

9-13

Movant's Name
Faulkner Land & Livestock Company

Attorney's Name & Addresses
JOSEPHINE P. BEEMAN
C. A. DAW
Dillion, Bosch, Daw & Bock
Chartered
Fidelity Building
242 N. 8th St., Suite 200
Boise, ID 83702
Tel. (208) 344-8990
Fax. (208) 344-9140

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

In Re SRBA	)	Case No. 36-00049
	)	
Case No. 39576	)	AFFIDAVIT OF JOSEPHINE
	)	BEEMAN
	)	
_____	)	

Josephine Beeman, duly sworn on oath, states as follows:

1. I am the attorney for Faulkner Land & Livestock Company, the Movant in this matter
2. Attached are true and correct copies of documents maintained by the Idaho Department of Water Resources with respect to SRBA claim 36-00049.

DATED: August 18, 1995

JS
Josephine Beeman

STATE OF IDAHO)
) ss
County of Ada)

Subscribed and sworn before me on August 18, 1995.

151
Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires: _____

AJ5856NP

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

DATE: NOV 2 1992
PAGE: 1 of 1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
-----------------	----------------	------------------	----------------	--------------------------	---------------------	----------------

SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

36-00049	DAN H MC FADDAN IRMA R MC FADDAN RT 1 BOX 406 HAGERMAN ID 83332	04/01/1900	IRRIGATION	03-15 11-15	4.04	CFS DECREE
			DOMESTIC	01-01 12-31	.06	CFS
			STOCKWATER	01-01 12-31	.07	CFS
			TOTAL QUANTITY:		4.17	CFS

NON-IRRIGATION-USES:
DOMESTIC, 2 HOMES; STOCK, 250 HEAD RANGE CATTLE

POINT OF DIVERSION:

T07S R13E S12

PLACE OF USE: IRRIGATION

SESENW

T07S R13E S11	SENE 6.0	NESE 36.5	SESE 37.0
S12	NWSW 1.0	SWSW 18.0	SESW 1.0
S13	NEWS 36.0	NWNW 40.0	

175.5 ACRES TOTAL

PLACE OF USE: DOMESTIC

NESE

SESE

T07S R13E S11

PLACE OF USE: STOCKWATER

T07S R13E S11

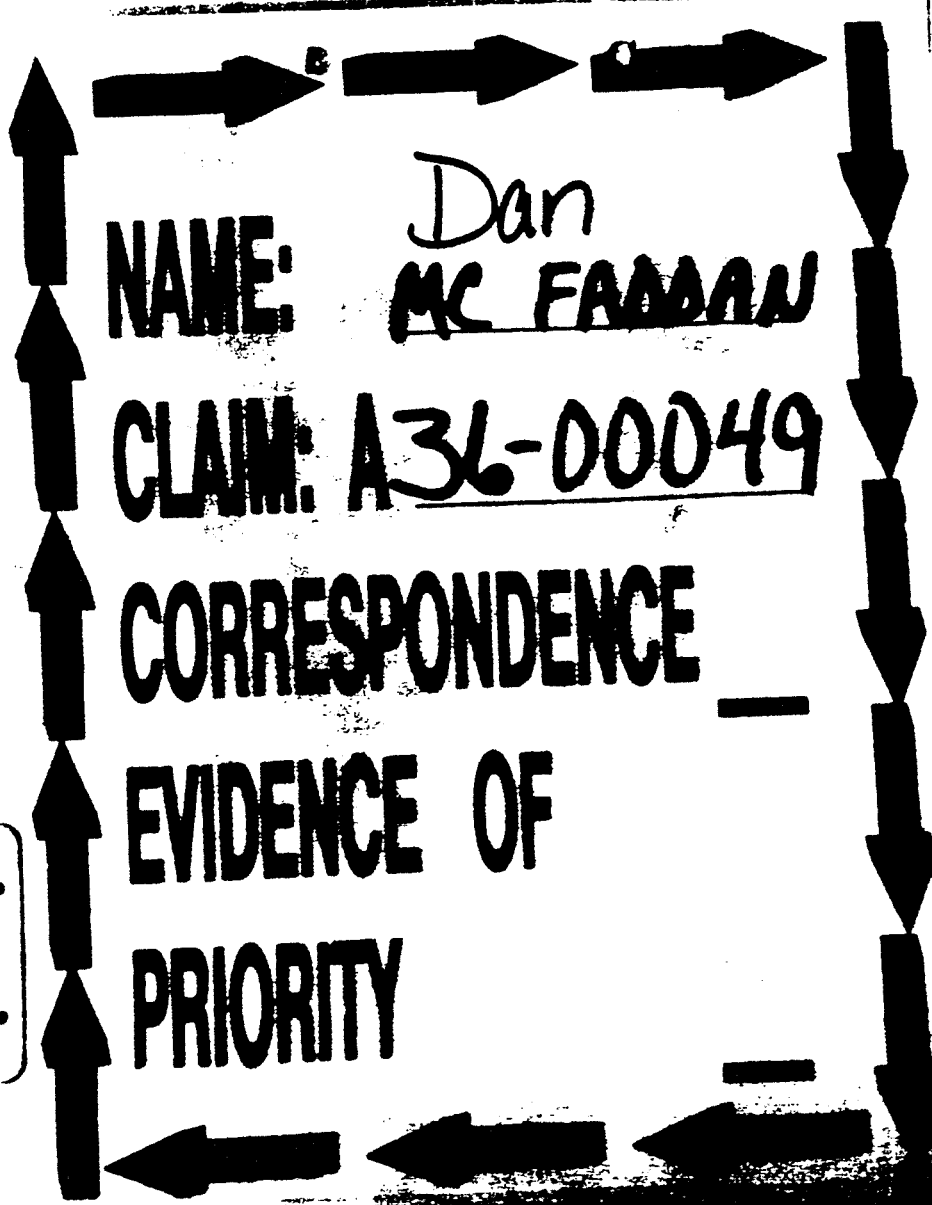
SESE

REMARKS:
USE OF THIS RIGHT WITH RIGHT NO. 36-00048 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.04 CFS, A TOTAL COMBINED
CONSUMPTIVE USE VOLUME OF 526.5 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 175.5 ACRES IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-00050A, 36-00050C, 36-00050D, 36-00050E, 36-00050F,
36-02169, 36-08294 & 36-10047.

RECEIVED

AUG 25 1995

Department of Water Resources
Adjudication Bureau



NAME:

Dan
MC FADDAN

CLAIM: A36-00049

CORRESPONDENCE

EVIDENCE OF

PRIORITY

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 SHANE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00049
Date Received: 8/30/1988
Receipt No: 8881092
Received By: Hej

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAN H. MCPADGAN 208-837-6649
Address: RT 1 BOX 406
HAGENSHAW, ID 83332
AND/OR
Name: IRMA H. MCPADGAN 208-837-6649
Address: RT 1 BOX 406
HAGENSHAW, ID 83332
2. Date of Priority: APR 01, 1900
3. Source: FLORENCE LIVESTOCK SPRING Trib. to: BILLINGSLEY CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County |
|----------|-------|---------|-------------------|-----|---------|
| 07S | 13E | 12 | SE SE NW | | GOORING |
5. Description of diverting works:
HAND DOG TUNNEL, CONCRETE HEAD WORKS, 20" PIPE, 16" PIPE
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|-----------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/01 | 11/15 | 9.700 | | |
| DOMESTIC | 01/01 | 12/31 | 0.060 | | |
| COMMERCIAL | 01/01 | 12/31 | 0.060 | | |
| STOCKWATER | 01/01 | 12/31 | 0.070 | | |
| FIRE PROTECTION | 01/01 | 12/31 | 0.600 | | |
7. Total Quantity Appropriated is: A.F.A.
9.700 C.F.S. (and/or)
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
C/VEG. PROC. PLANT, NINT STILL, 9/2 HOUSES, 2/250 SHEEP, 1/2 PONDS
- A36-00049 Page 1 Date: 08/30/88

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
87S	13E	11	SE	NE		IRR	6.0
			NE	SE		IRR	36.5
			SE	SE		IRR	48.0
Section Acres							82.5
		12	NW	SW		IRR	1.0
			SW	SW		IRR	18.0
			SE	SW		IRR	1.0
Section Acres							20.0
		13	NW	NE		IRR	36.0
			NE	NW		IRR	48.0
Section Acres							76.0
Total Acres							178.5

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:
A36-00048

14. Remarks:
BOTH DECREES COMBINE 19.7 CFS TO COVER ALL USES. COMMERCIAL
USES DEVELOPED IN 1945 (VEG. PROC. PLANT), 1977 (MINT STILL).
FISH PONDS WERE DEVELOPED IN 1969. CLAIMANT USES SAME WATER
ON ALL USES AND WANTS TO COVER THEM ON ONE CLAIM, CONSIDERING
THE ORIGINAL TERMS OF THE DECREES.

15. Basis of Claim: DECREES

Case Number:

Court:

Decree date:

NEW INTERNATIONAL MORTGAGE BANK
Decree Plaintiff

vs

IDaho POWER COMPANY
Decree Defendant

WARRANTY DEED

THIS INDENTURE, Made this 17th day of Sept, in the year of our Lord one thousand nine hundred and sixty-three, between McCARTER CATTLE CO., INC., an Idaho corporation, whose principal place of business is Corral, County of Camas, State of Idaho, the party of the first part, and THE STATE OF IDAHO for the use and benefit of the Fish and Game Department, of the County of Ada, State of Idaho, the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Sixty Thousand Dollars (\$60,000.00), lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all of the following described real estate, situated in the County of Gooding, State of Idaho, to-wit:

All of the following described lands located in Township 7 South, Range 13 East of the Boise Meridian, Idaho:

Section 11, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$; EXCEPTING therefrom those portions lying south of the following described boundary line:

Beginning at a point on the north boundary line of the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 11, from which point the northeast corner of said S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ bears North 89° 33' East a distance of 734.0 feet; thence following said boundary line in Section 11 South 28° 25' East a distance of 444.0 feet; thence South 21° 55' East a distance of 800.0 feet; thence South 25° 12' East a distance of 520.0 feet to a point on the section line common to Sections 11 and 12; thence in Section 12, South 22° 31' East a distance of 865.0 feet; thence South 47° 01' East a distance of 482.0 feet; thence North 85° 29' East a distance of 231.0 feet; thence South 45° 18' East a distance of 856.5 feet to a point on the section line common to Sections 12 and 13; thence in Section 13, South 45° 18' East a distance of 574.5 feet; thence South 83° 18' East a distance of 461.0 feet; thence North 75° 27' East a distance of 744.0 feet; thence South 36° 33' East a distance of 232.0 feet; thence South 05° 18' East a distance of 539.0 feet to a point on the center line of an existing county road; thence following the center line of the existing county road North 61° 22' East a distance of 440.0 feet; thence North 33° 03' East a distance of 100.0 feet; thence North 17° 06' East a distance of 570.4 feet; thence North 37° 06' East a distance of 166.2 feet; thence North 55° 00' East a distance of 210.6 feet, more or less, to a point on the north boundary line of said Section 13.

ALSO EXCEPTING from the said NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12 that portion lying east of the existing county road.

Said lands herein conveyed comprising 283.42 acres, more or less.

ASX-00047

TOGETHER with all water and water rights and ditches and ditch rights appurtenant thereto, including but not limited to the following designated water rights: 7.33 c.f.s. of that decreed right of 10.0 c.f.s. of the waters of Billingsley Creek, priority date of November 4, 1885, decreed to the Florence Livestock Company; and 4.6 c.f.s. of that decreed right of 9.7 c.f.s. of the flow of Florence Livestock Spring, priority date of April 1, 1900, decreed to Florence Livestock Company pursuant to that Decree of Equity No. 1602 entered by the U.S. District Court for the District of Idaho, Southern Division, on the 22nd day of March, 1932, in the case of New International Mortgage Bank, a corporation, Plaintiff, vs. Idaho Power Company, a corporation, et al, Defendants; reserving unto the party of the first part first priority use of 3.10 c.f.s., during irrigation seasons, of the flow of the waters emerging from an existing developed tunnel at Florence Livestock Spring, which said tunnel discharges into a certain 14 inch O.D. steel pipeline lying on and within a certain right-of-way and easement hereinafter reserved unto the party of the first part.

The party of the first part further grants and conveys unto the party of the second part, its successors and assigns, a permanent and perpetual easement and road right-of-way for public ingress and egress to and from the lands hereinbefore conveyed, on, over and across the lands owned by it, and situate and lying in Cading County, State of Idaho, and more particularly described as follows:

A strip of land across the lands of the party of the first part extending easterly from the present U.S. Highway No. 30 to the lands hereinbefore conveyed, which said strip of land is bounded on the North side thereof by the Bell Ditch and the North boundary line of the South Half of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 11, Township 7 South, Range 13 East of the Boise Meridian, that portion of which is bounded on the North by the Bell Ditch being 30 feet in width and that portion of which is bounded on the North by the North boundary line of the South Half of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 11, Township 7 South, Range 13 East of the Boise Meridian being 50 feet in width.

There are hereby reserved to the party of the first part the following described easements on and over the hereinbefore described lands:

- (1) A forty-foot (40') right-of-way for stock watering extending 20 feet on each side of the following described center line:

Beginning at the northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, thence North 380.0 feet to a point on the southwesterly boundary line of the property hereinbefore conveyed to party of the second part; thence along said line North 25' 12" West a distance of 130.0 feet to a point, which point is the true point of beginning, thence East 220.0 feet, more or less, to the water's edge of the left bank of Billingsley Creek, being located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, and the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 7 South, Range 13 East of the Boise Meridian.

- (2) A forty-foot (40') right-of-way for stock watering extending 20 feet on each side of the following described center line:

Beginning at the southeast corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, Township 7 South, Range 13 East of the Boise Meridian, thence North 205.0 feet to a point on the southwesterly boundary line of lands hereinbefore conveyed to the party of the second part;

thence along said line North 45° 18' West a distance of 335.0 feet to the true point of beginning, thence extending North 60.0 feet, more or less, to the water's edge of the left bank of Billingsley Creek.

(3) A twenty-foot (20') right-of-way for an existing pipeline, being 10 feet on each side of said pipeline which is also the center line of said right-of-way, for the operation, maintenance, and replacement of a 16-inch O.D. water pipeline and the existing laterals therefrom; said pipeline right-of-way being located as follows:

Beginning at the northwest corner of the NE 1/4, Section 12, Township 7 South, Range 13 East of the Boise Meridian; thence East 154.0 feet, more or less, to a point on the southwesterly boundary line of the lands hereinbefore conveyed to the party of the second part; thence along said boundary line South 22° 31' East a distance of 450.0 feet to the point of intersection of said line with the existing pipeline, which point is the true point of beginning; thence North 45° 45' East a distance of 2430.0 feet to the waters of Florence Livestock Spring.

(4) A ten-foot (10') right-of-way for an existing domestic water line, being 5 feet on each side of the center line described as follows:

Beginning at the quarter corner common to Sections 11 and 12, Township 7 South, Range 13 East of the Boise Meridian; thence North a distance of 618.0 feet; thence North 88° 45' East a distance of 400.0 feet to a spring and the true place of beginning; thence South 88° 45' West a distance of 800.0 feet; thence South 87° 30' West a distance of 293.0 feet to a point on the southwesterly boundary line of the lands hereinbefore conveyed to the party of the second part.

(5) A twenty-foot (20') right-of-way for the operation, maintenance and replacement of an existing irrigation pump and pipeline for water carriage therefrom; said right-of-way being 10 feet on each side of the following described center line:

Beginning at the quarter corner common to Sections 12 and 13, Township 7 South, Range 13 East of the Boise Meridian; thence South 396.0 feet; thence North 75° 27' East a distance of 120.0 feet to the pump located on the left bank of Billingsley Creek, the true point of beginning; thence along the center line of the right-of-way South 05° 18' East a distance of 190.0 feet to a point on the southwesterly boundary line of the lands hereinbefore conveyed to the party of the second part.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever and the said party of the first part, and its successors, the said premises in the quiet and peaceable possession

of the said party of the second part, its successors and assigns, against the said party of the first part, and its successors, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set its corporate name and affixed its corporate seal, the day and year first above written.

McCARTER CATTLE CO., INC.

Attest:

By W. A. McCarter
President

W. A. McCarter
Secretary-Treasurer

STATE OF IDAHO)
County of Gooding) ss

On this 17th day of Sept, in the year 1963, before me, the undersigned Notary Public in and for said State, personally appeared W. A. McCarter, known to me to be the Pres. & Secy of the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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



Charles L. Shaw
Notary Public for the State of Idaho
Residing at: Gooding



AL56000P
108-24

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

06/12/90 08:17:59
Page 1

Water Right Number - A16-00049

Adj. Flag Translation: Adjudication Temporary Work Area

Old ID Number -

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

*** C - CURRENT OWNER ***

NEVADIAN

A

DAK E.

1 - RT.1 BOX 404

2 -

3 -

CITY- BACCHUS

Phone - 206-637-6449

State- ID Zip- 83332

NEVADIAN

A

IRMA E.

1 - RT.1 BOX 404

2 -

3 -

CITY- BACCHUS

Phone - 206-637-6449

State- ID Zip- 83332

*** E - ALSO KNOWN AS ***

VIDA & GENE

1 -

2 -

3 -

CITY- BOISE

Phone - 206-646-0000

State- ID Zip- 83707

----- Priority Date -----

04/01/1990

----- Region -----

17

----- Stage -----

0 - SUCCESS

----- Status -----

----- Source -----

FLORANCE LIVESTOCK SPRING

----- Tributary -----

BILLINGSLEY CREEK

----- Point of Diversion -----

----- Stream Index (blank if no index code) -----

----- Code ----- Description ----- Period From ----- Period To ----- Diversion Rate ----- Diversion Volume -----

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		01/01	11/13	0.700	
03 - DOMESTIC		01/01	12/31	0.000	
10 - COMMERCIAL		01/01	12/31	0.000	
04 - HYDROPOWER		01/01	12/31	0.000	
19 - FISH PROPAGATION		01/01	12/31	0.000	

----- Total Div. Rate ----- Total Div. Volume ----- Total Div. Capacity ----- Total Consumption Use ----- NW Range -----

0.700 535.5

----- Tract -----

Tract	Sec	Range	Lot	Acres	Code	Description	County
070	130	11	00 SE	6.0	01	IRRIGATION	(47) COCONINO
070	130	11	00 SE	34.0	01	IRRIGATION	(47) COCONINO
070	130	11	00 SE	40.0	01	IRRIGATION	(47) COCONINO
070	130	12	00 SW	1.0	01	IRRIGATION	(47) COCONINO
070	130	12	00 SW	10.0	01	IRRIGATION	(47) COCONINO
070	130	12	00 SW	1.0	01	IRRIGATION	(47) COCONINO
070	130	13	00 SE	34.0	01	IRRIGATION	(47) COCONINO

Water right number - 236-00049

Adj. flag translation: Adjudication Temporary Work Area

Yr	Mo	Day	Tract	Lot	Place of Use	Description	County
976	126	13	SE 34		40.8	01 HINDSARTON	(47) GARRETT
Total Acres:					176.5		

- - Diversion Route - SAND RUN TUNNEL, CONCRETE ROAD BRIDGE, 20' PIPE, 18" PIPE
- - San-Irrigation Use - ~~SAND RUN~~, SAND, NEW ROAD, ~~NEW BRIDGE~~, ~~6-12" PIPE~~, 7/8 POUND
- - Other Rights See Some Use - ADM-00044

----- Begins -----
 SUCH SOCHES CONTAIN 1.7 GWS TO COVER ALL GWS. COMMERCIAL
 GWS DEVELOPED IN 1945 (GWS. PAGE. PLAN), 1977 (RENT SUTILL).
 FIVE PWS WERE DEVELOPED IN 1940. CLASHMENT GWS SAME WATER
 ON ALL GWS AND WANTS TO COVER THEM ON ONE CLAIM, CONSIDERING
 THE ORIGINAL TERMS OF THE SOCHES.

----- Old Water Right Numbers -----
No Old Water Right Numbers found.

----- Conditions of Approval -----
 No Conditions of Approval found.

* - - - - Verree Plaintiff - - - * * - - - - Verree Defendant - - - * * - Verree Note -
NEW INTERNATIONAL CENTRAL BANK IRVING POWER COMPANY 02/02/2025

 No Connects Found

* - - And44 Pictos - 04/20/96 WHITE 01/15/99 SIDA

***** Adjudication Rights Notice and Flags Area *****

Court Report Filing	- 06/04/2000	Field Inspection Made	- 06/04/2000	Civil Case Number	- 10000
Objection Filed Date	- 06/04/2000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 06/04/2000	Verified Date	- 06/14/1995	Old Judicial District	-
Case Received Date	- 06/20/1994	Last Amended Date	- 06/08/2000	Temporary Night	- 0
Claims Type Screen Flag	-	Seizure Number	- 0004501	Water District	- 200
Fee Waiver Flag	-	POW Ownership Flag	- 1	Training/Status Indicator	- 0
		Case Connector	- AM/00	Seizure Flag	-

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



AJSP/SP
000-126)

STATE DEPARTMENT OF WATER RESOURCES
ABANDONMENT CLAIMS POST READING REPORT
(00000000)

10/21/92 10:25:00
Page 1

Water Right Number - 000-000-0

Profile Translation 00000000

Old (P) Number -

--- Last Name ---

--- First Name ---

--- Address ---

--- C - CURRENT NAME ---
MC PERROW

MC 0

1 - ST 1 000 400

2 -

3 -

City - 00000000

State - 00 Zip - 00000

Phone - 000-000-0000

MC PERROW

MC 0

1 - ST 1 000 400

2 -

3 -

City - 00000000

State - 00 Zip - 00000

Phone - 000-000-0000

--- Priority Date ---
01/01/1980

--- Region ---
17 MONTANA

--- Stage ---
0 - 0000000

--- Status ---

--- Source ---
FLORISSIE LIVERMORE SPECIES

--- Tributary ---
BELLINGHURST CREEK

Point of Diversion					
Ten	Eng	Sec	Treat	Lot	Area
000	100	10	00 00 00		(47) 0000000

Date	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - 1200000000		08/15	11/15	4.000	
02 - 0000000000		01/01	12/31	0.000	
04 - 0000000000		01/01	12/31	0.000	

--- Total Div. Rate --- 4.000
--- Total Div. Volume ---
--- Total Consumptive Use --- 0.0
--- 00 Stage ---

Ten	Eng	Sec	Treat	Lot	Area	Place of Use	Description	County
000	100	11	00 00		6.0	01	0000000000	000000
000	100	11	00 00		36.0	01	0000000000	000000
000	100	11	00 00		37.0	01	0000000000	000000
000	100	12	00 00		1.0	01	0000000000	000000
000	100	10	00 00		10.0	01	0000000000	000000
000	100	10	00 00		1.0	01	0000000000	000000
000	100	10	00 00		36.0	01	0000000000	000000
000	100	10	00 00		40.0	01	0000000000	000000
000	100	11	00 00			04	0000000000	000000
000	100	11	00 00			04	0000000000	000000
000	100	11	00 00			02	0000000000	000000
000	100	11	00 00			03	0000000000	000000

ALP/200
(20-100)

MASS DEPARTMENT OF AGRICULTURE
AGRICULTURAL CLAIMS PROGRAM REPORT
(20000000)

10/21/92 10:00:00
Page 2

Water right number - 000-0000

Profile Translation - 0000000

Tract	Big	Box	Tract	Lot	Acres	Place of Use	Description	County
Total Acres: 175.3								

• • • Diversion from - 000-0000, 00000000 000000, 20' PORE, 10' PORE

• • • Irrigation use - 000000, 2 0000; 0000, 200 000 0000

• • • Other Rights for Same Use - 00-0000

USE OF THIS RIGHT WITH RIGHT NO. 00-0000 IS LIMITED TO A
TOTAL GROSS FERTILIZER RATE OF 4.00 CPG, A TOTAL GROSS
GROSS FERTILIZER RATE OF 0.00-0.00, AND TO THE EXTENT
OF A GROSS TOTAL OF 175.3 ACRES IN A SINGLE SECTION 000000.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
0000000000: 00-000000, 00-000000, 00-000000, 00-000000,
00-000000, 00-000000 & 00-000000.

• • • Old Water Right Numbers - 000000

• • • Conditions of Approval - 0000000000
No Conditions of Approval Found.

• • • Source Plaintiff - 000000

• • • Source Defendant - 000000

• • • Source Date - 00/00/0000

Notes: 00/00/0000 Note: 00-000000 Subject: PARTIAL DISALLOWED
THE OTHER USES CLAIMED ARE NOT RECOMMENDED SINCE THEY ARE AS
Notes: 00/00/0000 Note: 00-000000 Subject: PARTIAL DISALLOWED
0000 000000 000000 00.7 CPG TO COVER ALL USES. COMMERCIAL
FISH POND USE DEVELOPED IN 1900. CLAIMANT WISHES SAME WATER
THE GROSS TOTAL OF THE RIGHTS.
Notes: 00/00/0000 Note: 00-000000 Subject: PARTIAL DISALLOWED
RECEIVED USE 000000. 000000 USE PLAS FROM 000000 TO A.
Notes: 00/00/0000 Note: 00-000000 Subject: PARTIAL DISALLOWED
NO OTHERS RECOMMENDED AT THIS TIME. NO REDUCTION IN USE ACRES
0000 000000 000000 000000. USE 10-17-00.
Notes: 00/00/0000 Note: 00-000000 Subject: PARTIAL DISALLOWED
JOFF PEPERANCE 000000 THAT 0000 IN 0000 CRIP 0000 THE
ALLOW 000000 IN 000000 0000.

• • • Audit Fields - 00/21/92 000000

ALP430P
(00-125)

BOARD DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROCESSING REPORT
(00010001)

10/21/92 13:25:05
Page 3

Water Right number - 036-0004

Profile Translation: 0000000

..... Adjudication Rights Dates and Flags Area

Court Report Filing	- 05/05/0000	Field Inspection Note	- 07/26/1990	Civil Case Number	- 39576
Objection Filed Date	- 05/05/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 05/05/0000	Verified Date	- 10/21/1992	Old Adjudicator District	-
Flake Reserved Date	- 05/26/1992	Last Amended Date	- 05/05/0000	Temporary Right	- P
		Source Number	- 000000	Water District	- 3dA
		PDR Subversion Flag	- Y	Federal/State Indicator	- S
		Date Converter	- A00/00	Presumption Flag	-
				Notice of Error Flag	- C

32x10

NOTICE OF ERROR FORM

RECEIVED
SEP 22 1992

Please type or print clearly, fill out completely, and return to:
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83725-6088

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:

- 1 Water right number: 36-00049
- 2 Name: Don H. McFadden
Irma R. McFadden
Address: Rt 1 Box 406
Hagerman, Idaho 83332
Weekday Telephone Number: 557-6649

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

The entire recommendation is grossly out of line with reality

- 4 Describe the changes you wish to have made in the proposed recommendation
- The recommendation should be changed to conform with the decreed rights as per Decree of U.S. Court in 1942.*

- 5 Describe why you disagree with the proposed recommendation

*1. All purposes of use are not listed
2. Irrigation system is inadequate
3. Total quantities are inadequate and discriminatory*

- 6 Date *9/8/92*

SIGNATURE

Don M. Johnson



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3033

CAROL B. ANDERSON
Secretary

A. KIRK HARRISON
Director

17-Oct-1992

DAN MC FADDAN
RT 1 BOX 406
NAGERMAN ID 83332

RE: RESPONSE TO NOTICE OF ERROR FOR CLAIMS 36-02169,
36-00048A, AND 36-00049

Dear Mr McFadden

RESPONSE TO 36-02169;

All claimed purposes of use claimed were recommended, however, the field examiner found 4.5 acres rather than the claimed 5.5 acres. The rates and volume recommendations were reduced because of the acre reduction. Based upon currently information, I am unable to recommend a change in the proposed report.

RESPONSE TO 36-00048A AND 36-00094

As there is no evidence that a portion of the originally decreed right was abandoned to allow a change in the nature of use, the Commercial and Fish Propagation portions of 36-00049 were disallowed. It is our interpretation that you wished to maintain the 1900 priority date rather than advance the priority date of the irrigation portion of your claim to the date of the latest developed use.

Your ROE also questions the basis for the recommendation of an amount that is less than the amount shown in a previous decree.

Under Idaho law, a water right is limited to the amount of water beneficially used for the purposes for which the water right was established. The amount of water beneficially used is limited to the amount that is actually used and is reasonably required. For irrigation purposes, a reasonable amount is the amount required using irrigation methods that

12x10

12x10

MC PADDAM
PAGE 2
17-Oct-1992

are reasonably efficient under current circumstances. If the amount of a water right shown in a decree is greater than the amount that is beneficially used, then the portion that is not beneficially used is forfeited.

The amount proposed to be recommended for your claim is based on the amount of water determined to be beneficially used for the recommended uses, based on available data and current methods of analysis. To support recommendation of a greater amount, you will need to submit evidence of beneficial use of a greater amount to IDWR.

The Director has approved extending the period of use for the Hagerman valley to 3/15 to 11/15.

The proposed recommendation is based on irrigation season of use standards adopted by the Director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost.

In addition, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for irrigation outside the irrigation season under certain conditions. The conditions are that the water is beneficially used, as determined by the director; that all water rights with a period of use outside the irrigation season, regardless of priority, are satisfied; and that the use does not conflict with the public interest as determined by the director. This proposed general provision will be included in the Director's Report.

If you still disagree with IDWR's recommendations, you will have an opportunity to file an objection to the Director's Report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the process. IDWR will work with the claimants to resolve disputed issues, including efforts to obtain additional data which will be shared with the water users.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

R PROOF

CVR

MAPS

PHOTOS

MISC

✓

✓

✓

|

✓

AL0743BP
(09-134)

ISLAND DEPARTMENT OF WATER RESOURCES
ADJUSTATION CLAIMS PROOF READING REPORT
(OPTIONAL)

06/11/92 15:50:10
Page 1

Water Right Number - 036-00049 Profile Translation: RESEARCH 046 (0) Number

----- Last Base ----- ----- First Base ----- ----- Address -----

--- C - CURRENT OWNER --- 046 H 1 - ST 1 BOX 406
IC FARMER 2 -
City: HASTINGS State: HI Zip: 93332
Phone: 208-837-6649
1 - ST 1 BOX 406
2 -
3 -
City: HASTINGS State: HI Zip: 93332
Phone: 208-837-6649

IC FARMER 1000 H 1 - ST 1 BOX 406
2 -
3 -
City: HASTINGS State: HI Zip: 93332
Phone: 208-837-6649

----- Priority Base ----- ----- Region ----- ----- Stage ----- ----- Status -----
04/01/1988 17 SOUTHERN 0 - DECIDED

----- Source ----- ----- Tributary -----
FLUORINE LIVESTOCK SPRING BILLIMBLEY CREEK

----- Point of Diversion -----

Town	Range	Sec	Tract	Lot	Acres	County
075	13E	12	SE SE SW	(47)	000106	

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	3.510	
43 - DOMESTIC		01/01	12/31	0.860	
04 - STOCKWATER		01/01	12/31	0.870	

----- Total Div. Rate ----- ----- Total Div. Volume ----- ----- Total Consumptive Use ----- ----- Of Usage -----
3.510 0.0

Town	Range	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
075	13E	11	SE SE		6.0	01 IRRIGATION	(47)	000106	
075	13E	11	SE SE		36.5	01 IRRIGATION	(47)	000106	
075	13E	11	SE SE		37.0	01 IRRIGATION	(47)	000106	
075	13E	12	SW SW		1.0	01 IRRIGATION	(47)	000106	
075	13E	12	SW SW		16.0	01 IRRIGATION	(47)	000106	
075	13E	12	SW SW		1.0	01 IRRIGATION	(47)	000106	
075	13E	13	SW SW		36.0	01 IRRIGATION	(47)	000106	
075	13E	13	SW SW		60.0	01 IRRIGATION	(47)	000106	
075	13E	11	SE SE			04 STOCKWATER	(47)	000106	
075	13E	11	SE SE			04 STOCKWATER	(47)	000106	
075	13E	11	SE SE			43 DOMESTIC	(47)	000106	
075	13E	11	SE SE			43 DOMESTIC	(47)	000106	

*add conf
NPT NPT
KRC
10-20-92*

AJW/SEP
000-1243

WATER DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PRIORITY REPORT
(REGULAR)

06/11/92 15:50:10
Page 2

Water right number - 030-00049

Prefix Translation: 00000000

Tract	Sec	Range	Tract	Lot	Acres	Code	Description	County
Total Acres: 175.5								

--- Diversion Route - ROAD RUN TUNNEL, CONCRETE HEAD WORKS, 20" PIPE, 10" PIPE

--- Non-irrigation Use - DOMESTIC, 2 HOMES; STOCK, 250 HEAD BARGE CATTLE

--- Other Rights for Same Use - 30-00048

USE OF THIS RIGHT WITH RIGHT NO. 30-00048 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.51 CFS, A TOTAL COMBINED
CONSUMPTIVE USE VOLUME OF 520.5 AF, AND TO THE PROPORTION
OF A COMBINED TOTAL OF 175.5 ACRES IN A SINGLE ADJUDICATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 30-00044, 30-00046, 30-00049, 30-00050,
30-00109, 30-00204 & 30-10047.

--- Old Water Right Numbers ---
3000000

--- Conditions of Approval ---
No Conditions of Approval Found.

--- Decree Plaintiff ---

--- Decree Defendant ---

--- Decree Date ---
06/03/000

--- Comments ---
Note: 06/12/1992 Hear for CLELAND Subject: CIVIL CASE NUMBER 30076
SOME OF THE ABOVE 19.7 CFS TO COVER ALL USES. COMMERCIAL, 1997 CHART STILL.
7500 POUNDS WERE DEVELOPED IN 1989. CLAIMANT WANTS SAME WATER
THE ORIGINAL TERMS OF THE DECREE.
Note: 06/12/1992 Hear for CLELAND Subject: PARTIAL DISALLOWED
THE OTHER WERE CLAIMED ARE NOT RECOMMENDED SINCE THEY ARE AN
EXPANSION OF THE DECREED USE AND NOT A CHANGE IN NATURE OF USE.

--- Audit Fields ---
06/11/92 THURSDAY

Adjudication Rights Dates and Flags Area			
Start Report Filing	06/06/000	Field Inspection Date	07/26/1990
Objection Filed Date	06/06/000	Field Inspection Flag	
Response Filed Date	06/06/000	Verified Date	06/06/000
Claim Received Date	06/26/1988	Last Amended Date	06/06/000
		Receipt Number	0001000
		PRI Ownership Flag	Y
		Rate Connector	000/00
		Civil Case Number	30076
		Old Case Number	
		Old Judicial District	
		Temporary Right	P
		Water District	36A
		Federal/State Indicator	S
		Presumption Flag	
		Notice of Error Flag	

STATE OF IOWA
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:55:00
06/28/98

CLAIM NUMBER: A36-00049

PAGE: 13
QUICKLOOK INFORMATION

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WDOH/DATE	FIELD EXAM BY WDOH/DATE	CHARGE CLASS Y/N	VERIFIED BY CODE	COMPLETED REVIEW WDOH/DATE	COMPLETED DATA SUBMIT WDOH/DATE	VERIFIED DATE WDOH/DATE
EXISTENCE DATE	① N			N	6.	2-12-92	①	KRC 8-4-92
POINT OF DIV	Y ②		7-16-90 SM/HMT	N	1, 5, 6	2-4-92		
SOURCE	N			N				
PLACE OF USE	Y ③		7-16-90 SM/HMT	YES ④	1, 5, 6, 4			
DIV. AMOUNT CFS/VOLUME	Y ⑤			Y ⑥	6. STOS			
COMBUSTIBLE USE	N			N ⑦	6.			
PURPOSE	Y ⑧		1-24-90 7-24-90	YES ⑨	6. Ductile			
PERIOD OF USE	Y N			Y ⑩	6.			
DATE OF CLAIM	N			N				
REMARKS	Y N			Y ⑪	6.			

VERIFIED BY CODES

TOPG MAP/OUTDO-PS = 1
A36S MAP = 2
WATERMASTER RECORDS = 3
SAFF 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.

+ re-check review

2x10

2x10

STATE OF ILLINOIS
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:00:00
06/29/99

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A30-00049

LAST: MC FARLAN
ADDRESS: RT. 1 BOX 406
CITY: BLOOMING
PHONE NUMBER: 300-637-6649
OWNER CODE: C

FIRST: DAN B.
STATE: IL ZIP: 61832

LAST: MC FARLAN
ADDRESS: RT. 1 BOX 406
CITY: BLOOMING
PHONE NUMBER: 300-637-6649
OWNER CODE: C

FIRST: LINDA B.
STATE: IL ZIP: 61832

LAST: FINE & GORE
ADDRESS:
CITY: GALEN
PHONE NUMBER: 300-000-0000
OWNER CODE: E

FIRST:
STATE: IL ZIP: 61707

FIELD NAME REQUESTED

PAYMENT
T

FIELD
REMARKS

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: BOTH DECREEES COVERED 10.7 CFS TO COVER ALL USES. COMMERCIAL
USES DEVELOPED IN 1945 (VMS. FINE. PLANT). (177) (KIND STILL).
FINE FISH WERE DEVELOPED IN 1969. CLAIMANT USED SAME WATER
ON ALL USES AND WANTS TO COVER THEM ON ONE CLAIM, CONSIDERING
THE ORIGINAL TERMS OF THE DECREE.

(10) Commercial
STILL
(11) Fish

1945
1977
1969
EXPANSION
OF
DECREE

SINCE NO
ALLEG CHANGE
IN NATURE OF
USE.

SL
2-12-92

PAGE: 1
FIELD EXAMINATION INFORMATION

CLAIM NUMBER: A36-00048

CONTACT PERSON: Don McFadden

PHONE NUMBER: () -

DATE OF FIELD EXAM: 7/26/90

APPOINTMENT MADE: T() W()

TIME: () A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

See Remarks at A36-00048

EXPANSION or Diversion works from 14" pipe to 16" pipe
occurred in about 1981 per conversation w/ Mr McFadden.

32x10

32x10

PAGE: 1
PRIORITY DATE REVIEW PAGE

CLAIM NUMBER: 400-00049

A. AJ CLAIM: 0 430-00049 PRIORITY DATE: 04-01-1900 STAGE: 0
B. US RECORD: 0 36-00049 PRIORITY DATE: 04-01-1900 STAGE: 0
C. FIELD TEAM REQUIRED? DATABASE FIELD
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) 0 SEARCHED ☒

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? (Y/N) N
IF YES EXPLAIN.

REMARKS: Remarks on claim specifically break out separate priority for each
side -

RECOMMENDED PRIORITY DATE:
04-01-1900

REVIEWED BY

SEL

DATE 12-28-90

DATE: 4
POINT OF DEVIATION REVIEW SHEET

CLAIM NUMBER: A34-00000

A. AT CLAIM POINT OF DEVIATION AND SOURCE:

NUMBER	YTD.	DOB.	DOC.	1/4	1/4	1/4	LOT	CITY
A34-00000	070	130	12	DE	DE	DE		GOSSICKS

OTHER AT CLAIM WITH SAME AT POB
A PREFIX
A34-10200
A34-00050A
A34-00050B
A34-00052

WE RECORDS IN SAME 60 ACRES TRACT

A34-00050
A34-00052
A34-00053
A34-02100
A34-00204

SOURCE: FLORENCE LIVESTOCK SPRING

THIS: BILLINGSLEY CROSS

B. IN POINT OF DEVIATION AND SOURCE:

NUMBER	YTD.	DOB.	DOC.	1/4	1/4	1/4	LOT	CITY
A34-00000	070	130	12	DE	DE	DE		GOSSICKS

OTHER WE RECORDS WITH SAME IN POB

AT CLAIM IN SAME 60 ACRES TRACT
A PREFIX
B PREFIX

A34-00050
A34-00052
A34-00053
A34-02100
A34-00204

A34-00204
A34-00047
A34-10200
A34-00050A
A34-00050B
A34-00052

SOURCE: FLORENCE LIVESTOCK SPRING

THIS: BILLINGSLEY CROSS

C. FIELD USE ADJUSTED?

DUE TO POB DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

MESSAGE
FIELD
REMARKS
Y

[Handwritten signature]

PAGE: 1
POINT OF DIVERSION REVIEW SHEET CONTINUED

CLAIM NUMBER: A34-00049

REMARKS:

Confirm exact location of PCD - may actually be in SW⁴NE¹

RECOMMENDED POINT(S) OF ADJUSTMENT AND SOURCE:

TWP.	RANGE	SEC.	1/4	1/4	LOT	COUNTY
T5	13E	12				

SOURCE: FLORENCE LIVESTOCK SPRING

TR18: BILLINGSLEY CREEK

REVIEWED BY: SEC

DATE: 12-28-90

See

2-12-92

PAGE: 2
PLACE OF USE REVIEW SHEET

CLAIM NUMBER: A36-00049

A. BOAT WATER RIGHT NUMBERS: A36-00049

B. POE LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ 1/ACRES	UB 1/ACRES	LANDMARK DATA	FIELD ELEM.	RECORD ACRES
57S	13E	11	SE	SE		MC FARMER, SAM E.	A36-00049	1.0	36-00049	11.8	6
						HOLMES, E.L.	A36-00049	1.0	-		6
						ROBINSON, GEORGE E.	A36-00049	1.0	36-00049		
						TYLER, DUDLEY	A36-04261	4.0	36-04261	4.0	
						KIPP, RUBY B.	A36-07650	0.5	36-07650	1.0	
						KIPP, RUBY B.	A36-10110	-	-	-	
						KIPP, RUBY B.	A36-10120	0.5	-	-	
						KIPP, RUBY B.	A36-10150	-	-	-	
						PETTRICK, HERMAN W.	A36-10751	-	-	-	
						SADOT, WILLIAM A.	A36-10752	-	-	-	
						SADOT, WILLIAM	A36-10753	-	-	-	
						THOUT-CO	A36-04000	1.0	36-04000	1.0	
						WALD, JOHN P.	A36-00000	-	-	-	
						HOLMES, ALICE E.	A36-00000	-	-	-	
						FINE & GAGE	A36-00040	4.0	36-00040	-	
						PETTRICK, HERMAN W.	A36-00040	1.0	-	-	
						WALD, JOHN P.	A36-00000	-	-	-	
						TYLER, DUDLEY E.	A36-00000	-	-	-	
						CULBERTSON, S.A.	A36-00000	-	-	-	
						PAR-4 PARTNERSHIP	A36-00000	-	-	-	
						UNDERWOOD, HAROLD E.	A36-00000	-	-	-	
						CLOUSER, JOHN F.	A36-00000	-	-	-	
						SCOTCHELL, MARY	A36-001030	1.0	-	-	
						ROBINSON, GEORGE E.	A36-00000	1.0	-	-	
						CLOUSER, MORIS E.	A36-00000	1.0	-	-	
						HOLMES, E.L.	A36-00000	2.0	-	-	
						NORTHROP, HAROLD E.	A36-00000	1.0	-	-	
						THOUT-CO	A36-07010	-	36-07010	-	
						THOUT-CO	A36-00000	-	36-00000	-	
						POPE, ELIJAH	A36-00000	-	36-00000	-	
						POPE, ELIJAH	A36-00147	-	36-00147	-	
						TRIVILLAS, D. C.	A36-07057	-	36-07057	-	
						PARKER, CHARLES	A36-00151	-	36-00151	-	
						STATE OF INDIANA	-	-	-	-	
57S	13E	11	SE	SE		MC FARMER, SAM E.	A36-00049	11.8	36-00049	11.8	36.5
						FINE & GAGE	A36-00040	16.5	36-00040	-	
						WALD, JOHN P.	A36-00000	1.0	-	-	
						HOOGE, DANIEL	A36-00079	-	36-00079	-	
						HOOGE, JOHN	A36-00150	-	36-00150	-	
						HOOGE, DANIEL	A36-00151	-	36-00151	-	
						STATE OF INDIANA	A36-00152	-	36-00152	-	
57S	13E	11	SE	SE		MC FARMER, SAM E.	A36-00049	11.8	36-00049	11.8	37
						FINE & GAGE	A36-00040	16.5	36-00040	-	
57S	13E	11	SW	SW		MC FARMER, SAM E.	A36-00049	1.0	36-00049	11.8	1.0
						FINE & GAGE	A36-00040	1.0	36-00040	-	
						STATE OF INDIANA	A36-00151	-	36-00151	-	

37
(great quantities)
1
su

FORM 1 8
PREPARED REVENUE CHECK

CLAIM NUMBER: 135-00040

A. AS CLAIMED USED:

CLAIM NUMBER	DESCRIPTION	DATE/DAY	DEVIATION QUANTITY
135-00040	INTEREST	FROM 01-01 TO 11-11	5.700 CFS
135-00040	INTEREST	FROM 01-01 TO 12-11	.040 CFS
135-00040	INTEREST	FROM 01-01 TO 13-11	.000 CFS
135-00040	INTEREST	FROM 01-01 TO 14-11	.070 CFS
135-00040	INTEREST	FROM 01-01 TO 15-11	.000 CFS
135-00040	INTEREST	FROM 01-01 TO 16-11	.000 CFS

TOTAL DEVIATION RATE/VOLUME CLAIMED

SEPARATE W/ DISALLOW (under this claim)

B. AS RECEIVED USED:

CLAIM NUMBER	DESCRIPTION	DATE/DAY	DEVIATION QUANTITY
135-00040	INTEREST	FROM 01-01 TO 11-11	5.700 CFS
135-00040	INTEREST	FROM 01-01 TO 12-11	.040 CFS
135-00040	INTEREST	FROM 01-01 TO 13-11	.000 CFS
135-00040	INTEREST	FROM 01-01 TO 14-11	.070 CFS
135-00040	INTEREST	FROM 01-01 TO 15-11	.000 CFS
135-00040	INTEREST	FROM 01-01 TO 16-11	.000 CFS

TOTAL DEVIATION RATE/VOLUME CLAIMED

PRESCRIPTION FLAG:

C. FIELD USE REQUEST:

DUE TO REPAIR-USE DISCREPANCY (Y/N)
DUE TO DEVIATION RATE DISCREPANCY (Y/N)
DUE TO FIELDING TIME/TO DISCREPANCY (Y/N)

DISCREPANCY
FIELD
REMARKS

see Remarks at P. 3

D. PERSON OF USE:

RECORDED AS CLAIMED?

RECORDED TO BE STANDARD OR OTHER?

Y () N (X)

X () N () Explain in remarks, below

REMARKS:

+ Direct Uses

PAGE: 9
DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A34-00049

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

1) TOTAL CLAIMED DIVERSION RATE: 0.700 CFS
2) TOTAL EXISTING DIVERSION RATE: 0.700 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 amount is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DOES THE STATE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y ☒

B.

FLOW MEASUREMENT

MEASUREMENT METHOD Soil flow SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A34-00049

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A34-00049	FLORENCE LIVESTOCK SPRING	MC FARLAND, DAD E.	0.700	0.054		
A34-10566	BILLINGSLEY CREEK	BOHLEN, E. L.	0.000	0.000		
A34-00103A	BILLINGSLEY CREEK	BOHLEN, E. L.	0.000	0.000		
A34-00040	BILLINGSLEY CREEK	BOHLEN, E. L.	0.100	0.000	0.00	0.00
A34-00000A	BILLINGSLEY CREEK	CLAYTON, DONIA E.	0.000	0.000		
A34-00000C	BILLINGSLEY CREEK	BOHLEN, E. L.	0.000	0.000		
A34-00000D	BILLINGSLEY CREEK	BUTTERBY, HAROLD E.	0.000	0.000		
A34-00000E	BILLINGSLEY CREEK	WILSON, JOHN F.	0.000	0.000		
A34-00001	SPRING	KEENE, BRUCE W.	0.100	0.000	44.00	0.00

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

CLAIM NO.	POU/USE	NAME	MONTH/DAY	RATE	VOLUME
A34-00049	DOMESTIC	MC FARLAND, DAD E.	7000 01-01 70 12-31	0.000 CFS	
A34-00049	COMMERCIAL	MC FARLAND, DAD E.	7000 01-01 70 12-31	0.000 CFS	
A34-00049	STOCKWATER	MC FARLAND, DAD E.	7000 01-01 70 12-31	0.000 CFS	
A34-00049	FISH PROPAGATION	MC FARLAND, DAD E.	7000 01-01 70 12-31	0.000 CFS	
A34-00049	DOMESTIC	BOHLEN, E. L.	7000 01-01 70 12-31	0.000 CFS	
A34-07450	DOMESTIC	LIFF, BOBBY B.	7000 01-01 70 12-31	0.000 CFS	
A34-10119	DOMESTIC	LIFF, BOBBY B.	7000 01-01 70 12-31	0.000 CFS	
A34-10120	DOMESTIC	LIFF, BOBBY B.	7000 01-01 70 12-31	0.000 CFS	
A34-10550	DOMESTIC	POVLICK, HERMAN V.	7000 01-01 70 12-31	0.000 CFS	

A36-10751	DOMESTIC	SANDY, WILLIAM A.	FROM 01-01 TO 12-31	.040 CFS
A36-10751	DOMESTIC	SANDY, WILLIAM A.	FROM 01-01 TO 12-31	.040 CFS
A36-10751	DOMESTIC	TRACY-CO	FROM 01-01 TO 12-31	.040 CFS
A36-000000	DOMESTIC	BOLLES, ALICE R.	FROM 01-01 TO 12-31	.040 CFS
A36-000000	COMMERCIAL	BOLLES, ALICE R.	FROM 01-01 TO 12-31	.100 CFS
A36-000000	DOMESTIC	WAS, JOHN P.	FROM 01-01 TO 12-31	.020 CFS
A36-000000	DOMESTIC	TYLER, BRUCE H.	FROM 01-01 TO 12-31	.020 CFS
A36-000000	DOMESTIC	CULBERTSON, S.A.	FROM 01-01 TO 12-31	.020 CFS
A36-000000	DOMESTIC	PAN-6 PARTNERSHIP	FROM 01-01 TO 12-31	.040 CFS
A36-000000	DOMESTIC	SOUTHWELL, HAROLD S.	FROM 01-01 TO 12-31	.040 CFS
A36-000000	DOMESTIC	CLOUSE, JOHN F.	FROM 01-01 TO 12-31	.020 CFS
A36-07034	POWER	TRACY-CO	FROM 01-01 TO 12-31	100.000 CFS
A36-00000	POWER	TRACY-CO	FROM 01-01 TO 12-31	100.000 CFS
A36-04072	DOMESTIC	TAYLOR, MAURICE H.	FROM 01-01 TO 12-31	.040 CFS
A36-04072	STOCKPILING	TAYLOR, MAURICE H.	FROM 01-01 TO 12-31	.020 CFS
A36-10211	DOMESTIC	HEISS, ROSE W.	FROM 01-01 TO 12-31	.040 CFS
A36-07000	FISH PROPAGATION	RIMBERT, W. F.	FROM 01-01 TO 12-31	0.000 CFS
A36-07000	FISH PROPAGATION	TAYLOR, MAURICE H.	FROM 01-01 TO 12-31	.040 CFS
A36-07000	STOCKPILING	TAYLOR, MAURICE H.	FROM 01-01 TO 12-31	.020 CFS
A36-07725	FISH PROPAGATION	RIMBERT, W. F.	FROM 01-01 TO 12-31	100.000 CFS
A36-07731	FISH PROPAGATION	RIMBERT, W. F.	FROM 01-01 TO 12-31	10.000 CFS

- D. RATE/VOLUME CALCULATIONS: (IRRIGATION)
- 1a. IRRIGATION RATE
ACRES 175.5 $\times$ 0.03 CFS/ACR = 3.51 CFS
(Taken from p/a review)
- DOES ABOVE CLAIMED EXCEED 0.03 CFS/ACR? ☒ YES ☐ NO
- *** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? ☐ YES ☒ NO ***
2. IRRIGATION CONSUMPTIVE USE
CLAIMED CONSUMPTIVE USE = 535.5 AF/A 3.0
ACRES 175.5 $\times$ CONSUMPTIVE VOL. AF/A FOR AREA 6.4 =
TOTAL CONSUMPTIVE USE 526.5 AF/A
3. IRRIGATION DIVERSION VOLUME
CLAIMED DIVERSION VOLUME = AF/A
ACRES 175.5 $\times$ DIVERSION VOL. AF/A FOR AREA 4.0 =
TOTAL DIVERSION VOLUME 702 AF/A
4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:
SEE ATTACHED SHEET? ☐ YES ☐ NO

SWR: Stock = 0.07
Domestic = 0.06

* See
A36-00048

limited to 1 1/4 Ac = 3.51 cfs

CLAIM NUMBER: A14-00000

(SEE 13-00048)

[illegible]**TOTAL FOR THIS RIGHT**

RECEIVED BY: SEC

DATE: 7-31-90

~~$$\frac{9.7 \text{ of } 520 \text{ Ac.}}{520 \text{ Ac.}} = 2.186 \text{ GS/AC.}$$~~

KOL
E09
F05 (see Act)

PAGE: 13
BASIS OF CLAIM REVIEW SHEET

CLAIM NUMBER: A36-00049

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED
AS CLAIMED

REDO
REVIEW

COMMENTS:
PERSONAL/CHANGING
SOCIETY/REV. REVIEW

*Legal Review
JS Flow*

B. SPLIT UNDER RIGHT REVIEW

ROOT UNDER RIGHT NUMBER: 36-00049

DATABASE
9.700

SEARCHED

CPS

TOTAL DIVERSION RATE OF WE SPLITS

SPLITS:

OLD RIGHT
NUMBER

CURRENT
CLAIM NUMBER

DIVERSION
RATE

CURRENT "B"
CLAIM NO.

"B" DIV.
RATE

WE RIGHT
NUMBER

DIVERSION
RATE

-

A36-00049

9.700

-

36-00049

9.700

TOTAL CPS

9.700

9.700

DETERMINATION BASE REVIEW

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

DATABASE
T

FIELD
SEARCHED
Y

REMARKS:

APPROVATION:

FORWARDED:

NAME OF FIELD CLERK:

2-12-92

DATE: 12-28-90

TITLE:

32x10

DAN FRADEN -
Gooding - Idaho 25 mile
Gooding





32x10

32x10



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83401 (208) 734-2678

CHUCK B. ANDERSON
Director

R. BERNARD HARRISON
Manager

MODE SELECT
INPUT
OUTER DIAMETER
16.0063 IN
PIPE MATERIAL
? CS-88
WALL THICKNESS
8.2189 IN
INNER LINING
? NO LINING
KIND OF FLUID
? WATER
SENSOR MOUNTING
? U
TYPE OF SENSOR
? SMALL
DATA CHANGE
? NO
SPACING
12.944 IN U
ZERO MODE
CLEAR
ZERO MODE
AUT ZERO
ZERO MODE
ZERO OPR

00-00 1540100 02
+002.60 % A12
MODE SELECT
TO CHECK
0000.2 100SEC
100.20 % TO

00-00 1540200 02
+200.6000 100%

Florence Livestock Spring (all)

= 5.47 Gg

FLORENCE
LIVESTOCK
SPRING

By STEVE CLALLAND
MELAN HARRINGTON
8-9-90

2x10

2x10

A36-00044

Measurement made
8-9-90
by J.C.
H.H.

McFarlane diameter from F.I. web Sp

MODE SELECT
INPUT
OUTER DIAMETER
25.7000 IN
OUTER DIAMETER
0.1803 IN
PIPE MATERIAL
? CS-55
WALL THICKNESS
.11000 IN
INNER LINING
? NO LINING
KIND OF FLUID
? WATER
SENSOR MOUNTING
? U
TYPE OF SENSOR
? BULL
DATA CHANGE
? YES
CHANGE DATA
? PIPE
CHANGE DATA
? PIPE
CHANGE DATA
? END
SPACING
5.956 IN U
ZERO MODE
CLEAR
ZERO MODE
AUT ZERO
ZERO MODE
ZERO OPR
00-09 15:3400 HR
+003.00 % A12
MODE SELECT
TO CHECK
0294.9 NUBEC
099.14 % T8
00-09 15:3000 HR
+ 1.1066 30PH

2.58 c/s

0000 0000 0740

NAME: McFadden,
Dan H.

CLAIM: A 36-00049 0

CORRESPONDENCE —

EVIDENCE OF

PRIORITY

0000 000 0741

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 SHAKA RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00049
Date Received: 8/30/1988
Receipt No: 8001892
Received By: 162

COPY

FOR YOUR FILES
DO NOT RETURN
NOTICE OF CLAIM TO A WATER RIGHT
RECORDING UNDER STATE LAW

1. Name: DAN W. MCFADDAN 208-837-6649
Address: RT 1 BOX 406
HAGERMAN, ID 83332
AND/OR IRMA R. MCFADDAN 208-837-6649
Address: RT 1 BOX 406
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1900

3. Source: FLORENCE LIVESTOCK SPRING Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
078 13E 12 SE SE NW GOODING

5. Description of diverting works:
HAND DUG TUNNEL, CONCRETE HEAD WORKS, 20" PIPE, 16" PIPE

6. Water is used for the following purposes:

Purpose
IRRIGA
DOMEST
COWPER
STOCKW
FISH P

From To C.F.S. (or) A.F.A.

7. Total

8. Total

9. Non-ir
C/VE

A36-000

Missing Original
elzin

in.

2, 7/2 POUNDS
3/30/88

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	11	SE	NE	IRR	6.0
			NE	SE	IRR	36.5
			SE	SE	IRR	40.0
			Section Acres			82.5
		12	NW	SW	IRR	1.0
			SW	SW	IRR	18.0
			SE	SW	IRR	1.0
		Section Acres			20.0	
		13	NW	NE	IRR	36.0
			NE	NW	IRR	40.0
		Section Acres			76.0	
		Total Acres			178.5	

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:
A36-0004814. Remarks:
BOTH DECREES COMBINE 19.7 CFS TO COVER ALL USES. COMMERCIAL
USES DEVELOPED IN 1945 (VEG. PROC. PLANT), 1977 (MINT STILL).
FISH PONDS WERE DEVELOPED IN 1969. CLAIMANT USES SAME WATER
ON ALL USES AND WANTS TO COVER THEM ON ONE CLAIM, CONSIDERING
THE ORIGINAL TERMS OF THE DECREE.

15. Basis of Claim: DECREED

Case Number:

Court:

Decree date:

NEW INTERNATIONAL MORTGAGE BANK
Decree Plaintiff

vs

IDAH0 POWER COMPANY
Decree Defendant

WARRANTY DEED

THIS INSTRUMENT, Made this 17th day of Sept, in the year of our Lord one thousand nine hundred and sixty-three, between McCARTER CATTLE CO., INC., an Idaho corporation, whose principal place of business is Carrol, County of Cassia, State of Idaho, the party of the first part, and THE STATE OF IDAHO for the use and benefit of the Fish and Game Department, of the County of Ada, State of Idaho, the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Sixty Thousand Dollars (\$60,000.00), lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all of the following described real estate, situated in the County of Gooding, State of Idaho,

to-wit:

All of the following described lands located in Township 7 South, Range 13 East of the Boise Meridian, Idaho:

Section 11, ~~SW1/4, NW1/4, NE1/4, SE1/4~~; Section 12, ~~SW1/4, NW1/4, NE1/4, SE1/4~~; Section 13, ~~SW1/4, NW1/4, NE1/4, SE1/4~~; EXCEPTING therefrom those portions lying south of the following described boundary line:

Beginning at a point on the north boundary line of the ~~SW1/4, NW1/4, NE1/4, SE1/4~~ of said Section 11, from which point the northeast corner of said ~~SW1/4, NW1/4, NE1/4, SE1/4~~ bears North 89° 23' East a distance of 730.0 feet; thence following said boundary line in Section 11 South 28° 25' East a distance of 444.0 feet; thence South 21° 55' East a distance of 500.0 feet; thence South 15° 12' East a distance of 520.0 feet to a point on the section line common to Sections 11 and 12; thence in Section 12, South 22° 24' East a distance of 865.0 feet; thence South 47° 04' East a distance of 482.0 feet; thence North 83° 29' East a distance of 231.0 feet; thence South 45° 10' East a distance of 856.5 feet to a point on the section line common to Sections 12 and 13; thence in Section 13, South 45° 18' East a distance of 574.5 feet; thence South 53° 10' East a distance of 461.0 feet; thence North 79° 27' East a distance of 344.0 feet; thence South 30° 33' East a distance of 232.0 feet; thence South 69° 10' East a distance of 539.0 feet to a point on the center line of an existing county road; thence following the center line of the existing county road North 61° 22' East a distance of 100.0 feet; thence North 37° 03' East a distance of 570.4 feet; thence North 17° 04' East a distance of 166.2 feet; thence North 37° 00' East a distance of 210.0 feet, more or less, to a point on the north boundary line of said Section 13.

ALSO EXCEPTING from the said ~~SW1/4, NW1/4, NE1/4, SE1/4~~ of Section 12 that portion lying east of the existing county road.

Said lands herein conveyed comprising 363.62 acres, more or less.

TOGETHER with all water and water rights and ditches and ditch rights appurtenant thereto, including but not limited to the following designated water rights: 7.33 c.f.s. of that decreed right of 10.6 c.f.s. of the waters of Billingsley Creek, priority date of November 4, 1885, decreed to the Florence Livestock Company; and 4.6 c.f.s. of that decreed right of 9.7 c.f.s. of the flow of Florence Livestock Spring, priority date of April 1, 1900, decreed to Florence Livestock Company pursuant to that Decree of Equity No. 1602 entered by the U.S. District Court for the District of Idaho, Southern Division, on the 22nd day of March, 1932, in the case of New International Mortgage Bank, a corporation, Plaintiff, vs. Idaho Power Company, a corporation, et al, Defendants; reserving unto the party of the first part first priority use of 5.10 c.f.s., during irrigation seasons, of the flow of the waters emerging from an existing developed tunnel at Florence Livestock Spring, which said tunnel discharges into a certain 14 inch O.D. steel pipeline lying on and within a certain right-of-way and easement hereinafter reserved unto the party of the first part.

The party of the first part further grants and conveys unto the party of the second part, its successors and assigns, a permanent and perpetual easement and road right-of-way for public ingress and egress to and from the lands hereinafter conveyed, on, over and across the lands owned by it, and situate and lying in Gooding County, State of Idaho, and more particularly described as follows:

A strip of land across the lands of the party of the first part extending easterly from the present U.S. Highway No. 30 to the lands hereinafter conveyed, which said strip of land is bounded on the North side thereof by the Bell ditch and the North boundary line of the South Half of the Southeast Quarter of the Northeast Quarter (SW1/4, NE1/4) of Section 11, Township 7 South, Range 13 East of the Boise Meridian, that portion of which is bounded on the North by the Bell ditch being 30 feet in width and that portion of which is bounded on the South by the North boundary line of the South Half of the Southeast Quarter of the Northeast Quarter (SW1/4, NE1/4) of Section 11, Township 7 South, Range 13 East of the Boise Meridian being 30 feet in width.

There are hereby reserved to the party of the first part the following described easements on and over the hereinafter described lands:

- (1) A forty-foot (40') right-of-way for stock watering extending 30 feet on each side of the following described center line:

Beginning at the northeast corner of the SW1/4, NE1/4 of Section 11, thence North 289.0 feet to a point on the southeasterly boundary line of the property hereinafter conveyed to party of the second part; thence along said line North 27° 12' West a distance of 130.0 feet to a point, which point is the true point of beginning, thence East 220.0 feet, more or less, to the water's edge of the left bank of Billingsley Creek, being located within the SW1/4, NE1/4, Section 11, and the SW1/4, Section 12, Township 7 South, Range 13 East of the Boise Meridian.

- (2) A forty-foot (40') right-of-way for stock watering extending 30 feet on each side of the following described center line:

Beginning at the southeast corner of the SW1/4, NE1/4, Section 12, Township 7 South, Range 13 East of the Boise Meridian, thence North 289.0 feet to a point on the southeasterly boundary line of lands hereinafter conveyed to the party of the second part;

thence along said line North 45° 18' West a distance of 535.0 feet to the true point of beginning, thence extending North 60.0 feet, more or less, to the water's edge of the left bank of Billingsley Creek.

(3) A twenty-foot (20') right-of-way for an existing pipeline, being 10 feet on each side of said pipeline which is also the center line of said right-of-way, for the operation, maintenance, and replacement of a 14-inch O.D. water pipeline and the existing laterals therefrom; said pipeline right-of-way being located as follows:

Beginning at the northwest corner of the NW 1/4, Section 12, Township 7 South, Range 13 East of the Boise Meridian; thence East 154.0 feet, more or less, to a point on the southwesterly boundary line of the lands hereinafter conveyed to the party of the second part; thence along said boundary line South 22° 31' East a distance of 450.0 feet to the point of intersection of said line with the existing pipeline, which point is the true point of beginning; thence North 45° 45' East a distance of 2430.0 feet to the waters of Florence Livestock Spring.

(4) A ten-foot (10') right-of-way for an existing domestic water line, being 5 feet on each side of the center line described as follows:

Beginning at the quarter corner common to Sections 11 and 12, Township 7 South, Range 13 East of the Boise Meridian; thence North a distance of 618.0 feet; thence North 88° 45' East a distance of 408.0 feet to a spring and the true place of beginning; thence South 88° 45' West a distance of 800.0 feet; thence South 87° 30' West a distance of 293.0 feet to a point on the southwesterly boundary line of the lands hereinafter conveyed to the party of the second part.

(5) A twenty-foot (20') right-of-way for the operation, maintenance and replacement of an existing irrigation pump and pipeline for water carriage therefrom; said right-of-way being 10 feet on each side of the following described center line:

Beginning at the quarter corner common to Sections 12 and 13, Township 7 South, Range 13 East of the Boise Meridian; thence South 79.0 feet; thence North 75° 27' East a distance of 130.0 feet to the pump located on the left bank of Billingsley Creek, the true point of beginning; thence along the center line of the right-of-way South 05° 18' East a distance of 190.0 feet to a point on the southwesterly boundary line of the lands hereinafter conveyed to the party of the second part.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever and the said party of the first part, and its executors, the said premises in the quiet and peaceable possession

of the said party of the second part, its successors and assigns, against the said party of the first part, and its successors, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set its corporate name and affixed its corporate seal, the day and year first above written.

MCCARTER CATTLE CO., INC.

Attest:

By [Signature]
President

[Signature]
Secretary-Treasurer

STATE OF IDAHO) ss

County of Gooding) ss

On this 17th day of Sept, in the year 1963, before me, the undersigned Notary Public in and for said State, personally appeared Joe E. McCarter, known to me to be the President of the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

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

[Signature]
Notary Public for the State of Idaho
Residing at: Gooding



RECEIVED

FEB 10 1993

Department of Water Resources

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 (PPK\HAGERMAN.MOA\lmr)

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

10 In Re the General Adjudication
11 of Rights to the Use of Water
12 from the Snake River Basin
13 Water System

Case No. 39576

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

NOTICE OF APPEARANCE

15 Petitioner.

16 vs.

17 United States; State of Idaho;
18 and all claimants to the use
19 of water from the Snake River
20 Basin Water System.

19 Respondents.

21
22
23

PLEASE BE NOTIFIED that the firm of Hepworth, Nungester
& Lezamiz, Chartered, hereby appears on behalf of Hagerman Water

Hepworth
Nungester
& Lezamiz

NOTICE OF APPEARANCE - 1

DATE: 03/05/93
TIME: 12:06:19
PAGE: 1

TOTAL RECORDS IN SELECTION FILE: 196

1 Users, Inc. and its individual members:

- 2 Anderson, Anita G.
- Babington Lynn J. & Kathy
- 3 Banbury Pipe Co., Inc.
- Banbury Pipe Co., Inc.
- Big Bend Irrigation & Mining Co.
- 4 Big Bend Irrigation & Mining Co.
- Big Spring Water User's Assoc.
- 5 Big Springs Water User's Assoc.
- Big Springs Water User's Assoc.
- 6 Blastock, Alma E.
- Bolduc, Mark E.
- 7 Boyer, Dale E. & Elaine M.
- Brailsford, Robert H.
- Brooks, Allen L. & Andree
- 8 Brooks, Allen L. & Andree
- Bybee, Gertrude B. Owsley
- 9 Bybee, Gertrude B. Owsley
- Candy, Walter W. & Margaret
- 10 Candy, Walter W. & Margaret
- Clouser, Doris H. & John F.
- 11 Clouser, Doris H. & John F.
- Crandlemire, Roger C. & George C.
- Crandlemire, Roger C. & George C.
- 12 Crandlemire, Roger C. & George C.
- Crandlemire, Roger C. & George C.
- 13 Crandlemire, Roger C. & George C.
- Crandlemire, Roger C.
- 14 Crandlemire, Roger C.
- Crandlemire, Roger C.
- 15 Crandlemire, Roger C.
- DeVries, Abraham & Hermina
- Dice, Philip F. & Judith A.
- 16 Dice, Philip F. & Judith A.
- Erwin, Frank C. & Peggy
- 17 Fleming, Michael J. & Paul F.
- Flint, William E. and Vera C.
- 18 Flint, William E. and Vera C.
- Flint, William E. and Vera C.
- 19 Flint, William E. and Vera C.
- Fuell, Keith L. & Jolene
- Gardner, Barbara & Robert B.
- 20 Gardner, Barbara
- Gisler, Harry R.
- 21 Gisler, Bradley
- Glauner, Frank L. & Joan
- 22 Grigg, Mattie P. & Golden T.
- Gustafson Family Trust/Gustafson
- 23 Ivan J. & Lucille co-trustees
- Hagerman Gun Club

A36-000500
A36-00003C
A36-10906
A36-02038
A36-00192
A36-00133
A36-00022
A36-00023
A36-15166
A36-00108B
A36-00103C
A36-00079
A36-04260
A35-00060
A36-07346
A36-00042A
A36-00041C
A36-00135B
A36-00134A
A36-00090A
A36-00089A
A36-00113E
A36-00112B
A36-00111B
A36-00113J
A36-00110B
A36-00134C
A36-00135C
A35-10140
A36-10141
A36-00055AF
A36-00041A
A36-10405
A36-00092
A36-00064B
A36-00110A
A36-00111A
A36-00112A
A36-10168
A36-00086C
A36-00003B
A36-00003J
A36-00021B
A36-00077C
A36-00039E
A36-10283B
A36-00033F
A36-00100

Hnd

Hepworth
Nungesser
S. E. 1000

NOTICE OF APPEARANCE - 2

1 Hagerman Gun Club
 Hagerman Gun Club
 2 Hagerman Gun Club
 Hagerman Gun Club
 3 Hagerman Water Users Assoc.
 Jensen, Alice
 Johnson, Ira L. & Huguette M.
 4 Joint Hagerman School Dist 233
 Jones, John W., Jr.
 5 Jones, John W., Jr.
 Jones, John W., Jr.
 Jones, John W., Jr.
 6 Kipp, Rudy B. & Elberta M.
 Kipp, Rudy B. & Elberta M.
 7 Kipp, Rudy B. & Elberta M.
 Kiser, John & Karl Woodall & Sons, Inc
 8 Kiser, John & Karl Woodall & Sons, Inc
 Korbis, George J. & Nellie W.
 9 Laughlin, Craig J. & Rita D.
 Laughlin, Craig J. & Rita D.
 10 Littlefair, Larry & Tara
 Littlefair, Larry & Tara
 Littlefair, Larry & Tara
 11 Littlefair, Larry & Tara
 Lloyd, Cleave C.
 12 Lloyd, Cleave C.
 McFadden, Dan H. & Irma R.
 13 McFadden, Dan H. & Irma R.
 McFadden, Dan H. & Irma R.
 14 Morris, Howard & Rhonda
 Morris, Howard & Rhonda
 Morris, Howard & Rhonda
 15 Mueller, Manfred
 Morwood Subdivision/
 16 Ruby Springs Water Company
 Potter, Mark B. & Susan H.
 17 Rawson, Frank S. & Carol A.
 Reese, Bruce W. & LaRose A.
 18 Reese, Bruce W. & LaRose A.
 Rue, James O. & Beverly Jane
 19 Shaffer, Roger
 Simcoe, Doyt H. & Roxie J.
 Simpson, Michael, on behalf of
 20 Josephine Simpson Estate
 Simpson, Michael, on behalf of
 Josephine Simpson Estate
 21 Strange, Wm. (Penelope Turner-remainder man)
 Strange, Wm. (Penelope Turner-remainder man)
 22 Strange, Wm. (Penelope Turner-remainder man)
 Veenendaal, Dick J.
 23 Veenendaal, Dick J.

A36-00099
 A36-07233
 A36-07172
 A36-10249
 A36-15168
 A36-00055BC
 A36-07142
 A36-15463
 A36-00068
 A36-00069
 A36-07071
 A36-00070
 A36-10119
 A36-10120
 A36-07658
 A36-00071A
 A36-00075
 A36-00039N
 A36-7089
 A36-00051D
 A36-0121
 A36-10055
 A36-00119
 A36-00120
 A36-04142
 A36-00003G
 A36-2169
 A36-00048A
 A36-00049
 A36-00063
 A36-00061
 A36-00062
 A36-00035J
 A36-15240
 A36-07092A
 A36-00039J
 A36-00123A
 A36-04091
 A36-10231
 A36-07142A
 A36-00034B
 A36-00003F
 A36-0123E
 A36-0096A
 A36-00006
 A36-00007
 A36-00008
 A36-00108A
 A36-00039C

FILED

RECORDED

INDEXED

NOTICE OF APPEARANCE - 3

1	Vernon, Edith L.	A36-00003E
	Walsley, Fred J. & Susan K.	A36-00039D
2	Ward, John P. & Rush, Ruth E.	A36-00094-A
	Ward, John P. & Rush, Ruth E.	A36-00090F
3	Watkins, Paul E. & Inez S.	A36-00106
	Watkins, Paul E. & Inez S.	A36-08099
4	Wiens, M.J., Jr.	A36-07229
	Wiens, M.J., Jr.	A36-07081
5	Wiens, M.J., Jr.	A36-80317
	Wiens, M.J., Jr.	A36-00098
6	Wiens, M.J., Jr.	A36-00097
	Wiens, M.J., Jr.	A36-02002
7	Wiens, M.J., Jr.	A36-00101
	Wiens, M.J., Jr.	A36-00141
8	Woolley, Max J. & Blanche	A36-10520
	Ya-Ta-Hay Investments, Inc.	A36-00039M
9	Ya-Ta-Hay Investments, Inc.	A36-10283A
	Zink, Basil Lester & Myrle Hyde	A36-07875
		A36-00103F

10 the respondents in the above-entitled action, as counsel of record
 11 for said Hagerman Water Users, Inc. and said individuals.

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

14 By Patrick D. Brown
 15 PATRICK D. BROWN
 16 Attorneys for Respondents

17 CERTIFICATE OF MAILING

18
 19 The undersigned, a resident attorney of the State of
 20 Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin
 21 Falls, Idaho 83303, and one of the attorneys for the respondents
 22 in this matter, certifies that she caused to be mailed a copy of
 23 the above and foregoing NOTICE OF APPEARANCE on the 9 day of

FILED
 Hepworth
 Nungester
 Lezamiz

1 February, 1993, to:

2 Snake River Adjudication
3 District Court
P.O. Box 27070
Twin Falls, ID 83303-0126

4 Clive Strong
5 Chief Natural Resources Division
6 Office of Attorney General
Statehouse
Room 210
Boise, Idaho 83720

7 David Shaw
8 Adjudications Bureau Chief
9 Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

10 United States Department of Justice
11 Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83734

12
13 
14 Patrick J. Brown
15
16
17
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19
20
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22
23


Hedworth
Nungester
& Associates

NOTICE OF APPEARANCE - 5



State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR
R. KEITH HOGGINS
DIRECTOR

March 1, 1993

Patrick D. Brown
Hepworth, Nungester and Lezamiz
133 Shoshone St. N.
P.O. Box 389
Twin Falls, ID 83303-0389

Re: Notice of Appearance

Dear Mr. Brown:

We received your Notice of Appearance on behalf of Hagerman Water Owners, Inc. and its individual members on February 10, 1993. The records listed on the notice were updated with some exceptions.

Claim numbers with "A" prefixes identify claims filed in the SRBA. Claim numbers without prefixes identify recommendations in the Director's Report. The following table identifies claimants for which you filed a notice of appearance, but the number you referred to is actually the identification of the recommendation. They have been updated with the notice information.

Claimant's Name	Recommendation No. (no "A" prefix)
Bybee, Gertrude B. Owsley	36-00742A 36-00041C
Candy, Walter W. & Margaret	36-00135B
Crandall, Roger C.	36-00134C 36-00135C
Gustafson Family Trust/Gustafson, Ivan J. & Lucille co-trustees	36-00033F
McFadden, Dan H. & Irma R.	36-00048A
Muller, Manfred	36-00035J
Zink, Basil Lester & Myrtle Hyde	36-00103F

Mr. Patrick D. Brown
March 1, 1993
Page 2

The following is a list of claims that have been updated with the notice information. however, there is a discrepancy between IDWR records and the notice list (see third column).

Claimant's Name as listed on Notice of Appearance	As Claimed/ As Recommended	Claim No. or Claimant's Name in IDWR's Records
Anderson, Anita G.	A36-00050D/36-00050D	Andersen (name spelling is different)
Brailsford, Robert H.	A36-04260/36-04260	A36-04260B/36-04260B (claim was split--"B" suffix)
Brooks, Allen L. & Andree	A35-00060	A36-00060/36-00060 (Basin 36 instead of Basin 35)
Crandlemire, Roger C. & George C.	A36-00113J/36-00113J	Crandlemire, Roger C. (George C. not listed as claimant)
Gisler, Harry R.	A36-00021B/36-00021B	A36-00021/36-00021 (claim was renumbered)
Glauser, Frank L. & Joan	A36-00039E/36-00039E	Jean instead of Joan
Gustafson Family Trust/Gustafson, Ivan J. & Lucille co-trustees	A36-00011C/36-00033F	Gustafson, Ivan J. (not listed as a trust)
Johnson, Ira L. & Huguette M.	A36-07142/36-07142	Johnson, Ira L. (Huguette M. not listed as claimant)
Joint Hagerman School Dist. 233	A36-15463/36-15463	Original claim & IDWR records show school dist. as #3.
Jones, John W., Jr.	A36-00068/36-00068 A36-00069/36-00069 A36-07071/36-07071 A36-00070/36-00070	Jones, John W. Jr. & Deloris D. (Deloris D. is included as a claimant)

Mr. Patrick D. Brown
March 1, 1993
Page 3

Claimant's Name as listed on Notice of Appearance	As Claimed/ As Recommended	Claim No. or Claimant's Name in IDWR's Records
Mueller, Manfred	A36-00034D/36-00035J	Muller (name spelling is different in IDWR records)
Strange, Wm. (Penelope Turner- remainder man)	A36-00006/36-00006 A36-00007/36-00007 A36-00008/36-00008	Strange, Wm. & Louise (Louise is included as a claimant, Penelope Turner is not in records)
Veenendaal, Dick J.	A36-00108A/36-00108A A36-00039C/36-00039C	Veenendaal, Dick J. & Sigrid E. (Sigrid E. is included as a claimant)
Wiens, M. J., Jr.	A36-80317	A36-08317/36-08317 (no. was transposed on notice)
Wiens, M. J., Jr.	A36-00098/36-15384	36-15384 (claim was combined with no. 36-00141 into no. 36- 15384)
Wiens, M. J., Jr.	A36-00141/36-15384	36-15384 (claim was combined with no. 36-00098 into no. 36- 15384)

The following claims have not been updated with the notice information because of
the discrepancies listed in the third column.

Claimant's Name	Claim No. as listed on Notice of Appearance	Discrepancy Between Notice of Appearance and IDWR Records
Hagaman Gun Club	A36-00100/36-00100 A36-00099/36-00099 A36-07233/36-07233 A36-07172/36-07172 A36-10249/36-10249	Owners are listed as Bob Power and Fred Surbaugh

Mr. Patrick D. Brown
March 1, 1993
Page 4

Claimant's Name	Claim No. as listed on Notice of Appearance	Discrepancy Between Notice of Appearance and IDWR Records
Ye-Ts-Hay Investments, Inc.	A36-07875/36-07875	No record of this claim no., nor any other claim no. for claimant other than A36-10283A/36-10283A (as listed)

Please review the claimants and claim numbers and let me know if you have any questions or problems with the claims as listed in IDWR's records. Also, please review the claims in the last table. We need to solve these discrepancies before IDWR's records are updated with the notice information. My phone number is 327-5444.

Please note we have received your supplemental and second supplemental notices of appearance and are currently working to update those records. We will inform you if there are any discrepancies.

Sincerely,

Jodi I. Schultz
JODI I. SCHULTZ
Legal Assistant
Idaho Department of Water Resources

cc: IDWR Southern Region

0000 0000 0743

R PROOF

CVR

MAPS

PHOTOS

MISC

0000 0000 0760

RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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

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

Case No. A16-00049
(You must insert the
water right number you
are objecting to)

The State of Idaho, ex rel.
R. Keith Higgineon 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,

38-00049 -0001/
93-04-0065

Respondents.

INSTRUCTIONS

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

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

(Over)

OBJECTION - 1

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: Dan E. and Irma E. McFadden
 Address: Route 1, Box 406
Hamman, ID 83332

Briefly describe your interest in this water right:

Decreased water right pursuant to Nav
International Mortgage Bank v. Idaho Power
Company dated 1/22/32 with a priority date of
4/1/1900

2. Owner of the water right:

Name: Dan E. and Irma E. McFadden
 Address: Route 1, Box 406
Hamman, ID 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Pamela Parker
 Attorney Address: Hamman, Winchester & Laramie
P.O. Box 389, Twin Falls, ID 83303
 Attorney Phone No.: (208) 734-7818

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

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

REASON 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.

Add additional purposes of use to include commercial, fish
propagation, & aesthetic; expand period of use to 1/1 - 12/31;
expand quantity to comply with decree and/or beneficial use.
whichever is great; place of use; add 3 acres; remarks: strike
all remarks

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

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

See Hagerman Water Right Owners, Inc.'s

Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of Gooding

Dan McFadden, 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.

Dan McFadden
Signature of person filing objection

[Signature]
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 19th day of April, 1991.

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

(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Owner name: Dan H. and Irma R. McFadden

Owner's address: Route 1, Box 406

Hagerman, ID 83112

3. One copy to:

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

4. One copy to:

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


Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

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

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

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

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

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

The objectors admit that Part I of the Director's recommendation contains some claims to water rights appropriated under state law from Reporting Area 1. 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

OBJECTION - 8

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

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

Case No. 36-00049 -0001

The State of Idaho, ~~et al.~~
R. Keith Higgins 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)

RESPONSE TO OBJECTION NO. 36-00049 -0001 - PAGE 1

2. Person who filed objection:

Name: DAN H & IRMA R MC FADDEN
Address: RT 1 BOX 406
HAGERMAN ID 83332

3. If this response is filed by an attorney:

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. ☒ Quantity: I respond to the objection concerning:
- 3a. ☒ The total quantity of water used in cubic feet per second.
- 3b. ☒ The total quantity of water stored in acre feet per year.
7. ☒ Purpose(s) of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I respond to the objection concerning:
- 9a. ☒ The legal description of the place of use.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

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

14. [X] Other: I respond to the objection concerning:

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

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402); (3) the recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

In response to Statement of the Objection item 3.b, and all allegations of the objection regarding that item, IDWR responds as follows: Although this item was identified as an item being objected to, no reason for the objection was stated. IDWR further responds that the recommended water right was not claimed, and therefore could not be recommended, as a storage right either in whole or in part. The claimant's objection to this item is in error.

In response to Statement of the Objection item 7, and all allegations of the objection regarding that item, IDWR responds that it recommended irrigation, domestic, and stockwater uses that were identified on the notice of claim and that were found when the claim was investigated. By identifying in the objection aesthetics as an additional use that the claimant did not list on the 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 after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court. IDWR further

(Over)

responds that it did not recommend fish propagation or commercial as purposes of use because those uses were found to constitute an expansion of use to which neither Idaho Code section 42-1416 nor 42-1416A apply.

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

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

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

In response to Statement of the Objection item 10 and all allegations of the objection regarding this item, IDWR responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2) Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. (3) Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the

consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided for by Idaho Code Sec. 42-1401A(2). (5) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

In response to Statement of the Objection item 11, and all allegations of the objection regarding that 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." The remark or remarks objected to are necessary to adequately describe and define this water right.

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

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.

(Over)

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

No. of
Pages

IDWR's Response to Answer, Affirmative Defenses and Prayer
for Relief of Claimant 4
Notice of Claim No. A36-00049 to the extent available to 2
IDWR. The two photocopy pages remaining in the file show
multiple staple marks indicating the claim may have been
photocopied many times. The two photocopy pages were all
that remained on January 21, 1993, when the documents in
the file were microfilmed.

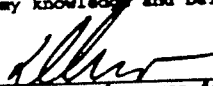
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

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


Signature of person filing response

By: 
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 1st day of September
1993.


Notary Public for Idaho

Residing at:

My Commission 2000 Public

Commission Expires December 8, 1994
Residing at Boise, Idaho

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of September, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

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

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

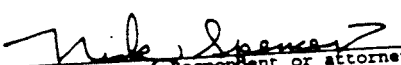
See No. 3

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

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

4. One copy to:

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


Signature of Respondent or attorney
mailing on Respondent's behalf

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: A36-00049
Date Received: 8/30/1988
Receipt No: 8001892
Received By: 122

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAN H. MCFADDAM 208-837-6649
Address: RT 1 BOX 406
HAGERMAN, ID 83332
AND/OR
Name: IRMA R. MCFADDAM 208-837-6649
Address: RT 1 BOX 406
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1900

3. Source: FLORENCE LIVESTOCK SPRING Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	12	SE	SE	NW		GOODING

5. Description of diverting works:
HAND DUG TUNNEL, CONCRETE HEAD WORKS, 20" PIPE, 16" PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/15	9.700		
DOMESTIC	01/01	12/31	0.060		
COMMERCIAL	01/01	12/31	0.060		
STOCKWATER	01/01	12/31	0.070		
FISH PROPAGATION	01/01	12/31	0.600		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/VEG. PROC. PLANT, HINT STILL, D/2 HOUSES, S/250 BEEF, F/2 POUNDS

A36-00049

Page

1

Date: 08/30/88

MICROFILMED
JAN 21 1989

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	11	SE	NE	IRR	6.0
			NE	SE	IRR	36.5
			SE	SE	IRR	40.0
Section Acres						82.5
		12	NW	SW	IRR	1.0
			SW	SW	IRR	18.0
			SE	SW	IRR	1.0
Section Acres						20.0
		13	NW	NE	IRR	36.0
			NE	NW	IRR	40.0
Section Acres						76.0
Total Acres						178.5

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:
A36-00048

14. Remarks:
BOTH DECREES COMBINE 19.7 CFS TO COVER ALL USES. COMMERCIAL
USES DEVELOPED IN 1945 (VEG. PROC. PLANT), 1977 (MINT STILL).
FISH PONDS WERE DEVELOPED IN 1969. CLAIMANT USES SAME WATER
ON ALL USES AND WANTS TO COVER THEM ON ONE CLAIM, CONSIDERING
THE ORIGINAL TERMS OF THE DECREE.

15. Basis of Claim: DECREE

Case Number:

Court:

Decree date:

NEW INTERNATIONAL MORTGAGE BANK
Decree Plaintiff

vs

IDaho POWER COMPANY
Decree Defendant

A36-00049

Page 2

Date: 08/30/88

MICROFILMED
JAN 21 1989

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

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

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

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

- 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)
- (29) VI. 17. INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS (pages A-1 through A-iii of Part I of the director's report)
- (30) 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)
- (31) DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART II)
- (32) 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).

IDWR'S RESPONSE TO ANSWER, AFFIRMATIVE DEFENSES AND PRAYER FOR RELIEF OF CLAIMANT, Page 2

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.

IDWR'S RESPONSE TO ANSWER, AFFIRMATIVE DEFENSES AND PRAYER FOR RELIEF OF CLAIMANT, Page 3

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.

From: DWR03::HELAN 8-APR-1993 17:52:28.78
To: DWR060::KERRITT
CC:
Subj: RE: 820-00049 DAN MC PADOEN UNSIGNED CLAIM

Allen - I will pass the word to the attorneys and have someone look here for the claim. It will be tomorrow (Friday) before we can do much so will be back to you then.

Dave

From: DWR601:MERRITT C 8-APR-1993 17:40:35.24
To: DWR601:SHAN,DWR601:SHAFF
CC: MERRITT
Subj: A36-00049 DAN MC PADOEN UNSIGNED CLAIM

THIS AFTERNOON SALLY CALLED AND ASKED THAT I PULL SEVERAL FILES AND CONFIRM THAT WE HAD THEM AND THAT THE SIGNED CLAIMS WERE INCLUDED IN THE FILE.

TO MY DISMAY I FOUND THAT THIS CLAIM FILE ONLY CONTAINS PHOTOCOPIES OF THE FIRST TWO PAGES OF WHAT WOULD APPEAR TO BE THE ORIGINAL CLAIM. THE ORIGINAL CLAIM IS MISSING AS WELL AS A COMPLETE COPY OF SAME. IT WOULD APPEAR THAT THE ORIGINAL WAS THREE PAGES (A COPY OF THE SIGNATURE PAGE IS MISSING).

SINCE THIS FILE HAS BEEN OF INTEREST FOR SOME TIME I WAS WONDERING (HOPING) THAT MAYBE THE STATE-OFFICE MAY HAVE THE ORIGINAL CLAIM. IF INDEED THE ORIGINAL IS MISSING THE LAWYERS NEED TO BE AWARE OF THIS SO WE CAN OBTAIN A SIGNED PLEADING. AT PRESENT I CAN ONLY SPECULATE WHAT MAY HAVE HAPPENED TO THE ORIGINAL.

ALLEN

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: A36-00049
Date Received: 8/30/1988
Receipt No: 8001892
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IRMA E MC PADDAN 208-837-6649
Address: RT 1 BOX 404
HAGENMAN ID 83332
AND/OR
Name: DAN E MC PADDAN 208-837-6649
Address: RT 1 BOX 404
HAGENMAN ID 83332

2. Date of Priority: APR 1, 1900
3. Source: FLORENCE LIVESTOCK SPRING Trib. to: BILLINGSLEY CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	12	SE	SE	NW		GOODING

5. Description of diverting works:
HAND DUG TUNNEL, CONCRETE HEAD WORKS, 20" PIPE, 16" PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/15	9.700		
DOMESTIC	01/01	12/31	0.060		
COMMERCIAL	01/01	12/31	0.060		
STOCKWATER	01/01	12/31	0.070		
FISH PROPAGATION	01/01	12/31	0.600		

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

A.F.A.

8. Total consumptive use is 535.5 Acre Feet Per Annum.

9. Non-irrigation uses:
C, VEG. PROC. PLANT, WIND STILL; D, 2 HOMES; S, 250 BEEF; F, 2 PONDS

A36-00049

Page 1

Date: 04/09/93

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	SE	NE		IRR	6.0
			NE	SE		IRR	36.5
			SE	SE		IRR	40.0
Section Acres							82.5
		12	NW	SW		IRR	1.0
			SW	SW		IRR	18.0
			SE	SW		IRR	1.0
Section Acres							20.0
		13	NW	NE		IRR	36.0
			NE	NW		IRR	40.0
Section Acres							76.0
Total Acres							178.5

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:
A36-00048

14. Remarks:
BOTH DECREES COMBINE 19.7 CFS TO COVER ALL USES. COMMERCIAL
USES DEVELOPED IN 1945 (VEG. PROC. PLANT), 1977 (MINT STILL).
FISH PONDS WERE DEVELOPED IN 1969. CLAIMANT USES SAME WATER
ON ALL USES AND WANTS TO COVER THEM ON ONE CLAIM, CONSIDERING
THE ORIGINAL TERMS OF THE DECREE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDARO POWER COMPANY
va
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "Now 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 _____

AJSP430P
(09-134)

IRAWA DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REVISIONS)

04/09/95 09:13:37
Page 1

Water Right Number - A35-00049 Prefix Translation: ADJUDICATION CLAIM Old (S) Number -

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

*** A - ATTORNEY *** PATRICK B 1 - EDWORTH BLANCKEN LEZARIZ
SHAW 2 - 133 SUMMIT ST E
3 - PO BOX 300 State- ID Zip- 83200000
City- TUES FALLS Phone - 208-734-7510

*** C - CURRENT OWNER *** IRMA R 1 - RT 1 BOX 406
MC FADDEN 2 - State- ID Zip- 83332
3 - City- HAZEN
Phone - 208-837-6649

MC FADDEN DAN R 1 - RT 1 BOX 406
2 - State- ID Zip- 83332
3 - City- HAZEN
Phone - 208-837-6649

*** E - ALSO KNOWN AS *** 1 - State- ID Zip- 83707
FISH & GAME 2 - City- BOISE
3 - Phone - 208-800-0000

----- Priority Date ----- ----- Region ----- ----- Stage ----- ----- Status -----
04/01/1990 17 SOUTHERN 0 - DECREE

----- Source ----- ----- Tributary -----
PLAINVILLE LIVESTOCK SPRING BILLIMBLEY CREEK

----- Point of Diversion -----
Twp Rng Sec Tract Lot S/16 County
07N 12E 12 SE 1/4 1M (47) GOODING

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - DOMESTIC		06/01	11/15	9.700	
03 - DOMESTIC		01/01	12/31	0.000	
10 - COMMERCIAL		01/01	12/31	0.000	
04 - STOCKWATER		01/01	12/31	0.070	
19 - FISH PROPAGATION		01/01	12/31	0.000	

----- Total Div. Date ----- ----- Total Div. Volume ----- ----- Total Consumptive Use ----- ----- All Usage -----
9.700 530.3

AJ09LSP
(10-134)

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

06/09/95 09:15:57
Page 2

Water right number - A36-00049

Prefix Translation: ADJUDICATION CLAIM

				Place of Use		Description	County
Ten	Reg	Sec	Tract	Lot	Acres		
07%	13E	11	NE NE		6.0	01 IRRIGATION	(47) OODING
07%	13E	11	NE SE		36.5	01 IRRIGATION	(47) OODING
07%	13E	11	NE SE		40.0	01 IRRIGATION	(47) OODING
07%	13E	12	SW SW		1.0	01 IRRIGATION	(47) OODING
07%	13E	12	SW SW		10.0	01 IRRIGATION	(47) OODING
07%	13E	12	NE SW		1.0	01 IRRIGATION	(47) OODING
07%	13E	13	SW SE		36.0	01 IRRIGATION	(47) OODING
07%	13E	13	NE SW		40.0	01 IRRIGATION	(47) OODING

Total Acres: 178.5

- Diversion Means - ROAD DUG TUNNEL, CONCRETE HEAD WORKS, 30" PIPE, 10" PIPE
- Use-Irrigation Use - C, VHS. POND. PLANT, RENT STILL; 0.2 INCHES; 1,250 BBS; 1.2 POUNDS
- Other Rights for Same Use - A36-00048

--- Remarks ---
BOTH DECISIONS COMBINE 99.7 CFS TO COVER ALL USES. COMMERCIAL
USES DEVELOPED IN 1945 (VHS. POND. PLANT), 1977 (RENT STILL).
FISH POND WERE DEVELOPED IN 1980. CLAIMANT WISHES SAME WATER
ON ALL USES AND WANTS TO COVER THEM ON ONE CLAIM, CONSIDERING
THE ORIGINAL TERMS OF THE DECISION.

--- No Old Water Right Numbers Found ---

--- Conditions of Approval ---
No Conditions of Approval Found.

--- Source Plaintiff ---
WIS. IMPROVEMENTS. HAYWARD, CALIF.

--- Source Defendant ---
ISLAND POWER COMPANY

--- Source Date ---
06/09/0000

--- Comments ---
No Comments Found

--- Audit Fields ---
06/09/00

--- Adjudication Rights Dates and Flag Area ---

Court Report Filing	- 06/09/0000	Field Inspection Note	- 06/09/0000	Civil Case Number	- 30676
Objection Filed Date	- 06/09/0000	Field Inspection Flag	- 06/09/0000	Old Case Number	-
Response F. Ind Date	- 06/09/0000	Verified Date	- 06/09/0000	Old Adjudicator District	-
Claims Received Date	- 06/20/1980	Last Awarded Date	- 06/09/0000	Temporary Right	- P
		Source Number	- 0001002	Water District	- 30A
		PWD Ownership Flag	- Y	Federal/State Indicator	- S

AJ57430P
(CP-134)

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

04/09/95 09:15:37
Page 3

Water right number - A36-00049

Prefix Translation: ABANDONMENT CLAIM

..... Adjudication Rights Dates and Flags Area
Base Connector - ASD/MS Production Flag
Notice of Error Flag



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

Date April 20, 1993

Name NEPWRTH HUNGSTER & LEZANIZ
133 SHOSHONE N
Address TWIN FALLS ID 83301

No. of Copies	Material	Cost
120	copies of RED FILE Documents as requested by Hagerman Water Right Owners @ .05 ea.	\$ 6.00
TOTAL		\$ 6.00

Please find enclosed the forms and/or information you requested. The charge,
if any, is indicated above.

If we may be of further assistance, please contact us.

Sincerely,



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

CECK D. AMORUS
Secretary

R. KEITH HIGGINSON
Director

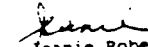
20-Apr-1993

HEPWORTH NUNGESTER & LEZAMIZ
133 SHOSHONE N
TWIN FALLS ID 83301
ATTN: CHRIS HERNANDEZ

Dear Chris:

Enclosed please find the copies of the contents from the RED FILES in the adjudication folders, as requested by the Hagerman Water Right Owners. If I can be of any further assistance, please give me a call at the office.

Sincerely,


Jeanie Robertson
Records Clerk

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:
Include address and phone no.
in case follow-up is needed.

DON McFADDAN

A36-00049 A36-00048A

2. SUBJECT OF INQUIRY:

① He came in to ask if we had recommended the small fusaric field separate from the spinthol sites.

② He asked several questions about the objection process and following up field work.

3. RESPONSE TO INQUIRY:

① We reviewed his file. While it was not specifically reviewed or described the other fusaric analysis done around his farm had shown that one pinch per acre was the standard rate recommended. In this case the grain rate of 0.023 c/s/ha should apply to the fusaric ground value. To respond to his questions we gave the Hubble Report analysis while Mr. D. McFadden was here in the office. (see attached data) As expected, the final numbers were equivalent to the recommended rates.

② We discussed some of the background of the Hubble Report and how it differed from SCS info. We showed him the resource references that were SCS publications.

③ We explained that we did not have data about the direction or timing of the obj. process. The data would provide

4. IDWR STAFF AND DATE:

Steve Cleland 12-16-92

Print name and initial

STEVE CLELAND

WATER RIGHT CLAIM (No.):

... we with complete information on these future issues.

INTRCE FAMILY	DESIGN APPLIC.	FURROW SLOPE Pct/ft	FURROW SPACING Feet	ADJ LENGTH Feet	ADJ RATE Gps	APPROXIMATE INFLW TIME Hours	ADVANCE TIME Minutes	GROSS IRRIGATION APPLICATION Inches	NET IRRIGATION APPLICATION Inches	RUNOFF Inches	DEEP PERC. In.	IRRIGATION EFFICIENCY %
0.55	1.99	.020	2.60	500	19	12	28.1	0.20	2.70	5.12	1.70	22.40
0.55	1.99	.020	2.60	500	9	12	31.7	0.20	3.62	4.28	1.70	24.89
0.55	1.99	.020	2.60	500	7	12	34.7	0.22	3.44	2.70	1.50	32.00
0.55	1.99	.020	2.60	500	6	12	41.0	0.25	3.34	1.91	1.43	37.33
0.55	1.99	.020	2.60	500	6	12	41.0	0.25	3.34	1.91	1.43	37.33
0.55	1.99	.020	2.60	500	5	12	47.9	0.44	3.21	1.12	1.33	44.00
0.55	1.99	.020	2.60	500	4	12	60.4	3.55	3.06	0.54	1.20	56.00

$$4.2 \frac{C.V.}{EPP} = afs/AC$$

$$4.2 \frac{0.32}{56} = .024 \frac{afs}{AC}$$

A36-00049
MCFADDAN
12-16-92
62/KRC

0000 0000 08 16

December 10, 1992

RECEIVED
DEC 11 1992

Department of Water Resources
Snake River Region Office

IDaho DEPARTMENT OF WATER RESOURCES
222 SNOSHONE ST. EAST
TWIN FALLS, IDAHO 83301

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in my file as it relates to water right number(s) 30-02109, 30-00044, and 30-00040 A.
Please advise me of any documents in my file which you are not releasing to me and why they are not being released.

Please bill me for the copy charge.

Sincerely,

Dan McFadden

Dan McFadden
17966 U. S. Highway 30
Hagerman, Idaho 83332

DM/ekw

cc: David B. Shaw, Adjudication Bureau Chief
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mall
Boise, Idaho 83720-9000

0000 0000 08 17



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CICIL D. ANDRUS
Secretary

A. KEITH HIGGINSON
Director

14-Dec-1992 15:24

DAN MC FADDAN
17946 U S HWY 30
BAGENMAN ID 83332

RE: Copy of SRBA File(s): 36-00048A, 36-00049, 36-02169

Dear Mr. Mc Faddan:

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 RAPP photography or aerial slides which may have been used in the review of your claim(s) have not been included since they are not easily reproduced. These items are however available for your review at our office. Please also note that in some situations some water rights may have other associated files which contain privileged information between IDWR staff and our legal council which has not been copied.

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

\$8.92

Sincerely,

Jeanie Robertson
Jeanie Robertson
Records Clerk

Encl:

McFadden
36-00048A
36-00049
36-02169
Total \$8.92