DR
TWIN FALLS ID 83301

RE: Copy of SRBA File(s): 36-00055AD

Dear Mrs. Stanley:

Please find enclosed the copies of documents you recently requested contained in the above referenced SRBA file(s) as of this date. Please note that copies of orthophoto quad maps or NAPP photography or aerial slides which may have been used in the review of your claim(s) have not been included since they are not easily reproduced. These items are however available for your review at our office.

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

\$1.80

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

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OCT 11 1994

RECEIVED

MAY 27 1993

Department of Water Resources
Southern Region Office

May 24, 1993

Idaho Department of Water Resources
222 Shoshone Street E
Twin Falls, ID 83301

RE: Water Right No. 36-0055AD

Gentlemen

I am requesting copies of all documents and correspondence contained in your files regarding the above mentioned matter. Also, please provide me with a list of any documents that you are withholding and the reasons therefore. I also need an acknowledgement from your office that these documents were provided to me on this date.

I will be happy to pay any charges involved in this request. Thank you for your cooperation.

Respectfully


Peggy Stanley

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JUN 01 1993

Department of Water Resources
Adjudication Bureau

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

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System

00055AD
Case No. A36-00054AD
(You must insert the
water right number you
are objecting to)

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

OBJECTION

Petitioner,

vs.

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

Respondents.

4/1
Court is
Ving with
Brown for
correct
W. R. no.

INSTRUCTIONS

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

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

(Over)

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Donald K. Stanley & Margaret A. Stanley

Address: 430 Buckingham Drive

Twin Falls, Idaho 83301

Briefly describe your interest in this water right:

Owner of water right

Priority date of May 1, 1883

Decreed water right pursuant to New

International Mortgage Bank v. Idaho Power

Company dated March 22, 1932

2. Owner of the water right:

Name: Donald K. Stanley & Margaret A. Stanley

Address: 430 Buckingham Drive

Twin Falls, Idaho 83301

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

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

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

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

- 001 1 1 1001
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12. ☒ Water Right Recommendation: I object to:
- a. ☐ this water right being recommended at all; or
- b. ☒ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☒ Other: I object to: See attached
- _____
- _____
- _____
- _____

REASONS SUPPORTING EACH BOX CHECKED

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

See page 7

CHANGES TO THE DIRECTOR'S REPORT

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

The Director's Report should recommend the right as shown in
the approved transfer application (Exhibit "B").

Also see page 7.

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

☒

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

Right Owners, Inc.'s Compendium "A"; Also Exhibit "B"

approved Transfer of Application for Water Right.

six (6) pages.

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls

Donald K. Stanley & Margaret A. Stanley being first duly
(Name of person filing objection)

sworn, upon oath, deposes and says:

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

Signature of person filing objection

By: [Signature]

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 28th day of May,
1993.

[Signature]
Notary Public for Idaho

Residing at: Twin Falls

My Commission Expires: 9-20-94

(Over)

OCT 11 1994
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INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Owner name: Donald K. Stanley/Margaret A. Stanley

Owner's address: 430 Buckingham Drive

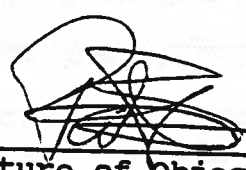
Twin Falls, Idaho 83301

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

Box 11 - This is beyond the statutory authority vested in the Director. The remarks state that the right has been "forfeited/abandoned" which is incorrect as is evidenced by the Application for Transfer of Water Right approved by IDWR on January 3, 1989 (Attached as Exhibit "B")

Box 12 - IDWR recommends a disallowance of a claim that has been decreed and/or beneficially used.

CHANGES TO DIRECTOR'S REPORT, page 4

The right should be recommended as described in Exhibit "B".

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

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Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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OCT 11 1994

OCT 11 1984
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indefinite that it prevents the objectors from knowing what would be admitted or denied.

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

OCT 11 1981
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V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

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

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

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

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

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

OCT 1 1984
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2. GENERAL ADMINISTRATIVE PROVISIONS. (DRP-I at pages 9 - 10)

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

OCT 11 1934
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8. FIRE FIGHTING PURPOSES (DRP-I at page 11)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

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AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

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AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

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

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

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

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

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(WATER\21530ANS)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3527APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

Name of applicant DONALD K. AND/or Margaret A. Stanley Phone 734-4823
Post Office address 430 Buckingham Dr., Twin Falls, ID. 83301

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Due to subdivision of the land
the original delivery system no longer serves this lot.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|------------------|-----------------|-----------------------|-------------------|-----------------------------|
| <u>36-0055AD</u> | <u>5/1/1893</u> | <u>.04 cfs</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred .04 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Snake River tributary to _____
4. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----------|-----------|-----------|-----------|----------|-----------|------------|----------------|--------------------------|
| <u>11</u> | <u>SE</u> | <u>NW</u> | <u>SE</u> | <u>1</u> | <u>8S</u> | <u>13E</u> | <u>Garding</u> | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|-----------|------------|----------|------|------|------|------|------|------|------|------|------|------|------|------|------|----------|------|------|----------|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| <u>8S</u> | <u>13E</u> | <u>1</u> | | | | | | | | | | | | | | <u>1</u> | | | <u>1</u> |
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MICROFILMED

OCT 11 1994

Total acres 1

EXHIBIT D

PART 1

6. General Information:

- a. Description of diversion system Pump from river to sprinkler system
Soil type and system may well require amount filed on
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgage contracts? N/A Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed, trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A

d. Remarks:

Place of use is further described as lot #14, Gridley Island
Sub. Claimed as A36-00055AD.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 36-0055AD

And said application is hereby APPROVED, subject to the following limitations and conditions:

1. A lockable measuring device of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. Use of water under this right is subject to control of the watermaster of State Water District No. 36A, Billingsley Creek.

Witness my hand this

6th

day of

June19 89L. Glen Saxton
Chief, Water Alloc. BureauEXHIBIT B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 36-0055 AC Decreed to Walter Gridley
in case of New Int. Mortgage Bank vs. IDAHO Power
dated March 22, 1932 in US Dist Court county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☒ Warranty Deed☐ Other _____3. Source of water Riley Creek tributary to SNAKE RIVER4. Date or priority 5/1/1883

5. Water is used for the following purpose:

amount 1.13 cfs for Irrigation purposes from Mar 15 to Nov 15
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 1.13 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----------|-----------|-----------|-----------|----------|-----------|------------|----------------|--------------------------|
| <u>11</u> | <u>NE</u> | <u>NW</u> | <u>SE</u> | <u>1</u> | <u>8S</u> | <u>13E</u> | <u>Gooding</u> | |
| | | | | | | | | |
| | | | | | | | | |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|-----------|------------|----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|----------|-------------|--------|--------|-------------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| <u>8S</u> | <u>13E</u> | <u>1</u> | | | | | | | | | | | | | <u>6</u> | <u>13.6</u> | | | <u>19.6</u> |
| | | | | | | | | | | | | | | | | | | | |
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MICROFILMEDTotal acres 19.6**OCT 11 1994**

9. Describe any other water rights used for the same purpose as described above

Domestic use from
Gooding Water Assoc.
EXHIBIT B

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

- NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount .04 for Irrigation purposes from 3-15 to 11-15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----------|-----------|-----------|-----------|----------|-----------|------------|----------------|--------------------------|
| <u>17</u> | <u>NE</u> | <u>NW</u> | <u>SE</u> | <u>1</u> | <u>8S</u> | <u>13E</u> | <u>Gooding</u> | |
| | | | | | | | | |
| | | | | | | | | |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|-----------|------------|----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|----------|--------|--------|----------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| <u>8S</u> | <u>13E</u> | <u>1</u> | | | | | | | | | | | | | | <u>1</u> | | | <u>1</u> |
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Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for Tring purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----------|-----------|-----------|-----------|----------|-----------|------------|----------------|--------------------------|
| <u>11</u> | <u>NE</u> | <u>NW</u> | <u>SE</u> | <u>1</u> | <u>8S</u> | <u>13E</u> | <u>Gooding</u> | |
| | | | | | | | | |
| | | | | | | | | |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|-----------|------------|----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|----------|-------------|--------|--------|-------------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| <u>8S</u> | <u>13E</u> | <u>1</u> | | | | | | | | | | | | | <u>6</u> | <u>12.6</u> | | | <u>18.6</u> |
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Total acres 18.6

EXHIBIT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**

DEDICATION

DEDICATION

That in as surely that the under-ground is given in the nature of the property described above, that the present designations of the land in this deed is as follows: That part of LOT 11 (part of 24 1/2 A665) in the second district, lying east of the 10th Avenue, 5th, between the P. 5341011 10th 2000 - 24 in the 2nd and 201 in the 1st 1, 2, 3, 4, 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, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818,

ACKNOWLEDGMENT

STATE OF NEW YORK
COUNTY OF ALBANY

County of Hamilton
 I, the undersigned, of the County of Hamilton, do hereby certify that the foregoing Declaration and Acknowledgment of the said James Hamilton is a true and correct copy of the original thereof, as the same appears from the records of said County.

In witness whereof, I have hereunto set my hand and official seal of said County, at Hamilton, this 1st day of August, 1900.

James Hamilton, County Clerk

[illegible]

Mary Patti
 Dr. Lynn ...

SURVEYOR'S CERTIFICATE

It is to be noted that J. GREGG & JOHNSON, a duly qualified land surveyor, surveyed the land described in the foregoing declaration, and that this plan is a true and accurate representation of said survey as made and verified by said land surveyor, and designated herein as "Block 27 1/2, 1st and 2nd Subdivisions."



ACKNOWLEDGMENT

STATE OF TEXAS,
County of []

On the 10th day of January, 1944, between me, a Henry Pugh as and for said State, personally appeared James A. Johnston, known to me to be the person whose name is subscribed to the foregoing Certificate, and acknowledged to me that he executed the same in and to the State of Ohio, I have hereunto set my hand and affixed the official seal of the day and year in 1944 and the words of said certificate.

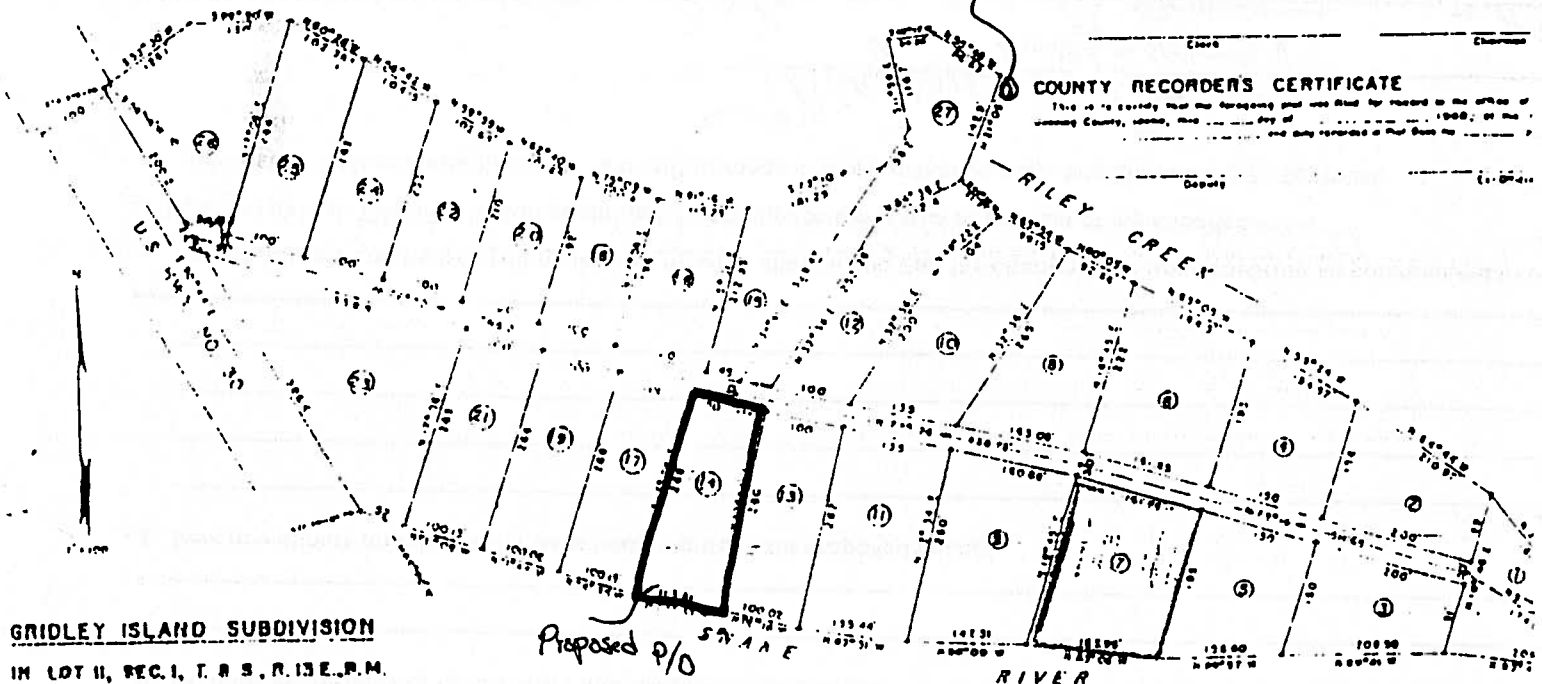
in writing to the President, I have been able to get my mind and efforts in the direction of the President's policy in the United States and the world.

COUNTY COMMISSIONER'S ACCEPTANCE

The foregoing plan was duly accepted and approved by the Board of Common Council of London, March 20, 1940.

COUNTY RECORDER'S CERTIFICATE

This is to certify that the foregoing and was filed for record in the office of
 Jackson County, Idaho, this _____ day of _____, 1908; at the
 and duly recorded at that time.



GRIDLEY ISLAND SUBDIVISION
IN LOT 11, SEC. 1, T. 8 S., R. 13 E., R. 4 M.
BOONING COUNTY, IDAHO

POOR ORIGINAL

SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED

EXHIBIT

PART 3

B. CHANGES IN NATURE OF USE

| 1. | New Nature of Use | Amount
(cfs/ac-ft) | Hours/days/year | Period of Use |
|----|-------------------|-----------------------|-----------------|---------------|
| | | | | to |
| | | | | to |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 3rd day of January, 19 89

Margaret A. Stanley
(Signature of Applicant)

Roxanne Storey
(Notary Public)

My commission expires 6-30-94

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachmentsReceived by TB Date 8/12/88

Protest filed by _____

Prelim. check by J. F. Stanton Fee 30.00 5001421Receipted by TB Date 8/12/88Published in Gooding Co. Leader

Copies of protest forwarded by _____

Pub. dates 2/1 + 2/8/89

Hearing held by _____ Date _____

Watermaster recommendation requested on 1/25/89Recommended for ☒ approval ☐ denial_____ rec'd. 2/8/89by LT

Copy of transfer sent to lien holder _____

EXHIBIT E

RECEIVED

JUN 01 1993

Department of Water Resources
Adjudication Bureau

HEPWORTH, NUNGESTER & LEZAMIZ,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510
Attorneys for Claimant
PDB/crh/stanaff

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

* * * * *

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System

Case No. 39576

AFFIDAVIT OF
MARGARET A. STANLEY

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

39576/
93-05-0044

Petitioner,

vs.

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

Respondents.

STATE OF IDAHO)
County of Twin Falls) ss.



Hepworth,
Nungester,
& Lezamiz

AFFIDAVIT OF MARGARET A. STANLEY - 1

MICROFILMED
OCT 11 1994

1 Margaret A. Stanley, being first duly sworn upon oath,
2 deposes and says:

3 The following Affidavit is made and based upon my own
4 personal knowledge and belief.

5 My husband, Donald K. Stanley, and I own Water Right
6 No. 36-00055AD. In the fall of 1992 we received the Notice of
7 Proposed Recommendation of our water right in the Snake River Basin
8 Adjudication from the Idaho Department of Water Resources (IDWR).
9 IDWR proposed to recommend that the right be disallowed because it
10 has been forfeited or abandoned. After receiving the IDWR Proposed
11 Recommendation, I responded by completing the Notice of Error form
12 provided by IDWR and returned that form to IDWR on September 15,
13 1992. A copy of the Notice of Error form I filed is attached to
14 this Affidavit and incorporated by reference as Exhibit "A".

15 Then, in early November, 1992, I received the
16 Department's recommendation of my water right, which includes a
17 description of how the water right claim process works. I read
18 that entire document, but have recently realized that I
19 misunderstood the deadline set out in that document.

20 I understood the recommendation document to say that I
21 would be contacted sometime before December 1, 1993, and if no one
22 had objected to my right, a hearing would take place on December
23 1, 1993. Before the objection process was explained to me, I did
not understand that I had to object to my own water right, and
understood that I should wait until the objection period had run



Hepworth,
Nungester,
& Lezamiz

AFFIDAVIT OF MARGARET A. STANLEY - 2

MICROFILMED
OCT 11 1994

1 Margaret A. Stanley
Margaret A. Stanley

2
3 SUBSCRIBED and SWORN to before me this 28th day of May,
4 1993.

5
6 Chris T. Henderson
NOTARY PUBLIC FOR IDAHO

7 Residing at: Twin Falls
8 My Commission Expires: 9-20-94

9 CERTIFICATE OF MAILING

10 The undersigned, a resident attorney of the State of
11 Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin
12 Falls, Idaho 83303, and one of the attorneys for the claimant in
13 this matter, certifies that he caused to be mailed a copy of the
14 above and foregoing Affidavit of Margaret A. Stanley on the 28
day of May, 1993, to:

15 Chief, Natural Resources Division
16 Office of the Attorney General
State of Idaho
P. O. Box 44449
17 Boise, Idaho 83711-449

18 United States Department of Justice
Environment & Natural Resources Division
19 550 West Fort Street, Box 33
Boise, Idaho 83734

20 Certificate of Mailing

21 By [Signature]



Hepworth,
Nungester,
& Lezamiz

AFFIDAVIT OF MARGARET A. STANLEY - 4

MICROFILMED
OCT 11 1994

NOTICE OF ERROR FORM

103-24-1992

RECEIVED

SEP 16 1992

Department of Water Resources

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

1. Water right number: 36-00055AD

2. Name: Margaret A. Stanley
Donald K. Stanley
Address: 430 Buckingham Drive
Twin Falls, ID 83301

MICROFILMED

JAN 21 1993

Weekday Telephone Number: 734-4823

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

MICROFILMED

OCT 11 1994

3. Describe the portion of proposed recommendation with which you disagree:

We do not agree with your recommendation that our water right be forfeited because of our alleged abandonment.

4. Describe the changes you wish to have made in the proposed recommendation:

We wish to have your proposed recommendation retracted.

5. Describe why you disagree with the proposed recommendation:

We have not abandoned our water right and have full intentions of using this water.

6. Date: September 15, 1992

SIGNATURE

Margaret A. Stanley

MICROFILMED

EXHIBIT 1 1994

1 HEPWORTH, NUNGESTER & LEZAMIZ,
2 CHARTERED
3 133 Shoshone St. North
4 P.O. Box 389
5 Twin Falls, ID 83303-0389
6 Telephone: (208)734-7510
7 Attorneys for Claimant
8 (PDB/crh/STANMO)

RECEIVED

JUN 01 1993

Department of Water Resources
Adjudication Bureau

RECEIVED

AUG 20 1993

Department of Water Resources
Southern Region Office

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

11 * * * * *

12 In Re the General Adjudication)
13 of Rights to the Use of Water)
14 from the Snake River Basin)
15 Water System)

Case No. 39576

16 The State of Idaho, ex rel.)
17 R. Keith Higginson in his)
18 official capacity as director)
19 of the Idaho Department of)
20 Water Resources,)

MOTION FOR LEAVE
TO FILE LATE OBJECTION
TO WATER RIGHT
NO. 36-00055AD

21 Petitioner,)

22 vs.)

39576/
93-05-0043

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

Respondents.)

24 COMES NOW Patriek D. Brown of the firm Hepworth,
25 Nungester & Lezamiz on behalf of Hagerman Water Right Owners, Inc.,



Hepworth,
Nungester,
& Lezamiz

MOTION FOR LEAVE TO FILE LATE OBJECTION - 1

MICROFILMED
OCT 11 1994

1 and its new members, Margaret A. Stanley and Donald K. Stanley, and
2 respectfully move this court to grant leave to file a late
3 objection to water right no. 36-00055AD. Mr. and Mrs. Stanley are
4 the claimants and owners of this right. This motion is made
5 pursuant to I.R.C.P. 1(a) and 6(b).

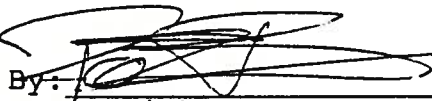
6 The movants submit that good cause exists for allowing
7 movants to file a late objection to their own water right. The
8 reasons are set out in the attached Affidavit of Margaret A.
9 Stanley and constitute excusable neglect or mistake. The movants
10 have no reason to believe any party would be prejudiced or the
11 orderly proceedings would be disrupted. No other parties to the
12 action have objected or responded to the water right claim.

13 A copy of the objection movants propose to file is
14 attached.

15 The movants request oral argument on the motion at the
16 July 13, 1993, SRBA Status Conference.

17 Dated this 29 day of May, 1993.

18 HEPWORTH, NUNGESTER & LEZAMIZ,
19 CHARTERED

20 By: 
21 Patrick D. Brown
22
23



Hepworth,
Nungester,
& Lezamiz

MOTION FOR LEAVE TO FILE LATE OBJECTION - 2

MICROFILMED
OCT 11 1994

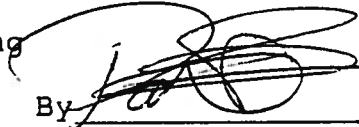
CERTIFICATE OF MAILING

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimant in this matter, certifies that he caused to be mailed a copy of the above and foregoing Motion for Leave to File Objection and Affidavit of Margaret A. Stanley in support thereof on the 28 day of May, 1993, to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-449

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

Certificate of Mailing

By 



Hepworth,
Nungester,
& Lezamiz

MOTION FOR LEAVE TO FILE LATE OBJECTION - 3

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OCT 11 1994

NOTICE OF ERROR FORM

AUG-24-1992

RECEIVED

SEP 16 1992

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources

Statehouse Mall

Boise, Idaho 83720-9000

Department of Water Resources

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

1. Water right number: 36-00055AD

2. Name: Margaret A. Stanley
Donald K. Stanley

Address: 430 Buckingham Drive
Twin Falls, ID 83301

MICROFILMED
JAN 21 1993

Weekday Telephone Number: 734-4823

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

3. Describe the portion of proposed recommendation with which you disagree:

We do not agree with your recommendation that our water right be forfeited because of our alleged abandonment.

4. Describe the changes you wish to have made in the proposed recommendation:

We wish to have your proposed recommendation retracted.

5. Describe why you disagree with the proposed recommendation:

We have not abandoned our water right and have full intentions of using this water.

6. Date: September 15, 1992

SIGNATURE

Margaret A. Stanley



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

14-Oct-1992

R. KEITH HIGGINSON
Director

DONALD K STANLEY
430 BUCKINGHAM DR
TWIN FALLS ID 83301

RE: RESPONSE TO NOTICE OF ERROR FOR CLAIM 36-00055AD.

Dear Mr Stanley

The field verification of your claim found no method of diversion or home. Further information found that no use from the system claimed has occurred since the early 1970s.

This was the basis for the recommendation for disallowal which still stands. If you still do not agree with the proposed IDWR recommendations to the court, you may file an objection with the court after you receive the final recommendation of your water right. The objection process will be explained when you receive your final recommendation of your water right.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

MICROFILMED

JAN 21

Old (D) Number -

[illegible]

State- ID Zip- 83301

```

+ - - - Status - - - +
I - DISALLOWED

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- - Tributary
COLUMBIA RIVER

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(47) GOODING

----- Diversion Rate Diversion Volume

0.040

| Use | - | + | - | + | KW Usage | - | + |
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(47) GOODING

MICROFILMED
JAN 21 1993

Water right number - R36-00055AD

Prefix Translation: RESEARCH

----- Old Water Right Numbers -----
----- Old Water Right Numbers -----
3600055AD

PO4 - FORFEITED/ABANDONED: This is included for a claim based on a
- decree or license that is PROPOSED to be disallowed on the basis
- that the water right no longer exists because forfeiture of the
- right by nonuse was confirmed and a defense to forfeiture was not
- confirmed, or because abandonment of the right was confirmed.

----- Decree Plaintiff ----- + Decree Defendant ----- + Decree Date ----- +
NEW INT. MORTGAGE BANK IDAHO POWER 03/22/1932

----- Date: 04/09/1991 User Id: CLELAND Subject: DISALLOWED ----- Comments -----
LEGAL REVIEW OF THE TRANSFER RESULTED IN DISALLOWED. THIS PORTION OF THE WATER RIGHT HAS NOT BEEN IN USE SINCE 1970
AND IS STILL NOT IN USE TODAY.
Date: 04/09/1991 User Id: CLELAND Subject: COPIED FROM REMARKS
POU FURTHER DESCRIBED AS LOT 14 GRIDLEY ISLAND SUBD. TRANSFER TO CHANGE THE DIVERSION FROM RILEY CR. TO THE SNAKE
RIVER HAS BEEN FILED BUT NOT YET APPROVED.

----- Audit Fields ----- +
03/13/92 ROBERTISO

----- Adjudication Rights Dates and Flags Area ----- +
Court Report Filing - 00/00/0000 Field Inspection Made - 03/15/1991 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 03/13/1992 Old Judicial District - P
Claim Received Date - 08/12/1988 Last Amended Date - 00/00/0000 Temporary Right -
Receipt Number - S001421 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - AND/OR Presumption Flag -
Notice of Error Flag -

MICROFILMED
JAN 21 1993

| WR ELEMENT | FIELD EXAM
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | VERIFIED BY
CODE | COMPLETED
REVIEW
WHOM/DATE | COMPLETED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|---------------------------|-------------------|---|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE | | | | | | | | |
| POINT OF DIV | <u>Y</u> | | 3-15-91
SEC/NB | | 12456 | 3-4-92
SEC | 4-9-91
SEC | |
| SOURCE | <u>Y</u> | | | | | | | |
| PLACE OF USE | <u>Y</u> | | | | | | | |
| DIV. AMOUNT
CFS/VOLUME | | | | | | | | |
| CONSUMPTIVE USE | | | | | | | | |
| PURPOSES | | | | | | | | |
| PERIOD OF USE | | | | | | | | |
| BASIS OF CLAIM | <u>Y</u> | | | | | | | |
| REMARKS | <u>Y</u> | | | | | | | |

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

DISALLOW

FORFEITURE/ABANDONMENT

NO BENEFICIAL USE FOUND

MICROFILMED
JAN 21 1993

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A36-00055AP

08:40:34
09/07/90

LAST: STANLEY
ADDRESS: 430 BUCKINGHAM DR.
CITY: TWIN FALLS
PHONE NUMBER: 208-000-0000
OWNER CODE: C

FIRST: MARGARET A.
STATE: ID ZIP: 83301

LAST: STANLEY
ADDRESS: 430 BUCKINGHAM DR.
CITY: TWIN FALLS
PHONE NUMBER: 208-734-4823
OWNER CODE: C

FIRST: DONALD K.
STATE: ID ZIP: 83301

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: POU FURTHER DESCRIBED AS LOT 14 GRIDLEY ISLAND SUBD.
TRANSFER TO CHANGE THE DIVERSION FROM RILEY CR. TO THE SNAKE
RIVER HAS BEEN FILED BUT NOT YET APPROVED.

MICROFILMED
JAN 21 1993

CONTACT PERSON: _____ PHONE NUMBER: (____) ____-____
DATE OF FIELD EXAM: ____/____/____ APPOINTMENT MADE: Y(____) N(____) TIME: ____:____ A(____) P(____)
ACCOMPANIED BY: _____ PHONE NUMBER: (____) ____-____
RELATIONSHIP TO CLAIMANT: _____
DIRECTIONS TO PROPERTY / REMARKS: _____

MICROFILMED
JAN 21 1993



3-15-91
NO USE.
NO DIVERSION.

A. AD CLAIM: # A36-00055AD PRIORITY DATE: 05-01-1883

STAGE: D

B. WR RECORD: # 36-00055AD

PRIORITY DATE: 05-01-1883

STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N,

DATABASE N

FIELD EXAMINER ✓

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y () N (X)

REMARKS:

No Use Found.

MICROFILMED
JAN 21 1993

RECOMMENDED PRIORITY DATE:

05-01-1883

REVIEWED BY

SC

DATE

9-10-90

A. AJ CLAIM POINT OF DIVERSION AND SOURCE.

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|-------------|------|------|------|-----|-----|-----|-----|---------|
| A36-00055AD | 08S | 13E | 1 | SE | NW | SE | | GOODING |

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-10245 NONE

WR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: SNAKE RIVER

TRIB: COLUMBIA RIVER

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|------------|------|------|------|-----|-----|-----|-----|---------|
| 36-00055AD | 08S | 13E | 1 | SE | NW | SE | 11 | GOODING |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX

NONE

A02-07313
A02-07349
A02-07382
A36-00055L
A02-07320
A36-00055AA
A02-00206
A02-00211
A02-00212
A36-00055AF
A36-00055D
A36-07013
A36-08323
A36-00055N
A36-00055Y
A36-10085
A36-00055AB
A36-00055W
A36-00055AG
A02-10002
A36-00055J

SOURCE: RILEY CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

| DUE TO POD DISCREPANCY? | (Y/N) | DATABASE | FIELD EXAMINER |
|----------------------------|-------|----------|----------------|
| DUE TO SOURCE DISCREPANCY? | (Y/N) | Y | <u>N</u> |

MICROFILMED

JAN 21 1981

REMARKS:

MICROFILMED
JAN 21 1983

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC. 1/4 1/4 1/4

LOT

COUNTY

Same as found

11

change down

SOURCE:

REVIEWED BY:

see

TRIB:

DATE: 9-10-90

NO Diversion

A. ROOT WATER RIGHT NUMBERS:

| | | | | |
|--|--|--|--|-------------|
| | | | | A02-00204 |
| | | | | A02-00206 |
| | | | | A02-00211 |
| | | | | A02-00212 |
| | | | | A36-00055AA |
| | | | | A36-00055AB |
| | | | | A36-00055AD |
| | | | | A36-00055AF |
| | | | | A36-00055BB |
| | | | | A36-00055D |
| | | | | A36-00055H |
| | | | | A36-00055J |
| | | | | A36-00055L |
| | | | | A36-00055N |
| | | | | A36-00055U |
| | | | | A36-00055W |
| | | | | A36-00055Y |
| | | | | A36-00055AG |

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|----------------------------|-------------------|---------------|-----------------|----------------|------------------|
| 08S | 13E | 1 | NW | SE | 11 | STANLEY, MARGARET A. | A36-00055AD / 0.6 | - | / | | |
| | | | | | | KREPCIK, JOE | A02-07313 / 1.0 | 02-07313 | / | 1.0 | |
| | | | | | | JENSEN, LLOYD | A02-07349 / 1.0 | 02-07349 | / | 1.0 | |
| | | | | | | J. R. SIMPLOT COMPANY | A02-07382 / 1.0 | 02-07382 | / | 1.0 | |
| | | | | | | J. R. SIMPLOT COMPANY | A02-10002 / 1.0 | - | / | | |
| | | | | | | GRIDLEY ISLAND WATER ASSN. | IMA36-07013 / | 36-07013 | / | | |
| | | | | | | GRIDLEY ISLAND WATER ASSN. | INCA36-08323 / | 36-08323 | / | | |
| | | | | | | LE MOYNE, JOHN | A36-10109 / | - | / | | |
| | | | | | | WHIPKEY, ROBERT | A36-00055J / 0.6 | 36-00055J | / | 1.0 | |
| | | | | | | LYTLE, LOWELL | A36-00055L / 1.0 | 36-00055L | / | 1.0 | |
| | | | | | | MALLANE, TOM | A02-07320 / 1.0 | 02-07320 | / | 1.0 | |
| | | | | | | MARTIN, LILLIAS P. | A36-00055W / 1.0 | 36-00055W | / | 1.0 | |
| | | | | | | R & L RENTALS | A02-00206 / | - | / | | |
| | | | | | | BROWN, ROBERT E. | A02-00211 / | - | / | | |
| | | | | | | SIMPLOT, DONALD J. | A02-00212 / 1.0 | - | / | | |

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JAN 21 1993

| | | |
|--------------------------|------------------|-----------------|
| MALLANE , VONNIE | A36-00055AA/ 1.0 | 36-00055AA/ 1.0 |
| LE MOYNE , JOHN | A36-00055AB/ 2.0 | - |
| FOSTER , GEORGE R. | A36-00055AF/ 1.1 | - |
| MENGEL , HERBERT | A36-00055D / 0.5 | 36-00055D / 1.0 |
| BOWER FAMILY TRUST | A36-00055N / 0.5 | 36-00055N / 1.0 |
| CRAWFORD , CLAY E. | A36-00055Y / 1.0 | 36-00055Y / 1.0 |
| DUNLAP , ARTHUR W. | | 02-00218 / 1.0 |
| MC DANIEL , JOHN A. | | 02-00219 / 1.0 |
| MARTIN , GORDAN M. | | 02-00220 / 1.0 |
| DUNLAP , JR. , ARTHUR W. | | 02-07321 / 1.0 |
| GRIDLEY , WALTER | | 02-07327 / 1.0 |
| BRASHER , WALTER H. | | 36-00055AE/13.6 |
| O NEILL , LLOYD | | 36-00055F / 1.0 |
| GRIDLEY , WALTER | | 36-00055S / 1.0 |
| GRIDLEY , WALTER | | 36-00056 / |
| LE MOYNE , JOHN R. | | 36-02904 / |
| VAN HALL , VANCE | | A02-00010 / 1.0 |
| BROWN , ROBERT E. | | A02-00205 / 1.0 |
| WHIPKEY , ROBERT E. | | A02-00206 / 1.0 |
| DALY , RONALD F. | | A02-00208 / 1.0 |
| BOWER , ROBERT R. | | A02-00209 / 1.0 |
| BROWN , ROBERT E. | | A02-00210 / 1.0 |
| O NEIL , LLOYD | | A02-00211 / 1.0 |
| KREPCIK , JOE F. | | A02-00212 / 1.0 |
| MC DANIEL , JOHN A. | | A02-07313 / 1.0 |
| DUNLAP , ARTHUR W. | | A02-07321 / 1.0 |
| JENSEN , LLOYD | | A02-07327 / 1.0 |
| NIEPFENEGGER , KEITH L. | | A02-07349 / 1.0 |
| J. R. SIMPLOT CO. | | A02-07381 / 1.0 |
| | | A02-07382 / 1.0 |

TOTAL ACRES A36-00055AD

0.60

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N ()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE

Y

FIELD EXAMINER

~~Y~~

MICROFILMED
JAN 21 1983

PRESUMPTION FLAG:

REMARKS:

*Confirm Area & Per. * Recent Transfer = Declared invalid. 4-9-91*

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

54

4-9-91

MICROFILMED

JAN 21 1993

A. AS CLAIMED USES:

PURPOSES
A36-00055AD IRRIGATION

MONTH/DAY
FROM 03-15 TO 11-15

DIVERSION QUANTITY
.040 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.040 CFS

B. WR RECORDED USES:

PURPOSES
36-00055AD IRRIGATION

MONTH/DAY
FROM 03-15 TO 11-15

DIVERSION QUANTITY
.040 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.040 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

| | FIELD EXAMINER | DATABASE | (Y/N) |
|------------------------------------|----------------|----------|-------|
| DUE TO WATER-USE DISCREPANCY? | N | N | N |
| DUE TO DIVERSION RATE DISCREPANCY? | N | N | N |
| DUE TO PERIOD FROM/TO DISCREPANCY? | N | N | N |

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y (☒) N (☐)
Y (☐) N (☒)

Explain in remarks, below.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 0.040 CFS
RMR ROOT RIGHT TOTAL DIVERSION RATE: 0.040 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y DATABASE EXAMINER

B.

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

FLOW MEASUREMENT

C. ARE OTHER WATER RIGHTS USED? Y() N(X) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-------------|-------------|-----------------------|-----------|----------------|-----------|----------------|
| A36-00055AD | SNAKE RIVER | STANLEY, MARGARET A. | 0.040 | 0.066 | | |
| A02-07313 | SNAKE RIVER | KREPCIK, JOE | 0.020 | 0.020 | | |
| A02-07382 | RILEY CREEK | J. R. SIMPLOT COMPANY | 0.020 | 0.020 | 2.00 | 2.00 |
| A02-10002 | SNAKE RIVER | J. R. SIMPLOT COMPANY | 0.050 | 0.050 | | |
| A36-00055J | SNAKE RIVER | WHIPKEY, ROBERT | 0.040 | 0.066 | | |
| A36-00055L | SNAKE RIVER | LYTLE, LOWELL | 0.020 | 0.020 | | |
| A02-07320 | SNAKE RIVER | MALLANE, TOM | 0.030 | 0.030 | 4.00 | 4.00 |
| A36-00055W | SNAKE RIVER | MARTIN, LILLIAS P. | 0.025 | 0.025 | | |
| | RILEY CREEK | | | | | |
| A02-00212 | SNAKE RIVER | SIMPLOT, DONALD J. | 0.050 | 0.050 | | |
| A36-00055AA | RILEY CREEK | MALLANE, VONNIE | 0.020 | 0.020 | | |
| | SNAKE RIVER | | | | | |
| A36-00055AB | RILEY CREEK | LE MOYNE, JOHN | 0.120 | 0.030 | | |
| | SNAKE RIVER | | | | | |
| A36-00055AF | SNAKE RIVER | FOSTER, GEORGE R. | 0.030 | 0.027 | | |
| A36-00055D | SNAKE RIVER | MENGEL, HERBERT | 0.040 | 0.080 | | |
| A36-00055N | SNAKE RIVER | BOWER FAMILY TRUST | 0.020 | 0.040 | | |
| A36-00055Y | RILEY CREEK | CRAWFORD, CLAY E. | 0.030 | 0.030 | | |
| | SNAKE RIVER | | | | | |

MICROFILMED
JAN 21 1993

LIST ALL RIGHTS WITH SAME POV BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|-----------|----------|------------------------------------|---------------------|----------|--------|
| A36-07013 | DOMESTIC | GRIDLEY ISLAND WATER ASSN., INFROM | 01-01 TO 12-31 | .120 CFS | |
| A36-08323 | DOMESTIC | GRIDLEY ISLAND WATER ASSN. INCFROM | 01-01 TO 12-31 | .300 CFS | |
| A36-10109 | DOMESTIC | LE MOYNE, JOHN | FROM 01-01 TO 12-31 | .040 CFS | |
| A02-00206 | DOMESTIC | R & L RENTALS | FROM 03-15 TO 11-15 | .020 CFS | |
| A02-00211 | DOMESTIC | BROWN, ROBERT E. | FROM 03-15 TO 11-15 | .020 CFS | |

MICROFILMED
JAN 21 1983

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES x 0.02 CFS/ACRE = CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 3.0 AF/A

ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (include limitations on consumptive use for combined rights.)

RECOMMENDATIONS:

| REC.
PURPOSES | REC. PERIOD
FROM
TO | REC. DIV
RATE CFS | REC. DIV
VOL. AF/A | REC. CONS.
USE |
|----------------------|---------------------------|----------------------|-----------------------|-------------------|
| IRRIGATION | 03-15 11-15 | 0.040 | | 3.0 |
| TOTAL FOR THIS RIGHT | | 0.040 | | 3.0 |

REVIEWED BY: SCC

DATE: 4-9-91

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
NEEDS
REVIEW

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00055

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
3.085

EXAMINER

CFS

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| A36-00055B | A02-00204 | 0.040 | - | - | 36-00055B | 0.040 |
| A02-00204 | A02-00204 | 0.040 | - | - | - | - |
| A36-00055F | A02-00206 | 0.020 | - | - | 36-00055F | 0.020 |
| A02-00206 | A02-00206 | 0.020 | - | - | - | - |
| A02-00211 | A02-00211 | 0.020 | - | - | - | - |
| A36-00055Q | A02-00211 | 0.020 | - | - | 36-00055Q | 0.020 |
| A02-00212 | A02-00212 | 0.050 | - | - | - | - |
| A36-00055S | A02-00212 | 0.050 | - | - | 36-00055S | 0.050 |
| A36-00055AA | A36-00055AA | 0.020 | - | - | 36-00055AA | 0.020 |
| A02-00220 | A36-00055AA | 0.020 | - | - | 02-00220 | 0.020 |
| A36-00055AB | A36-00055AB | 0.120 | - | - | - | - |
| A36-00010 | A36-00055AB | 0.120 | - | - | 36-00010 | 0.400 |
| A36-00055AD | A36-00055AD | 0.040 | - | - | 36-00055AD | 0.040 |
| A36-00055AE | A36-00055AF | 0.030 | - | - | 36-00055AE | 1.090 |
| A36-00055BB | A36-00055BB | 0.040 | - | - | - | - |
| A36-00055D | A36-00055D | 0.040 | - | - | 36-00055D | 0.040 |
| A02-00205 | A36-00055D | 0.040 | - | - | - | - |
| A36-00055H | A36-00055H | 0.025 | - | - | 36-00055H | 0.025 |
| A02-00207 | A36-00055H | 0.025 | - | - | - | - |
| A36-00055JA | A36-00055J | 0.040 | - | - | - | - |
| A02-00208 | A36-00055J | 0.040 | - | - | 36-00055L | 0.020 |
| A36-00055L | A36-00055L | 0.020 | - | - | - | - |
| A02-00209 | A36-00055L | 0.020 | - | - | 36-00055N | 0.020 |
| A36-00055N | A36-00055N | 0.020 | - | - | - | - |
| A02-00210 | A36-00055N | 0.020 | - | - | 36-00055U | 0.020 |
| A36-00055U | A36-00055U | 0.020 | - | - | - | - |
| A02-00213 | A36-00055W | 0.025 | - | - | 36-00055W | 0.025 |
| A36-00055W | A36-00055W | 0.025 | - | - | 02-00218 | 0.025 |
| A02-00218 | A36-00055W | 0.025 | - | - | 36-00055Y | 0.030 |
| A36-00055Y | A36-00055Y | 0.030 | - | - | 02-00219 | 0.030 |
| A02-00219 | A36-00055Y | 0.030 | - | - | 36-00055AE | 1.090 |
| A36-00055AE | A36-00055AG | 0.030 | - | - | 36-00055 | - |
| - | - | - | - | - | 36-00055A | - |
| - | - | - | - | - | 36-00055C | - |

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0.040

0.020

JAN 21 1993

| | |
|-----------|-------|
| TOTAL CFS | 1.120 |
|-----------|-------|

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

REMARKS:

See A36-0055

DATABASE
N

**FIELD
EXAMINER**

AUTHENTICATION:

SIGNATURE:

ION: Star

DATE:

4-9-91

NAME OF FIELD EXAMINER:

TITLE:

CONVERSATION MEMORANDUM

NAME OF PARTY LYNN KROGH-HAMPE
EMPLOYEE: STEVE CLELLAND

DATE 4-9-91
FILE A36-00055 AD

RE: TRANSFER OF INVALID WATER RIGHT.

It appears the claimant misrepresented the water right in the transfer request. There has been a period of non use greater than five years prior to the transfer. Transfer is invalid.

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