

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: A36-00003A
Date Received: 8/04/1988
Receipt No: S001281
Received By: SCC

COPY
FOR YOUR FILES
DO NOT RETURN

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

1. Name: EDNA M. REA 208-536-5741
Address: BOX 543
WENDELL, ID 83355

2. Date of Priority: SEP 10, 1884

3. Source: BILLINGSLEY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	11	SE	NE			GOODING

5. Description of diverting works:
VIA BUCKEYE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is 39.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 19 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	27	SW	NE		IRR	13.0
			SW	NE		STOCK	

Section Acres 13.0

A36-00003A

Page 1

Date: 08/04/88

MICROFILMED
OCT 11 1994

JAN 20 1993

10. Place of Use: Continued

Total Acres 13.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS IS A PART OF WR #36-00003 FOR 20.0 CFS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN

Decree Plaintiff

vs

IDAHO POWER COMPANY

Decree Defendant

16. Signature(s)

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

Number of attachments: 1

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): Edna M. Dea Date: 8-4-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of August 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, ID
My Commission Expires 6-30-94

POOR ORIGINAL

SOIL and CAPABILITY MAP



Prepared by UNITED STATES DEPARTMENT of AGRICULTURE ★ SOIL CONSERVATION SERVICE
cooperating with

U. S. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER _____
OPERATOR _____

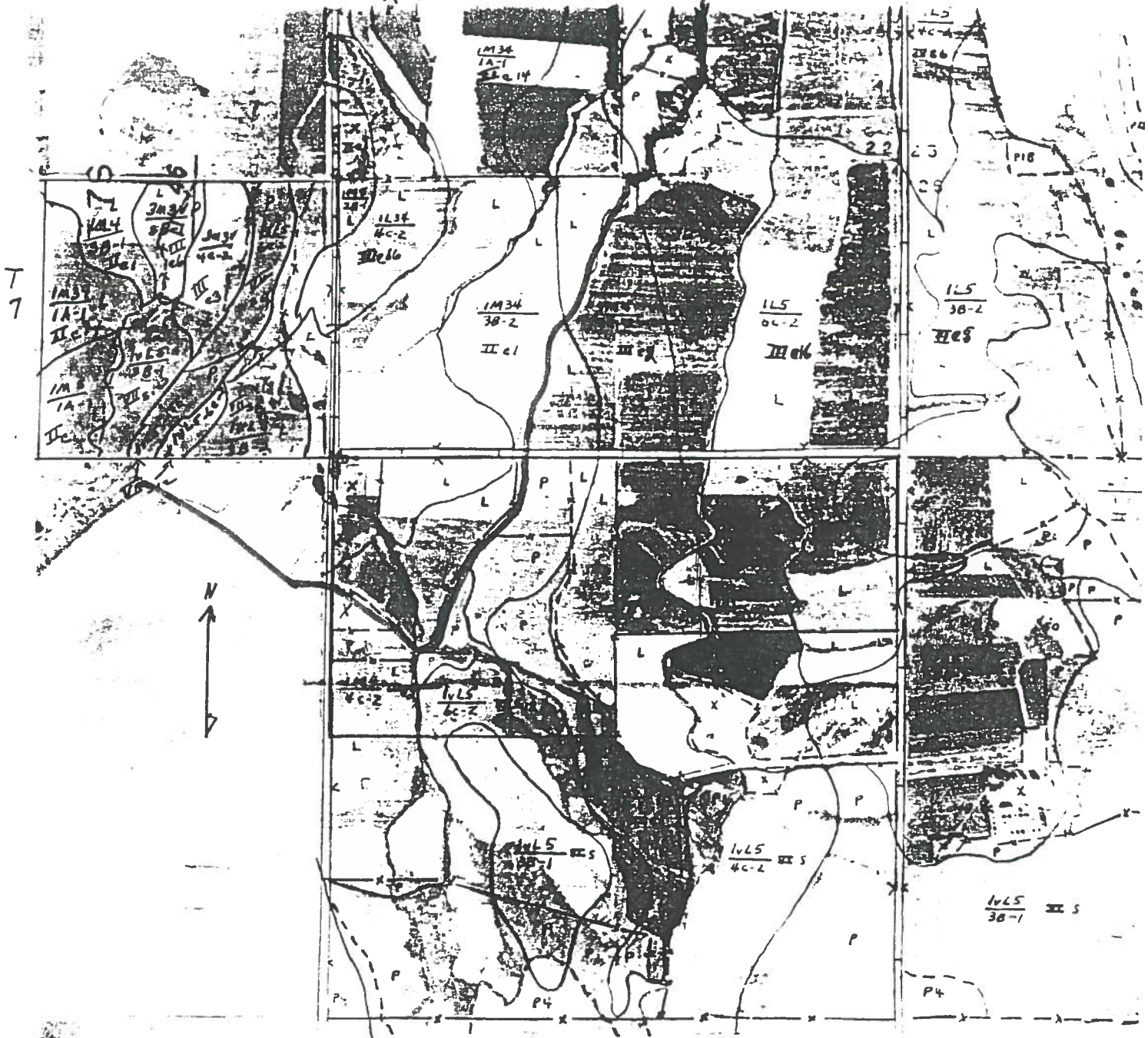
FARM NO. _____ DATE _____
SCALE 8" = 1 mi ACRES _____

PHOTO No. G S - C / - 11 - 47

COUNTY _____

STATE _____

R. 13 Sec. 27



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OCT 31 1994

236-00003A

TYPE OF ACTION: ADD

MODIFY ALL FIELDS FLAG:

LAST NAME: BROWN

ADDRESS LINE 1: HEPWORTH NUNGESTER LEZAMIZ

ADDRESS LINE 3: PO BOX 389

CITY: TWIN FALLS

FIRST NAME: PATRICK D

ADDRESS LINE 2:133 SHOSHONE ST N

STATE: ID ZIP: 833030389

PHONE NUMBER: (208) 734-7510

36-00003A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00011A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00033D ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00033E ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00051C ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00051E ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00055AA ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00064A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00090D ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00090E WATER RIGHT HAS ONE ATTORNEY OWNER CODE - NOT
36-00104A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02008 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02009 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02588 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10308 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10309 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10310 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10314 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10409 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10588 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10706 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00003A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A36-10312 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10314 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10409 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10588 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10706 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

ADDED ✓ added on first supplemental

ADDED ✓ added on first supplemental

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OCT 11 1994

1 HEPWORTH, NUNGESTER & LEZAMIZ,
2 CHARTERED
3 133 Shoshone St. North
4 P.O. Box 389
5 Twin Falls, ID 83303-0389
6 Telephone: (208)734-7510
7 Attorneys for Claimant
8 (PPK\21530SUP.NO2\lmr)

RECEIVED

FEB 25 1993

Department of Water Resources
Adjudication Bureau

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

11 * * * * *

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

Case No. 39576

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

HAGERMAN WATER RIGHT OWNERS,
INC. AND ITS INDIVIDUAL
MEMBERS' SECOND SUPPLEMENTAL
NOTICE OF APPEARANCE

21 Petitioner,)

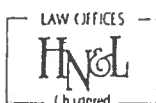
22 vs.)

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

Respondents.)

* * * * *

COMES NOW the law firm of Hepworth, Nungester & Lezamiz
and supplements it Notice of Appearance to add on behalf of



Hepworth,
Nungester,
& Lezamiz

SECOND SUPPLEMENTAL NOTICE OF APPEARANCE - 1

MICROFILMED

OCT 11 1994

Hagerman Water Right Owners, Inc. and its individual members, the following individuals:

Mallane, Thomas	A36-00055AA
Mavencamp, John V.	A36-00104A
Pothier, Norman	A36-00064A
Vader, Loren	A36-10706
Vader, Loren	A36-02588
Culbertson, Stowe Allen & Mildred Sue	A36-00090D
Culbertson, Stowe Allen & Mildred Sue	A36-10409
Barnard, Clifton R.	A36-02008
Barnard, Clifton R.	A36-02009
Rea, Edna Mae & Bell, Verl C.	A36-00003A
Rea, Edna Mae & Bell, Verl C.	A36-00003E
Sauer, Roy E.	A36-00033D
Jensen, Darrell W.	A36-10308
Jensen, Darrell W.	A36-10309
Jensen, Darrell W.	A36-10310
Jensen, Darrell W.	A36-00011A
Robinson, Creed & Saundra	A36-00090E
Robinson, Creed & Saundra	A36-10588
Zabala, Ignacio Nick	A36-00051C
Zabala, Ignacio Nick	A36-10312-00051E
Zabala, Ignacio Nick	A36-10314

Dated this 24 day of February, 1993.

HEPWORTH, NUNGESTER & LEZAMIZ,
CHARTERED

By: 
Patrick D. Brown
Attorneys for Respondents

CERTIFICATE OF MAILING

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



Hepworth,
Nungester,
& Lezamiz

SECOND SUPPLEMENTAL NOTICE OF APPEARANCE - 2

MICROFILMED
OCT 11 1994

1 ~~2A~~ day of February, 1993, to:

2 Snake River Adjudication (original)
3 District Court
4 P.O. Box 27070
5 Twin Falls, ID 83303-0126

6 Chief, Natural Resources Division (1)
7 Office of Attorney General
8 State of Idaho
9 P.O. Box 44449
10 Boise, Idaho 83711-4449

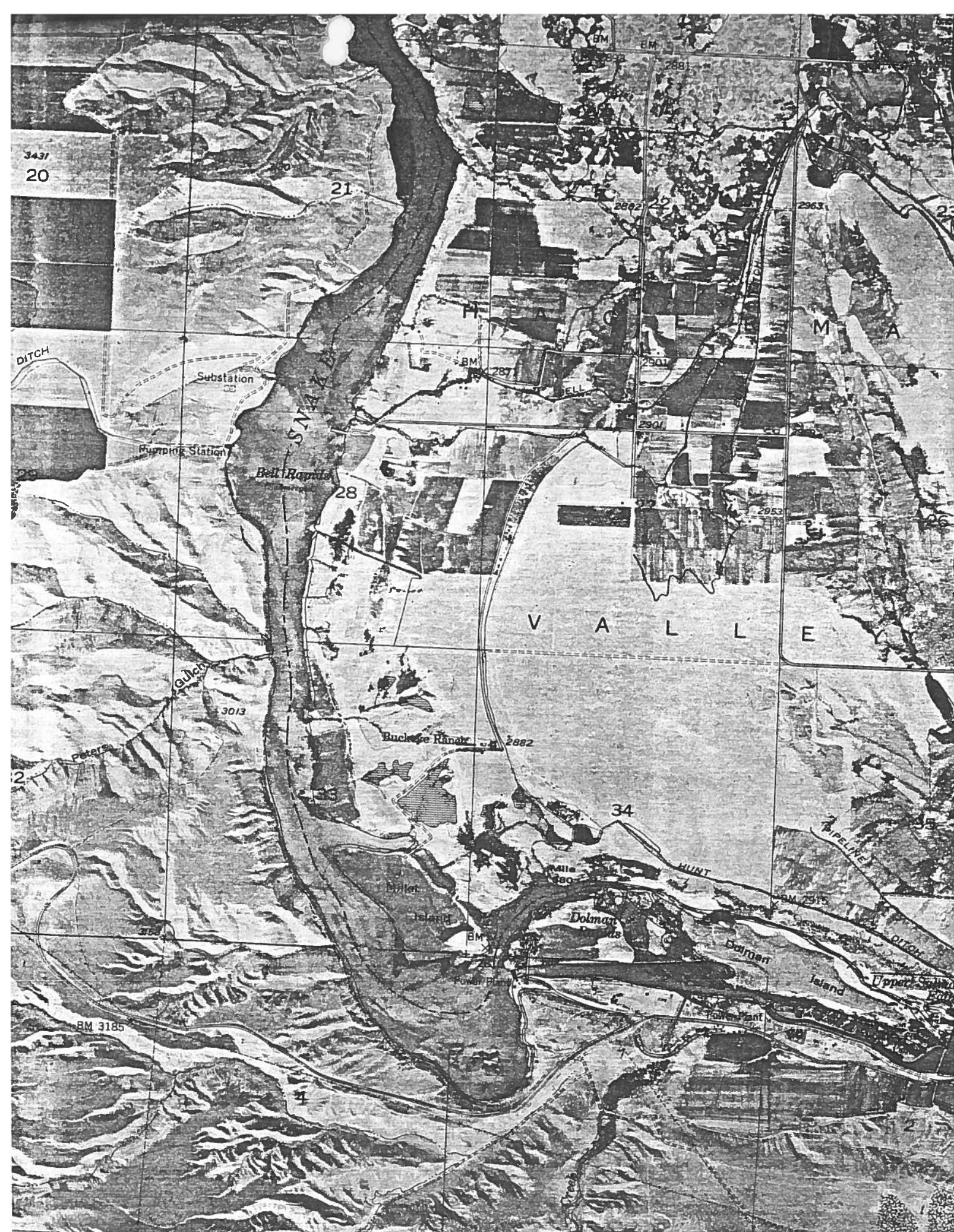
11 The United States Department of Justice (1)
12 Environment and Natural Resources Division
13 550 West Fort Street, Box 33
14 Boise, ID 83734

15 
16 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

MICROFILMED
OCT 11 1994



Water Right Number - A36-00003A

Adj. Flag Translation: Adjudication Temporary Work Area Old (D) Number -

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

*** C - CURRENT OWNER ***

REA

EDNA M.

1 - BOX 543

2 -

3 -

City- WENDELL

State- ID Zip- 83355

Phone - 208-536-5741

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
09/10/1884 D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)
07S 13E 11 SE NE (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 1.600
04 - STOCKWATER 01/01 12/31 0.040+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.600 39.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 13E 27 SW NE 13.0 01 IRRIGATION (47) GOODING
07S 13E 27 SW NE 04 STOCKWATER (47) GOODING

Total Acres: 13.0

+ - - Diversion Means - VIA BUCKEYE DITCH

+ - - Non-Irrigation Use - S/ 19 RANGE *Stockwater, 19 range cattle*

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
THIS IS A PART OF WR #36-00003 FOR 20.0 CFS. *10*+ - - - - Old Water Right Numbers - - - - - +
A3600003+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

06/11/90 09:19:37
Page 2

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	08/04/1988	Last Amended Date	-	00/00/0000	Temporary Right	-	P
Claims Tape Error Flg	-		Receipt Number	-	S001281	Water District	-	
Fee Exempt Flag	-		POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-		Presumption Flag	-	

Water Right Number - 36-00003

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

+ - First Name - - +

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

*** C - CURRENT OWNER ***

NEW INTERNATIONAL MORTGAGE BANK

1 -

2 -

3 -

City-

Phone -

State-

Zip-

+ - - Priority Date - - +
09/10/1884+ - - Region - - - +
17+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - - +
BILLINGSLEY CREEK+ - - Tributary - - - - - +
SNAKE RIVER

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Stream Index (Blank if no Index Code)
-----	-----	-----	-------	-----	------	--------	--------------------	---------------------------------------

07S	13E	11	SE NE			(47)	GOODING	
-----	-----	----	-------	--	--	------	---------	--

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

01 - IRRIGATION

20.000

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +	+ - Total Consumptive Use - +	+ - KW Usage - +
20.000				

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

07S	13E	27	SW NE			01	IRRIGATION	(47) GOODING
07S	13E	27	SW NW			01	IRRIGATION	(47) GOODING
07S	13E	27	SE NW			01	IRRIGATION	(47) GOODING
07S	13E	27	NE SW			01	IRRIGATION	(47) GOODING
07S	13E	27	NW SW			01	IRRIGATION	(47) GOODING
07S	13E	27	NW SE			01	IRRIGATION	(47) GOODING
07S	13E	28	SW NE	4		01	IRRIGATION	(47) GOODING
07S	13E	28	SE NE			01	IRRIGATION	(47) GOODING
07S	13E	28	SE NW	4		01	IRRIGATION	(47) GOODING
07S	13E	28	NE SW	5		01	IRRIGATION	(47) GOODING
07S	13E	28	SE SW	8		01	IRRIGATION	(47) GOODING
07S	13E	28	NE SE			01	IRRIGATION	(47) GOODING
07S	13E	28	NW SE	5		01	IRRIGATION	(47) GOODING
07S	13E	28	SW SE	8		01	IRRIGATION	(47) GOODING
07S	13E	28	SE SE	9		01	IRRIGATION	(47) GOODING
07S	13E	33	NE NE			01	IRRIGATION	(47) GOODING
07S	13E	33	NW NE	1		01	IRRIGATION	(47) GOODING
07S	13E	33	SW NE	4		01	IRRIGATION	(47) GOODING
07S	13E	33	SE NE			01	IRRIGATION	(47) GOODING
07S	13E	33	NE NW	1		01	IRRIGATION	(47) GOODING
07S	13E	33	SE NW	4		01	IRRIGATION	(47) GOODING
07S	13E	33	NE SW	5		01	IRRIGATION	(47) GOODING

right number - 36-00003

Adj. flag translation: Standard Water Right Number

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	13E	33	NW SE	5		01	IRRIGATION	(47) GOODING
07S	13E	33	SW SE	8		01	IRRIGATION	(47) GOODING
07S	13E	33	SE SE			01	IRRIGATION	(47) GOODING
07S	13E	34	NE NE			01	IRRIGATION	(47) GOODING
07S	13E	34	NW NE			01	IRRIGATION	(47) GOODING
07S	13E	34	SW NE			01	IRRIGATION	(47) GOODING
07S	13E	34	SE NE			01	IRRIGATION	(47) GOODING
07S	13E	34	NE NW			01	IRRIGATION	(47) GOODING
07S	13E	34	NW NW	8		01	IRRIGATION	(47) GOODING
07S	13E	34	SW NW	7		01	IRRIGATION	(47) GOODING
07S	13E	34	SE NW			01	IRRIGATION	(47) GOODING
07S	13E	34	NE SW	3		01	IRRIGATION	(47) GOODING
07S	13E	34	NW SW	4		01	IRRIGATION	(47) GOODING
07S	13E	34	SW SW	5		01	IRRIGATION	(47) GOODING
07S	13E	34	NE SE	1		01	IRRIGATION	(47) GOODING
07S	13E	34	NW SE	2		01	IRRIGATION	(47) GOODING
07S	13E	34	SW SE	2		01	IRRIGATION	(47) GOODING
07S	13E	34	SE SE	1		01	IRRIGATION	(47) GOODING
07S	13E	35	SW NW			01	IRRIGATION	(47) GOODING
07S	13E	35	NW SW			01	IRRIGATION	(47) GOODING

Total Acres:

+ - - Diversion Means - VIA BUCKEYE DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-0001, 36-0002

+ - - - - - Remarks - - - - - +
 AC. IRR. NOT SPECIFIED, FARM = 1446 AC.
 MAY BE EXCHANGED FOR 10 CFS FROM RILEY CREEK

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

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

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
 NEW INTERNATIONAL MORTGAGE BANK IDAHO POWER COMPANY 03/22/1932

+ - - Audit Fields - 02/11/86 05/28/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P

42 TRACTS = 1480 Ac.

Water Right Number - A36-00003

Adj. Flag Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***

SPLIT RIGHT

1 -
2 -
3 -

City- X

Phone - 208-000-0000

State- ID Zip- 0

*** O - ORIGINAL OWNER ***

NEW INTERNATIONAL MORTGAGE BANK

1 -
2 -
3 -

City- X

Phone - 208-000-0000

State- ID Zip- 0

+ - - Priority Date - - +
09/10/1884

+ - - Region - - - +
17 Error in Region

+ - - Stage - - - +

+ - - Status - - - - +
Z - SEE REMARKS

+ - - Source - - - - - +
SPLIT RIGHT

+ - - Tributary - - - - - +

+ - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County (Blank if no Index Code)

07S 13E 11 SE NE (47) GOODING

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

01 - IRRIGATION

20.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
20.000

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

Total Acres:

+ - - Diversion Means - VIA BUCKEYE DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-0001, 36-0002

+ - - Remarks - - - - - +

AC. IRR. NOT SPECIFIED, FARM = 1446 AC.
MAY BE EXCHANGED FOR 10 CFS FROM RILEY CREEK

PROPORTIONAL RATE: 20.0/1446 = 0.01383 CFS/ACRE (0.014 CFS/AC.)

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

Water right number - A36-00003

Adj. flag translation: ADJUDICATION CLAIM

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

SPLIT AND CLAIMED AS FOLLOWS:		R-RECORD:	CFS	ACRES
A36-00003A	FOR 1.60 CFS	EDNA M. REA	0.18 CFS	13.0 A
A36-00003B	FOR 7.16 CFS	ROBERT B. GARDNER	1.81	129.0
A36-00003C	FOR 0.30 CFS	MICHAEL J. ENGLES	<DISALLOW>	
A36-00003D	FOR 0.24 CFS	MARY GARDNER	0.03	2.0
A36-00003E	FOR 0.20 CFS	EDITH L. VERNON	0.07	5.0
A36-00003F	FOR 0.80 CFS	KENNETH W. MARSHALL	0.80	40.0
A36-00003G	FOR 0.04 CFS	CLEAVE LLOYD	0.04	3.0
A36-00003H	FOR 20.00 CFS	BUCKEYE FARMS	3.14	224.0
A36-00003J	FOR 4.00 CFS	BARBARA GARDNER	0.21	15.0
=====		=====	=====	=====
TOTAL 34.34 CFS			6.28 CFS	431.0 A

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

NEW INTERNATIONAL MORTGAGE BANK

+ - - - - Decree Defendant - - - +

IDAHO POWER COMPANY

+ - Decree Date - +

00/00/0000

+ - - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - - +

CLELLAND

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 02/07/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-

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

Water Right Number - A36-00003

Adj. Flag Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
SPLIT RIGHT

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

*** O - ORIGINAL OWNER ***
NEW INTERNATIONAL MORTGAGE BANK

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

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
09/10/1884 17 Error in Region Z - SEE REMARKS

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPLIT RIGHT

+ - - - - - - - - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County (Blank if no Index Code)
07S 13E 11 SE NE (47) GOODING

+ - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 20.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
20.000

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

Total Acres:

+ - - Diversion Means - VIA BUCKEYE DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-0001, 36-0002

+ - - - - - - - - - - - Remarks - - - - - +
AC. IRR. NOT SPECIFIED, FARM = 1446 AC.
MAY BE EXCHANGED FOR 10 CFS FROM RILEY CREEK
|
PROPORTIONAL RATE: 20.0/1446 = 0.01383 CFS/ACRE (0.014 CFS/AC.)

Adj. flag translation: ADJUDICATION CLAIM

| + | Remarks | - |
|---|---|---|
| | THIS WATER RIGHT HAS BEEN SPLIT AND CLAIMED AS FOLLOWS: | |

| | | |
|------------|---------------|---------------------|
| A36-00003A | FOR 1.60 CFS | EDNA M. REA |
| A36-00003B | FOR 7.16 CFS | ROBERT B. GARDNER |
| A36-00003C | FOR 0.30 CFS | MICHAEL J. ENGLS |
| A36-00003D | FOR 0.24 CFS | MARY GARDNER |
| A36-00003E | FOR 0.20 CFS | EDITH L. VERNON |
| A36-00003F | FOR 0.80 CFS | KENNETH W. MARSHALL |
| A36-00003G | FOR 0.04 CFS | CLEAVE LLOYD |
| A36-00003H | FOR 20.00 CFS | BUCKEYE FARMS |
| A36-00003J | FOR 4.00 CFS | BARBARA GARDNER |

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found 3434

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

+ - - - - Decree Plaintiff - - - +
NEW INTERNATIONAL MORTGAGE BANK

+ - - - - Decree Defendant - - - +
IDAHO POWER COMPANY

+ - Decree Date - +
00/00/0000

[illegible]

+ - - Audit Fields - - +
CLELLAND

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

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 02/07/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - X777777 | Water District | - 36A |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |

SPLIT RIGHT

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT07/12/90 10:52:09
Page 1

Water Right Number - 36-00003

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***

NEW INTERNATIONAL MORTGAGE BANK

1 -

2 -

3 -

City-

Phone -

State-

Zip-

+ - - Priority Date - - +
09/10/1884+ - - Region - - +
17+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - - - Source - - - - - +
BILLINGSLEY CREEK+ - - - - Tributary - - - - - +
SNAKE RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)
07S 13E 11 SE NE (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 20.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
20.000+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 13E 27 SW NE 01 IRRIGATION (47) GOODING
07S 13E 27 SW NW 01 IRRIGATION (47) GOODING
07S 13E 27 SE NW 01 IRRIGATION (47) GOODING
07S 13E 27 NE SW 01 IRRIGATION (47) GOODING
07S 13E 27 NW SW 01 IRRIGATION (47) GOODING
07S 13E 27 NW SE 01 IRRIGATION (47) GOODING
07S 13E 28 SW NE 4 01 IRRIGATION (47) GOODING
07S 13E 28 SE NE 01 IRRIGATION (47) GOODING
07S 13E 28 SE NW 4 01 IRRIGATION (47) GOODING
07S 13E 28 NE SW 5 01 IRRIGATION (47) GOODING
07S 13E 28 SE SW 8 01 IRRIGATION (47) GOODING
07S 13E 28 NE SE 01 IRRIGATION (47) GOODING
07S 13E 28 NW SE 5 01 IRRIGATION (47) GOODING
07S 13E 28 SW SE 8 01 IRRIGATION (47) GOODING
07S 13E 28 SE SE 9 01 IRRIGATION (47) GOODING
07S 13E 33 NE NE 01 IRRIGATION (47) GOODING
07S 13E 33 NW NE 1 01 IRRIGATION (47) GOODING
07S 13E 33 SW NE 4 01 IRRIGATION (47) GOODING
07S 13E 33 SE NE 01 IRRIGATION (47) GOODING
07S 13E 33 NE NW 1 01 IRRIGATION (47) GOODING
07S 13E 33 SE NW 4 01 IRRIGATION (47) GOODING
07S 13E 33 NE SW 5 01 IRRIGATION (47) GOODING

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

Water right number - 36-00003

Adj. flag translation: Standard Water Right Number

| + | Twn | Rng | Sec | Tract | Lot | Acres | Place of Use
Code | Description | County | + |
|---|-----|-----|-----|-------|-----|-------|----------------------|-------------|--------|---------|
| | 07S | 13E | 33 | NW SE | 5 | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 33 | SW SE | 8 | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 33 | SE SE | | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 34 | NE NE | | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 34 | NW NE | | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 34 | SW NE | | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 34 | SE NE | | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 34 | NE NW | | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 34 | NW NW | 8 | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 34 | SW NW | 7 | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 34 | SE NW | | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 34 | NE SW | 3 | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 34 | NW SW | 4 | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 34 | SW SW | 5 | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 34 | NE SE | 1 | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 34 | NW SE | 2 | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 34 | SW SE | 2 | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 34 | SE SE | 1 | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 35 | SW NW | | | 01 | IRRIGATION | (47) | GOODING |
| | 07S | 13E | 35 | NW SW | | | 01 | IRRIGATION | (47) | GOODING |

Total Acres:

+ - - Diversion Means - VIA BUCKEYE DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-0001, 36-0002

+ - - - - - Remarks - - - - -
AC. IRR. NOT SPECIFIED, FARM = 1446 AC.
MAY BE EXCHANGED FOR 10 CFS FROM RILEY CREEK

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

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

+ - - - - Decree Plaintiff - - - +
NEW INTERNATIONAL MORTGAGE BANK
+ - - - - Decree Defendant - - - +
IDAHO POWER COMPANY
+ - Decree Date - +
03/22/1932

+ - - Audit Fields - 02/11/86 05/28/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - -

| | | |
|------------------------------|------------------------------|---------------------|
| Proof Due Date - 00/00/0000 | Field Exam Made - 00/00/0000 | Field Exam Fee - |
| Approved/Denied - 00/00/0000 | Protested Date - 00/00/0000 | Swan Falls - |
| Proof Made Date - 00/00/0000 | Hearing Date - 00/00/0000 | Temporary Right - P |

42 TRACTS = 1680 AC.

WR0723NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

07/12/90 10:52:09
Page 3

Water right number - 36-00003

Adj. flag translation: Standard Water Right Number

| | | | |
|-----------|--|-----------------------------------|-------------|
| + - - - - | | Water Rights Dates and Flags Area | - - - - - + |
|-----------|--|-----------------------------------|-------------|

| | | | | | |
|------------------|--------------|------------------|--------------|-----------------------|-------|
| Start Work Date | - 00/00/0000 | Verified Date | - 03/12/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - 36A |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Decree Date | - 03/22/1932 | Presumption Flag | - | Microfilm Roll Number | - |

SD-62

MODIFY CLAIM

Idaho Department of Water Resources

Adjudication Remarks Screen

Date: 04/20/92

Time: 10:05:42

Water Right Number: R36-00003

FIRST PAGE

13. Remarks: SEE NOS. 36-00003A, 36-00003B, 36-00003C, 36-00003D, 36-00003E, 36-00003F, 36-00003G, 36-00003H, AND 36-00003J.

(GOLD2=Update) (GOLD4=Prev Screen) (GOLD6=End of Data) (Enter=Exit)
(GOLD3=Add Std Rmk) (GOLD5=Next Screen) (GOLD7=Copy to Comments) (GOLD8=Cancel)

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____

FORFEIT/ABANDON _____

ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED(X)
(X)
(X)NEEDS
REVIEW()
()
(X)

SPLIT REVIEW

A36-00003

WR proportional Rate = 0.014 cfs/Ac.

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00003

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
20.000EXAMINER

CFS

SPLITS:

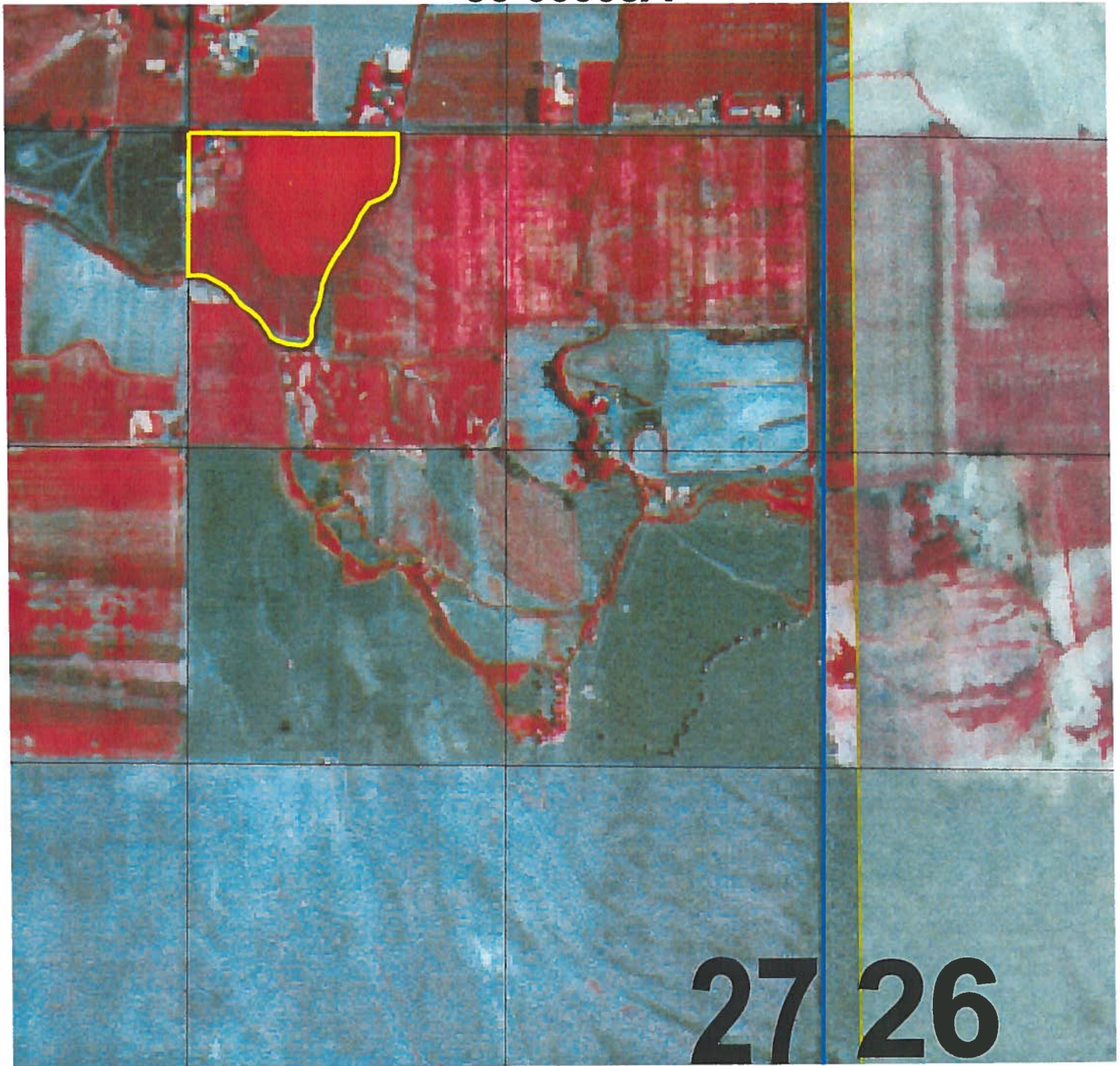
| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|---------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| A36-00003 | A36-00003A REA | 1.600 | - 13.0 | 0.18 cfs | 36-00003 | 20.000 |
| A36-00003 | A36-00003B GARDNER, R. | 7.160 | - 129.0 | 1.81 | 36-00003 | 20.000 |
| A36-00003 | A36-00003C ENGLES - MIKE | 0.300 | - 2.0 | 0.03 | 36-00003 | 20.000 |
| A36-00003 | A36-00003D GARDNER - MARY | 0.240 | - 5.0 | 0.07 | 36-00003 | 20.000 |
| A36-00003 | A36-00003E VERNON | 0.200 | - 40.0 | 0.80 | 36-00003 | 20.000 |
| A36-00003 | A36-00003F MARSHALL | 0.800 | - 3.0 | 0.04 | 36-00003 | 20.000 |
| A36-00003 | A36-00003G LLOYD | 0.400 | - 224.0 | 3.14 | 36-00003 | 20.000 |
| A36-00003 | A36-00003H BUCKEYE | 12.000 | - 15.0 | 0.21 | 36-00003 | 20.000 |
| A36-00003 | A36-00003J GARDNER, B | 4.000 | | | 36-00003 | 20.000 |
| | TOTAL CFS | 26.700 | 431 Ac. | 6.28 cfs | | 20.000 |

DIVERSION RATE REVIEW

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

REMARKS:

IDAHO DEPT OF WATER RESOURCES
36-00003A



660 0 660 1320 Feet



- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- ~ SECTION LINES
- 1/4 - 1/4 LINES

T07S R13E
SEC. 27, SWNE



GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND
DATE: MAY 17, 2001
*****REVISED*****

COPY

36-00003A

RECEIVED

JUN 30 1998

Department of Water Resources
Southern Region

RECEIVED

JUN 11 1998

Department of Water Resources
Adjudication Bureau

RECEIVED

JUN 10 1998

OFFICE OF THE
ATTORNEY GENERAL

PARKER, WARR & BROWN, LLP
Patrick D. Brown
812 Shoshone St. East
Twin Falls, ID 83301
Telephone: (208)7358812

MAIL 14880



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

HC records modified 6-26-98, m

In Re SRBA

)

) Subcase No. 36-00003A

)

Case No. 39576

)

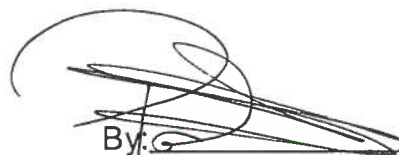
NOTICE OF APPEARANCE

)

COMES NOW the firm of Parker, Warr & Brown, LLP, and appears on behalf
of claimant for the water right number listed above.

Dated this 6 day of June, 1998.

PARKER, WARR & BROWN, LLP

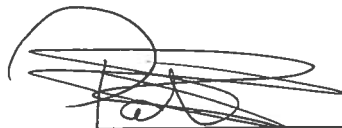
By: 
Patrick D. Brown

CERTIFICATE OF MAILING

The undersigned, a resident attorney of the State of Idaho, with offices at 812 Shoshone St. East, Twin Falls, Idaho 83301, and one of the attorneys for the claimant in this matter, certifies that he caused to be mailed a copy of the above and foregoing NOTICE OF APPEARANCE on the 6 day of June, 1998, to:

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

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



Patrick D. Brown

05/17/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: **36-00003A**

NAME AND ADDRESS: EDNA M REA
PO BOX 543
WENDELL, ID 83355

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.57 CFS

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

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 09/10/1884

POINT OF DIVERSION: T07S R13E S11 SESENE Within GOODING County

PURPOSE AND
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION | 02-15 11-30 | 0.57 CFS |
| STOCKWATER | 01-01 12-31 | 0.02 CFS |

PLACE OF USE:

IRRIGATION Within GOODING County
T07S R13E S27 SWNE 13
STOCKWATER Within GOODING County
T07S R13E S27
SWNE

13 ACRES TOTAL

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

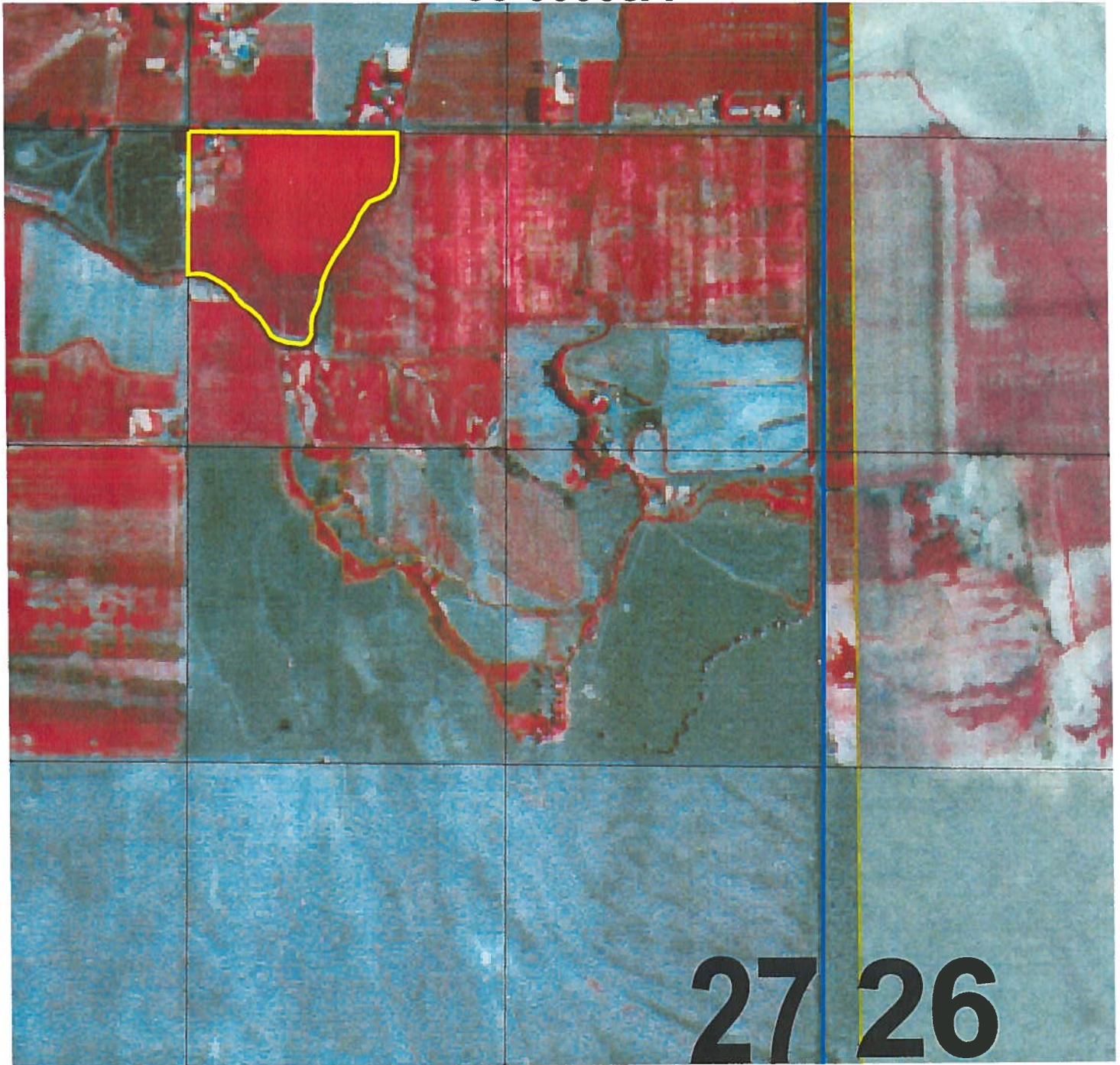
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.

IDAHO DEPT OF WATER RESOURCES
36-00003A



660 0 660 1320 Feet



- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- ~ SECTION LINES
- 1/4 - 1/4 LINES

T07S R13E
SEC. 27, SWNE



GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND
DATE: MAY 17, 2001
*****REVISED*****

Verl C. Bell
853 East 2830 South
Hagerman ID 83332

May 14, 2002

To whom it may concern:

Re: Water Right No. 36-00003A

In regard to crops grown on land irrigated by Water Right No. 36-00003A, beans were grown on the entire acreage during crop years 1981, 1982, and 2000.

The beans grown in 1981 and 1982 were certified seed beans grown under a contract for Wicks Agriculture. My son, Raymond, was going to college at that time. Beans were planted in late May and harvested in early September, so he was self-employed raising beans during the summer. The 1981 bean crop was combined by Jim Bright (now deceased).

The 1982 bean crop was combined by Bill Borneman of Gooding, Idaho. Mr. Borneman now resides in Kansas. My wife has spoken with him by phone. He remembers the field of beans and will supply a letter to that effect if needed. Jim Bright and Bill Borneman's bills are included with this letter.

The 2000 bean crop was grown by Gary Echleberger and sold to Rangens of Buhl.

The number of fields seems to be an issue in determining an appropriate amount of water. The field was divided in 1984 due to several factors, including the following: Bean prices declined. My son started working full time off of the farm. We changed our operation from row crop to livestock and needed more pasture.

The pasture was taken out in 1998 and peas followed by beans were planted in the pasture area. The fields were combined in 1999 and silage corn was grown. With today's larger equipment, larger fields are desirable and I do not anticipate splitting into smaller fields in the foreseeable future.

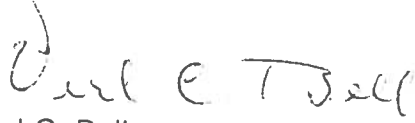
My wife has talked to the Idaho Crop Reporting Service in Boise. Crop records are only kept for ten years. FSA in Gooding states aerial maps are available for 1976, but the 36mm crop photos did not start until 1984.

Beans are a crop commonly grown in this area in the past and hopefully in the future. I could be adversely impacted if I had to split the field into small fields in order to grow beans in the future.

May 14, 2002
Page 2

I am not trying to expand a water right--only preserve a water right in order to grow crops that have been historically grown. My father also grew beans in the 1940s and 1950s on this same field.

Sincerely,


Verl C. Bell

vcb/tf
enc.

IDAHO STATE BANK

Julie Beel

Wicks 18972212 Date

Acknowledging Receipt of Your Deposit

Your Account Is Credited



Wicks

1142.94

Sur. 428.40 *2/11/13.57*

Goodman 570

3 May

1947 FEB 10 1947

Commodity

[illegible]

58004540

FILL VSHI

AT 1

FACITANEN FD 83338

Commodity - 35-38-36-99 Pinto, Reds, Great Northern Beans

| WEIGHT CERT. NO. | NET DRY WEIGHT | GRADE | PRICE | PROFIT | GROSS AMOUNT | STORAGE | DRYING | Bean Sec. | NET AMOUNT |
|---|----------------|---------------------------------|-------|---------------|--------------|-----------------|--------|-----------|------------|
| 58061355-56 | 31,457 | 1 | 30.00 | | 9,437.10 | | | | 9,437.10 |
| 61363-56 | 8,660 | 1 | 30.00 | | 2,598.00 | | | | 2,598.00 |
| | | Pinto Seed Lots | | | CPI 7.00 | | | | |
| 69600 | 13,741 | 1 | 30.00 | | 4,122.30 | | | 5.50 | 4,122.30 |
| | | Red Seed Lot C46-0-105 | | | | | | | |
| 69508 | 11,872 | 1 | 28.00 | | 3,324.16 | | | 7.50 | 3,324.16 |
| | | # 1's from Great Northern Beans | | | 4.00 | | | | |
| | | Prem on Pinto & heading | | | | | | | |
| | | Prem on Gr. Northern | | | | | | | |
| | | and certified | | | | | | | |
| 69508 | 5,273 | ulls | 1.00 | | 5,273.00 | | | | 5,273.00 |
| TEAR OFF SETTLEMENT ADVICE BEFORE CASHING CHECK | | | | | | | | | |
| G I NUMBER | | AMOUNT | | REFERENCE NO. | | NET AMOUNT DUE | | | |
| | | | | | | AMOUNT DEFERRED | | | |
| | | | | | | PAID ON ACCOUNT | | | |
| | | | | | | CHECK AMOUNT | | | |

三、

WELLS



MEMPHIS
FBI DEPT
NO 903 62

Commodity

[illegible]



Wickes Agriculture
A Division of the Wickes Corporation

No. 134293

50004540

5 23 81

BELL VERL
RT I
HAGERMAN ID 83332

WENDELL SR
IDAHO DEPT A-1
NO 903 525

Seed Return

| | | | | | | | |
|---------------|--|------------------|--|---------------|--------|-------------------|----------|
| SOURCE TICKET | | TRANSACTION TYPE | | PAYMENT TERMS | | SECURED CHG. PMT. | |
| | | | | CASH | CHARGE | REC'D ACCT. | DUE DATE |
| | | | | | 5 | | 11-1-81 |

| HM* | DESCRIPTION | PRODUCT | PRICE | QUANTITY | AMOUNT | TAX |
|-----|-----------------------------|---------|------------------|----------|--------|-----|
| | Bag for bag seed Int'l | 5510 | 42 ⁰⁰ | 300 | 126 00 | |
| | Red Mtn #36 seed (6/50 bag) | | | | 102 00 | |
| | Des. Mtn #59 (13/50 bag) | | | | 201 00 | |
| | Pinto #111 (17/50 bag) | | | | 289 00 | |
| | Custom seed processing | | 8 ⁰⁰ | 1800 | 144 00 | |
| | Total | 5504 | 42 ⁰⁰ | 650 | 273 00 | |
| | Total | 5301 | 42 ⁰⁰ | 85 | | |

GROSS WT. _____
TARE WT. _____
NET WT. _____

The undersigned hereby certifies that the above items have been received and are exempt, except as indicated hereon because they are purchased for: CHECK ONE

☐ FOOD FOR HUMAN CONSUMPTION

☒ AGRICULTURAL PRODUCTION

☐ FOR RESALE TAX REGISTRATION NO.

SIGNED BY *Raymond Bell*

PURCHASER

| | |
|-----------|--------|
| SUB TOTAL | 756 00 |
| SALES TAX | |
| TOTAL DUE | 756 00 |
| AMT. RC | |
| BAL. DUE | |

*HM CODE = HAZARDOUS MATERIALS

G.O. SALES TAX EXEMPTION FILE



Wickes Agriculture

A Division of the Wickes Corporation

No. 131

53006107

15 23 81

DELL RAYMOND
RT 1 BOX 42
HAGERMAN ID 83332
202 837 4405

VENDELL SA
IDAHO DEPT
NO 903 525

Seed Return

| | | | | | |
|---------------|------------------|---------------|--------|------|------------------|
| SOURCE TICKET | TRANSACTION TYPE | PAYMENT TERMS | | | SCOUTED-CHG. PNT |
| | | CASH | CHARGE | ACCT | DUE DATE |
| | 1 | | 5 | | 11-1-81 |

| HM* | DESCRIPTION | PRODUCT | PRICE | QUANTITY | AMOUNT |
|-----|--------------------------|---------|------------------|----------|-------------------|
| | Bag for bag seed 300 | 5510 | 42 ⁰⁰ | 950 | 189 ⁰⁰ |
| | Red Max #36 (7/50 bag) | 5510 | 34 ⁰⁰ | 100 | 34 ⁰⁰ |
| | Dr. Noah #59 (13/50 bag) | 5500 | 50 ⁰⁰ | 50 | 25 ⁰⁰ |
| | Pinto #111 (37/50 bag) | 5500 | 50 ⁰⁰ | 50 | 25 ⁰⁰ |
| | Custom Seed Processing | | 8 ⁰⁰ | 2050 | 164 ⁰⁰ |
| | Total | 5501 | 42 ⁰⁰ | 650 | 273 ⁰⁰ |
| | Total | 5501 | 42 ⁰⁰ | 1950 | 811 ⁰⁰ |

GROSS WT. 21

TARE WT. 34

NET WT. 21

☐ FOOD FOR HUMAN CONSUMPTION

☐ FOR RESALE-TAX REGISTRATION NO.

The undersigned hereby certifies that the above items have been received and are exempt, except as indicated hereon because they are purchased for CHECK ONE

☒ AGRICULTURAL PRODUCTION

SIGNED BY

PURCHASER

Raymond Bell

*HM CODE = HAZARDOUS MATERIALS

C. SALES TAX EXEMPTION

| | |
|-----------|-------------------|
| SUB TOTAL | 189 ⁰⁰ |
| SALES TAX | |
| TOTAL DUE | 189 ⁰⁰ |
| AMT. RC'D | |
| BAL. DUE | |



Wickes Agriculture

A Division of the Wickes Corporation

No. 131

58006107

16 281

BELL RAYMOND
RT 1 BOX 42
HAGERMAN ID 83332
208 837 4405

MENDELL 58
IDAHO DEPT 1
NO 903 525

Seed

| | | | | | |
|---------------|------------------|---------------|--------|----------|------------------------------|
| SOURCE TICKET | TRANSACTION TYPE | PAYMENT TERMS | | | SECURED CHG. PMT. |
| | 1 | CASH | CHARGE | RCD ACCT | DUE DATE <i>Nov. 1, 1984</i> |

| HM* | DESCRIPTION | PRODUCT | PRICE | QUANTITY | AMOUNT |
|-----|---|-------------|--------------|------------|--------------|
| | <i>Pay for Bay Seed Incl.</i> | | | | |
| | <i>Pay to Mendell 58 seed</i> | | | | |
| | <i>To be tax exempt this invoice must be signed and returned to Wickes Agriculture at the above address. If not returned you will be charged sales tax on this invoice.</i> | | | | |
| | | | <i>8.00</i> | | <i>16.00</i> |
| | | <i>5504</i> | <i>42.00</i> | <i>200</i> | <i>84.00</i> |

GROSS WT. _____

TARE WT. _____

NET WT. _____

The undersigned hereby certifies that the above items have been received and are exempt except as indicated herein because they are purchased for: **CHECK**

☐ FOOD FOR HUMAN CONSUMPTION

☒ AGRICULTURAL PRODUCTION

☐ FOR RESALE TAX REGISTRATION NO. _____

| | |
|-----------|--------------|
| SUB TOTAL | <i>84.00</i> |
| SALES TAX | |
| TOTAL DUE | <i>84.00</i> |
| AMT. RCD | |
| BAL. DUE | <i>84.00</i> |

SIGNED BY

Raymond Bell

PURCHASER

*HM CODE = HAZARDOUS MATERIALS

G.C. SALES TAX EXEMPTION F

9 15 81

WENDELL
10A 0 DEPT
NO 903 525

COMMODITY 35 Pinto Seed

[illegible]

VOUCHER AUTHORIZED
WICKES AGRICULTURE

SETTLEMENT ACCEPTED

NET AMOUNT DUE

2891c

* AMOUNT
(DEFERRED)

BY _____

GROWER SIGNATURE _____

PAID ON ACCOUNT

289. C

* NOTE: TERMS OF DEFERRED PAYMENT CONTRACT STATED ON REVERSE SIDE

SETTLEMENT VOUCHER

53007107

19 17 81

... 1946

104

83332

REF ID: A6374405

WENDELL 50

10A-0 SEPT A-1

NO 903 525

COMMODITY 36 Gr. No. Seed

[illegible]

VOUCHER AUTHORIZED
WICKES AGRICULTURE

SETTLEMENT ACCEPTED

GROWER SIGNATURE _____

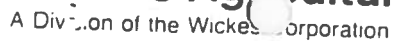
NET AMOUNT 170.00

* AMOUNT DEFERRED
(DEFERRED CONTRACT)

PAID ON ACCOUNT

BY _____

* NOTE: TERMS OF DEFERRED PAYMENT CONTRACT STATED ON REVERSE SIDE



SETTLEMENT VOUCHER

9 17 61

KENDALL
ICA-0 01/1
NO 903 32

CUSTOMER COPY.



Wickes Agriculture

A Division of the Wickes Corporation

GROWER/CUSTOMER

Landlord

Driver

☒ ON ☐ OFF

Trucker Name

Number

Rate

Commodity

Special Handling Code

☐ ☒

Date

Weigher

Bin No.

Delivered Weight

Less Share

Del. Wt. Grower

Moisture %

S/O and Dkg. %

Pick/Damage %

Net Dry Weight

Test Weight

Foreign Moist

Adnl. Price Discount

DISCOUNTS

THIS IS A MEMORANDUM, NON NEGOTIABLE POSSESSION OF WHICH DOES NOT SIGNIFY THAT SETTLEMENT HAS OR HAS NOT BEEN CONSUMMATED. SEE REVERSE SIDE FOR CONDITIONS OF STORAGE OR SALES AGREEMENT

WEIGHT CERTIFICATE

No. 58,004,540

Share %

19410
10100

SCALE WEIGHTS

GROWER SCALE

58004540
STORAGE RECEIPT

VENDELL 58
JOHNO DEPT AGR
NO 703 525

AGREEMENT
EXPIRATION DATE

FARM PRODUCE OPEN
STORAGE RECEIPT

PRICE LATER SALES AGREEMENT
(NOT A STORAGE RECEIPT)

SERVICE CHARGE

SERVICE FEE

OR
STORAGE CHG.

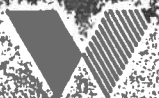
PER PER MO

PER PER

SELLER'S SIGNATURE

WAREHOUSEMAN'S SIGNATURE
FOR WICKES AGRICULTURE

FORM
504



Wickes Agriculture

A Division of the Wickes Corporation

GROWER/CUSTOMER

Landlord

WEIGHING CERTIFICATE

No. 58 153/3

Commodity

Driver ☒ ON ☐ OFF

Trucker Name

Number

Rate

Special Handling Code

Date

THIS IS A MEMORANDUM, NON NEGOTIABLE POSSESSION OF WHICH DOES NOT SIGNIFY THAT SETTLEMENT HAS OR HAS NOT BEEN CONSUMMATED.

SEE REVERSE SIDE FOR CONDITIONS OF STORAGE OR SALES AGREEMENT

Weigher

Bin No.

5800454

192681

Delivered Weight

Less Share

Del. Wt. Grower

Moisture %

S/O and Dkg. %

Pick/Damage %

Net Dry Weight

DISCOUNTS

Test Weight

#

Grade

Price

Foreign Mat.

%

Total Value \$

Addnl. Price Discount

%

Contract No.



AGREEMENT

EXPIRATION DATE

SERVICE CHARGE

SERVICE FEE

PER

PER MO.

STORAGE CHG.

PER

PER

SELLER'S SIGNATURE

WAREHOUSEMAN'S SIGNATURE
FOR WICKES AGRICULTURE

FORM #
5040

SCALE WEIGHTS

GROWER/SCALE



Wickes Agriculture

A Division of the Wickes Corporation

GROWER/CUSTOMER

Landlord

Share %

WEIGHT CERTIFICATE

No. 58 **245313**

Commodity 36 A M

Driver ☒ ON ☐ OFF

Trucker Name

Number

Rate

Special Handling Code ☐ F

Date

9/26/81

THIS IS A MEMORANDUM, NON NEGOTIABLE POSSESSION OF WHICH DOES NOT SIGNIFY THAT SETTLEMENT HAS OR HAS NOT BEEN CONSUMMATED.

SEE REVERSE SIDE FOR CONDITIONS OF STORAGE OR SALES AGREEMENT

Weigher

Bin No.

Delivered Weight

Less Share

Del. Wt. Grower

Moisture %

S/O and Dkg. %

Pick/Damage %

Net Dry Weight

Test Weight

Foreign Mat.

Addl. Price Discount

580061

BELL RAYMOND

RT 1 BOX 42

HAZLEHURST ID 83332

837 4405

STORAGE RECEIPT



FARM PRODUCE OPEN
STORAGE RECEIPT



PRICE LATER SALES AGREEMENT
(NOT A STORAGE RECEIPT)

Grade

Price

Total Value \$

Contract No.

9 26 81

WENDELL 58

IDAHO DEPT AGR

AGREEMENT 903 525

EXPIRATION DATE

SERVICE CHARGE

SERVICE FEE PER PER MO.
OR
STORAGE CHG. PER PER

SELLER'S SIGNATURE

WAREHOUSEMAN'S SIGNATURE
FOR WICKES AGRICULTURE

FORM

SCALE WEIGHTS

GROWER/SCALE

~~XXXXXXXXXXXXXXXXXXXX~~
Jim Bright

Rt. 1 Hagerman

10-9 81

Viril & Ray Bell

Rt. 1

Hagerman, Id.

102,979 # beans

combining @ # 35

#

139

Trucking

#

267 75

#

1657 97

Raymond paid \$623.79

Chico State Bank #946



新刊

[illegible]



No 58

Commodity 55 Pinto Beans

[illegible]

Entered

VERL BELL

Commodity -[illegible]

*IF PART OF THIS SETTLEMENT IS DEFERRED, TERMS OF DEFERRED PAYMENT CONTRACT STATED ON REVERSE SIDE.
DUE DATE FOR PAYMENT IS / / DEFERRED SETTLEMENT ACCEPTED

GROWER SIGNATURE

Bean Tax

NET AMOUNT DUE
AMOUNT DEFERRED
PAID ON ACCOUNT
CHECK AMOUNT

Entered

VERL. BELL

Commodity -[illegible]

| | | | | |
|--|------------|--------|---------------|--|
| TEAR OFF
SETTLEMENT ADVICE
BEFORE CASHING
CHECK | G/L NUMBER | AMOUNT | REFERENCE NO. | NET AMOUNT DUE |
| | 12523 | 816.62 | | AMOUNT DEFERRED
(DEFERRED CONTRACT) |
| | | | | PAID ON ACCOUNT |
| | | | | CHECK AMOUNT |

*IF PART OF THIS SETTLEMENT IS DEFERRED, TERMS OF DEFERRED PAYMENT CONTRACT STATED ON REVERSE SIDE
DUE DATE FOR PAYMENT IS DEFERRED SETTLEMENT ACCEPTED

GROWER SIGNATURE



Wickes Agriculture
A Division of the Wickes Corporation

No. **134868**

THE PILLSBURY COMPANY

58006107

BELL RAYMOND
RT 1 BOX 42
HAGERMAN ID 83332
208 837 4405

EB-1-82

VENDELL SB
IDAHO-DEPT AGRI
NO 803 525

| SOURCE TICKET | TRANSACTION TYPE | PAYMENT TERMS | | | SECURED CHG. PMT. |
|---------------|-------------------------------|---------------|------------|------------|-------------------|
| | | CASH | CHARGE | NET ACCT. | |
| | 1 | | S | | |
| HM* | DESCRIPTION | PRODUCT | QTY | QUANTITY | AMOUNT |
| | 59 Great Northern Seed | 5504 | 155 | 455 | |
| | Quaking Chgs | | 112 | | |
| | 590 Pinto | 5505 | 15 | 555 | |
| | Bag for Bag of Chgs | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

GROSS WT. _____
TARE WT. _____
NET WT. _____

The undersigned hereby certifies that the above items have been received and are exempt, except as indicated herein because they are purchased for **CHECK** **ONE**

☐ **FOOD FOR HUMAN CONSUMPTION**
☐ **FOR RESALE-TAX REGISTRATION NO.**

☒ **AGRICULTURAL PRODUCTION**

SIGNED BY **Raymond Bell**
PURCHASER

| | |
|-----------|--|
| SUB TOTAL | |
| SALES TAX | |
| TOTAL DUE | |
| AMT. RC'D | |
| BAL. DUE | |

*HM CODE = HAZARDOUS MATERIALS



Wickes Agriculture

A Division of the Wickes Corporation

THE PILLSBURY COMPANY

58006107

TELL RAYMOND
RT 1 BOX 42
HAGERMAN ID 83332
208 837 4405

No. 134896

6-7-82

WENDELL SR
IDAHO DEPT AGR
NO 903 525

| | | | | |
|---------------|------------------|---------------|--------|-------------------|
| SOURCE TICKET | TRANSACTION TYPE | PAYMENT TERMS | | SECURED CHG. PNT. |
| | 1 | CASH | CHARGE | RC'D ACCT. |
| | | | | |
| | | | | DUE DATE |

| HM* | DESCRIPTION | PRODUCT | PRICE | QUANTITY | AMOUNT | NO. |
|-----|----------------------|---------|-------|----------|--------|-----|
| | Bay Bay Net... | | | | | |
| | 2/50 lb 10*59 Seed | | 15.00 | 100 | 15.00 | |
| | Seed Inerting Charge | | 11.00 | | 11.00 | |
| | Total | 5504 | 26.00 | 100 | 26.00 | |
| | 1/50 lb 6 to 10 59 | | 15.00 | 50 | 7.50 | |
| | Seed Inerting Charge | | 11.00 | | | |
| | Total | 5301 | 26.00 | 50 | 13.00 | |

GROSS WT. _____

TARE WT. _____

NET WT. _____

☐ FOOD FOR HUMAN CONSUMPTION

☐ FOR RESALE-TAX REGISTRATION NO.

The undersigned hereby certifies that the above items have been received and are exempt, except as indicated herein, because they are purchased for CHECK ONE

☒ AGRICULTURAL PRODUCTION

SIGNED BY

PURCHASER

| | |
|-----------|-------|
| SUB TOTAL | 27.00 |
| SALES TAX | |
| TOTAL DUE | 32.00 |
| AMT. RC'D | |
| BAL. DUE | |

*HM CODE = HAZARDOUS MATERIALS

Wickes Agriculture

A Division of the Wickes Corporation

THE PILLSBURY COMPANY

58004540

BELL VERL

RT I

HAGERMAN ID 83338

No. 18

11-7-82

VENDELL SA

IDAHO DEPT A

NO 903 525

| SOURCE TICKET | TRANSACTION TYPE | PAYMENT TERMS | | | SECURED CHG. PMT. | |
|---------------|----------------------|---------------|------------------|------------|-------------------|--|
| | | CASH | CHARGE | RC'D ACCT. | DUE DATE | |
| | 1 | | S | | 11-1-82 | |
| HM* | DESCRIPTION | PRODUCT | PRICE | QUANTITY | AMOUNT | |
| | Bay Bay 1. to | | | | | |
| | 2/50 lb 110 "59 Seed | | 15 ⁰⁰ | 100 | 15 ⁰⁰ | |
| | Seed Insect. Charge | | 11 ⁰⁰ | | 11 ⁰⁰ | |
| | Total | 5504 | 26 ⁰⁰ | 100 | 26 ⁰⁰ | |
| | 1/50 lb 110 "59 Seed | | 15 ⁰⁰ | | 15 ⁰⁰ | |
| | Seed Insect. Charge | | 11 ⁰⁰ | | 11 ⁰⁰ | |
| | Total | 5309 | 26 ⁰⁰ | 50 | 13 ⁰⁰ | |

GROSS WT.

TARE WT.

NET WT.

☐ FOOD FOR HUMAN CONSUMPTION

☐ FOR RESALE-TAX REGISTRATION NO.

The undersigned hereby certifies that the above items have been received and are exempt, except as indicated hereon because they are purchased for: CHECK ONE

☒ AGRICULTURAL PRODUCTION

SIGNED BY

PURCHASER

Raymond Bell

SUB TOTAL

SALES TAX

TOTAL DUE

AMT. RC'D

BAL. DUE

CUSTOMER COPY

*HM CODE = HAZARDOUS MATERIALS

A-110000-Company

THE PILLSBURY COMPANY

58006107

8 10 82

BELL RAYMOND

RT I BOX 42

HAGERMAN ID 83332

208 837 4405

WENDELL 58

EDANO DEPT AGR

NO 903 525

| SOURCE TICKET | TRANSACTION TYPE | PAYMENT TERMS | SECURED CHG. PMT. | | |
|--|--|----------------------------|-------------------|----------|--------|
| 134896 | 2 | CASH
CHARGE
RCD ACCT | DUE DATE 11-1-82 | | |
| HM# | DESCRIPTION | PRODUCT | PRICE | QUANTITY | AMOUNT |
| | 1/50 Hrs NW = 59 | | | | |
| | return 1 per credit | 5504 | 15 ⁰⁰ | 50 | 7.50 |
| | Set 2nd Credit | | 11 ⁰⁰ | | 5.50 |
| | <i>(Credited)</i> | | | | |
| | Total | 5504 | 26.00 | 50 | 13.00 |
| GROSS WT. _____ | The undersigned hereby certifies that the above items have been received and are exempt except as indicated hereon because they are purchased for: | SUB TOTAL | 13.00 | | |
| TARE WT. _____ | CHECK ONE | SALES TAX | | | |
| NET WT. _____ | ☐ FOOD FOR HUMAN CONSUMPTION | TOTAL DUE | 13.00 | | |
| ☒ | ☒ AGRICULTURAL PRODUCTION | AMT. RCD | | | |
| ☐ FOR RESALE-TAX REGISTRATION NO. _____ | SIGNED BY <i>Kenneth Bell</i> | BAL. DUE | | | |
| | | CUSTOMER COPY | | | |

*HM CODE = HAZARDOUS MATERIALS



THE PILLSBURY COMPANY
EDIBLE PROTEIN DIVISION

REMIT TO
PILLSBURY COMPANY
WEILL EXIT 1-80 WEST

STATEMENT OF ACCOUNT

WENDELL

10 83335

BELL VERL

*

RT 1

HAGERMAN. 10 83332

CODE LEGEND

S - SALE
P - PAYMENT
D - CHARGE MEMO
C - CREDIT MEMO

58004540

ACCOUNT
NO.

09 30 82

MO. DAY YR.
DATE

| CODE | INVOICE NO. | DATE | | | CURRENT INVOICES | YOUR CHECK OR EXPLANATION COVERING THESE PAST DUE ITEMS WILL BE APPRECIATED | | |
|------|-------------|------|-----|----|------------------|---|------------|-------------------|
| | | MO | DAY | YR | | 1-30 DAYS | 31-60 DAYS | 61 DAYS AND PRIOR |
| S | 134869 | 6 | 01 | 82 | 169.00 | SECURED | .00 | .00 |
| S | 134897 | 6 | 07 | 82 | 39.00 | SECURED | .00 | .00 |
| C | 503920 | 10 | 10 | 82 | 120.00 - | BB 7-1-82 | | |

Dear Grower,

All of the seed sales tickets stipulated payment in full for seed and seed charges by November 1, 1982.

If we have not received the payment for these charges by November 5, 1982, we will presume that you wish us to deduct from your crop, in our storage, whatever poundage of beans at the Market price that day, to cover the seed account owed to us.

Respectfully yours,

Thomas W. Driscoll
Thomas W. Driscoll, Manager

| | | | | | |
|---------|------------------|------------------|-----|-----|-----|
| | 88 ⁰⁰ | 88 ⁰⁰ | | | |
| BALANCE | 208.00 | 208.00 | .00 | .00 | .00 |

- To avoid additional FINANCE CHARGE, Pay the New Balance in full on or before the Due Date.
- The Due Date is the 10th day of the month following the date of statement of account.
- Payments, credits or charges made after the Billing Date will appear on your next Billing Statement.
- The FINANCE CHARGE is applied to the "Adjusted Previous Balance" after deducting current payments and/or credits and adding purchases, itemized above.
- Invoice number ***456 Indicates Finance Charges

Wickes Agriculture

A Wickes Company

No. 3756

10-0-80

THE PILLSBURY COMPANY

58004540

41-4-82

BELL VERL

RT I

HAGERMAN ID 8333

VENDELL 58

IDAHO DEPT AGR

NO 903 525

SOURCE TICKET

TRANSACTION TYPE

SECURED CHG. PMT.

DUE DATE

HM

DESCRIPTION

Pail on acct

PRICE

QUANTITY

AMOUNT

T/

88.00

GROSS WT.

TARE WT.

NET WT.

☐ FOOD FOR HUMAN CONSUMPTION

☐ FOR RESALE-TAX REGISTRATION NO.

The undersigned hereby certifies that the above items have been received and are exempt, except as indicated hereon because they are purchased for: CHECK ONE

☐ AGRICULTURAL PRODUCTION

SUB TOTAL

SALES TAX

TOTAL

AMT. RC'D

BAL. DUE

88.00

SIGNED BY

PURCHASER

CUSTOMER COPY

*HM CODE = HAZARDOUS MATERIALS

DRAFT

**SUPPLEMENTAL REPORT REGARDING CLAIM TO
WATER RIGHT NO. 36-00003A**

In Re SRBA

Twin Falls County Civil Case No. 39576
Sub-Case No. 36-00003A

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill Jr., Adjudication Bureau Chief

April 17, 1998

DRAFT

The Director of the Idaho Department of Water Resources (IDWR) submits this Supplemental Report Regarding Claims to Water Right No. 36-00003A in response to the Special Master's order of March 11, 1998., in accordance with section 42-1412(4), Idaho Code, and in accordance with Administrative Order 1. This supplemental director's report was prepared under the supervision of Karl J. Dreher, Director, and David R. Tuthill Jr., Adjudication Bureau Chief for IDWR.

ELEMENTS OF WATER RIGHT No. 36-00003A AT ISSUE

This supplemental report addresses the elements of these claims that are in dispute pursuant to the objections to the original Director's Report for this right. The only element of water right number 36-00003A at issue is quantity.

LEGAL PRINCIPLES UNDERLYING RECOMMENDATION OF WATER RIGHT NUMBER 36-00003A

IDWR's recommendations of the Water Rights are based upon its application of the following legal principles. These principles are not described for purposes of legal argument, but simply for the purpose of describing the basis of IDWR's recommendations for these water rights. If IDWR's understanding of these principles is erroneous or inaccurate, the recommendations made in this report may change.

1. Previous private adjudication decrees evidence a legal right to the use of water; however, they are not the only evidence, nor are they conclusive evidence.
2. Parties to private adjudications and those in privity are bound by such adjudication.
3. A standard diversion rate of 0.02 cfs per acre for irrigation is set by statute. Idaho Code §§ 42-202, 42-220
4. An irrigation right cannot be decreed for more than 0.02 cfs per acre absent a showing that a greater quantity is necessary. Idaho Code §§ 42-202, 42-220
5. A reasonable conveyance loss can be decreed as part of a water right.

FACTUAL FINDINGS UNDERLYING RECOMMENDATION OF WATER RIGHT WATER RIGHT NO. 36-00003A

A. GENERAL FINDINGS.

SUPPLEMENTAL REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00047

New International Mortgage Bank v. Idaho Power Co., et al, Decree.

Water Right 36-00003 was at issue in New International Mortgage Bank v. Idaho Power Co., et al, In Equity No. 1602. The right was decreed for 20 cfs appurtenant to a 1440 acre place of use. The decree in this private adjudication was issued based upon the pleadings and stipulations of fact. A copy of the relevant portions of IDWR's copy of the Decree in this case is attached to this Report as Exhibit A. A certified copy of this report is on file with the SRBA District Court and can be compared to this copy. The original decreed right has been split several times as the property appurtenant to the decreed right has been divided and sold. Water right no. 36-00003A is a portion of the right decreed in the New International Mortgage decree. A chart showing the various splits of the original right and the claimed and recommended acreage and quantities is attached as Exhibit B

No other water rights decreed in the New International Mortgage decree are appurtenant to the land claimed under water right no 36-00003A.

B. FINDINGS REGARDING ELEMENTS AT ISSUE.

Not claimed { 01 133 } Not used
02 192
03

Quantity of Water Used

1. Quantity for Irrigation

The original Notice of Claim for water right no. 36-00003A claims a quantity of 1.60 cfs for irrigation on 13 acres, or 0.12 cfs per acre (equivalent to 6 inches per acre).

The quantity decreed for right no. 36-00003 in the New International Mortgage decree is 20 cfs. The decreed place of use for this right contains 1440 acres. Using the decreed rate of diversion and the decreed place of use, the per acre rate of diversion is approximately 0.014 cfs per acre (equivalent to 0.7 inches per acre). The decreed per acre diversion rate for the 13 acres claimed under water right no 36-00003A gives a quantity of 0.18 cfs.

More than 0.02 cfs per acre is necessary to irrigate crops on the claimed land. In addition to 0.02 cfs per acre necessary for irrigation, 0.15 cfs is necessary to cover the conveyance losses associated with this right. Conveyance loss for this right was calculated using the Worstall method. The specifics behind the Worstall method are explained in the Report Regarding Evaluation of Irrigation Diversion Rates filed with the SRBA in this subcase on July 1, 1996. The conveyance loss was calculated for the

SUPPLEMENTAL REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00047

entire ditch and then proportioned out to the various users on the ditch based upon the size of their respective deliveries.

1. Quantity for Stockwater

The original Notice of Claim claims a quantity of .04 cfs for 19 range cattle.

The standard range cattle drinks 12 gallons per day. Nineteen cattle drink 228 gallons per day which equates to 0.0003 cfs over a 24 hour period or 0.004 cfs over a 2 hour period.

An additional quantity of 0.15 cfs for stockwater is necessary under this right during the non-irrigation season to cover the conveyance loss associated with the delivery of this right. This conveyance loss was calculated using the Worstell method as described above.

RECOMMENDATIONS FOR WATER RIGHT WATER RIGHT NO. 36-00003A

1. Quantity for Irrigation

IDWR recommends a quantity of 0.41 cfs for irrigation on 13 acres, or 0.03 cfs per acre (equivalent to 1.5 inches per acre). This 0.41 cfs is the total of 0.26 cfs for irrigation (0.02 cfs per acre) and 0.15 cfs for conveyance loss.

1. Quantity for Stockwater

IDWR recommends a quantity 0.02 cfs for stockwater during the irrigation season and .17 cfs during the non-irrigation season. The 0.17 cfs recommended for stockwater during the non-irrigation season is the total of 0.02 cfs for stockwater and 0.15 cfs for conveyance loss. The amount of water actually needed to water the 19 cattle claimed falls well below 0.02 cfs. However, since quantities below 0.02 cfs are difficult to measure, IDWR recommends no less than 0.02 for stockwater.

Appendix IV chart

MEMORANDUM

To: Dave Tuthill *DT*
Nick Spencer
From: Scott King *SK*
Date: April 11, 2002

Subject: Brockway Engineering's Diversion Rate analysis for Claim 36-3A

Summary

Adjudication claim 36-3A is a claim to 1.6 cfs for 13 acres of irrigation in the Hagerman Valley. The original recommendation for this claim was 0.41 cfs based on the standard 0.02 cfs per acre for 13 acres with an additional 0.15 cfs for conveyance loss. The claimants did not accept this recommendation.

A Hubble analysis was performed in 1996 and the recommended total diversion rate was increased to 0.45 cfs. I reviewed the 1996 analysis in May 2001 and made adjustments based on interim changes to our methodology and recommended a total diversion rate of 0.57 cfs. Since last spring, new soils information is available from the USDA, which changes the results of the analysis. Based on the alfalfa-pasture rotation previously examined, the updated recommendation including conveyance loss is 0.63 cfs. If the recommendation is based upon a crop of only pasture, the total rate is 0.75 cfs. An analysis based on beans as the sole crop nearly doubles the pasture value.

The diversion rate requirement analysis performed by Brockway Engineering for this claim is compared with results based on the Department's standard methodology and policy. Brockway presents a very broad range of on-farm diversion rates from 0.02 to 0.25 cfs per acre (conveyance loss not included) for a total diversion rate ranging from 0.40 to 3.42 cfs (including conveyance loss). Some field application efficiency values used by Brockway are extremely low and below the threshold set as Department policy.

Analysis

Exhibit 32 from the 36-3A objection has been carefully reviewed. Diversion data presented in the exhibit is compared to results obtained by following the Hubble methodology for determining irrigation diversion requirements. The exhibit presents a very broad range of computed diversion rates, some of which may be considered unreasonably high. This memorandum presents my analysis and reasoning for this claim.

Exhibit 32 titled *V. BELL EXCESS FLOW ANALYSIS AND SENSITIVITY* by Brockway Engineering, PLCC, and dated 6/8/98 provides a summary of results and ranges of computed diversion rates for three crops. Although we were unable to locate the original detailed report, Brockway Engineering forwarded the digital documents that formed their analysis. From this

data, a number of differences between the Brockway and IDWR analyses are identified, many of which result in Brockway predicting a lower diversion requirement than if following our current methodology. These are presented after the following discussion on Field Application Efficiency (FAE).

Field Application Efficiency

Field application efficiency is defined as an “expression in percent of the amount of water applied to a field that becomes available to the crop” (Hubble Engineering 1991). Water that is not used by the crop is lost either to deep percolation, runoff, or other losses. A field application efficiency of 100% indicates that all water applied to the field becomes available to the crop without any loss. An irrigation efficiency of 50% indicates that half of all applied water becomes available to the crop, and the remaining half is lost either to deep percolation, runoff, and/or other losses. Typical or expected values of FAE for furrow irrigation is 30 to 80 percent (Hoffman, Howell et al. 1990; Dreher and Tuthill 1999).

FURROW program

The Natural Resources Conservation Service’s FURROW program requires inputs of furrow soil intake family, design application (volume of water applied expressed as depth in inches), furrow slope (ft/ft), furrow spacing (ft), furrow length (ft), inflow rate (gpm), and inflow time (hours). Program outputs include advance time (minutes), gross irrigation application (inches), net irrigation application (inches), runoff (inches), deep percolation (inches), and irrigation efficiency (percent).

A full irrigation is attained when the net irrigation application equals or exceeds the design application. The irrigation efficiency is equal to the design application divided by the gross irrigation application. FAE estimates below 15 percent and above 70 percent are considered outside the practical limits of the program¹. If FAE estimates by the program are outside these limits, then Department policy requires values of 15 percent or 70 percent be used instead (Dreher and Tuthill 1999).

Please note that the “inch” discussed in this section is volume expressed as a depth. Total volume is determined by multiplying the depth in inches by area (acres). This “inch” is not equivalent to the Idaho Miner’s inch.

Exhibit 32

Exhibit 32 provides a series of computed diversion rates for three crops including alfalfa, dry beans, and pasture. Six diversion rates for each crop are computed based on three furrow

¹ Based on communication with C.E. Brockway and Clarence Robison of the University of Idaho Kimberly Research and Extension Center on April 17, 1996. The NRCS furrow program is considered reasonably accurate within these limits when appropriate inputs are used.

flows of 3, 5, and 7 gallons per minute and two set times of 12 and 24 hours. The results are based on all fields growing the same crop; a rotation of different crops among the four fields in a given year is not contemplated. The crop of dry beans clearly represents the highest demand in the analysis with required diversion rates ranging from 0.055 to 0.255 cfs (2.73 to 12.76 Miner's inches) per acre. Pasture and alfalfa are less demanding with ranges of 0.038 to 0.179 and 0.02 to 0.091 cfs (1.91 to 8.93 and 0.98 to 4.57 Miner's inches) per acre respectively. Brockway Engineering does not represent that any one flow and set time combination is more reasonable or efficient for a given crop. Rather, Brockway states that since the flows and set times presented are typical of those commonly used in the Hagerman area, they therefore must be reasonable.

Some of the computed diversion rates are quite low. This analysis indicates that a number of flow and set time combinations presented do not provide an adequate supply of water for the crops. Specifically, for the largest field (#1) of 6.7 acres and run lengths of 590 feet, the FURROW program indicates that 3 gpm furrow flow for both 12 and 24 hour sets is not enough flow to adequately irrigate alfalfa, beans, or pasture and the crops would suffer from deficit irrigation. One could argue that for this field 3 gpm furrow flow is unreasonably low.

At the other end of the spectrum, the highest computed diversion rates are based on furrow flows of 7 gpm for 24-hour sets. These maximum rates are 0.09, 0.26, and 0.18 cfs (4.57, 12.76, and 8.93 Miner's inches) per acre for alfalfa, beans, and pasture respectively. These rates are extremely high and exceed the Department standard for irrigation by 460 to 1280 percent.

IDWR uses the NRCS FURROW program to estimate field application efficiency; Brockway appears to be using a similar program with modifications. Table 4 provides field application efficiency values determined by Brockway for the range of flows presented in Exhibit 32. It is evident from this analysis that many of the flow and set time combinations presented by Brockway Engineering produce extremely low field application efficiencies such as 3 percent for beans and pasture and 9 percent for alfalfa. As stated above, the Department's policy is to use a minimum efficiency of 15 percent when the FURROW program indicates efficiencies lower than this value, and when furrow flow, furrow length, and set time cannot be adjusted within reasonable limits to obtain an efficiency greater than 15 percent.

To put these FAE values in perspective, an 8.8 percent efficiency for field 4 with a crop of alfalfa indicates that of the 34 inches (depth) of water applied over the 24-hour set with 7 gpm furrow flow, 3 inches will be made available to the crop, 28 inches will run off the field, and 3 inches will become deep percolation unavailable to the crop. Therefore, to supply the crop with the necessary 3 inches of water, 34 inches are applied and 31 inches of this amount wasted. A strong argument can be made that wasting 31 inches of water in order to apply 3 inches is quite unreasonable, especially when modest changes to application methods can significantly improve efficiency.

For the same field, a gross application of 7.3 inches (depth) would occur at an inflow rate of 3 gpm with 12-hour sets. This application provides the necessary 3 inches to the crop, but with only 4.1 inches of runoff and 0.2 inches of deep percolation and with an FAE value of 41

percent. Losses are still high at 59 percent of the application, but much more reasonable than 91 percent loss.

In the case of fields 2, 3, and 4, furrow lengths are fairly short (about 200 feet) and generally do not require 24 hour set times to fully irrigate the crop; 12 hour sets are more than adequate for this application. Also, it is apparent that furrow flows of 7 gpm may be considered unreasonable high when flows of 3 gpm provide an adequate irrigation over a 12-hour set.

Differences in Methodology

The major difference between Brockway's report and one conducted based on current IDWR methods is that Brockway does not optimize FAE as described in the previous section which allows for very high diversion requirements. There are several other differences between the methods:

- 1) Peak crop consumptive use water requirements (80th percentile ET) are lower than the values currently used by IDWR. This difference causes the Brockway diversion requirement values to be lower than ours.
 - a. Alfalfa, 0.314 vs 0.394 inches per day (-20%)
 - b. Beans, 0.308 vs 0.323 inches per day (-5%)
 - c. Pasture, 0.277 vs .303 inches per day (-9%)
- 2) Crop rooting depth for pasture is 2 feet; IDWR typically uses 3 feet. This results in Brockway having lower FAE values for pasture fields resulting in higher diversion requirements.
- 3) Crop stress point is 50% for beans; IDWR uses 40%. This causes Brockway's FAE values for beans to be higher resulting in lower diversion requirements.
- 4) Our calculated soil available water content (AWC) values are lower. This is more pronounced for the KOB soils which make up about 60% of the total farm. The result is higher FAE values in Brockway's analysis compared to our estimates, resulting in lower diversion requirements.

Table 1. Available water content for KOB soil type.

| Depth (ft) | Brockway | IDWR (1996) | IDWR (2002) |
|------------|----------|-------------|-------------|
| 1 | 1.56 | 1.59 | 1.14 |
| 2 | 3.05 | 3.08 | 2.28 |
| 3 | 4.31 | 3.98 | 3.42 |
| 4 | 5.73 | 4.88 | 4.56 |
| 5 | 7.47 | 5.77 | 5.70 |

Table 2. Available water content for KEB soil type.

| Depth (ft) | Brockway | IDWR (1996) | IDWR (2002) |
|------------|----------|-------------|-------------|
| 1 | 1.32 | 1.32 | 1.32 |
| 2 | 3.00 | 2.94 | 2.94 |
| 3 | 4.5 | 4.49 | 4.44 |
| 4 | 6.00 | 5.74 | 5.69 |
| 5 | 6.00 | 5.74 | 5.69 |

- 5) Soil flood intake values are different in various analyses. Our higher intake values (3) may result in greater deep percolation and therefore higher diversion requirements.

| | Brockway | IDWR ('96) | IDWR ('02) |
|------|----------|------------|------------|
| KOB: | 2 | 2 | 3 |
| KEB: | 2 | 3 | 2 |

- 6) In addition, the exhibit documents 6.1 acres in three fields with run lengths of 190-230 feet, and 6.7 acres in one field with run length of 590 feet. IDWR's map of this claim depicts three fields, 6 acres with run length of 680 feet, 4 acres with an average length of 450 feet, and 3 acres with average length of 300 feet. The shorter run lengths used by Brockway tend to decrease field application efficiency by realizing higher quantities of runoff. As the complete Brockway report, which should include a map depicting fields and run lengths, is not available, it is difficult to comment on the appropriateness of these shorter run lengths.

Recent IDWR re-analysis

Finally, the analysis performed in May 2001 was recomputed using updated soil information and all three crops presented in Brockway's work. The updated soil information was obtained from the USDA-NRCS Soil Survey Geographic (SSURGO) digital database and is presented in items 4) and 5) above. The updated soil information is slightly different than that used in previous reports. The main difference is the flood intake family for the largest soil component is now 3 instead of 2, and the other soil type now has an intake family of 2 instead of 3. Higher intake values have increased the irrigation requirement for some crops. Summarized results are presented in Table 3. The total on-farm flow requirement in the third column can be compared to the May 2001 results of 0.42 cfs based on a rotation of alfalfa and pasture.

The values presented in Table 1 are quite varied. It is clear that a crop of beans creates a higher diversion requirement due to its high demand for water and shallow rooting depth. Also, the common practice of rotating crops between fields tends to predict less extreme requirement values.

Table 3. Updated Field Irrigation Requirement.

| Crop | Inches
per acre | Total on-farm flow
requirement (cfs) |
|---|----------------------------|---|
| All alfalfa | 1.50 | 0.38 |
| All pasture | 2.30 | 0.60 |
| All beans | 4.75 | 1.23 |
| Rotation (6 ac beans, 4 ac pasture, 3 ac alfalfa) | 3.40 | 0.88 |
| Rotation (3 ac beans, 4 ac pasture, 6 ac alfalfa) | 2.25 | 0.58 |
| Rotation (6 ac alfalfa, 7 ac pasture as in May '01) | 1.85 | 0.48 |

Conclusions and Recommendations

For the most part, the techniques used by Brockway Engineering for determining diversion requirements are similar to those used by the Department. Some of the parameters used for calculations are a little different, perhaps due to updated information. However, the big difference is in selecting the final value of FAE. Department policy is to use the optimum value within reasonable limits. Brockway determines a wide range of values based on typical local irrigation practices and does not indicate one is more reasonable than another. Therefore, a wide range of diversion rate requirements is presented as valid (nearly 400% difference between lower and upper values for the same crop).

The crop of beans does not appear to be mentioned in any of the materials supplied to the Department by the claimants. It is my understanding that typical historic crops on this farm include pasture and alfalfa. Since beans more than double the diversion requirement over pasture, only the number of acres of beans actually grown should be used in the final recommendation for diversion rate. This may require further evidence from the claimant to establish the actual acres of beans grown during a given year.

Until we can answer the question regarding beans, my recommendation is based on this most recent Hubble analysis using either a rotation of pasture and alfalfa as used in prior work and providing a diversion rate of 0.037 cfs/acre (total on farm flow 0.48 cfs), or all pasture with a diversion rate of 0.046 cfs/acre (total on-farm flow of 0.60 cfs).

References

Dreher, K. J. and D. R. Tuthill, Jr. (1999). Report Regarding Evaluation of Irrigation Diversion Rates. Boise, Idaho Department of Water Resources: 49.

Hoffman, G. J., T. A. Howell, et al. (1990). Management of Farm Irrigation Systems. St. Joseph, The American Society of Agricultural Engineers.

Hubble Engineering, Inc. and Associated Earth Sciences, Inc. (1991). Guidelines for the Evaluation of Irrigation Diversion Rates. Boise: 63.

Table 4. Field application efficiency and flow rate for individual fields based on Brockway Engineering's analysis of claim 36-3A.

| Bell01: 12-hr @ 3 gpm | | | | | | | Bell04: 24-hr @ 3 gpm | | | | | | |
|-----------------------|--------|--------|--------|--------|--------|---------|-----------------------|--------|--------|--------|--------|--------|---------|
| | F2-KEB | F3-KEB | F4-KEB | F1-KOB | F2-KOB | Q (cfs) | | F2-KEB | F3-KEB | F4-KEB | F1-KOB | F2-KOB | Q (cfs) |
| Alfalfa | 43.3 | 49.8 | 41.1 | 159 | 53.9 | 0.25 | Alfalfa | 21.6 | 24.9 | 20.6 | 79.5 | 26.9 | 0.5 |
| Beans | 21.6 | 24.9 | 20.6 | 64.9 | 22 | 0.7 | Beans | 13 | 7.6 | 15.7 | 27.5 | 13.2 | 1.58 |
| Pasture | 21.6 | 24.9 | 20.6 | 64.9 | 22 | 0.49 | Pasture | 13 | 7.6 | 15.7 | 27.5 | 13.2 | 1.1 |
| Bell02: 12-hr @ 5 gpm | | | | | | | Bell05: 24-hr @ 5 gpm | | | | | | |
| | F2-KEB | F3-KEB | F4-KEB | F1-KOB | F2-KOB | Q (cfs) | | F2-KEB | F3-KEB | F4-KEB | F1-KOB | F2-KOB | Q (cfs) |
| Alfalfa | 26 | 29.9 | 24.7 | 95.4 | 32.3 | 0.42 | Alfalfa | 13 | 14.9 | 12.3 | 47.7 | 16.2 | 0.83 |
| Beans | 15.6 | 9.1 | 18.8 | 33 | 15.8 | 1.32 | Beans | 7.8 | 4.5 | 9.4 | 16.5 | 7.9 | 2.64 |
| Pasture | 15.6 | 9.1 | 18.8 | 33 | 15.8 | 0.92 | Pasture | 7.8 | 4.5 | 9.4 | 16.5 | 7.9 | 1.84 |
| Bell03: 12-hr @ 7 gpm | | | | | | | Bell06: 24-hr @ 7 gpm | | | | | | |
| | F2-KEB | F3-KEB | F4-KEB | F1-KOB | F2-KOB | Q (cfs) | | F2-KEB | F3-KEB | F4-KEB | F1-KOB | F2-KOB | Q (cfs) |
| Alfalfa | 18.6 | 21.3 | 17.6 | 68.1 | 23.1 | 0.58 | Alfalfa | 9.3 | 10.7 | 8.8 | 34.1 | 11.5 | 1.17 |
| Beans | 11.1 | 6.5 | 13.5 | 23.6 | 11.3 | 1.85 | Beans | 5.6 | 3.2 | 6.7 | 11.8 | 5.7 | 3.7 |
| Pasture | 11.1 | 6.5 | 13.5 | 23.6 | 11.3 | 1.29 | Pasture | 5.6 | 3.2 | 6.7 | 11.8 | 5.7 | 2.57 |

End-of-Furrow application insufficient

Higher valid efficiency values that would be selected if following Hubble Method except for Field 1 KOB Alfalfa which should be reduced to 70%.

| | Frw Len | Acres |
|-------------|---------|-------|
| Field 1 | 590 ft | 6.7 |
| Field 2/KEB | 200 ft | 0.4 |
| Field 2/KOB | 200 ft | 0.6 |
| Field 3 | 230 ft | 2.9 |
| Field 4 | 190 ft | 2.2 |
| | | 12.8 |

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

In Re SRBA

Case No. 39576

A. Subcase No.: 36-00003A

STANDARD FORM 1 RECEIVED
OBJECTION

JUN 18 2001

Department of Water Resources

Please fill in the following information:

RECEIVED

B. NAME AND ADDRESS OF PERSON OBJECTING

AUG 07 2001

Name: Edna M. Rea

Department of Water Resources
Southern Region

Address: P.O. Box 543

Wendell, ID 83355

Daytime Phone: (208)

Name & Address of Attorney, if any:

Patrick D. Brown, P.C.

109 South Adams Street

Jerome, ID 83338 (644-1967)

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Edna M. Rea

Address: P.O. Box 543

Wendell, ID 83355

**D. I OBJECT TO THE FOLLOWING ELEMENTS AS RECOMMENDED IN THE
DIRECTOR'S REPORT. [PLEASE CHECK THE APPROPRIATE BOX(ES).]**

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: 1.60 cfs as originally claimed.
4. ☐ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Use
Should be: _____
9. ☐ Place of Use
Should be: _____
10. I object because:
☐ This water right should not exist.
☐ This water right was not recommended, but should be recommended with the
elements described above.

E. REASONS SUPPORTING OBJECTION(S): The quantity should be decreed
as originally claimed.

F. VERIFICATION (Must be completed.)

State of Idaho)
:ss
County of Jerome)

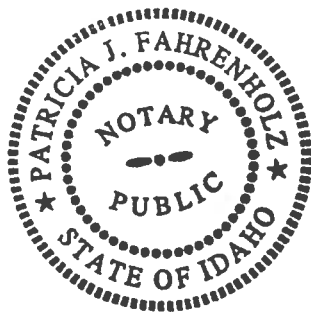
Patrick D. Brown, being duly sworn upon oath, deposes and says:

That I am the party/claimant filing this Objection, as defined by I.C. §§ 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this Objection, know its contents, and believe that the statements are true to the best of my knowledge.

(Signature of person filing Objection)

~~Attorney signing in representative capacity)~~

SUBSCRIBED AND SWORN To before me on: June 15th, 2001.




 Notary Public for: Idaho
 Residing at: Twin Falls
 My Commission Expires: 11-09-04

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on June 15th, 2001, I served the original and copies of this Objection, including all attachments, to the following persons, by the method indicated:

1. Original hand delivered to:

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

2. One copy to the Claimant of the water right at the following address:

Name: n/a

Address: _____

3. Copies to:

Deputy AG
Office of the Attorney General
P. O. Box 44449
Boise, ID 83711-4449

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Idaho Dept. of Water Resources
Document Depository
P. O. Box 83720
Boise, ID 83701-0098

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83705
(208) 327-7866

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Josephine Beeman
Beeman & Hofstetter
608 W. Franklin St.
P. O. Box 1427
Boise, ID 83701-1427

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax) (208) 388-8900



(Signature of Objector or attorney mailing on Objector's behalf)

RECEIVED

JUL - 2 2001

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 36-00003M

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: North Snake Ground Water District

Address: 2092 East 3600 South
Wendell, Idaho 83355

Daytime Phone: (208) 536-6553

Name & Address of Attorney, if any:

Josephine P. Beeman
Dana L. Hofstetter
Deborah E. Nelson
Beeman & Hofstetter, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, Idaho 83701-1427
(208) 388-8900

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Roxie J. Simcoe
Doyt H. Simcoe

Address: 562 Sunrise Blvd. N.
Twin Falls, ID 83301

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: Less than 1.54 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Contrary to the SRBA district court's ruling in the subcases involving this right, the sum of the rights recommended under the various 36-00003 splits exceeds the amount originally allocated to 36-00003 in the New International Decree. Further, the recommended quantity exceeds one inch/acre yet gives no indication if a portion of the quantity is allocated to conveyance loss. Further, the recommended quantity was determined without regard for the means of irrigation actually employed. The recommended quantity exceeds the amount actually beneficially used and the amount necessary.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

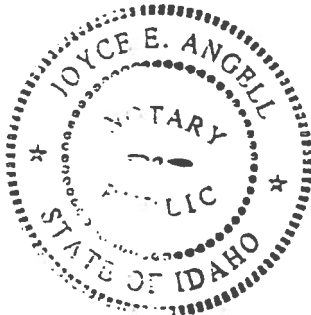
Deborah E. Nelson, duly sworn, upon oath, deposes and says:

That I am the attorney for the party filing this objection, as defined by I.C. §§ 42-1401A(i) and (6), and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Deborah E. Nelson
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 28, 2001



Joyce E. Angell
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-24-02

CERTIFICATE OF MAILING

I certify that on June 28, 2001, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to (via hand delivery):

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

2. One copy to the claimant of the water right at the following address:

Name: Roxie J. Simcoe
Doyt H. Simcoe
Address: 562 Sunrise Blvd. N.
Twin Falls, ID 83301

Patrick D. Brown (Attorney for Claimant)
109 S. Adams Street
Jerome, ID 83338
(Via Certified Mail)

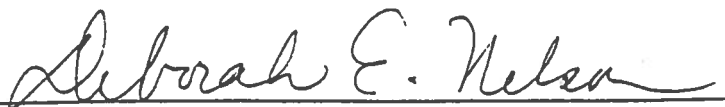
3. Copies to:

David Barber
Deputy Attorney General
P. O. Box 83720
Boise, ID 83720-0010

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

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

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



Signature of attorney mailing on Objector's behalf

RECEIVED

JUL -2 2001

Department of Water Resources

RECEIVED

AUG 07 2001

Department of Water Resources
Southern Region

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

In Re SRBA

)

A. Subcase 36-00003A

)

Case No. 39576

)

)

STANDARD FORM 1
OBJECTION

)

)

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: North Snake Ground Water District

Address: 2092 East 3600 South
Wendell, Idaho 83355

Daytime Phone: (208) 536-6553

Name & Address of Attorney, if any:

Josephine P. Beeman
Dana L. Hofstetter
Deborah E. Nelson
Beeman & Hofstetter, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, Idaho 83701-1427
(208) 388-8900

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Edna Mae Rea

Address: P. O. Box 543
Wendell, ID 83355

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: Less than .57 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Contrary to the SRBA district court's ruling in the subcases involving this right, the sum of the rights recommended under the various 36-00003 splits exceeds the amount originally allocated to 36-00003 in the *New International Decree*. Further, the recommended quantity exceeds one inch/acre yet gives no indication if a portion of the quantity is allocated to conveyance loss.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

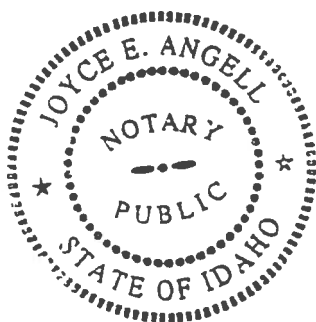
Deborah E. Nelson, duly sworn, upon oath, deposes and says:

That I am the attorney for the party filing this objection, as defined by I.C. §§ 42-1401A(i) and (6), and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Deborah E. Nelson
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 28, 2001



Joyce E. Angell
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-24-02

CERTIFICATE OF MAILING

I certify that on June 28, 2001, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to (via hand delivery):

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

2. One copy to the claimant of the water right at the following address:

Name: Edna Mae Rea
Address: P. O. Box 543
Wendell, ID 83355

Patrick D. Brown (Attorney for Claimant)
109 S. Adams Street
Jerome, ID 83338
(Via Certified Mail)

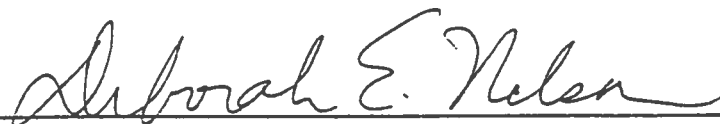
3. Copies to:

David Barber
Deputy Attorney General
P. O. Box 83720
Boise, ID 83720-0010

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

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

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



Signature of attorney mailing on Objector's behalf

RECEIVED

JUL 27 2001

Department of Water Resources

RECEIVED

AUG 07 2001

Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

A. Subcase 36-00003A

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: North Snake Ground Water District
Address: 2092 East 3600 South
Wendell, ID 83355
Daytime Phone: (208) 536-6553

Name & Address of Attorney, if any:

Josephine P. Beeman
Dana L. Hofstetter
Deborah E. Nelson
Beeman & Hofstetter, P.C.
608 West Franklin Street
Boise, ID 83702-5509
(208) 388-8900

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Edna M. Rea
Address: P.O. Box 543
Wendell, ID 83355

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☒ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use

11. **Recommendation**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **VERIFICATION (Must be Completed)**

State of Idaho)
) ss:
County of Ada)

Deborah E. Nelson duly sworn, upon oath, deposes and says:
(Name of person filing response)

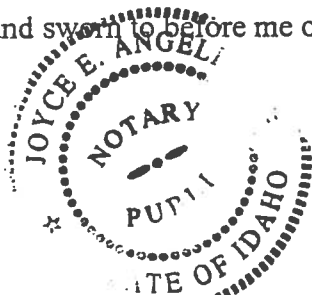
That I am the party/claimant filing this response as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

Deborah E. Nelson

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: July 26, 2001



Joyce E. Gold

Notary Public for the State of Idaho

Residing at: 7-24-02 Boise, ID

My Commission Expires: 7-24-02

INSTRUCTIONS FOR MAILING

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

F. CERTIFICATE OF MAILING

I certify that on July 26, 2001, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: Edna M. Rea
Address: P.O. Box 543
Wendell, ID 83355

3. One copy to the party who filed the objection. at the following address:

Name: Patrick D. Brown, P.C.
Address: 109 South Adams Street
Jerome, ID 83338
(208) 644-1967

4. Copies to:

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

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

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

David Barber
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010



Your signature or signature of attorney
mailing on your behalf

RECEIVED

JUL 27 2001

Department of Water Resources

RECEIVED

AUG 07 2001

Department of Water Resources
Southern Region

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

| | | |
|----------------|---|-----------------------|
| In Re SRBA |) | A. Subcase 36-00003A |
| |) | |
| Case No. 39576 |) | STANDARD FORM 2 |
| |) | RESPONSE TO OBJECTION |
| |) | |
| |) | |
| |) | |

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: EDNA M REA
Address: BOX 543
WENDELL, ID 83355

Daytime Phone: (208) 733-5037

Name & Address of attorney, if any:

Patrick D. Brown, P.C.
109 S. Adams Street
Jerome, Idaho 83338
ph: (208) 644-1967

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING:

Name: North Snake Ground Water District
Address: 2092 East 3600 South
Wendell, ID 83355

- | | | |
|----|---|---|
| 1. | | Name and Address |
| 2. | | Source |
| 3. | X | Quantity Should be decreed as claimed. |
| 4. | | Priority Date |
| 5. | | Point(s) of Diversion |
| 6. | | Instream Flow Description |
| 7. | | Purpose(s) of Use |
| 8. | | Period of Year |
| 9. | | Place of Use |

11. Recommendation

This water right should not exist.

This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss:
County of Jerome)

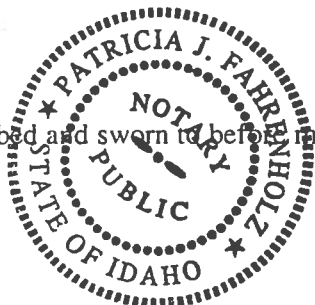
Patrick D. Brown, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this response, as defined by I.C. 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 11-09-04

INSTRUCTIONS FOR MAILING

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

F. CERTIFICATE OF MAILING

I certify that on July 26, 2001, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: EDNA M REA
Address: BOX 543
WENDELL, ID 83355 850 E

3. One copy to the party who filed the objection at the following address:

Name: North Snake Ground Water District
2092 East 3600 South
Wendell, ID 83355

4. Copies to:

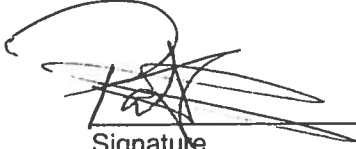
Nick Spencer
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83720

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

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

United States Department of Justice
Environment and Natural Resource Div.
5550 West Fort Street, MSC 033
Boise, ID 83724

Josephine P. Beeman, Dana L. Hofstetter, Deborah E. Nelson
Beeman & Hofstetter, P.C.
608 West Franklin Street
P.O. Box 1427
Boise, ID 83701-1427


Signature

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 |) | SPECIAL MASTER’S REPORT |
| |) | |
| Case No. 39576 |) | FINDINGS OF FACT AND |
| |) | CONCLUSIONS OF LAW |
| |) | |
| |) | FOR WATER RIGHT 36-00003A |
| |) | |

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

II. CONCLUSIONS OF LAW

DATED: FEB - 8 1999

SPECIAL MASTER'S REPORT

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

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

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

Water Right 36-00003A

1999 FEB -8 AM 11:11
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: EDNA MAE REA
BOX 543
WENDELL, ID 83355

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.60 CFS

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

PRIORITY DATE: 09/10/1884

POINT OF DIVERSION: T07S R13E S11 SESENE Within Gooding County

| PURPOSE AND
PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|----------------|----------|
| | Irrigation | 02-15 TO 11-30 | 1.60 CFS |
| | Stockwater | 01-01 TO 12-31 | 0.02 CFS |

PLACE OF USE: Irrigation Within Gooding County
T07S R13E S27 SWNE 13.0
13.0 Acres Total

Stockwater Within Gooding County
T07S R13E S27 SWNE

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

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

RULE 54(b) CERTIFICATE

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

Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

FEB - 8 1999

SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-00003A

1999 FEB -8 AM 11:11
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-00003A

CERTIFICATE OF MAILING

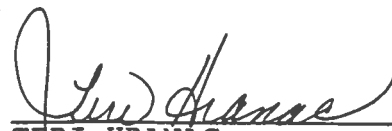
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on February 08, 1999, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

EDNA MAE REA
Represented by:
PATRICK D. BROWN
812 SHOSHONE ST E
TWIN FALLS, ID 83301
Phone: 208-735-8812

CERTIFICATE OF MAILING


TERI HRANAC
Deputy Clerk

PAGE 1
02/08/99

| | 3 | 5 | 19 | Total |
|---|---|--|---|---|
| Babington | <div><div>ecvr</div><div>3C</div><div><div>3</div><div><div>(1.97)</div><div>ecvr</div><div>(.96)</div><div>(24 AC)</div></div></div></div> <div><div>0.87 cfs</div><div>0.70 cfs</div></div> | <div><div>ecvr</div><div>-5A</div><div><div>+</div><div>.09 cfs</div></div></div> | <div><div>ecvr</div><div>-19A</div><div><div>X</div><div>0 cfs</div></div></div> | <div><div>(2 1/4 AC)</div><div>.04</div><div>0.87</div><div>+ .09</div><div>0.96 cfs</div></div> |
| Sincoe | <div><div>ecvr</div><div>3F</div><div><div>3M</div><div><div>(1.32)</div><div>ecvr</div><div>(1.54)</div><div>(58 ac)</div></div></div></div> <div><div>1.54 cfs</div><div>1.67 cfs</div></div> | <div><div>ecvr</div><div>-5C</div><div><div>X</div><div>ecvr</div></div></div> | <div><div>ecvr</div><div>-19C</div><div><div>X</div><div>ecvr</div></div></div> | <div><div>(13 1/2 ac)</div><div>.0266</div></div> |
| Kingston | <div><div>ecvr</div><div>-3B</div><div><div>(7.16)</div><div>129</div></div></div> <div><div>4.69 cfs</div><div>3.71 cfs</div></div> | <div><div>-5B</div><div><div>+</div><div>.55 cfs</div><div>(2.16 cfs)</div><div>(136 AC)</div></div></div> | <div><div>-19B</div><div><div>+</div><div>1.92 cfs</div></div></div> | <div><div>4.69 cfs</div><div>+ .55</div><div>+ 1.92</div><div>7.16 cfs</div><div>(.056 cfs/a)</div></div> |
| Gardner | <div><div>ecvr</div><div>-3K</div><div><div>.66</div><div>136 ac</div></div></div> <div><div>0.04 cfs</div><div>1.03 cfs</div></div> <div><div>* (assume same application as Babington acres)</div><div>1.37 cfs</div><div>(?)</div></div> | <div><div>⊗</div><div>Rec'd is for 1 acre as found by aerial & field exams. Not combined into the same system with 3B until recently (c.1996). Use found was part of the sprinkler system used by Babington above Buckeye Ditch.</div></div> | | |
| McClure | <div><div>ecvr</div><div>-3D</div><div><div>X</div><div>(DISALLOW)</div></div></div> | <div><div>⊗</div><div>NO CLAIM</div></div> | <div><div>ecvr</div><div>-19D</div><div><div>(No Hubble)</div><div>.24 cfs</div></div></div> <div><div>Rec'd</div><div>layout</div></div> | <div><div>.24 cfs</div><div>8.5 AC.</div></div> |
| V. Bell | <div><div>ecvr</div><div>-3A</div><div><div>(1.6 cfs)</div><div>(13 ac)</div></div></div> <div><div>1.57 cfs</div><div><div>Temp.</div><div>ALLOWANCE</div></div></div> | <div><div>NO CLAIM</div><div>⊗</div></div> | <div><div>NO CLAIM</div><div>⊗</div></div> | <div><div>Split Right Review</div><div>5/17/01</div></div> |
| <div><div>IDWR:</div><div>.42 cfs</div><div>-.15 CL</div><div>.57 cfs</div></div> | | <div><div>Raised Hubble</div></div> | | |

Balances: $\emptyset 3$
 7.71 cfs
 1.60 (bell)

$\emptyset 5$
 3.0
 $-.09$
 2.91

19
 2.16
 $-.24 \text{ (19D)}$
 1.92
 -1.92 (3B w/19B)

$\emptyset$ ~~19D~~ & 19B
 split all of 19 right
 as decreed.

< See page 2 >

03 SPLIT REVIEW:

5/17/01
SCC

Balance: 7.71 cfs

$$\begin{array}{r} - .57 \\ \hline 7.14 \text{ cfs} \end{array} \quad (-3A \text{ Bell}) \quad \left(\begin{array}{l} \text{didn't claim 05 or 19.} \\ \text{even tho' claimant states 03/5/19} \\ \text{are used together \& combined.} \end{array} \right)$$

1ST pro Rata:

| | | | |
|----------------|-------------------------------|---|---------------------|
| 129 (3B) | $\frac{129}{212} \times 7.14$ | = | 4.34 cfs |
| 24 (3C) | $\frac{24}{212} \times$ | = | 0.81 |
| * 58 (3F) | $\frac{58}{212} \times$ | = | 1.95 (> claim 1.54) |
| 1 (3K) | $\frac{1}{212} \times$ | = | 0.03 |
| <u>212</u> Ac. | | | |

* Adjust for 3F: (pro rata share > claim)

$$\begin{array}{r} 7.14 \text{ cfs} \\ - 1.54 \text{ (3F)} \\ \hline 5.60 \end{array} \quad \text{(all from 03 right)}$$

2ND pro Rata:

| | | | |
|----------------|-------------------------------|---|----------|
| 129 (3B) | $\frac{129}{154} \times 5.60$ | = | 4.69 cfs |
| 24 (3C) | $\frac{24}{154} \times$ | = | 0.87 |
| 1 (3K) | $\frac{1}{154} \times$ | = | 0.04 |
| <u>154</u> Ac. | | | 5.60 |

* full rec'd based on same system as Babington's claim of 0.04 cfs/Ac.

PORTIONS OF 03 SPLIT:

| | | |
|---------------------------------|--------------------------------|--------------------------------|
| - 3B
129 Ac.

4.69 cfs | - 3C
24 Ac.

0.87 cfs | - 3A
13 Ac.

0.57 cfs |
| - 3K
0.04 cfs | - 3F
58 Ac.

1.54 cfs | |

Total = 7.71 cfs

Common sprinkler system is used.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00003A

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

IDWR Employee/Agent Steve Clelland

May 5, 1998 2:48pm

NAME: VERL BELL CALLBACK 837-4405 RE: WHAT CAN WE GIVE?

HE CALLED 4/28/98 AND WANTED TO KNOW WHAT WAS THE BEST FLOW RATE THE DEPT. COULD GIVE TO SETTLE THE -003A CLAIM... AFTER SEARCHING THE FILES I CALLED BACK AND REPORTED IT REMAINS AT THE SF5 AMOUNT OF 0.45 CFS. HE WANTED TO KNOW WHY WE GAVE 30 INCHES TO STURTEVANT ACROSS THE ROAD? I TOLD HIM I WASNT INVOLVED TOO MUCH WITH THAT BUT I DID NOT SUPPORT THE FINAL REC/D FOR THE 30 INCHES; I WAS OVER-RULED BASED ON A LEGAL DECISION.

WE DISCUSSED THE INCONSISTENCIES WITH THE WHOLE SRBA PROCESS; I BELIEVE SOME OF THE DIFFERENCES IN HAGERMAN ARE DUE TO THE VARIATIONS IN THE SOIL TYPE.

SPLIT REVIEW ANALYSIS - 36-00003

A Review of the SRBA Claims and Recommendations of 36-00003 Portions.

November 14, 1997 by Steve Clelland

| CLAIM
PART
36-00003 | NAME | "A"
RECORD | | DIRECTOR'S
REPORT | | "R"
RECORD
OR
DECREE | | COMMENTS
OR
REMARKS |
|---------------------------|-------------------------|---------------|-------|----------------------|-------|-------------------------------|-------|--|
| | | CFS | ACRE | CFS | ACRE | CFS | ACRE | |
| A | Rea | 1.60 | 13.0 | 0.41 | 13.0 | 0.45 | 13.0 | Stock use. |
| B | Kingston | 7.16 | 129.0 | 5.00 | 129.0 | 5.00 | 129.0 | Stock use.
Fish use. ¹ |
| C | Babington | 0.30 | 10.0 | 0.30 | 10.0 | 0.30 | 10.0 | Trial set: 12/17/97 |
| D | Harbison | 0.24 | 10.0 | 0.24 | 2.0 | 0.24 | 2.0 | Late Obj. filed |
| E | Vernon | 0.20 | 10.0 | 0.20 | 5.0 | 0.20 | 6.0 | SF5 - 10/21/97 |
| F | Simcoe | 0.80 | 40.0 | 0.80 | 40.0 | 0.80 | 40.0 | |
| G | Lloyd | 0.40 | 20.0 | 0.12 | 3.0 | 0.19 | 3.0 | Special Mstr. Rec. |
| H | Buckeye Farms | 12.0 | 455.0 | 11.9 | 290.0 | 11.9 | 290.0 | Partial Decree ² |
| J | <B. Gardner>
<Split> | 0 | 0 | 0.46 | 15.0 | 0 | 0 | Split into K-L-M
by Ownership
Change |
| K | B. Gardner | 0.71 | 10.0 | 0 | 0 | 0.03 | 1.0 | |
| L | Babington | 1.97 | 27.5 | 0 | 0 | 0.43 | 14.0 | Stock use.
Fish use. ³ |
| M | Simcoe | 1.32 | 18.5 | 0 | 0 | 0 | 0 | This Claim
Disallowed. ⁴ |
| Totals | | 26.70 | 743 | 19.43 | 507 | 19.54 | 508 | See Footnote ⁵ |

* Listings for Diversion Rates reflect the irrigation flow rates only; No Stockwater rates are listed.

¹ Commercial fish production did not begin as a use until the early 1970's. Not a decreed use, Not recommended.

² Partial Decree issued for this right on March 6, 1997.

³ Commercial fish production did not begin as a use until the early 1970's. Not a decreed use, Not recommended.

⁴ 36-00003M if reinstated as a valid right would apply to 18.5 acres.

⁵ Total Acres would increase to 526.5 acres if right 36-00003M is reinstated. Based on rates shown, remaining flow portion of this right is 0.46 cfs; some or all of this amount may be associated with the disallowed right 36-00003M.

followed by use of the full cfs for irrigation. If the hydropower use were a year-round use, then the use of the irrigation half outside the irrigation season for hydropower use would result in injury to junior water users outside the irrigation season who were previously subject to a prior use of one-half cfs who are now subject to a prior use of 1 cfs. In addition, if the half cfs formerly used only for hydropower were also used for irrigation, junior water users during the irrigation season would be injured by the use of this half cfs for a more consumptive purpose.¹⁰

3. Quantity for irrigation

As noted above, the director's report recommended a quantity of 0.41 cfs for irrigation. This includes 0.26 cfs (0.02 cfs per acre) for the on-farm diversion requirement (the amount of water needed at the place of use), and 0.15 cfs for conveyance losses (an additional amount of water needed at the point of diversion to deliver the amount needed at the place of use). IDWR has conducted further analysis of the quantity for irrigation due to further information IDWR received subsequent to its original analysis. Based on this further analysis, IDWR recommends a quantity of 0.45 cfs for irrigation. This includes 0.30 for the on-farm diversion requirement (0.023 cfs per acre) and 0.15 cfs for conveyance losses.

IDWR's methodology for investigating and recommending claims to water for irrigation in excess of 0.02 cfs per acre is described in IDWR's Report Regarding Evaluation of Irrigation Diversion Rates.¹¹ The application of that methodology to this claim is described in Appendix B. Neither the claimant nor IDWR's investigation has yielded information which would confirm beneficial use of a greater quantity for irrigation.

As described in Appendix B, the application of IDWR's methodology for evaluation of irrigation diversion rates resulted in the recommendation of an additional 0.15 cfs for conveyance losses. IDWR determined the total conveyance losses for the ditch through which this right is delivered, and allocated that total among the various rights to water delivered through the same ditch. Further information as to other rights delivered through the same ditch is provided in subsection 5 below.

¹⁰ This further quantification is provided pursuant to Idaho Code §42-1411(2)(c) (which provides for IDWR to determine the quantity of water used to the extent the director deems appropriate to define and administer the water right).

¹¹ IDWR relied upon the following in reaching its conclusions: Idaho Code §42-220 (which provides that no license or decree will be issued confirming a right to more than 0.02 cfs per acre for irrigation unless it can be shown that a greater amount is necessary) and Idaho Code §42-1402 (which limits the amount of water allotted by a decree to the amount of water beneficially used).

SUBCASE NO. 36-00003A

| | CLAIM | AMENDED CLAIM | RECOMMENDATION | OBJECTION |
|---------------------------|---|----------------------|---|--|
| NAME | Edna Rea | N/A | Edna Rea | Edna Rea |
| BASIS OF CLAIM | Decree | | Decree | |
| SOURCE | Billingsley Creek | | Billingsley Creek | |
| QUANTITY | 1.60 cfs | | 0.41 cfs | XX - requests maximum quantity as decreed and/or beneficially used
MSJ - requests 1.60 cfs |
| PRIORITY DATE | 9/10/1884 | | 9/10/1884 | |
| PURPOSE OF USE | Irrigation
Stockwater | | Irrigation
Stockwater | XX - requests that domestic be added

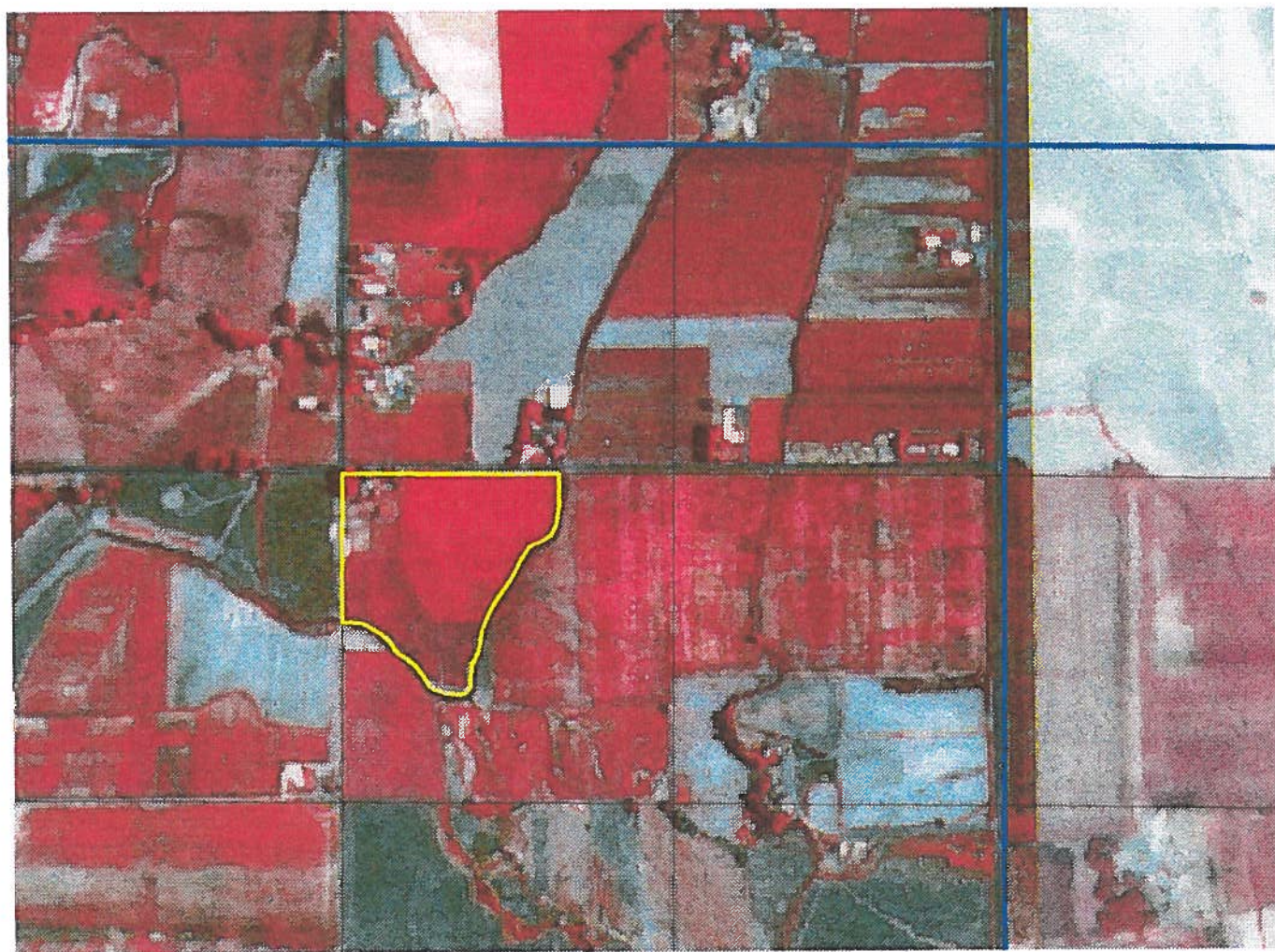
MSJ - requests irrigation, stockwater, wildlife, recreation, aesthetics and "diversion system maintenance". |
| PERIOD OF USE | Irr.: 3/15 - 11/15
S.W.: 1/1 - 12/31 | | Irr.: 3/15 - 11/15
S.W.: 3/15 - 11/15
S.W.: 11/16 - 3/14 | XX - requests year round for all uses

MSJ - requests Irrigation Season |
| POINT OF DIVERSION | T07S R13E S11 | | T07S R13E S11 | |
| PLACE OF USE | T07S R13E S27
13.0 acres | | T07S R13E S27
13.0 acres | |
| remarks | "This is a part of water right #36-00003 for 20.0 cfs." | | "Water is delivered through the Buckeye Ditch. 0.15 cfs of this right is limited to use for conveyance losses in delivery of this right." | XX - strike all remarks except the Buckeye Ditch remark.

MSJ - requests that all remarks be deleted. |
| | | | | |

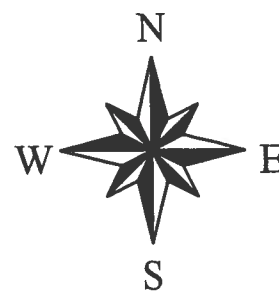
IDAHO DEPARTMENT OF WATER RESOURCES

36-00003A
EDNA REA



660 0 660 1320 Feet

TNS 7S, RNG 13E, SEC 27 SWNE



● RECOMMENDED POINT OF DIVERSION

□ RECOMMENDED PLACE OF USE

— SECTION LINES &/OR TRACT LINES

□ QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 1997
BY DOUGLAS JONES

CLAIM NUMBERS 36-00003A

DATE

10/5/97

TRANSFER NUMBER _____

OBJECTION FILED _____

AGENT

DJ

TOTAL ACRES FROM RECOMMENDATION

13

GEOGRAPHIC INFO SYSTEM

12

| RIGHT
NO | | | | NE | | | | NW | | | | SW | | | | SE | | | |
|-------------|-----------|------------|-----------|----|----|-----------|----|----|----|----|----|----|----|----|----|----|----|----|-----------|
| | TNS | RNG | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |
| RECOM | <u>75</u> | <u>13E</u> | <u>22</u> | | | <u>13</u> | | | | | | | | | | | | | <u>13</u> |
| GIS | | | | | | <u>12</u> | | | | | | | | | | | | | <u>12</u> |
| RECOM | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | |
| RECOM | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | |
| RECOM | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | |

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF

✓

B36-DBPOD.DBF

✓

POLYGON CREATED ON 604

()

ATTRIBUTES OF B36-POU.SHP

522 10/6

ATTRIBUTES OF B36-POD.SHP

454 196POD-ID-454 = Buckeye Ditch

P/U CONFLICT yes () no (X)

P/D CONFLICT yes () no (X)

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

COMMUNICATION DOCUMENTATION

A36-00033E

IDWR Employee/Agent Steve Clelland

I TOLD HIM I WOULD BE HERE ALL DAY, COME IN ANYTIME... HE SAID HE WILL BE IN THIS AFTERNOON.

COMMUNICATION DOCUMENTATION

A36-00033E

IDWR Employee/Agent Steve Clelland

RE:
SETTLEMENT QUESTIONS

I BEGAN TO CALL NICK SPENCER TO CHECK ON THE GUSTAFSON PROGRESS WHEN BRENT KING CAME IN TO MY OFFICE. I ASKED BRENT TO JOIN US AND EXPLAIN THE GUSTAFSON UPDATE; NO ADDITIONAL INFO WAS KNOWN HOWEVER, AND STILL NEEDS TO BE RESOLVED IN RELATION TO THE KRAMER CASE. BRENT WAS RELUCTANT TO SAY ANYTHING TO THE BELL'S DUE TO THE FACT THEY ARE POSSIBLY UNDER MR. BROWN'S REPRESENTATION. HE STATED HE COULD NOT ANSWER THEIR QUESTIONS ABOUT THE ORDERS FOR TRIAL BY PAT BROWN.

R PROOF

CVR

MAPS

PHOTOS

MISC

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OCT 11 1994

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. 36-00003A -0001

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

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

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

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2. Person who filed objection:

Name: EDNA MAE REA
Address: 853 E 2830 S
HAGERMAN ID 83332-5641

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.
7. |☒| Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. |☒| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
10. |☒| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. |☒| Remarks: I respond to the objection concerning the "remarks" listed with the water right.
14. |☒| Other: I respond to the objection concerning:

ALL MATTERS RAISED IN THE CLAIMANT'S 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 7, and all allegations of the objection regarding that item, IDWR responds that it recommended the same purpose or purposes of use that were identified on the notice of claim and that were found when the claim was investigated. By identifying in the objection an additional use or uses 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.

In response to Statement of the Objection item 8, and all allegations of the objection regarding this item, IDWR responds as follows: Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR's irrigation season of use standards have evolved over time as better technical information has become available. A necessary consequence of this is that, depending on when a particular license was issued, water rights in the same area have been licensed inconsistently, some licenses being issued with different lengths of season listed and some being issued with no season of use listed. To remedy this problem 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 period of the year during which this water right may be used is consistent with the standard irrigation

(Over)

season of use for the area in which the place of use of this water right is located. The director's report does not prohibit pre-season or post-season irrigation; subject to the conditions set forth in general provision 12b of the director's report, water may be used for irrigation outside the standard season of use. In further response to this objection item, IDWR responds that it recommended this element of the water right as claimed. By now seeking a year round irrigation season of use, 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 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 claimed and 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 the sentence listed in Changes to the Director's Report, whereby the objector 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.

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

| | No. of
Pages |
|--|-----------------|
| Notice of Claim No. A36-00003A | 4 |
| IDWR's Response to Answer, Affirmative Defenses and Prayer
for Relief of Claimant | 4 |

(Over)

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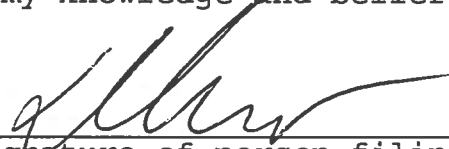
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

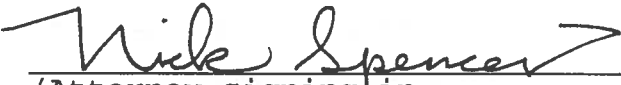
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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



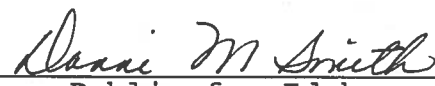
Signature of person filing response

By:



(Attorney signing in
representative capacity)

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



Notary Public for Idaho

Residing at: _____

My Commission expires: _____

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

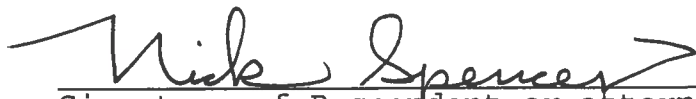
See No. 3

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

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

4. One copy to:

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


Signature of Respondent or attorney
mailing on Respondent's behalf

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: A36-00003A
Date Received: 8/04/1988
Receipt No: S001281
Received By: JCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EDNA M. REA 208-536-5741
Address: BOX 543
WENDELL, ID 83355

2. Date of Priority: SEP 10, 1884

3. Source: BILLINGSLEY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 07S | 13E | 11 | SE | NE | | | GOODING |

5. Description of diverting works:
VIA BUCKEYE DITCH

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.600 | | |
| STOCKWATER | 01/01 | 12/31 | 0.040 | | |

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

8. Total consumptive use is 39.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 19 RANGE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-------|-------|
| 07S | 13E | 27 | SW | NE | | IRR | 13.0 |
| | | | SW | NE | | STOCK | |

Section Acres 13.0

A36-00003A

Page 1

Date: 08/04/88

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JAN 20 1993
OCT 11 1994

10. Place of Use: Continued

Total Acres 13.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS IS A PART OF WR #36-00003 FOR 20.0 CFS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

IDAHO POWER COMPANY
Decree Defendant

vs

MICROFILMED
OCT 11 1994
JAN 20 1993

16. Signature(s)

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

Number of attachments: 1

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): Edna M. Bea Date: 8-4-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of August 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94

SOIL and CAPABILITY MAP

OUR SOIL IS OUR STRENGTH



Prepared by UNITED STATES DEPARTMENT of AGRICULTURE ★ SOIL CONSERVATION SERVICE
cooperating with

S. C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER _____
OPERATOR _____

FARM NO. _____ DATE _____

SCALE 8" = 1 MI. APPROXIMATE ACRES _____

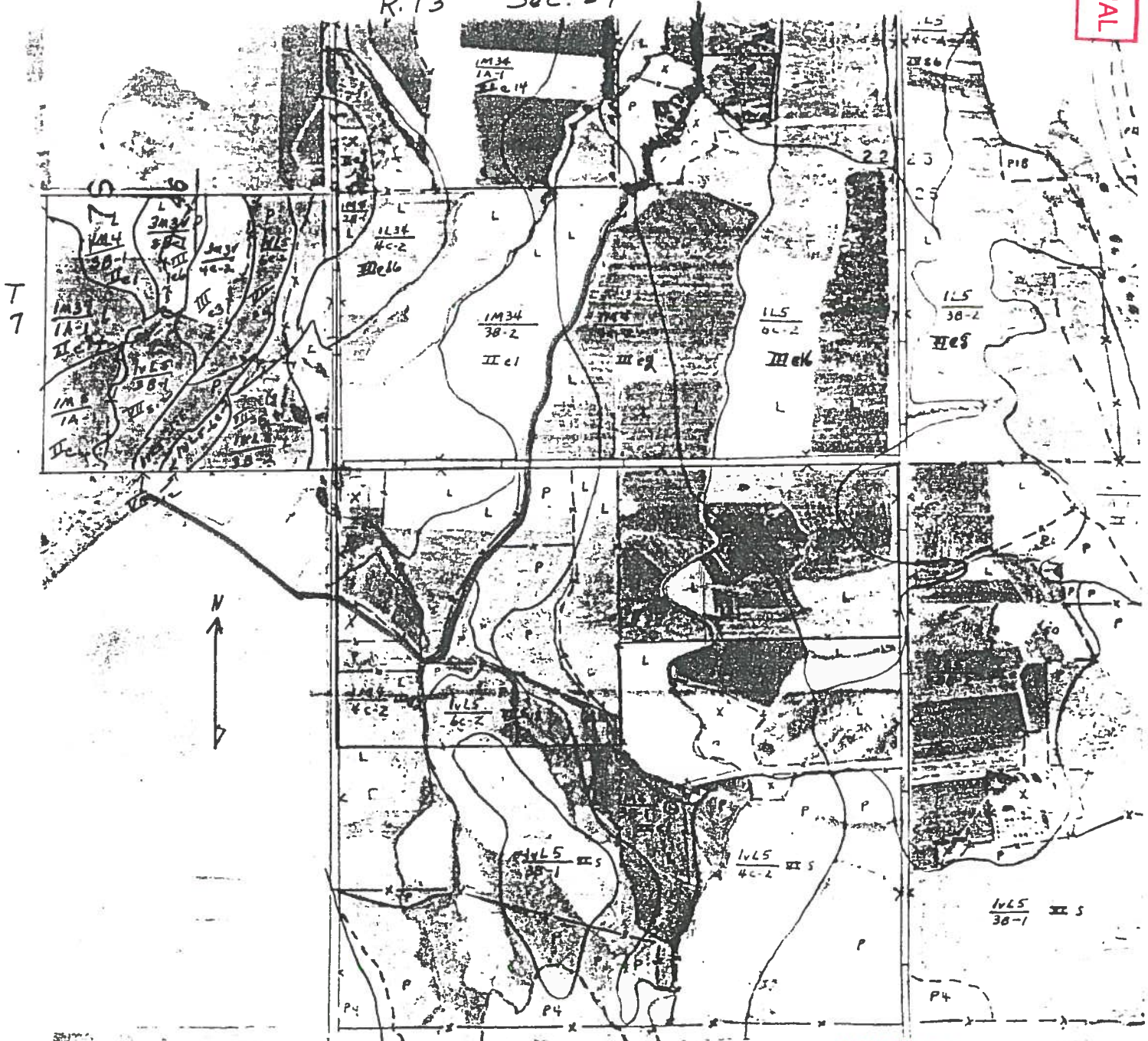
PHOTO NO. GS-C-1-11-47

COUNTY _____

STATE _____

POOR ORIGINAL

R. 13 Sec. 27



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OCT 1 1994
JAN 20 1993

A36-00003A

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

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

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

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

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

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

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

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

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

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

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

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

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



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

Date April 20, 1993

Name HEPWORTH NUNGESTER & LEZAMIZ
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 form(s) and/or information you requested. The charge, if any, is indicated above.

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

Sincerely,

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OCT 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

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OCT 11 1994

**RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES**

Receipt No:

5015314

RECEIVED

JAN 27 1993

Department of Water Resources
Southern Region Office

**Date:
Time:**

1/27/1993
08:01:22

**Received
From:**

BELL VERL

Type of Payment

Program Acct Class

Amount

FEE FOR ADJUDICATION CLAIM

64100

229 21 1760

4.85

Total

CASH

\$4.85

Region: SOUTHERN

Signature: _____

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OCT 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

25-Jan-1993

VERL BELL
853 E 2830 S
HAGERMAN ID 83332-5641

RE: Copy of SRBA File(s): 36-00003A, 36-00033E

Dear Mr. Bell:

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

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

\$4.85

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

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January 25, 1993
(Date)

IDAHO DEPARTMENT OF WATER RESOURCES
222 SHOSHONE 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 36-00003A, 36-00033E.

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,

Edna M. Rose
(Name)

Box 543
(Address)

Wendell, Idaho 83355
(City, State, Zip Code)

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

9/6
Annie & Verle C. Bell
853 E 2830 S
Hagerman, ID 83332-5641

mail to 9

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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

Case No. A36-00003A
(You must insert the
water right number you
are objecting to)

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

OBJECTION

Petitioner,

vs.

36-00003A -0001/
93-04-0004

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

Respondents.

INSTRUCTIONS

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

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

(Over)

OBJECTION - 1

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Edna Mae Rea

Address: 853 E. 2830 S.

Hagerman, Idaho 83332-5641

Briefly describe your interest in this water right:

Priority date 9/10/1884; Judicial Decree

pursuant to New International Mortgage Bank v.

Idaho Power Company;

2. Owner of the water right:

Name: Edna Mae Rea

Address: 853 E 2830 S

Hagerman, Idaho 83332-5641

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

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

Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

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

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

REASONS SUPPORTING EACH BOX CHECKED

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

See page 7.

CHANGES TO THE DIRECTOR'S REPORT

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

Maximum quantity- as decreed and/or beneficially used; Purpose

Of Use- add domestic; Period of Use- 1/1 to 12/31; Remarks-

strike everything except "water is delivered through Buckeye

Ditch;

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 Owner's, Inc.'s

Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of Gooding

Edna Mae Rea by VERA BELL POA, 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.

Edna Mae Rea by Vera Bell POA
Signature of person filing objection
Power of Attorney

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

Subscribed and sworn to before me this 21st day of April,
1993 .

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

(Over)

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INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on the 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: Edna Mae Rea
Owner's address: 853 E 2830 S
Hagerman, Idaho 83332-5641

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

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

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

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

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

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

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

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AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

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AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

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OCT 11 1994

JUL 1 1988
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AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

1. That the State of Idaho take nothing by reason of its Directors' Report, and that this action, and any claims asserted against objectors, be dismissed.
2. That a decree be entered adjudicating the existence, validity, amount and priority of objectors' water rights in accordance with objectors' claims.
3. That to the extent the acts of the Department or Director constitute a taking of objectors' property for public use, that objectors be allowed and awarded just compensation therefor.
4. That the objectors be allowed all costs of suit and reasonable attorney fees incurred herein.
5. For such further relief to which the Court finds objectors justly entitled.

MICROFILMED
OCT 11 1994

OCT 1 1984
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(WATER\21530ANS)

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED
JAN 20 1993

AUG-24-1992

NOTICE OF ERROR FORM

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SEP 23 1992

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

Department of Water Resources

MICROFILMED

The notice of error must be received at IDWR by the deadline date ~~print~~ **JAN 20 1993** below with your proposed recommendation.

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

1. Water right number: ^{00003A} 36-0003A

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2. Name: EDNA M REA.

SEP 28 1992

Address: Box 543

Department of Water Resources
Southern Region Office

WENDELL, IDAHO 83355

Weekday Telephone Number:

536-5741

837-4405

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:
Amount of Recommendation - full decree has been used continually
Period of use - irrigation of pasture & hay is needed before April 1st
Stockwater is needed year around at full amount.
4. Describe the changes you wish to have made in the proposed recommendation:
Recommend full amount of decree - 80 inches or 1.6 cfs
full stockwater use
5. Describe why you disagree with the proposed recommendation:
Full amount of decree has been used for years.
6. Date: 9.21.92

SIGNATURE Edna M. Rea



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

OCTOBER 14, 1992

R. KEITH HIGGINSON
Director

- Ms. EDNA REA
- PO Box 543
- WENDELL, ID 83355

RE: NOTICE OF ERROR FOR SEASON OF USE AND DIVERSION AMOUNTS
WATER RIGHT NO(S): 36-00033E + 36-00003A

DEAR Ms. REA:

THIS LETTER IS IN RESPONSE TO THE NOTICE OF ERROR (NOE) YOU RECENTLY FILED WITH IDWR REGARDING THE DIRECTOR'S PROPOSED RECOMMENDATION OF THE CLAIM LISTED ABOVE. YOUR NOE QUESTIONS TWO POINTS; 1) YOUR NOE INDICATES THAT YOU WOULD LIKE THE RECOMMENDATION TO SHOW A LONGER SEASON OF USE FOR IRRIGATION. AND 2) THE BASIS FOR RECOMMENDATION OF AN AMOUNT THAT IS LESS THAN THE AMOUNT SHOWN IN A PREVIOUS DECREE.

1) 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 THROUGH 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.

2) 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

RECEIVED
JAN 20 1993

PAGE 2

AMOUNT REQUIRED USING IRRIGATION METHODS THAT 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.

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 OBJECTION PROCESS.

SINCERELY,



SENIOR WATER AGENT

Note: On claim 36-00003A-LOSSES in CONVEYANCE (Ditch LOSSES) ARE A LARGE PART OF THE ~~DITCH~~ STOCK WATER USES DURING THE WINTER MONTHS.

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JAN 20 1993

(REGIONAL)

Water Right Number - R36-00003A

Prefix Translation:

RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

REA

EDNA M

1 - BOX 543

2 -

3 -

City- WENDELL

State- ID Zip- 83355

Phone - 208-536-5741

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
09/10/1884 ERROR IN REGION D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 13E 11 SE SE NE (47) GOODING

| Code | Description | Period From | Period To | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|-----------|----------------|------------------|
| 01 - IRRIGATION | | 04/01 | 10/31 | 0.410 | |
| 04 - STOCKWATER | | 04/01 | 10/31 | 0.020 | |
| 04 - STOCKWATER | | 11/01 | 03/31 | 0.170 | |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.410 39.0

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|--------------|
| D7S | 13E | 27 | SW NE | | 13.0 | 01 | IRRIGATION | (47) GOODING |
| 07S | 13E | 27 | SW NE | | | 04 | STOCKWATER | (47) GOODING |

Total Acres: 13.0

+ - - Diversion Means - VIA BUCKEYE DITCH

+ - - Non-Irrigation Use - STOCKWATER, 19 RANGE CATTLE

+ - - Other Rights for Same Use - NONE

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

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
0.15 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.

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JAN 20 1993

Change season of use
for stockwater to agree
with irr season
K KC
10-21-92

Water right number - R36-00003A

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +
 + - - - - Old Water Right Numbers - - - - - +
 3600003

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

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
 NEW INTERNATIONAL MORTGAGE BANK IDAHO POWER COMPANY 03/22/1932

+ - - - - Comments - - - - - +
 Date: 09/24/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
 RECEIVED NOE 9/23/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/6/92. DID NOT REVERIFY ANY PART OF CLAIM.
 Date: 10/15/1992 User Id: WORSTELL Subject: NOTICE OF ERROR RECORD
 PERIOD OF USE CHANGED TO 3/15 TO 11/15

+ - - Audit Fields - - +
 10/15/92 WORSTELL

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

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 10/15/1992 | Old Judicial District | - |
| Claim Received Date | - 08/04/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S001281 | Water District | - 36A |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - C |

MICROFILMED

JAN 20 1993

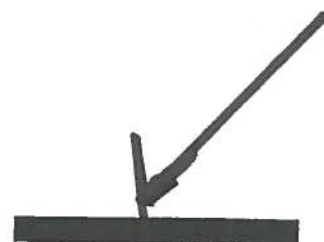
R PROOF

CVR

MAPS

PHOTOS

MISC



MICROFILMED

JAN 20 1993

AJ0743NP
(00-124)

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

08/06/92 19:04:44

VERIFIED BY HHH Page 1

Water Right Number - R36-00003A Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***
REA EDNA M 1 - BOX 543
2 -
3 -
City- WENDELL State- ID Zip- 83355
Phone - 208-536-5741

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
09/10/1884 ERROR IN REGION D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County
07S 13E 11 SE SE NE (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.410
04 - STOCKWATER 04/01 10/31 0.020
04 - STOCKWATER 11/01 03/31 0.170

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.410 39.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 27 SW NE 13.0 01 IRRIGATION (47) GOODING
07S 13E 27 SW NE 04 STOCKWATER (47) GOODING

Total Acres: 13.0

+ - - Diversion Means - VIA BUCKEYE DITCH

+ - - Non-Irrigation Use - STOCKWATER, 19 RANGE CATTLE

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
0.15 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.

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JAN 20 1993

Water right number - R36-00003A

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
3600003

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

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK IDAHO POWER COMPANY 03/22/1932

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - - +
08/06/92 THORNTON

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

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 08/06/1992 | Old Judicial District | - |
| Claim Received Date | - 08/04/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S001281 | Water District | - 36A |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

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JAN 20 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:36:22
06/28/90

PAGE: 15
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00003A

| WR ELEMENT | FIELD EXAM
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | VERIFIED BY
CODE | COMPLETED
REVIEW
WHOM/DATE | COMPLETED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|---------------------------|-------------------|---|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE | - | | | N | | HHT
8/5/92 | DS | |
| POINT OF DIV | Y N | | | (Y) | 1,5 | | | |
| SOURCE | - | | | N | | | | |
| PLACE OF USE | Y N | | see
8-16-90 | N | 1,2,4,5 | | | |
| DIV. AMOUNT
CFS/VOLUME | Y N | | | (Y) | 6. Decree | | | |
| CONSUMPTIVE USE | - | | | (N) | | | | |
| PURPOSES | Y N | | see
8-16-90 | N | | | | |
| PERIOD OF USE | Y N | | | N | | | | |
| BASIS OF CLAIM | Y N | | | N | | | | |
| REMARKS | N | | | | | | | |

see
7-12-90

"VERIFIED BY" CODES

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

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

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JAN 20 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:36:22
06/28/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00003A

LAST: REA
ADDRESS: BOX 543
CITY: WENDELL
PHONE NUMBER: 208-536-5741

FIRST: EDNA M.
STATE: ID ZIP: 83355

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

FIELD EXAMINATION INFORMATION

CONTACT PERSON: MR. Vael Bell

PHONE NUMBER: () -

DATE OF FIELD EXAM: 8/16/90

APPOINTMENT MADE: Y() N(X)

TIME: 11 : 49 A(X) P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: Daughter in Law

DIRECTIONS TO PROPERTY / REMARKS:

Three WL's are used on a total of 65 Acres.

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JAN 20 1993

A. AJ CLAIM: # A36-00003A PRIORITY DATE: 09-10-1884 STAGE: D
B. WR RECORD: # 36-00003 PRIORITY DATE: 09-10-1884 STAGE: D

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER N

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

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:
09-10-1884

REVIEWED BY Scw

DATE 7-12-90

=====

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JAN 20 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|------------|------|------|------|-----|-----|-----|-----|---------|
| A36-00003A | 07S | 13E | 11 | | SE | NE | | GOODING |

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-00025 NONE
A36-00087
A36-07658
A36-10409

WR RECORDS IN SAME 40 ACRE TRACT

36-00005
36-00019
36-00021
36-00024
36-00025
36-00026
36-00027
36-00034
36-00035A
36-00035B
36-00039A
36-00039B
36-00040
36-00051
36-00052
36-00064
36-00065
36-00067
36-00071
36-00076
36-00077
36-00082
36-00083
36-00085
36-00087
36-00088
36-00089
36-00090
36-00091
36-00094
36-00095
36-00096
36-00103
36-00108
36-00112A
36-00112B
36-00113B
36-00113C
36-00113D
36-00125
36-04008
36-04115
36-04261
36-07271
36-07658
36-07739

MICROFILMED
JAN 20 1993

36-07834
36-07840
36-07853
36-07875
36-07957
36-08058
36-08319
36-08335

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|----------|------|------|------|-----|-----|-----|-----|---------|
| 36-00003 | 07S | 13E | 11 | | SE | NE | | GOODING |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

| | | |
|-----------|------------|------|
| 36-00005 | A36-00025 | NONE |
| 36-00019 | A36-00087 | |
| 36-00021 | A36-07658 | |
| 36-00024 | A36-10409 | |
| 36-00025 | A36-00051D | |
| 36-00026 | A36-10119 | |
| 36-00027 | A36-10120 | |
| 36-00034 | A36-10751 | |
| 36-00035A | A36-10752 | |
| 36-00035B | A36-10755 | |
| 36-00039A | A36-10061 | |
| 36-00039B | A36-00103B | |
| 36-00040 | A36-00108A | |
| 36-00051 | A36-00003G | |
| 36-00052 | A36-00027 | |
| 36-00064 | A36-00039C | |
| 36-00065 | A36-00090E | |
| 36-00067 | A36-00051B | |
| 36-00071 | A36-00076A | |
| 36-00076 | A36-00089B | |
| 36-00077 | A36-00089D | |
| 36-00082 | A36-10283 | |
| 36-00083 | A36-10312 | |
| 36-00085 | A36-00090A | |
| 36-00087 | A36-00003D | |
| 36-00088 | A36-00090B | |
| 36-00089 | A36-00090C | |
| 36-00090 | A36-00090D | |
| 36-00091 | A36-00090F | |
| 36-00094 | A36-00108F | |
| 36-00095 | A36-00125A | |
| 36-00096 | A36-00026 | |
| 36-00103 | A36-00051C | |
| 36-00108 | A36-00071A | |
| 36-00112A | A36-00089A | |
| 36-00112B | A36-00108C | |
| 36-00113B | A36-00108D | |
| 36-00113C | A36-00108E | |

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JAN 20 1993

36-00113D
36-00125
36-04008
36-04115
36-04261
36-07271
36-07658
36-07739
36-07834
36-07840
36-07853
36-07875
36-07957
36-08058
36-08319
36-08335

A36-00108H
A36-04008
A36-04115
A36-04261
A36-00113B
A36-10316
A36-10588
A36-00039J
A36-00096A
A36-00113F
A36-00113G
A36-10559
A36-00048B
A36-00048C
A36-10223
A36-00103A
A36-00003B
A36-00003C
A36-00003E
A36-00003F
A36-00003J
A36-00039G

MICROFILMED
JAN 20 1993

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

REMARKS:

POD BUCKEYE DITCH

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | COUNTY |
|------------|-------------|-----------|-----------|-----------|-----------|------------|-----------|
| <u>7S.</u> | <u>13E.</u> | <u>11</u> | <u>SE</u> | <u>SE</u> | <u>NE</u> | <u>---</u> | <u>47</u> |

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY: SW

DATE: 7-12-90

*change
claim*

MICROFILMED
JAN 20 1993

VIA BUCKEYE DITCH

A. ROOT WATER RIGHT NUMBERS:

| |
|------------|
| A36-00003A |
| A36-00003B |
| A36-00003C |
| A36-00003D |
| A36-00003E |
| A36-00003F |
| A36-00003G |
| A36-00003H |
| A36-00003J |

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B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-------------|-----|-----|-----|-----|-----|--------------------------------|--------------------|---------------|-----------------|----------------|------------------|
| 07S | 13E | 27 | SW | NE | | REA , EDNA M. | A36-00003A /13.0 * | - / | 42.0 | | |
| | | | | | | BIG BEND IRRIGATION & MINING | CA36-02007 /40.0 | 36-02007 / | | 12.0 | 13.0 |
| | | | | | | REA , EDNA M. | A36-10334 / | - / | | | |
| | | | | | | BIG BEND IRRIGATION & MINING | CA36-00192 /40.0 | 36-00192 / | | | |
| | | | | | | BIG BEND IRRIGATION & MINING | CA36-00133 /40.0 | 36-00133 / | | | |
| | | | | | | NEW INTERNATIONAL MORTGAGE BAN | | 36-00001 / | | | |
| | | | | | | NEW INTERNATIONAL MORTGAGE BAN | | 36-00002 / | | | |
| | | | | | | NEW INTERNATIONAL MORTGAGE BAN | | 36-00003 / | | | |
| 07S | 13E | 27 | SW | NE | | REA , EDNA M. | A36-00003A / | - / | 42.0 | | |
| | | | | | | BIG BEND IRRIGATION & MINING | CA36-02007 /40.0 | 36-02007 / | | | |
| | | | | | | REA , EDNA M. | A36-10334 / | - / | | | |
| | | | | | | BIG BEND IRRIGATION & MINING | CA36-00192 /40.0 | 36-00192 / | | | |
| | | | | | | BIG BEND IRRIGATION & MINING | CA36-00133 /40.0 | 36-00133 / | | | |
| | | | | | | NEW INTERNATIONAL MORTGAGE BAN | | 36-00001 / | | | |
| | | | | | | NEW INTERNATIONAL MORTGAGE BAN | | 36-00002 / | | | |
| | | | | | | NEW INTERNATIONAL MORTGAGE BAN | | 36-00003 / | | | |
| TOTAL ACRES | | | | | | | A36-00003A | 13.00 | 84.00 | | 13.0 |

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
~~N~~

PRESUMPTION FLAG:

REMARKS:

Water is not used above the Buckeye ditch

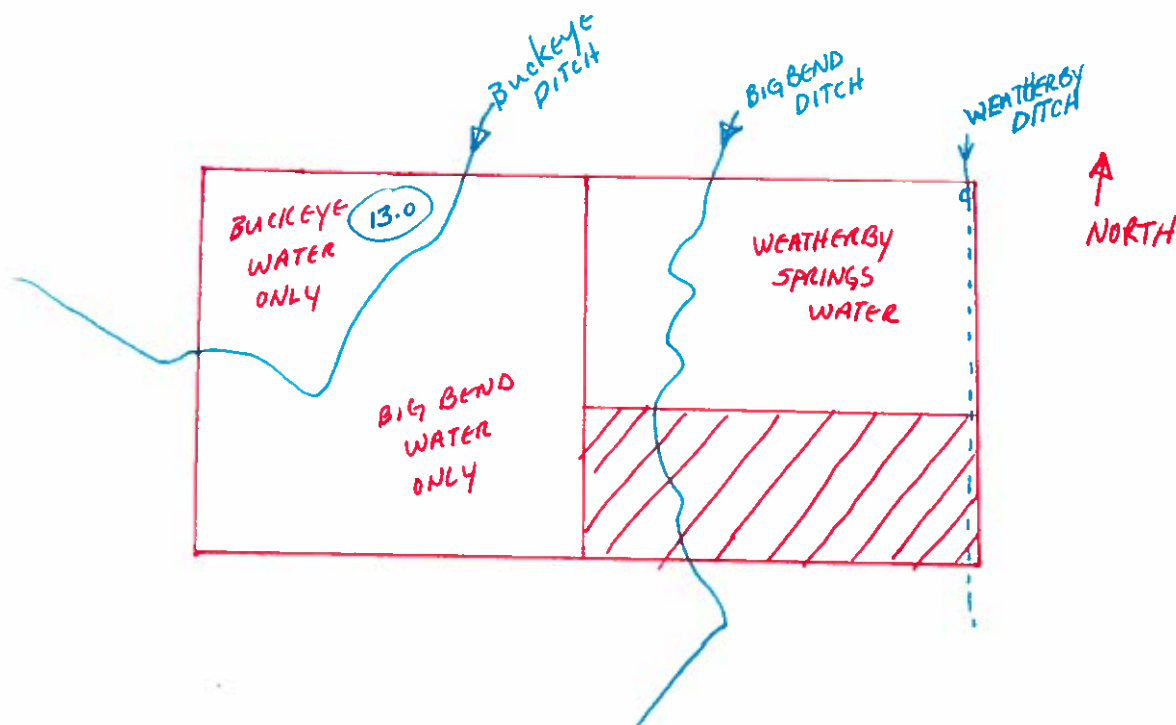
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JAN 20 1993

RECOMMENDATIONS:

TOTAL ACRES: 13.0

REVIEWED BY: sc

DATE: 7-12-90



A. AJ CLAIMED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| A36-00003A IRRIGATION | FROM 03-15 TO 11-15 | 1.600 CFS |
| A36-00003A STOCKWATER | FROM 01-01 TO 12-31 | .040 CFS |
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | 1.600 CFS |

B. WR RECORDED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|-------------------------------------|-----------|--------------------|
| 36-00003 IRRIGATION | FROM TO | 20.000 CFS |
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | 20.000 CFS |

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N(X)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(X) N(X) Explain in remarks, below.

REMARKS:

4 DECREE

Per Policy Decision on Decree. 8-23-90 sa

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 1.600 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 20.000 CFS

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

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER
Y

☒

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|-----------------------|--------------------------------|-----------|----------------|-----------|----------------|
| A36-00003A | BILLINGSLEY CREEK | REA , EDNA M. | 1.600 | 0.123 | | |
| A36-02007 | TUCKER SPRINGS, UPPER | BIG BEND IRRIGATION & MINING C | 4.000 | 0.006 | 2895.90 | 4.58 |

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

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|------------|------------|---------------|---------------------|----------|--------|
| A36-00003A | STOCKWATER | REA , EDNA M. | FROM 01-01 TO 12-31 | .040 CFS | |
| A36-10334 | DOMESTIC | REA , EDNA M. | FROM 01-01 TO 12-31 | .040 CFS | |
| A36-10334 | STOCKWATER | REA , EDNA M. | FROM 01-01 TO 12-31 | .040 CFS | |

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JAN 20 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 13 x 0.02 CFS/ACRE = 0.26 CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 39.0 AF/A

ACRES 13 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =

TOTAL CONSUMPTIVE USE 39.0 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 13 x DIVERSION VOL. AF/A FOR AREA 4.0 =

TOTAL DIVERSION VOLUME 52.0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

1b. CALCULATIONS

~~Sprinkler~~ allowed (analysis shows
1"/ac. ~~per~~ less than "JAN 20 1993"

Div. Rate Per. 0.26
+ Conveyance loss ~~0.15~~ 0.15
Total ~~0.36~~ 0.41

also - stock water during non-irrigation
season includes conveyance loss

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RECOMMENDATIONS:

| REC. PURPOSES | REC. PERIOD | | REC. DIV | | REC. DIV | | REC. CONS. USE | |
|----------------------|-----------------|------------------|-----------------|-------|-----------------|-----------------|-----------------|-----------------|
| | FROM | TO | RATE | CFS | VOL. | AF/A | DATABASE | EXAMINER |
| IRRIGATION | 3-15 | 11-15 | 4/1 | 10/31 | 0.18 | 0.36 | 52.0 | 39.0 |
| STOCK WATER | 1-1 | 12-31 | 4/1 | 10/31 | 0.02 | — | — | — |
| stockwater | 11/1 | 3/31 | 0.18 | 0.17 | 0.36 | 52.0 | 39.0 | 0.41 |
| TOTAL FOR THIS RIGHT | | | | | | | | |

REVIEWED BY: scu

DATE: 7-12-90

* INCIDENTAL STOCKWATER/INSTREAM DITCH

~~WR proportional Rate = 0.014 cfs/Ac~~

~~(13 x 0.014 = 0.182 cfs)~~

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JAN 20 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED

NEEDS
REVIEW

(X)
(X)
(X)

()
()
()

okay see Irrig. Analysis

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00003

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
20.000

EXAMINER

CFS

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| A36-00003 | A36-00003A | 1.600 | - | | 36-00003 | 20.000 |
| A36-00003 | A36-00003B | 7.160 | - | | 36-00003 | 20.000 |
| A36-00003 | A36-00003C | 0.300 | - | | 36-00003 | 20.000 |
| A36-00003 | A36-00003D | 0.240 | - | | 36-00003 | 20.000 |
| A36-00003 | A36-00003E | 0.200 | - | | 36-00003 | 20.000 |
| A36-00003 | A36-00003F | 0.800 | - | | 36-00003 | 20.000 |
| A36-00003 | A36-00003G | 0.400 | - | | 36-00003 | 20.000 |
| A36-00003 | A36-00003H | 12.000 | - | | 36-00003 | 20.000 |
| A36-00003 | A36-00003J | 4.000 | - | | 36-00003 | 20.000 |
| TOTAL CFS | | 26.700 | | | | 20.000 |

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER
N

REMARKS:

attached
see A36-00003 for Split Review

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JAN 20 1993

=====

AUTHENTICATION:

SIGNATURE: Steve Bell

DATE: 1-7-91

NAME OF FIELD EXAMINER: _____

TITLE: _____

=====

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JAN 20 1993



A36-00003-A

MICROFILMED
JAN 20 1993
2953

See 8-3-92

CONVEYANCE LOSS - WORSTELL

| REACH | LENGTH
(FT) | AVE
WIDTH
(FT) | SEEPAGE
(FT/DAY) | WORSTELL
LOSS
(CFS) | DELIVERY
(CFS) | DELIVERY
LEFT
(CFS) | LOSS
FACTOR | DELIVERY
LOSS
(CFS) | FLOW
(CFS) |
|--------|----------------|----------------------|---------------------|---------------------------|-------------------|---------------------------|----------------|---------------------------|---------------|
| 1 | 800 | 10.0 | 2.00 | 0.20 | 0.06 | 18.83 | 0.0107 | 0.00 | 26.81 |
| 2 | 600 | 10.0 | 2.00 | 0.15 | 1.02 | 18.77 | 0.0081 | 0.02 | 26.55 |
| 3 | 1400 | 10.0 | 2.00 | 0.35 | 0.24 | 17.75 | 0.0199 | 0.01 | 25.38 |
| 4 | 800 | 10.0 | 2.00 | 0.20 | 0.44 | 17.51 | 0.0115 | 0.02 | 24.79 |
| 5 | 1100 | 10.0 | 2.00 | 0.28 | 0.17 | 17.07 | 0.0163 | 0.01 | 24.14 |
| 6 | 1200 | 10.0 | 2.00 | 0.30 | 0.10 | 16.90 | 0.0179 | 0.01 | 23.70 |
| 7 | 300 | 10.0 | 2.00 | 0.08 | 1.22 | 16.80 | 0.0045 | 0.11 | 23.29 |
| 8 | 1000 | 10.0 | 2.00 | 0.25 | 0.16 | 15.58 | 0.0162 | 0.02 | 22.00 |
| 9 | 500 | 10.0 | 2.00 | 0.13 | 0.50 | 15.42 | 0.0082 | 0.06 | 21.58 |
| 10 | 2200 | 10.0 | 2.00 | 0.56 | 4.13 | 14.92 | 0.0373 | 0.62 | 20.96 |
| 11 | 5500 | 10.0 | 2.00 | 1.39 | 0.20 | 10.79 | 0.1288 | 0.06 | 16.27 |
| 12 | 1700 | 10.0 | 2.00 | 0.43 | 0.09 | 10.59 | 0.0406 | 0.03 | 14.68 |
| 13 | 3900 | 10.0 | 2.00 | 0.99 | 0.34 | 10.50 | 0.0938 | 0.14 | 14.16 |
| 14 | 600 | 10.0 | 2.00 | 0.15 | 0.27 | 10.16 | 0.0149 | 0.12 | 12.84 |
| 15 | 1500 | 10.0 | 2.00 | 0.38 | 0.62 | 9.89 | 0.0383 | 0.29 | 12.42 |
| 16 | 1600 | 10.0 | 2.00 | 0.40 | 1.00 | 9.27 | 0.0436 | 0.51 | 11.42 |
| 17 | 600 | 10.0 | 2.00 | 0.15 | 0.30 | 8.27 | 0.0183 | 0.16 | 10.01 |
| 18 | 300 | 10.0 | 2.00 | 0.08 | 3.25 | 7.97 | 0.0095 | 1.75 | 9.56 |
| 19 | 3000 | 10.0 | 2.00 | 0.76 | 0.24 | 4.72 | 0.1606 | 0.17 | 6.24 |
| 20 | 3000 | 10.0 | 2.00 | 0.76 | 4.48 | 4.48 | 0.1692 | 3.89 | 5.24 |
| TOTALS | 31600 | | | 7.98 | 18.83 | | | 7.98 | |

Buckeye Ditch

2 rts @ .15 each

~~3 out 5 @ 0.10 each~~

A36-00003A- C.L. = 0.15

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REACH = SECTION OF CHANNEL
 LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
 OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
 AVE WIDTH = AVERAGE TOP WIDTH OF REACH
 SEEPAGE = SOIL SEEPAGE RATE OF REACH
 WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD
 DELIVERY = TOTAL DELIVERIES IN REACH
 DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)
 LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT
 DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
 REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH
 FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

DECREED RIGHT SPLIT ANALYSIS

PARENT RIGHT NO. 36-00003 TOTAL DIVERSION RATE 20.0PREPARATION DATE 7-29-92 HHT

| CLAIM
PORTION | CLAIMED
RATE | RECOMMENDED
RATE | IS CLAIMED
RATE EXCEEDED
BY ANALYSIS | CONVEYANCE
LOSS | DOES DIV RATE +
CALC. C.L. EXCEED
CLAIMED RATE | TOTAL
RECOMMENDED
DIV. RATE |
|------------------|-----------------|---------------------|--|----------------------------|--|-----------------------------------|
| <u>A</u> | <u>1.6</u> | <u>0.26</u> 13ac. | <u>N</u> | <u>0.10</u> ^{.15} | <u>N</u> | <u>0.36</u> ^{.41} |
| <u>B</u> | <u>7.16</u> | <u>3.25</u> 129ac. | <u>N</u> | <u>1.75</u> | <u>N</u> | <u>5.00</u> |
| <u>C</u> | <u>0.30</u> | <u>0.20</u> 10ac. | <u>N</u> | <u>0.26</u> | <u>Y</u> | <u>0.30</u> |
| <u>D</u> | <u>0.24</u> | <u>0.24</u> 2ac. | <u>Y</u> | <u>0</u> (0.17) | <u>NA</u> | <u>0.24</u> |
| <u>E</u> | <u>0.20</u> | <u>0.20</u> 5ac. | <u>Y</u> | <u>0</u> (0.06) | <u>NA</u> | <u>0.20</u> |
| <u>F</u> | <u>0.80</u> | <u>0.80</u> 40ac. | <u>N</u> | <u>(0.26)</u> | <u>Y</u> | <u>0.80</u> |
| <u>G</u> | <u>0.40</u> | <u>0.09</u> 3ac. | <u>N</u> | <u>0.03</u> | <u>N</u> | <u>0.12</u> |
| <u>H</u> | <u>20.0</u> | <u>4.48</u> 224ac. | <u>N</u> | <u>3.89</u> | <u>N</u> | <u>8.69</u> |
| <u>J</u> | <u>4.0</u> | <u>0.30</u> 15ac. | <u>N</u> | <u>0.16</u> | <u>N</u> | <u>0.46</u> |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Total | 34.7 | 9.82 | | | | 16.17 |

Recommended rates do not exceed decreed diversion rate
HHT

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REF K AND CONDITION CODE WORKSHEET

SYSTEM CLAIM NUMBERS R36 00003A _____

AGENT
INITIALS HHT
DATE 8/5/92

[illegible]

Add Water District 36A.

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IRRIGATION ANALYSIS WORKSHEET

CLAIM NO. 36-00003A
 DATE 7/16/92
 AGENT R.V.W.

CLAIMANT/SYSTEM DESCRIPTION Edna Rea
 IRRIGATION SYSTEM ----- gated pipe
 ANALYSIS METHOD ----- BORDER / FURROW
 TYPE OF CROP ----- Pasture - Alfalfa
 MAXIMUM PROFILE DEPTH ----- 60 INCHES
 INTAKE FAMILY ----- 0.55

SOIL TYPE 10% KEB KOB 90% SYSTEM TOTAL
 ACRES PER TYPE 1.3 11.7 12 ACRES
 SOIL PROFILE WHC 5.74' 46 5.76 60
 DESIGN IRR $\frac{1}{2}$ WHC 2.87" 2.89

$$\text{Weighted Avg } 0.1(2.87) + 0.9(2.89) = 2.89"$$

CROP REQUIREMENT:

REPORT AREA & FIGURE NO. ----- Bliss 10-8

DAILY CROP REQUIREMENT:

6.79 (MM/DAY) / 25.4 (FACTOR IN MM/IN) ----- 0.267 IN/DAY

ACTUAL ROTATION PRACTICED ----- 44? DAYS

DRY DAY ROTATION 39? IRR DAY ROTATION 5

THEORETICAL ROTATION:

2.89 DESIGN IRR / 0.3083 CROP REQ = 9.37 DAYS

DESCRIPTION OF FIELD:

AVERAGE LENGTH RUN ----- 675'
 TOTAL WIDTH OF FIELD ----- 774'
 CHECK 675 L * 774 W / 43,560 = 12 ACRES
 % SLOPE ----- 2%
~~BORDER WIDTH~~ Avg. Set width $\approx 35'$ $675' \times 35' = 23,625 \text{ sq ft}$
 $23,625 \text{ sq ft} / 43,560 = 0.5423 \text{ ac/set}$
 $30 + 40 = 70$ $70 / 2 = 35$ $22.1 \text{ sets} / 12 \text{ ac}$
774' WIDTH OF FIELD / 44 DAYS OF ROTATION
 FURROW / CORRUGATION WIDTH ----- 30"
 SET TIME ----- 48 h

Claimed 1.6 cfs 2.89" on 12 acres = 37.57 ac.in.

Recommended 0.18 cfs

= 0.18 acre in/hr.

37.57 acre in

0.18 acre in/hr

= 208.72 hrs (100% off)

321.11 hrs (65% off)

8 days + 42 min

13 days + 20 min

(over)

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From intake Family 0.55

Opportunity Time $\cong$ 200 min for 2.9" acc. intake @ 100% eff. (3 hrs + 20 min)
or 307.7 min @ 65% eff. (5 hrs + 8 min) 4.7 sets/day

Req'd Theoretical $\rightarrow$ 9.4' days $\times$ 4.7 sets/day = 44.18 sets
Rotation

$$\frac{13 \text{ acres}}{44.18 \text{ sets}} = 0.294 \text{ ac/set}$$

$$\frac{0.294 \text{ ac (43560)}}{436' \text{ Length of Run}} = 29.4' \text{ width}$$

$$\frac{29.4'}{2.5' \text{ corr. spacing}} = 11.76 \text{ corn/set (avg.)}$$

$$.18 \text{ cfs} \times 448.8 \text{ gpm/cfs} = 80.78 \text{ gpm}$$

$$\frac{80.78 \text{ gpm}}{12 \text{ corr}} = 6.74 \text{ gpm/corr}$$

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A36-00003A

RE: irrigation methods

DATE 7-13-92

NAME OF PARTY

Mrs. Verl Bell

She called to ask about our field exam in progress near her property/house. While I discussed that I asked her some questions on their irrigation practices.

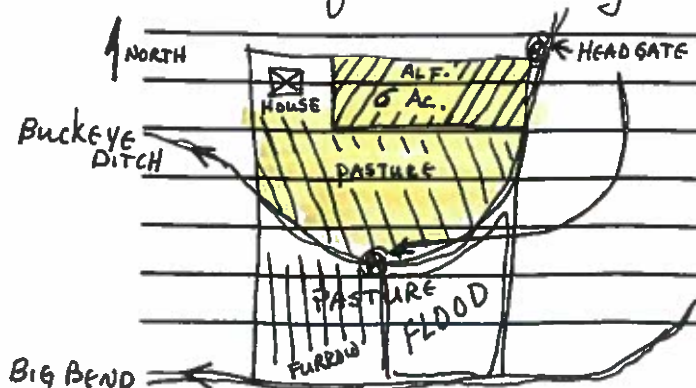
They have 6 acres of new seeding alfalfa along the road east of the house. She said it takes about 15 days to irrigate then it sets for some time (she didn't know how long it sets dry.)

On the rest of the field under the Buckeye Ditch the crop is pasture. She said they irrigate with 1 section of gated pipe per set on the pasture and they run the water for 2 days.

All the Buckeye Water is used in Gated pipe with 30 inch. center openings. She says the alfalfa has 40' sections of 10" pipe while the pasture has 30 ft. sections of 8" pipe.

Two Headgates are used to deliver the water and water is taken from both gates simultaneously.

We also discussed the gravity system used under the Big Bend Ditch. There is a piece of corrugated pasture and a piece of flood irrigated pasture. again, 2 headgates deliver water from the Big Bend Ditch.



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PRESUMPTION FLAG:

REMARKS:

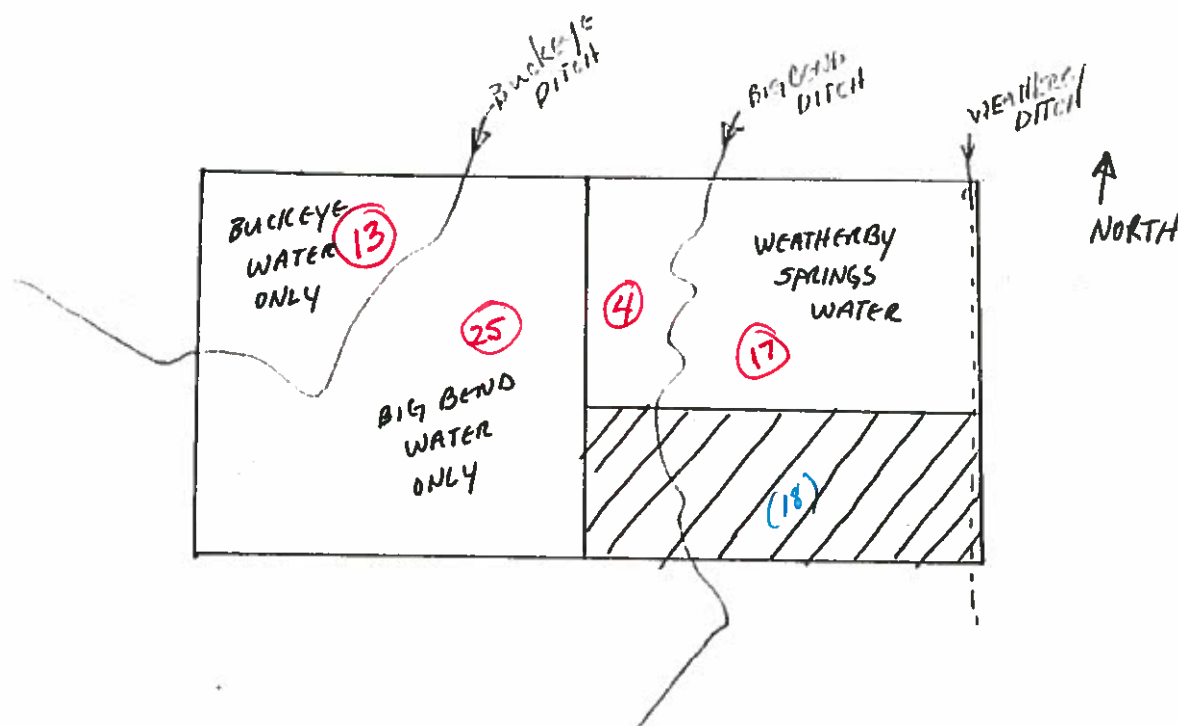
Water is not used above the Buckeye ditch

RECOMMENDATIONS:

TOTAL ACRES: 13.0

REVIEWED BY: su

DATE: 7-12-90



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36-00003A

INTAKE FAMILY <If> = 0.55
DESIGN APPLICATION <Fn> = 2.89 INCHES
FURROW SLOPE <S> = 0.020 FEET/FOOT
FURROW SPACING <W> = 2.50 FEET
FURROW LENGTH <L> = 675 FEET
INFLOW RATE <Q> = 5 GPM/FURROW
APPLICATION TIME <Ti> = 12 HOURS

ADVANCE TIME <TT> = 89.5 MINUTES; OR 1.5 HOURS
GROSS APPLICATION <FG> = 3.42 INCHES
NET APPLICATION <Fx> = 3.19 INCHES
RUNOFF <RO> = 0.02 INCHES
DEEP PERCOLATION <DP> = 0.51 INCHES
EFFICIENCY <E> = 84.45 %

TO CHANGE: PRESS (EXISTING)
Design Application <1> 2.89 in
Furrow Slope <2> 0.020 ft/ft
Furrow Spacing <3> 2.50 ft
Furrow Length <4> 675 ft
Furrow Intake Family <5> 0.55
Inflow Rate <6> 5 gpm/furrow
Inflow Time <7> 12 hours <ANALYSIS MODE>

TO PRINT: DATA/WITH HEADING PRESS:<8/9>
NEW DESIGN PRESS <10>, NEW ANALYSIS PRESS <11>, QUIT PRESS <12>?

$$F.I.R = 4.2 \frac{1267}{84} = 0.01335 \text{ cfs/ac}$$
$$@ 65\% \text{ Eff } F.I.R = 0.0173 \text{ cfs/ac.}$$
$$\text{Allow } 0.02 \text{ cfs/ac}$$
$$13 \times 0.02 = 0.26 \text{ cfs}$$

acres cfs/acre

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JAN 20 1993

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.

In case follow-up is needed.

Penny Parker Attorney for HN&L
Hagerman Water Right Owners, Inc.

2. SUBJECT OF INQUIRY:

Looked at files. Started to Ask
specific questions about maps, photos, notation
in file.

3. RESPONSE TO INQUIRY:

I told her I could not answer
specific questions but she could write them down
and submit them to our attorney. I told her
she was free to go thru the files and I
showed her the NAPP photos, ortho photo grids,
slides of Gooding Co. and the Country Rural
Address maps.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

36-00003A

- 00041C
- 00042A
- 15461

MICROFILMED

OCT 11 1994

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MAPS & INFORMATION

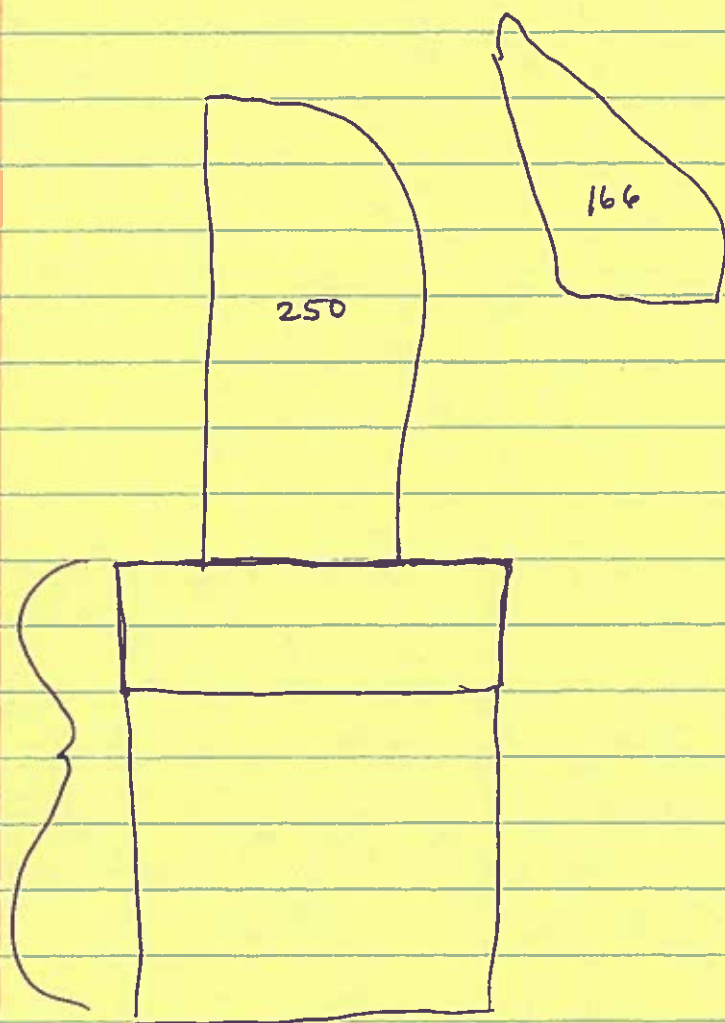
RELATED TO

36-00003 SPLITS

Buckeye TRANSFER

4/25/00

$$\text{Duty of water} - 004 \\ = 0.036 \text{ cfs/Ac}$$



$$\frac{36-00004}{416 \text{ Ac}} \\ 15 \text{ cfs}$$

P. Decree: 36-00018

20 cfs / 264 Ac (South)

~~= 0.076 cfs/Ac~~

/ 219 Ac (North)

483 Ac

$$= 0.041 \text{ cfs/Ac}$$

BUCKEYE TRANS.

36-03 splits

M

Clelland, Steve

From: Clelland, Steve
Sent: Tuesday, April 13, 1999 2:20 PM
To: Spencer, Nick
Cc: Clelland, Steve; Merritt, Allen; Tuthill, Dave
Subject: Buckeye acres and settlement

Nick,

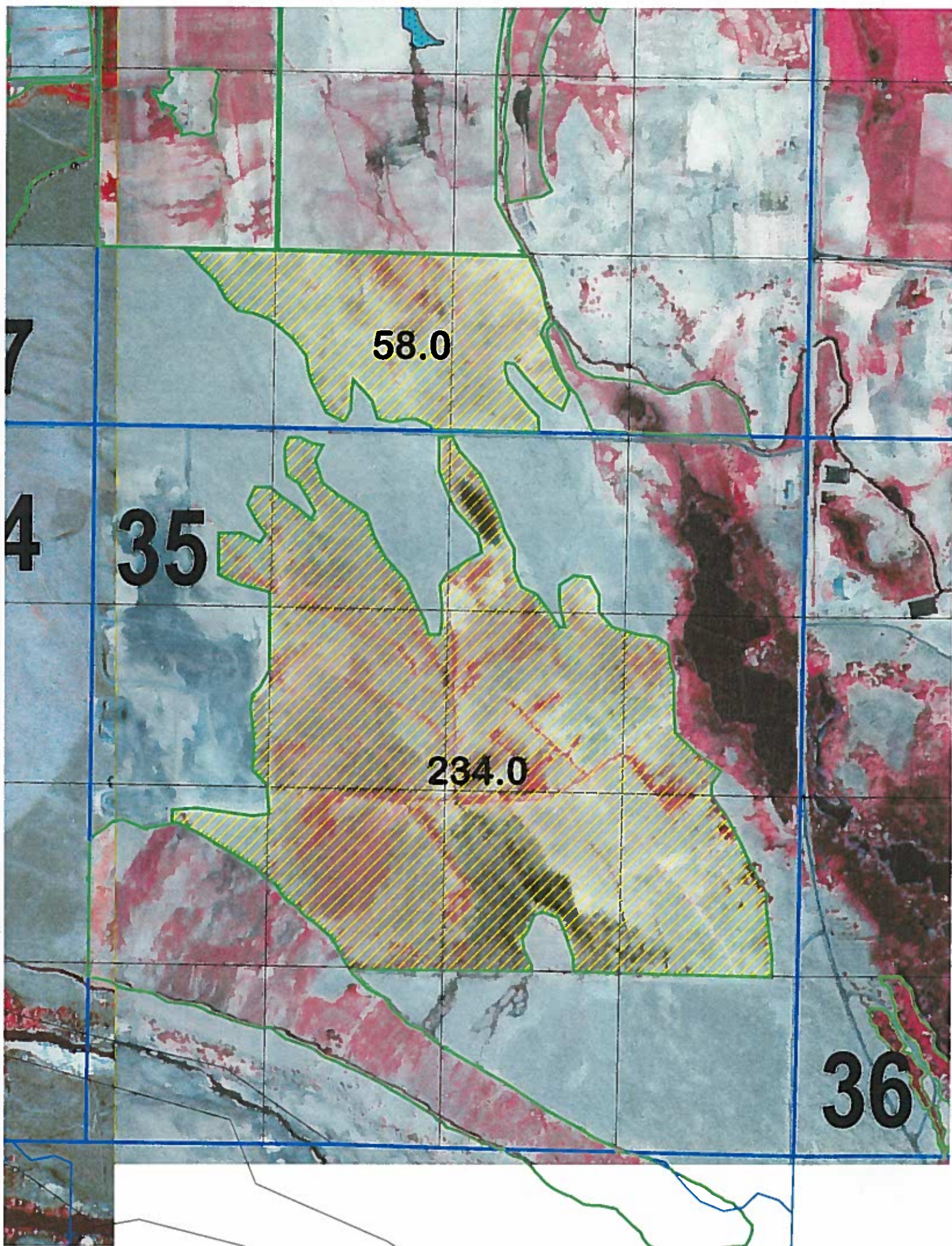
I Just spoke with John Simpson about the acres and issues... He seemed to agree the acres were close to a resolution (320-350 ac.) and I told him my latest GIS edits show about 320 acres. He thought we were trying to come to an agreeable acreage PLUS a duty of water for the full 20 cfs. I told him you and I had discussed this earlier today and concluded the same. He has been trying to call you to confirm this idea. He will contact Brockway to see how the duty numbers work with the 320 acres and I offered to forward these numbers along with this email to see if our staff can live with the duty of water.

If you get a chance maybe you can give John S. a call...

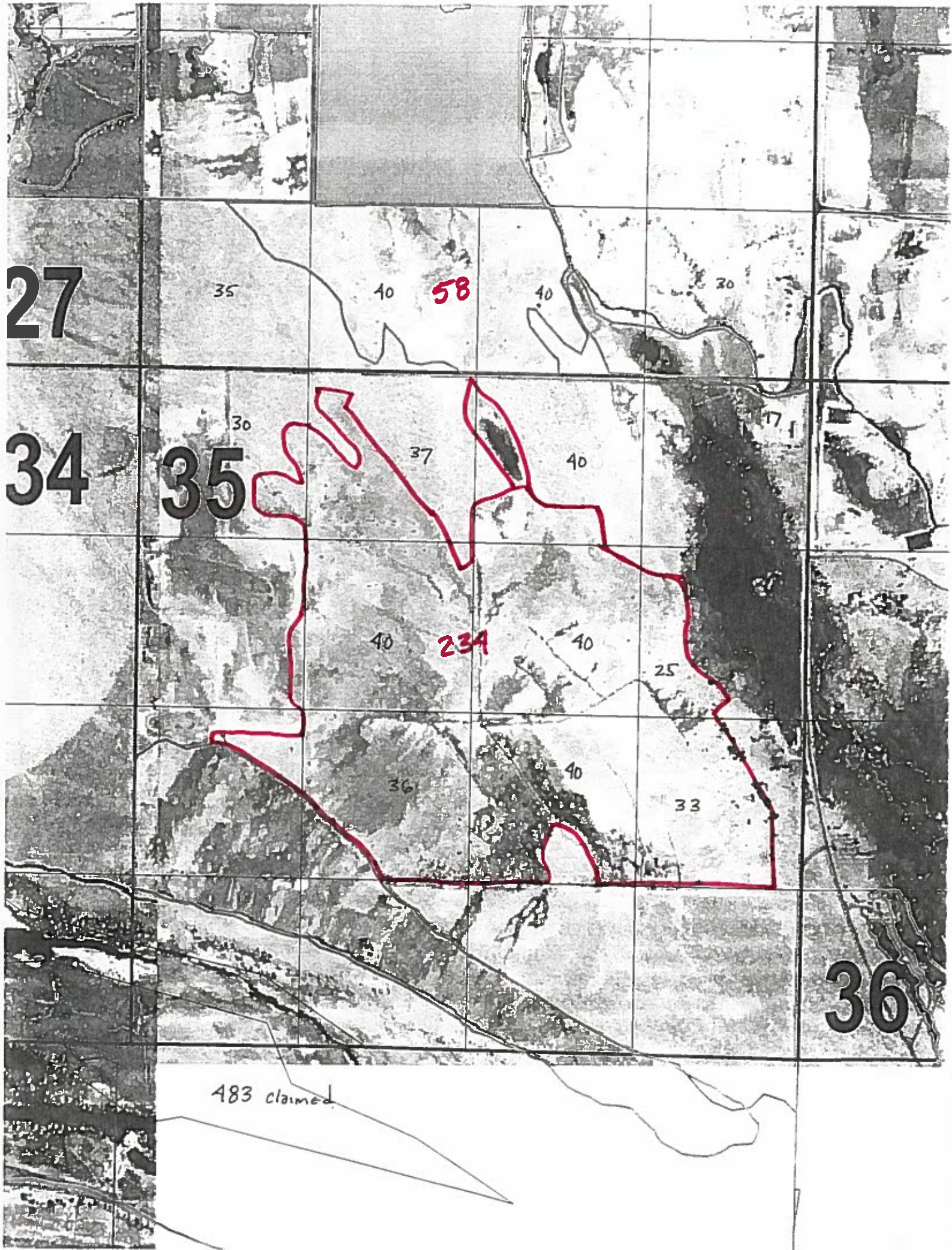
Steve

.036 cfs/Ac

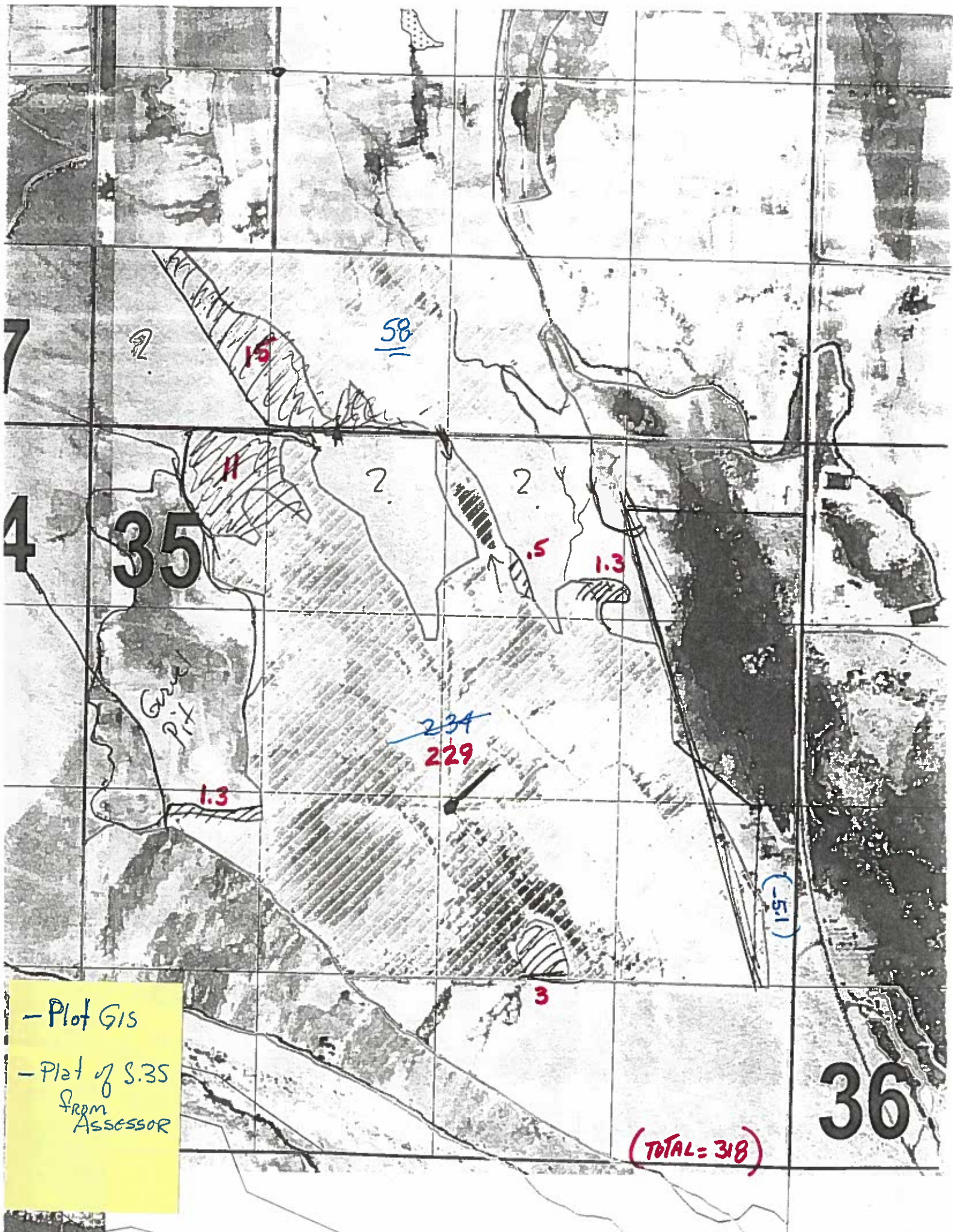
$318 \text{ Ac} = 11.45$





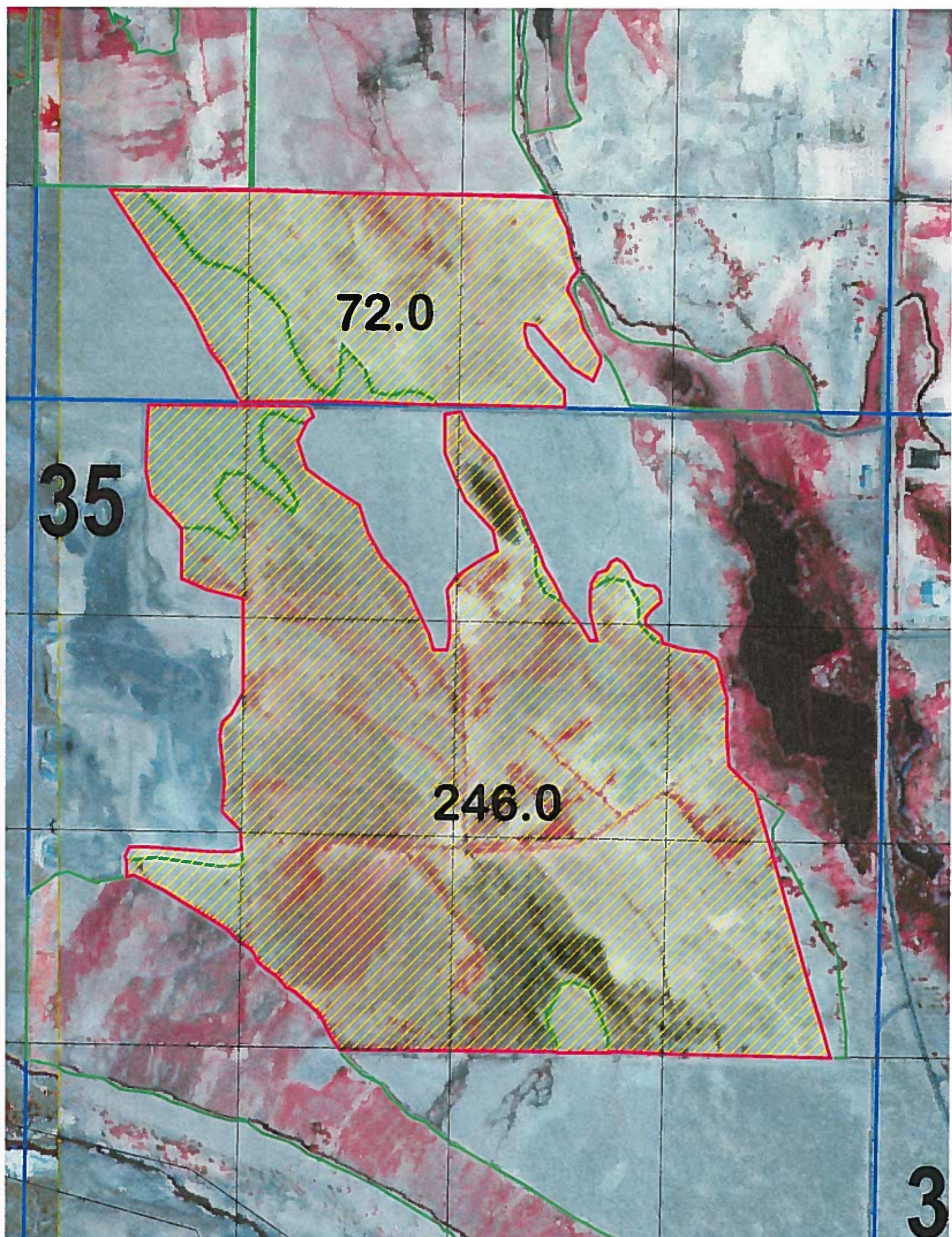


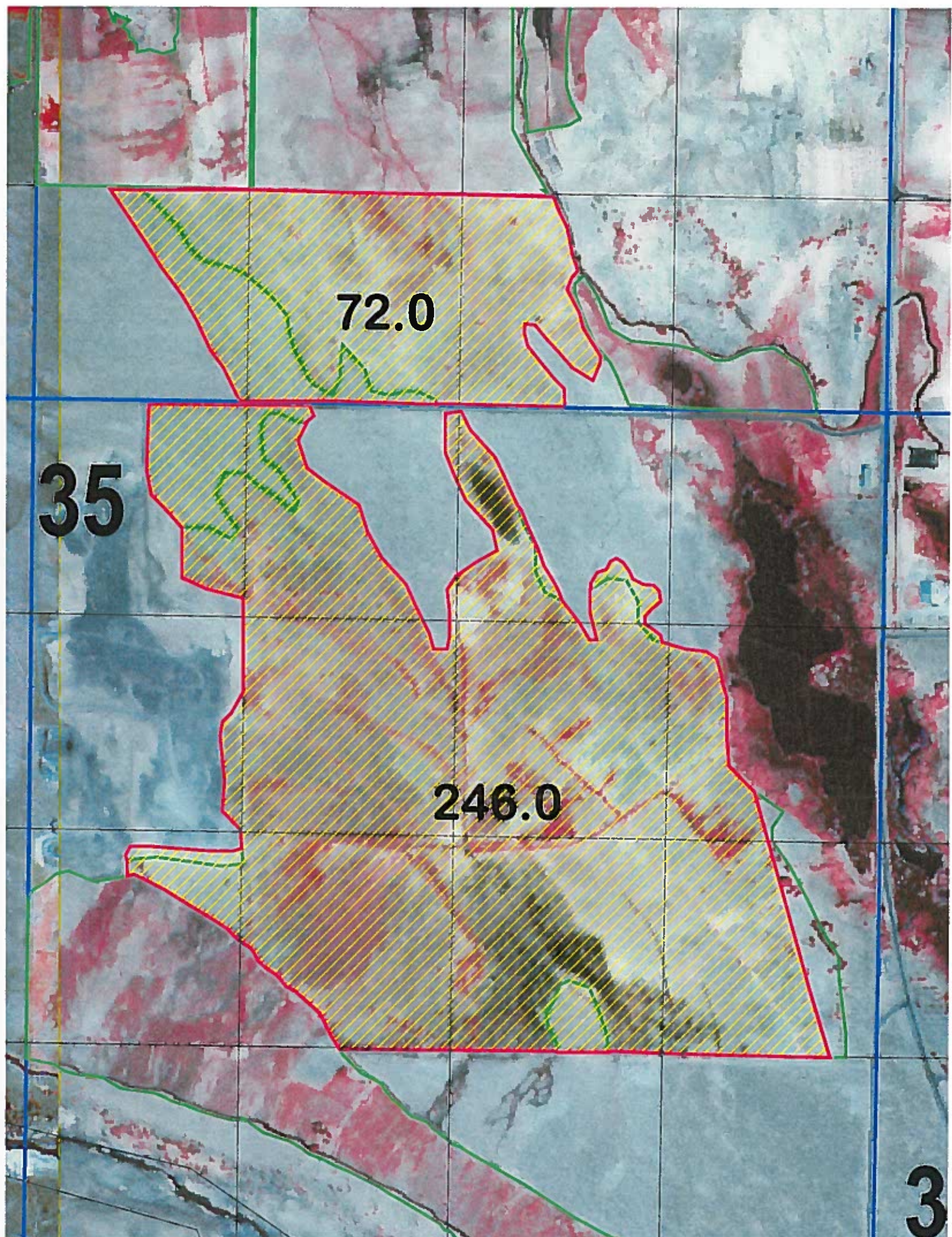
483 claimed



- Plot GIS
- Plot of S.35
from
Assessor

(TOTAL = 318)



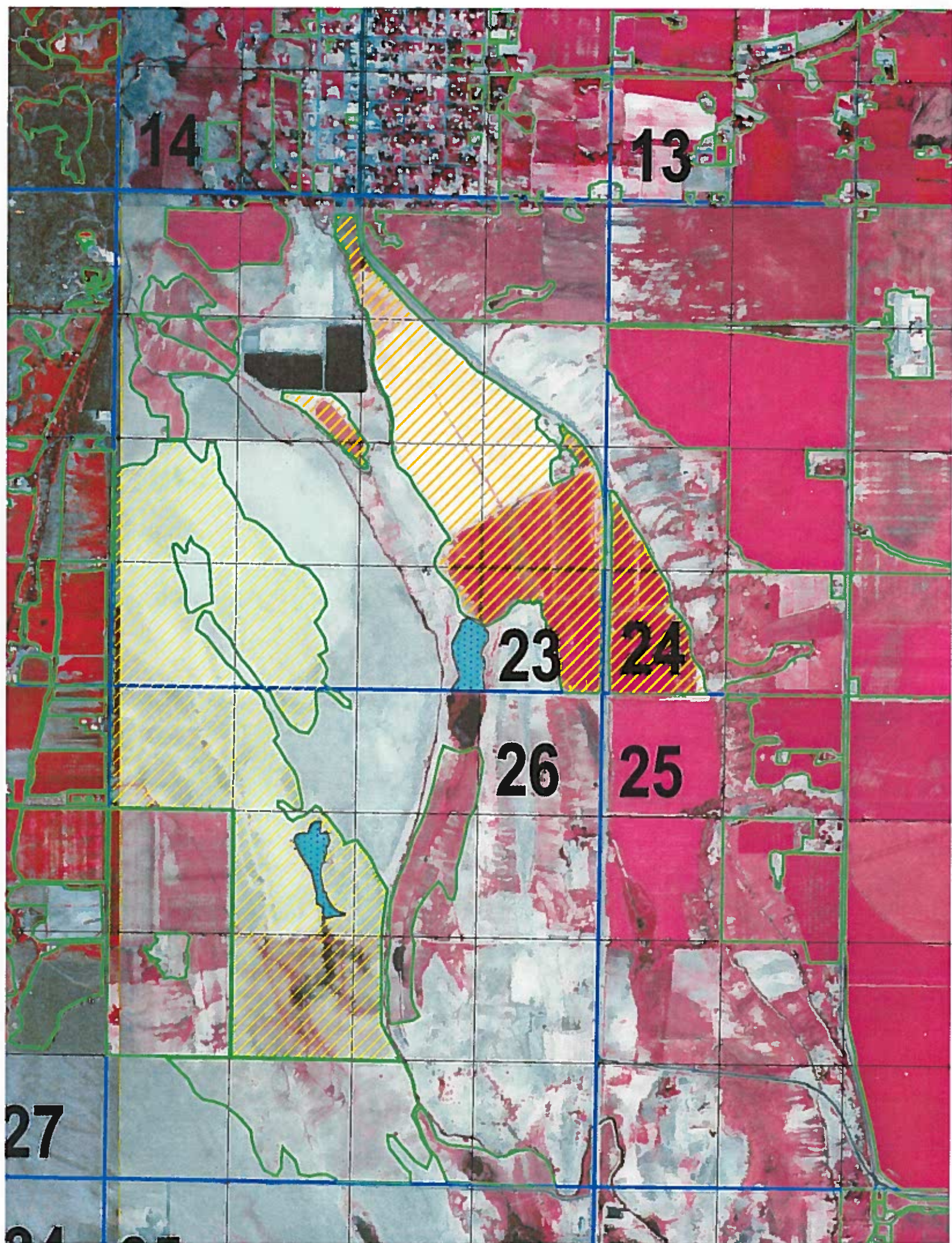


72.0

35

246.0

3



36-00004, 36-00018, 36-00015

Place of Use

Historical Use: all three water rights have historically been used on the subject property at various times as illustrated by historical data previously submitted.

This historical use is further supported by the three Claims for Water Rights filed by the Rosholt Law Firm.

Had the 36-00004 right been adjudicated at the same time as the 36-00018 and 36-00015, this administrative error of "Place of Use" might have been eliminated.

Place of Use is further supported by the following documents:

Agreement for Sale

Transfer Deed

Pasture Lease Agreement

These documents were not discovered prior to the 36-00018 and 36-00015 adjudication, thus the error in "Place of Use" of these two water rights.

18/15

04

Historic
water
use

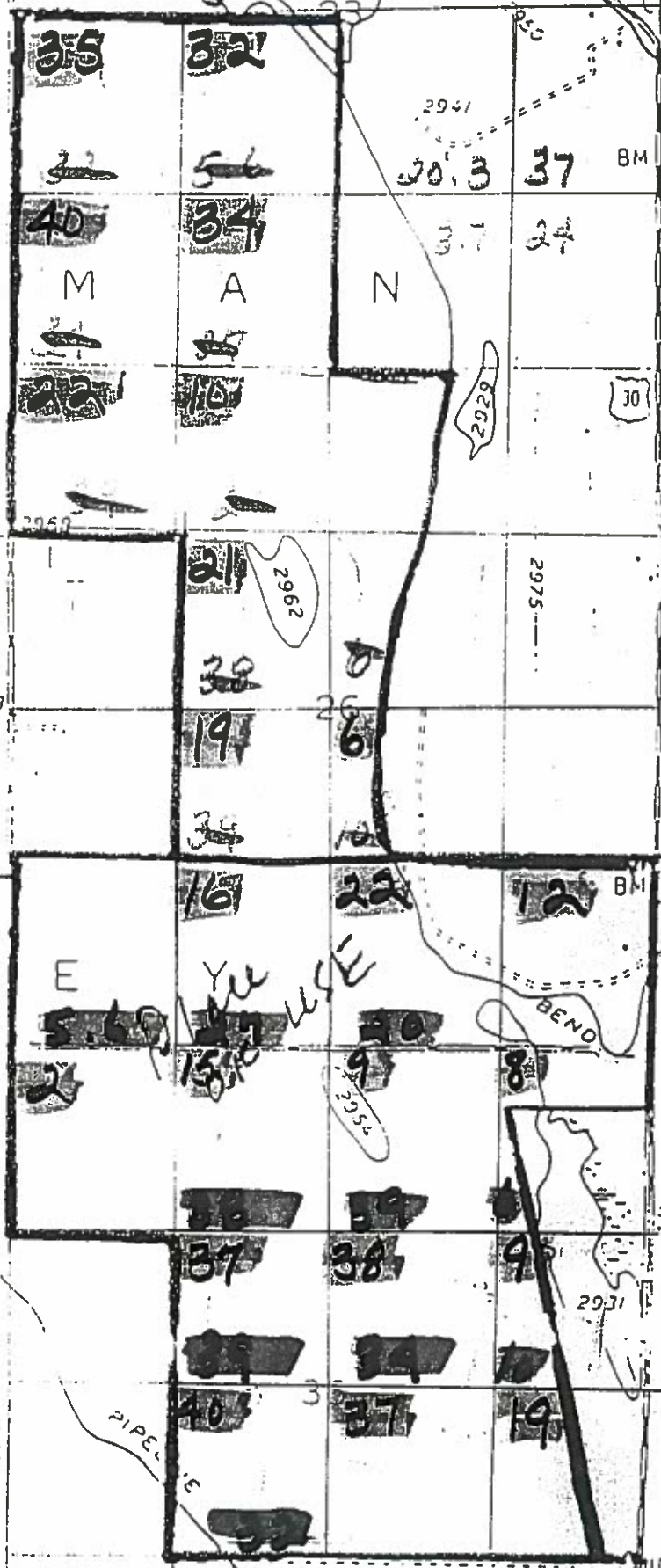
36-00004
when
36-00018/15
not available

36-00004
→
leased land

partially
Decreed
North Bars
219 acres

25
Total
Decreed
483 acres
36-00018
36-00015

partially
Decreed
South Bars
264 acres



Place of use

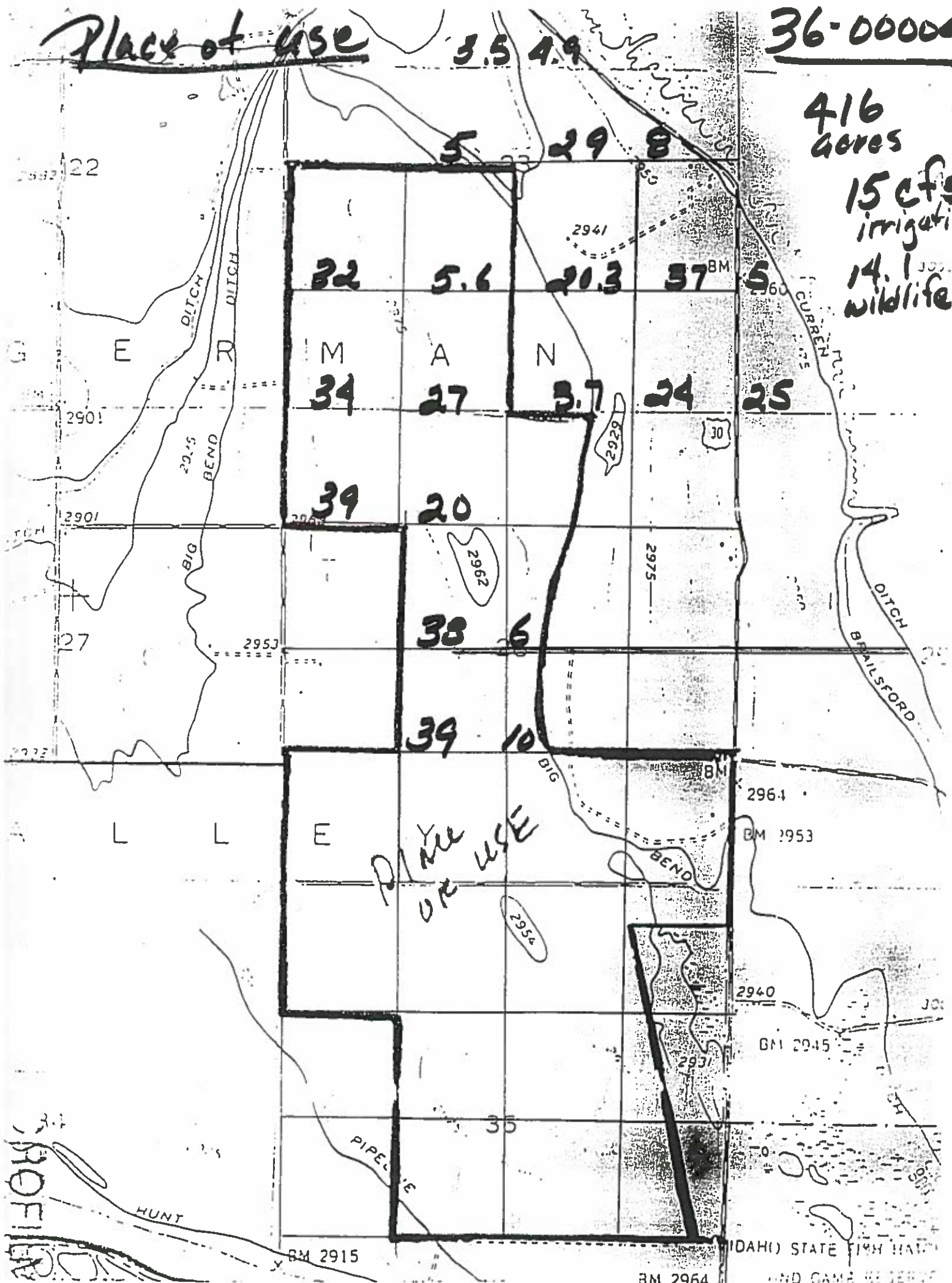
3.5 4.9

36-00004

416
acres

15 cfs
irrigation

14.1
wildlife

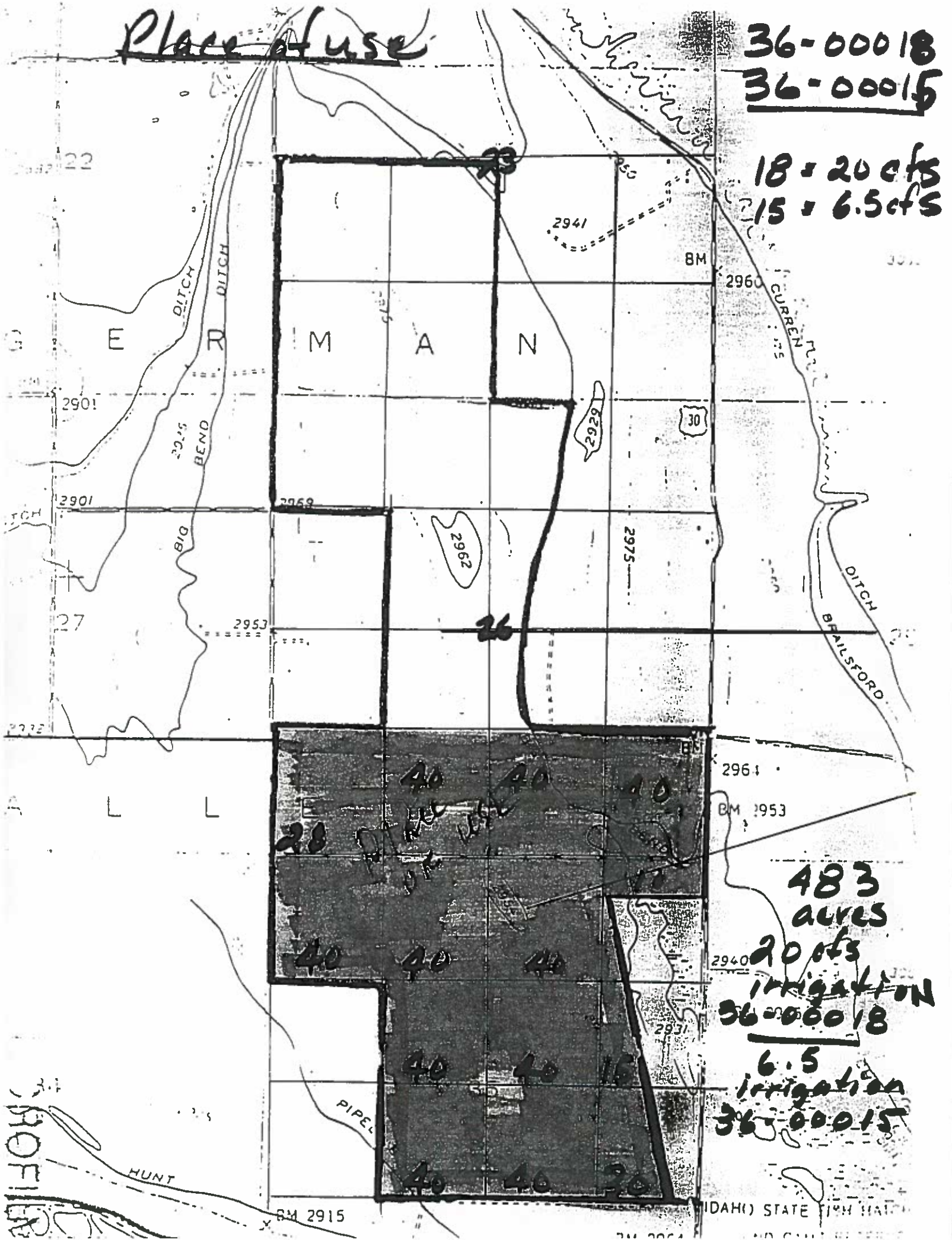


Place of use

Profile

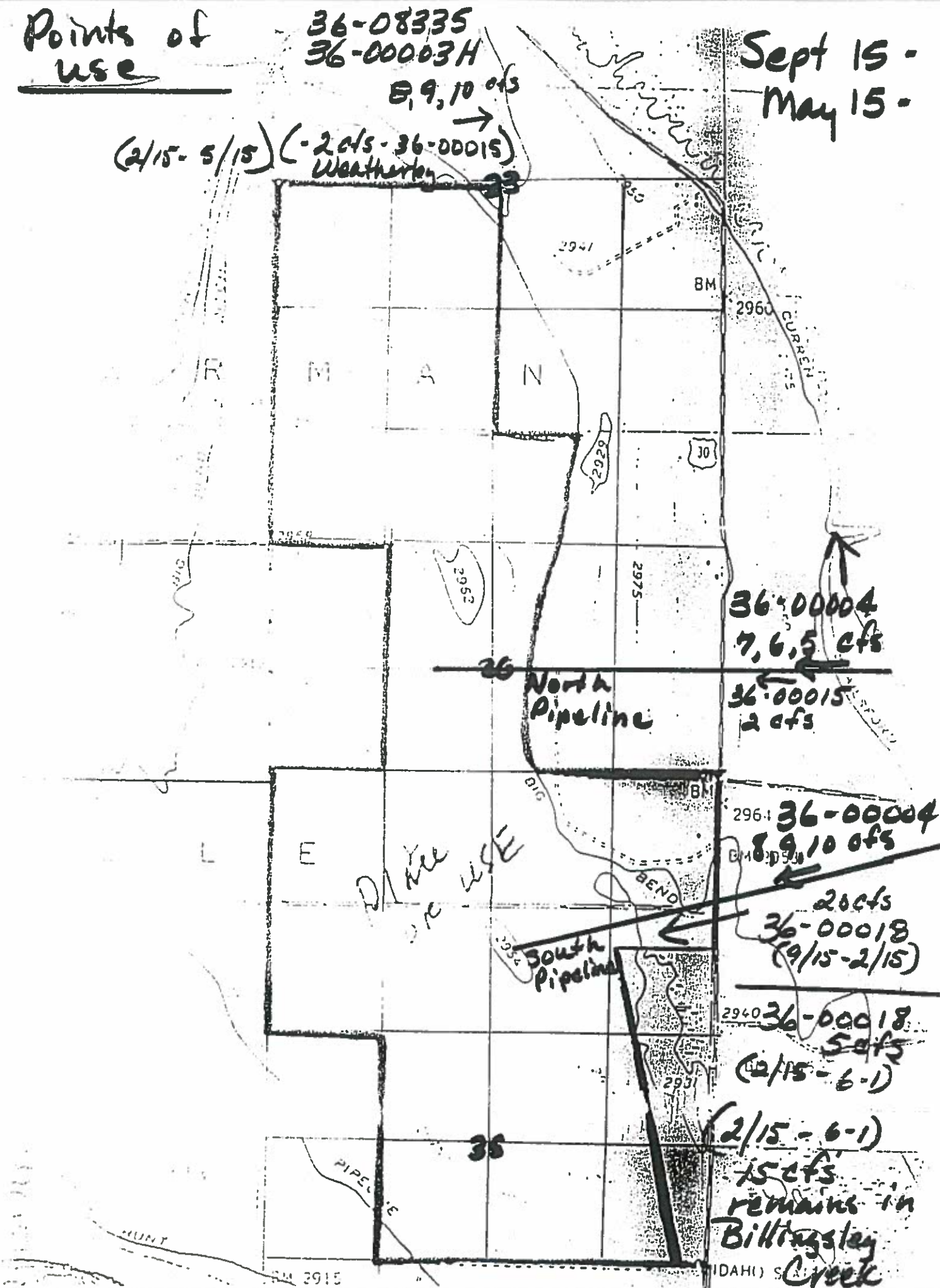
IDAH() STATE FISH HAT
AND GAME DEPT

18 = 20 cfs
15 = 6.5 cfs



Sept 15 -
May 15 -

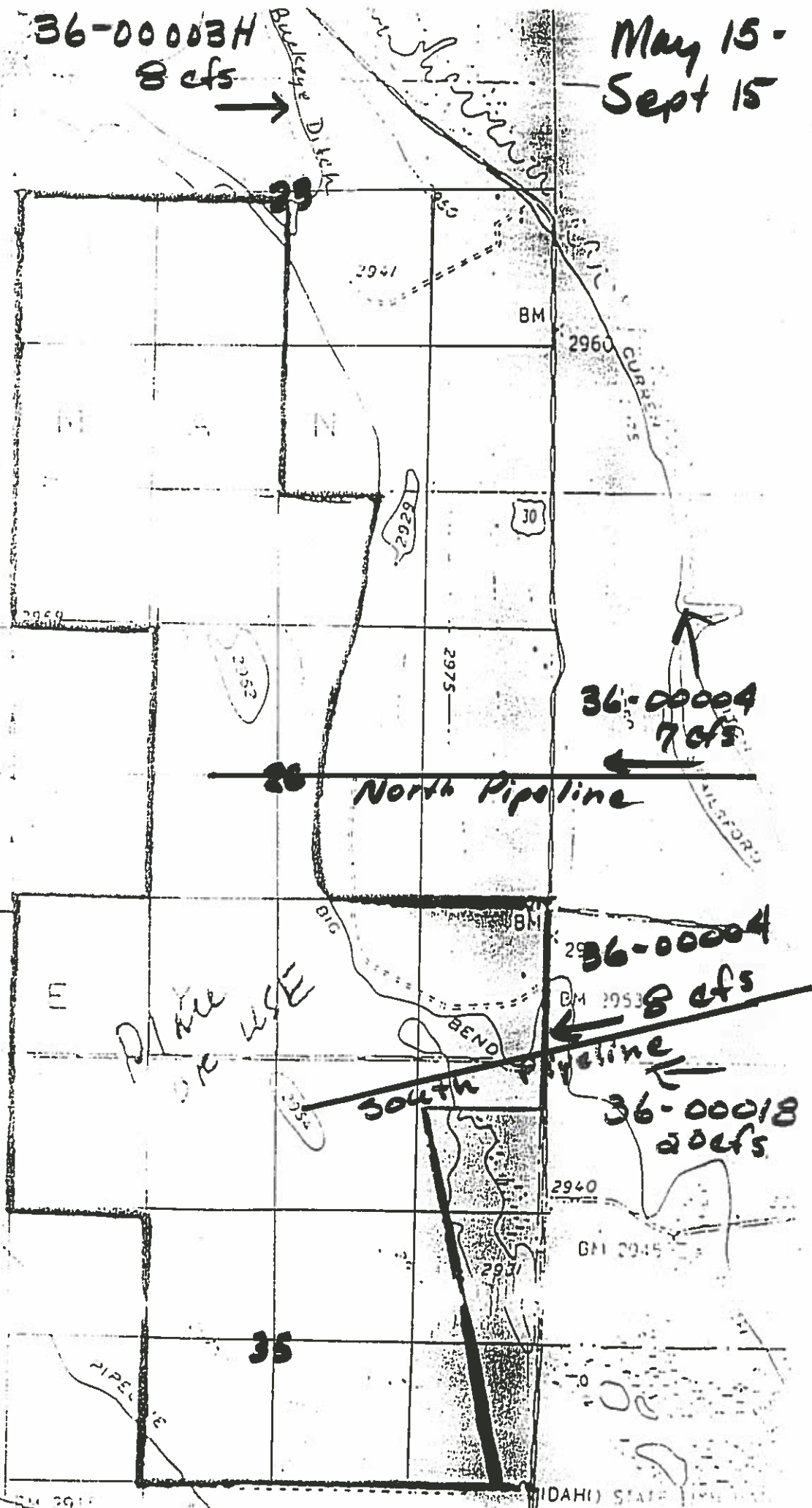
(2/15-5/15) (-245-36-00015)
Weather



Points
of use

36-00003H
8 cfs

May 15 -
Sept 15



MEMORANDUM

TO: Dave Tuthill/Nick Spencer
Via Fax: (208) 327-5400

Via Fax: Steve Clelland/Allen Merritt, IDWR Twin Falls
(208) 736-3037

Via Fax: Charles Brockway, Sr.
(208) 736-8506

Via Fax: John Simpson, Attorney for Buckeye Farms, Inc.
(208) 344-6034

Via Fax: Brian Barsotti, Buckeye Farms, Inc.
(208) 726-2922

FROM: Pam Wascher, Western Legends LC
Via Fax: (208) 837-6641

RE: Transfer of Rights 36-00018/36-00015

DATE: April 12, 1999

I will be delivering to IDWR in Boise this date, the Exhibit Boards referenced herein.

I would like to summarize in writing the meeting of April 9, 1999. Due to schedules and illness, several parties either were absent or had to leave early. After several hours of negotiations, no resolution was reached. The meeting turned into a debate rather than a cohesive plan for effectuating the transfer.

The immediate problem: the Judge has stated that a SF5 must be signed by Wednesday, April 14, 1999.

Discussion was held concerning the criteria for determining this transfer. Chuck Brockway, Sr. inquired as to whether the photos were the sole source of determining irrigated acres. IDWR's response was that unless there were affidavits as to irrigation practices and acres irrigated, the photos would be the information upon which they would base their decision.

There are two factors which IDWR must consider in making their determination as to the Place of Use in this transfer.

1. The criteria in the Idaho Code 42-222, and
2. The historical information concerning acres irrigated.

Idaho Code 42-222 requires the director of IDWR to examine all the evidence and available information, and specifically issues set out in 42-222 must be addressed.

...the change does not constitute an enlargement in use of the original right.

IC 42-1416B(5)(a) "Expanded use" means an increase in the number of acres irrigated, or other additional use, under a valid ground water right without any increase in the rate of diversion or volume of water diverted."

Dovel v. Dobson, 122 Idaho 59, 831 P.2d 527 (1992) The transfer of water to divert 1.6 cfs of water to three separate fields did not result in an enlargement of the existing right even though consumptive use to one of the fields had been forfeited by nonuse.

The fact that the entire 560 acres has not been consistently irrigated over the 90 plus years should not prohibit the transfer. There has been no forfeiture, and there have been periods of time when the entire water right could not be delivered. Engineering studie proved up the duty of water for 483 acres.

Section 35 and portions of Section 26 have historically irrigated 560 acres. There are numerous documents relative to the Weatherby water (36-00015) and the Curran water (36-00018) substantiating this fact:

EXHIBIT BOARD NO. 1

1. Certificate of Completion of Works (Curran water) dated October 31, 1918, which identifies 520 acres in Section 35 as being the section for place of use of this water.
2. Engineer's Map (1918) showing Section 35 being owned by F. D. Brown showing the portion of Section 35 historically irrigated with the Curran water.
3. Certificate of Completion of Works dated October 31, 1918 issued by Fred A. Wilkie, State Engineer of the State of Idaho showing this Section as being the land to which this water is applied.
4. Deposition of Holder, F. D. Brown, dated March 21, 1918, testifying that the water has been turned into the works and is "running full of water". (Curran water on the 560 acres).

5. Deposition of Witness, Nat Owsley, dated March 21, 1918, describing the capacity of the "works" delivering the Curran water to Section 35.

6. Deposition of Witness A. T. Ingalls, dated March 21, 1918, describing the capacity of the "works" delivering the Curran water to Section 35.

EXHIBIT BOARD NO. 2

1. Indenture Agreement dated April 27, 1911, wherein The Buckeye Land Company, Inc. sells to Henry Bryant, thirty-five (35) inches of water to be used and applied on Lots numbered one and two (1 & 2) of Section Thirty-five (35), said water to be delivered from the Buckeye Ditch.

This document shows that water was historically delivered to the corner of Section 35 in question.

2. 1946 aerial photo showing the ditch system to Section 35 from the Buckeye Ditch.

3. 1964 aerial photo showing the ditch system to Section 35 from the Buckeye Ditch.

EXHIBIT BOARD NO. 3

1. 1946 aerial photo showing the irrigated acres reference in board documents.

2. 1918 Engineer Drawing indicating the location of a pipeline running parallel to Highway 30, which delivered water to the NE1/4 of the NE1/4 of Section 35, which was irrigated with the Weatherby water (IDWR determined that this 1/4 section could not have been irrigated by Weatherby water).

3. 1928 Engineer Drawing showing pipelines and the NE1/4 of the NE1/4 of Section 35 being irrigated by the Weatherby water.

4. Proof of Application of Water to Beneficial Use (Weatherby water) Deposition of Witness, Fred J. Vader, dated June 28, 1928, testifying to the acres being used for irrigation in Section 26 and the NE1/4 of the NE1/4 of Section 35.

5. 1911 Decree showing the Weatherby Water being decreed to the Ormsby Land and Livestock Company (then the owner of the Bar S property) in Section 26 and Section 35.

The total acreage referenced in these documents is 560 in Section 35 and the portions of Section 26 in question. These documents show that historically at least "483 acres" (as Decreed in Water Rights 36-00015 and 36-00018) were irrigated.

EXHIBIT BOARD NO. 4

1. 1946 aerial photo with colored arrows showing the North pipeline and the pipeline heading south which irrigated the NE1/4 of the NE1/4 of Section 35.
2. Photos of the pipeline from the North pipeline used to irrigate the NE1/4 of the NE1/4 of Section 35.

EXHIBIT BOARD NO. 5

1. Photos of the ditch system from the "North Bar S" in Section 26 to the South quarter sections.
2. Photos of the old gates and pipeline used to irrigate the south portion of Section 26.

EXHIBIT BOARD NO. 6

A number of documents support the use of 18/15 water on Section 35 and Section 26.

1. 1932 New International Decree.
2. Agreement for Sale of Spring Valley Ranch, Inc.
2. Corporate Warranty Deed.
3. Transfer Deed.

Idaho Code 42-222 further states:

...the change is consistent with the conservation of water resources within the state of Idaho.

Idaho Code 42-1501 references minimum stream flow and the Legislative Purpose. Buckeye Farms, Inc. is complying with this statute by way of allowing a major portion of their water rights to be diverted into Billingsley Creek for five (5) months of each year, and they will use these waters after it has been beneficially used in Billingsley Creek.

... is in the public interest as defined in section 42-203A(5)

- (a) this transfer will not reduce water supply
- (b) water supply is sufficient
- (c) application is made in good faith
- (d) financial resource is not an issue
- (e) this transfer will not conflict with public interest
- (f) this transfer complies with the state's conservation of water resources.

Again, Buckeye's allowing water to flow through Billingsley Creek before their use of their water rights, certainly supports this criteria of ID 42-222 as to public interest.

...significantly affect the agricultural base of the local area

This transfer does not negatively affect the agricultural base.

...The transfer of a right to the use of stored water for irrigation purposes shall not constitute an enlargement in use of the original right even though more acres may be irrigated, if no other water rights are injured thereby.

This criteria does not apply in that this transfer is not to the use of stored water for irrigation purposes.

This transfer is only asking for 483 acres to be placed where historically 560 acres have been irrigated, yet this statute would allow more acres to be irrigated with stored water.

CONCLUSION

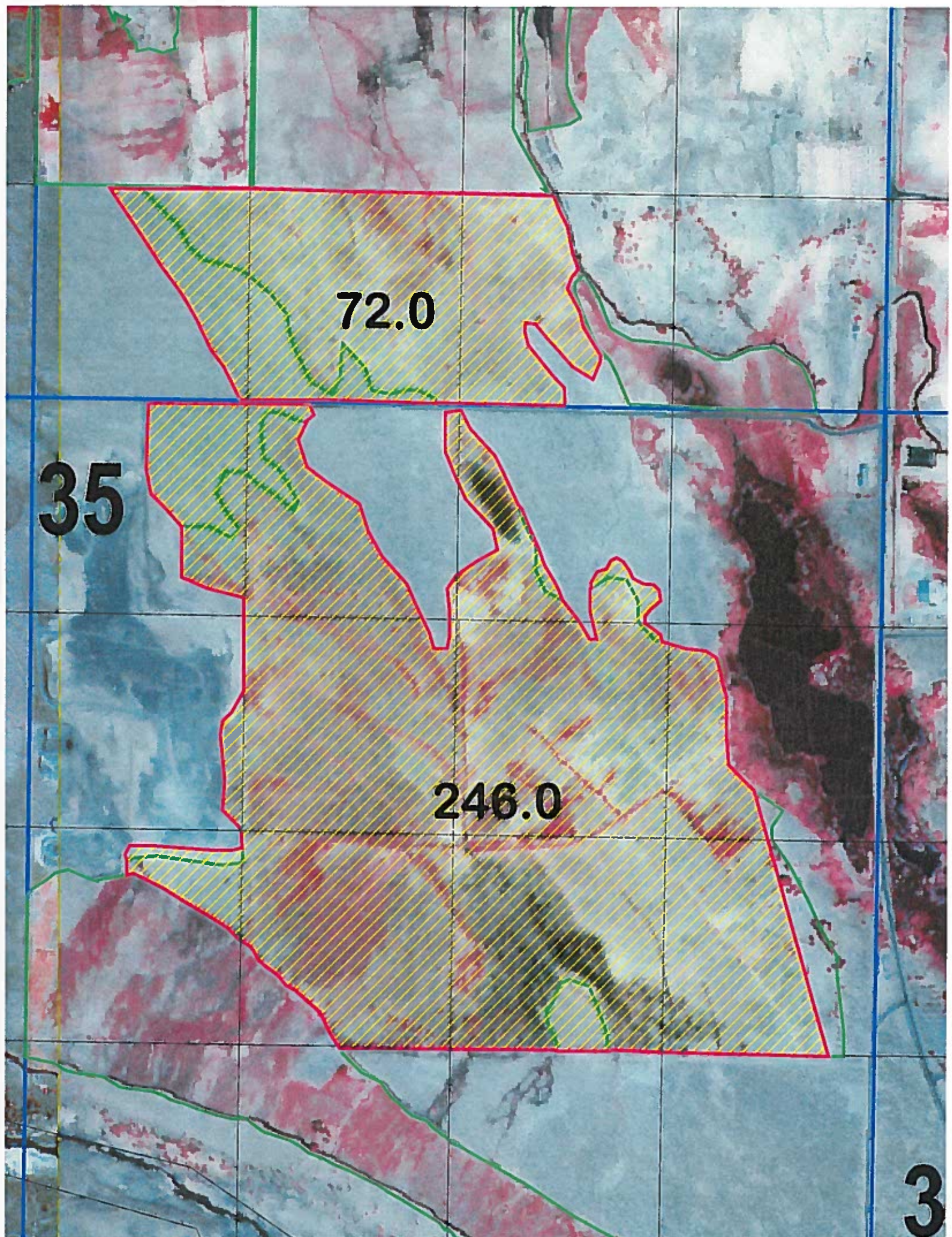
In our prior meeting in Twin Falls with Dave Tuthill, Nick Spencer, et al, the transfer was initially discussed, as well as historical irrigation practices. Issues of the protestants were also discussed. The issues of the protestants have been addressed. Buckeye Farms, Inc. and Western Legends LC (who was originally one of the protestants, and has withdrawn its protest), with the assistance of Chuck Brockway, Sr., is ready,

willing and able to obtain the withdrawal of all protests from protestants, having addressed their concerns immediately upon IDWR's approval of this transfer.

IDWR has stated from the inception of the Settlement Negotiations of 36-00004 that the removal of the 36-00015 and 36-00018 rights from the North Bar S must take place prior to the decreeing the 36-00004 right.

- All parties have complied with the requirement of the IDWR. Substantial evidence as to the historical use in Section 35 and Section 26 has been presented.
- IDWR stated that if Buckeye could prove that 483 acres were available in the South Bar S that either an administrative transfer or statutory transfer could take place, based on the fact that had the 04 right been adjudicated at the same time as the 15/18 right, this error in "place of use" would not have occurred.
- Time is of the essence in the conclusion of this matter due to the ruling of the Judge in the 36-00004. All parties to this adjudication have settled their differences, and IDWR needs to uphold their oral commitments in decreeing this 04 water right.
- Photos presented showing irrigated acreage are 5 examples of 1 day in 1 year, out of 90 plus years of irrigation on this property. These photos were presented to support IDWR's resolution to correcting an error in place of use.

IDWR has a fiduciary duty to complete this transfer based on their oral representations made to Buckeye Farms, Inc. and Western Legends LC., and based on the substantial evidence which more than adequately supports the Idaho Code requirements of this transfer.



72.0

35

246.0

3

8-3-92

CONVEYANCE LOSS - WORSTELL

| REACH | LENGTH
(FT) | AVE
WIDTH
(FT) | SEEPAGE
(FT/DAY) | WORSTELL
LOSS
(CFS) | DELIVERY
(CFS) | DELIVERY
LEFT
(CFS) | LOSS
FACTOR | DELIVERY
LOSS
(CFS) | FLOW
(CFS) |
|--------|----------------|----------------------|---------------------|---------------------------|-------------------|---------------------------|----------------|---------------------------|---------------|
| 1 | 1600 | 10.0 | 2.00 | 0.40 | 0.06 | 31.06 | 0.0130 | 0.00 | 32.80 |
| 2 | 200 | 10.0 | 2.00 | 0.05 | 20.69 | 31.00 | 0.0016 | 0.30 | 32.34 |
| 3 | 1700 | 10.0 | 2.00 | 0.43 | 1.00 | 10.31 | 0.0417 | 0.06 | 11.60 |
| 4 | 1500 | 10.0 | 2.00 | 0.38 | 6.25 | 9.31 | 0.0407 | 0.61 | 10.17 |
| 5 | 6300 | 3.0 | 2.00 | 0.48 | 3.06 | 3.06 | 0.1561 | 0.77 | 3.54 |
| 6 | 0 | 0.0 | 0.00 | 0.00 | 0.00 | 0.00 | 0.0000 | 0.00 | 0.00 |
| 7 | 0 | 0.0 | 0.00 | 0.00 | 0.00 | 0.00 | 0.0000 | 0.00 | 0.00 |
| 8 | | | | 0.00 | | 0.00 | 0.0000 | 0.00 | 0.00 |
| 9 | | | | 0.00 | | 0.00 | 0.0000 | 0.00 | 0.00 |
| 10 | | | | 0.00 | | 0.00 | 0.0000 | 0.00 | 0.00 |
| 11 | | | | 0.00 | | 0.00 | 0.0000 | 0.00 | 0.00 |
| 12 | | | | 0.00 | | 0.00 | 0.0000 | 0.00 | 0.00 |
| 13 | | | | 0.00 | | 0.00 | 0.0000 | 0.00 | 0.00 |
| 14 | | | | 0.00 | | 0.00 | 0.0000 | 0.00 | 0.00 |
| 15 | | | | 0.00 | | 0.00 | 0.0000 | 0.00 | 0.00 |
| 16 | | | | 0.00 | | 0.00 | 0.0000 | 0.00 | 0.00 |
| 17 | | | | 0.00 | | 0.00 | 0.0000 | 0.00 | 0.00 |
| 18 | | | | 0.00 | | 0.00 | 0.0000 | 0.00 | 0.00 |
| 19 | | | | 0.00 | | 0.00 | 0.0000 | 0.00 | 0.00 |
| 20 | | | | 0.00 | | 0.00 | 0.0000 | 0.00 | 0.00 |
| TOTALS | 11300 | | | 1.74 | 31.06 | | | 1.74 | |

REACH = SECTION OF CHANNEL
 LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
 OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
 AVE WIDTH = AVERAGE TOP WIDTH OF REACH
 SEEPAGE = SOIL SEEPAGE RATE OF REACH
 WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD
 DELIVERY = TOTAL DELIVERIES IN REACH
 DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)
 LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT
 DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
 REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH
 FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

* THESE RIGHTS SHARE THIS PORTION:

| | |
|-----------|-----------|
| 36-00015 | 36-00011B |
| 36-00189A | 36-00011C |
| 36-11142 | 36-00011D |
| 36-00198A | 36-00033B |
| 36-15157 | 36-00033C |
| | 36-00033D |
| | 36-00033E |

$$0.61 \div 12 = 0.05 \text{ cfs per right}$$

COPY

⊗ Some rights will not have their
 conveyance loss identified in Dever.

36-00042
 36-00011A, 36-00044, 36-00018 (0.10 cfs @)
 36-000105
 *
 36-00004
 CURREN / BAR-S
 DITCHES