

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: A63-16543  
Date Received: 7/21/1989  
Receipt No: COO 8445  
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: XL RANCH  
Address: C/O WILLIAM C. CLAYTON  
6622 JOPLIN ROAD  
NAMPA, ID 83687  
208-286-7801

2. Date of Priority: APR 15, 1930

3. Source: WASTEWATER Trib. to: BOISE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 04N      | 02W   | 24      | NE     | NE     | SW  |     | CANYON |

5. Description of diverting works:  
CULVERTS UNDER ROADWAY FROM WASTE DITCH, CONCRETE BOX & PIPELINE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.150  |      |        |

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 04N      | 02W   | 24      | SW     | NE  |     | IRR | 3.0   |
|          |       |         | SE     | NW  |     | IRR | 2.0   |

Section Acres 5.0

A63-16543

Page 1

Date: 07/21/89

SCANNED

APR 21 2008

MICROFILMED

AUG 25 1992

10. Place of Use: Continued

Total Acres 5.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

NONE

14. Remarks:

2 POINTS OF DIVERSION IN TWN. 4N, RNG. 2W, SEC. 24, NE 1/4,  
NE 1/4, SW 1/4.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Owner of \_\_\_\_\_ Title

XL Ranch, that I have signed the foregoing Organization

document in the space below as Owner of Title

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

Willie C. Clay  
Signature of Authorized Agent

Owner XL Ranch  
Title and Organization

7.21.89  
Date

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 21<sup>st</sup> day

of July 19 89

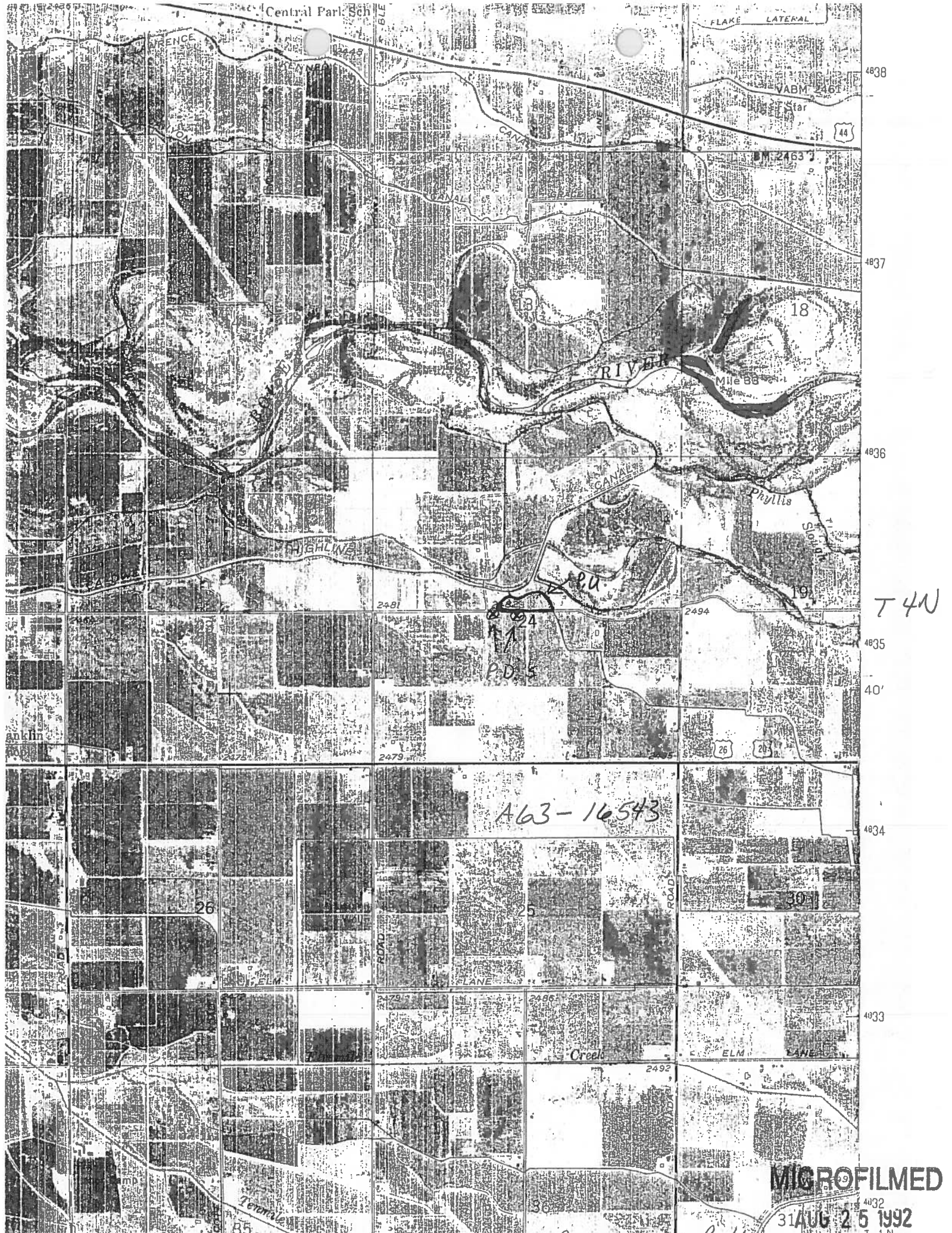
Seal

Carter Fritschle  
Notary Public

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

Carter Fritschle, Notary Public  
Residing at Eagle, Idaho  
My Commission Expires March 21, 1994



MICROFILMED  
31 AUG 25 1992  
T 4N

# Idaho Department of Water Resources

Claim Number: 63-16543

Legal: T04N, R02W, S24

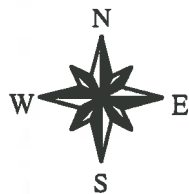
Reviewed By:

● Point of Diversion

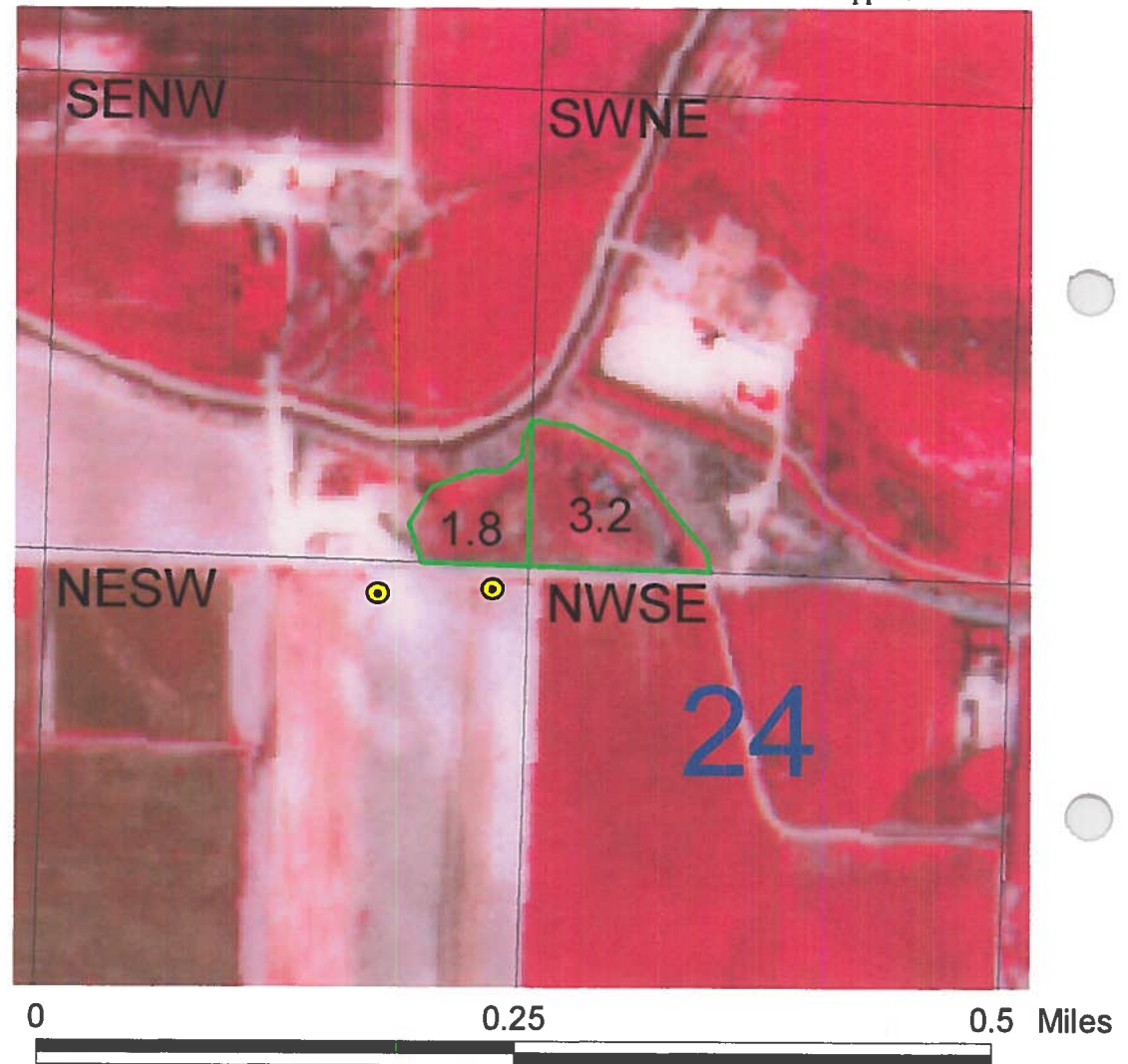
Place of Use

Section Lines

Quarter Quarter Lines



1987 Napp Photo



## L PROPERTY INQUIRY

```
+++++
01 6R34202-000- -0 108-00 F SCH139+ 01 87,100 115.92
+++++
02 53,700 177.93
CLAYTON, WILLIAM C + 10 34,400 1.00
+ 18 13,800 .50
+ 19 9.81
+ 31 172,400
+ 32 33,500
6622 JOPLIN RD +
NAMPA ID 83687 +
+++++
24-4N-2W NE + TOTAL 394,900 305.16
LOT 1 LESS TAX 1,, W 1/2 NE LESS ++++++
TX 3 & TX 5,, SENE LS TX 2,, + SURVEY INST 9022860
NW 1/4,, TAX 1 OF LOT 1 + DRAIN DR VALUE APPR CTR
6622 JOPLIN RD, NA + CLASS OR REAP 01 MAN 00 UNIT 2
+ PARCEL 6R04N02W240011 H/O N C/B N
+ PRIOR ACCOUNT 5R34202-000- -0
+ 02 MH on Property NO
SEE R34202-010 & -011
MODE:F ACTION: TRAITS INQUIRY TRQK318
```

ACCOUNT NUMBER R34202000 0 UNIT 001 TOTAL UNITS 2

```
SITE 6622 JOPLIN RD NA SEC/TWN/RNG 24-4N-2W
ASSESSED VALUE 394,900 ACREAGE 305.16
SUB/PARK NAME YEAR/MAKE
CLASS OR OWNER / RENTAL SPACE LOT BLOCK
+++++
YR BUILT 1960 AIR COND AIR - NONE CARPORT N
STORY 1 STORY HEATING OIL CARPORT SQ FT
FIRST SQ FT 2516 EXTERIOR STUCCO DECK/PATIO? Y
SECOND SQ FT ROOF COMP POOL? N
BEDS 4 BSMT SQ FT SPA? N
BATHS 1.00 % BSMT FIN LOT SIZE
FRPLC 0 GARAGE D1 NEIGHBORHOOD 0
GARAGE SQ FT 312
+++++
COMMENTS (1 OF 2) 2 UNITS MOBILE HOME ONLY
WIDTH/LENGTH
EXPANDO
```

MODE:F ACTION: PRESS {01 RETURN} TO VIEW ANOTHER ACCOUNT TRQK101

System User- IDWRR Date 03/01/2006 Time 11:37

## REAL PROPERTY INQUIRY

```
+++++
01 6R34202-011- -0 108-00 F SCH139+ 01 5,000 8.72
+++++
10 34,400 1.00
CLAYTON, WILLIAM C + 19 .19
+ 32 81,100
+
+
+
6622 JOPLIN RD +
NAMPA ID 83687 +
+++++
24-4N-2W NE + TOTAL 120,500 9.91
TAX 5 IN SWNE ++++++
+ SURVEY INST 9305974
+ DRAIN DR VALUE APPR CTR
+ CLASS BF REAP 01 MAN 00 UNIT 0
+ PARCEL 6R04N02W241645 H/O N C/B N
+ PRIOR ACCOUNT 5R34202-011- -0
+ 02 MH on Property NO
SEE R34202
```

ACCOUNT NUMBER R34202011 0

UNIT 001

TOTAL UNITS

SITE 6412 JOPLIN RD

NA

SEC/TWN/RNG 24-4N-2W

ASSESSED VALUE 120,500

ACREAGE 9.91

SUB/PARK NAME

YEAR/MAKE

CLASS BF FARM OUTBUILDINGS WITH NO RESIDEN

SPACE

LOT

BLOCK

+++++

YR BUILT 0 AIR COND AIR - NONE CARPORT N

STORY NO BLDG HEATING CARPORT SQ FT

FIRST SQ FT 0 EXTERIOR UNKNOWN DECK/PATIO? N

SECOND SQ FT ROOF UNKNOWN POOL? N

BEDS 0 BSMT SQ FT SPA? N

BATHS .00 % BSMT FIN LOT SIZE

FRPLC 0 GARAGE N NEIGHBORHOOD 0

GARAGE SQ FT

+++++

COMMENTS

MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**ADJUDICATION CLAIM POU REVIEW REPORT**  
**ADJUDICATION CLAIM NUMBER: 63-16543**

02/28/2006

1

| Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use | Acres/Total | Name                            |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|---------------------------------|
| -145    | Claim       | 04N | 02W | 24  | SW | NE |     | IRRIGATION     | 30/1826     | EUREKA WATER CO                 |
| 166B    | Claim       | 04N | 02W | 24  | SW | NE |     | IRRIGATION     | 20/2538     | FRANKLIN DITCH CO               |
| 167B    | Claim       | 04N | 02W | 24  | SW | NE |     | IRRIGATION     | 20/2538     | FRANKLIN DITCH CO               |
| 5239    | Claim       | 04N | 02W | 24  | SW | NE |     | IRRIGATION     | 20/2538     | FRANKLIN DITCH CO               |
| 5343    | Claim       | 04N | 02W | 24  | SW | NE |     | IRRIGATION     | 5/24        | X L RANCH                       |
| 16383   | Claim       | 04N | 02W | 24  | SW | NE |     | IRRIGATION     | 30/1826     | EUREKA WATER CO                 |
| 16386   | Claim       | 04N | 02W | 24  | SW | NE |     | IRRIGATION     | 30/150      | X L RANCH                       |
| 16543   | Claim       | 04N | 02W | 24  | SW | NE |     | IRRIGATION     | 3/5         | X L RANCH                       |
| 5343    | Claim       | 04N | 02W | 24  | SW | NE |     | STOCKWATER     |             | X L RANCH                       |
| 16386   | Claim       | 04N | 02W | 24  | SW | NE |     | STOCKWATER     |             | X L RANCH                       |
| 16544   | Water Right | 04N | 02W | 24  | SW | NE |     | STOCKWATER     |             | X L RANCH                       |
| 16544   | Water Right | 04N | 02W | 24  | SW | NE |     | DOMESTIC       |             | X L RANCH                       |
| 16545   | Water Right | 04N | 02W | 24  | SW | NE |     | DOMESTIC       |             | MARIE A CLAYTON EDUCATIONAL TRU |
| -145    | Claim       | 04N | 02W | 24  | SE | NW |     | IRRIGATION     | 3/1826      | EUREKA WATER CO                 |
| 166B    | Claim       | 04N | 02W | 24  | SE | NW |     | IRRIGATION     | 20/2538     | FRANKLIN DITCH CO               |
| 167B    | Claim       | 04N | 02W | 24  | SE | NW |     | IRRIGATION     | 20/2538     | FRANKLIN DITCH CO               |
| 5239    | Claim       | 04N | 02W | 24  | SE | NW |     | IRRIGATION     | 20/2538     | FRANKLIN DITCH CO               |
| 5343    | Claim       | 04N | 02W | 24  | SE | NW |     | IRRIGATION     | 13/24       | X L RANCH                       |
| 16383   | Claim       | 04N | 02W | 24  | SE | NW |     | IRRIGATION     | 3/1826      | EUREKA WATER CO                 |
| 16386   | Claim       | 04N | 02W | 24  | SE | NW |     | IRRIGATION     | 3/150       | X L RANCH                       |
| 16543   | Claim       | 04N | 02W | 24  | SE | NW |     | IRRIGATION     | 2/5         | X L RANCH                       |
| 5343    | Claim       | 04N | 02W | 24  | SE | NW |     | STOCKWATER     |             | X L RANCH                       |
| 16386   | Claim       | 04N | 02W | 24  | SE | NW |     | STOCKWATER     |             | X L RANCH                       |
| 16391   | Water Right | 04N | 02W | 24  | SE | NW |     | STOCKWATER     |             | X L RANCH                       |
| 16391   | Water Right | 04N | 02W | 24  | SE | NW |     | DOMESTIC       |             | X L RANCH                       |

# Receipt Details for ID C008445

| Status | Adjustment Type  | Version |
|--------|------------------|---------|
|        | Adjusted Receipt | 1       |

## General Information:

| Date Received        | Date Deposited | Region                 | Total Amount | Payment Type |
|----------------------|----------------|------------------------|--------------|--------------|
| 7/21/1989 9:50:40 AM | 7/21/1989      | State                  | \$279.00     | Check        |
| <b>Payer</b>         |                | XL RANCH/CLAYTON TREES |              |              |

## Account Information:

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 3535                 |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

**Comment** ADJUDICATION FEE

## Fee Detail:

| Amount   | Description      | PCA    | Fund | Fund Detail | Subsidiary | Object |
|----------|------------------|--------|------|-------------|------------|--------|
| \$279.00 | ADJUDICATION FEE | 410162 | 9337 | 0           | 0          | 6490   |

## Refund(s):

| Amount | Payee | Date | Document Number |
|--------|-------|------|-----------------|
|--------|-------|------|-----------------|

## Water Right Information:

| Basin Number | Sequence Number | Split Suffix | Amount  | Type  |
|--------------|-----------------|--------------|---------|-------|
| 63           | 16391           |              | \$25.00 | Claim |
| 63           | 16544           |              | \$25.00 | Claim |
| 63           | 16543           |              | \$55.00 | Claim |
| 63           | 16542           |              | \$25.00 | Claim |
| 63           | 16386           |              | \$50.00 | Claim |
| 63           | 5343            |              | \$74.00 | Claim |
| 63           | 16392           |              | \$25.00 | Claim |

✓ Correct Amount

## **CONVERSATION MEMORANDUM**

**RE: Snake River Basin Adjudication Water Right Nos. A63-5343, -16386, -16543**  
**Notice of Error Reply**

June 27, 2006

I called #286-7801 twice throughout the day (just to double-check whether or not I dialed the correct number) and, on both occasions, I heard only screeching noises on the other end of the line.

July 11, 2006

I called #286-7801 twice, and once again, got only screeching noises.

Kimberly Brown  
Senior Water Resource Agent  
Western Region



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

March 2, 2006

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

X L RANCH  
C/O WILLIAM C CLAYTON  
6622 JOPLIN RD  
NAMPA ID 8687

} 4/3/06  
Correct address and current owner  
according to 2005 Canyon Co. tax lot  
data

RE: EVIDENCE OF PRIORITY

SNAKE RIVER BASIN CLAIM NO(S): A63-5343, A63-16386, A63-16543

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled. **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date."**

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by **March 27, 2006**. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents

# DWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 103-16543 Date: 3-19-02

|       | TNS | RNG | SEC | NE |    |     |    | NW |    |    |     | SW |    |    |    | SE |    |    |    | Sum |
|-------|-----|-----|-----|----|----|-----|----|----|----|----|-----|----|----|----|----|----|----|----|----|-----|
|       |     |     |     | NE | NW | SW  | SE | NE | NW | SW | SE  | NE | NW | SW | SE | NE | NW | SW | SE |     |
| Claim | 4N  | 2W  | 24  |    |    | 3   |    |    |    |    | 2   |    |    |    |    |    |    |    |    | 5   |
| GIS   |     |     |     |    |    | 3.2 |    |    |    |    | 1.8 |    |    |    |    |    |    |    |    | 5   |
| Claim |     |     |     |    |    |     |    |    |    |    |     |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |     |    |    |    |    |     |    |    |    |    |    |    |    |    |     |
| Claim |     |     |     |    |    |     |    |    |    |    |     |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |     |    |    |    |    |     |    |    |    |    |    |    |    |    |     |
| Claim |     |     |     |    |    |     |    |    |    |    |     |    |    |    |    |    |    |    |    |     |
| GIS   |     |     |     |    |    |     |    |    |    |    |     |    |    |    |    |    |    |    |    |     |

Number of POD's 2 Total Claimed Acres: 5  
 Overlapping FOU Claim #'s: Total GIS Acres: 5

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**COMMENTS:**

Per claim map & image interp.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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 63-16543

|                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho<br><br>MAR 12 2009<br><br>By _____ Clerk<br>_____<br>Deputy Clerk |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|

NAME AND ADDRESS: X L RANCH  
C/O WILLIAM C CLAYTON  
5622 JOPLIN RD  
Nampa, ID 83687

SOURCE: WASTE WATER TRIBUTARY: BOISE RIVER

QUANTITY: 0.12 CFS

PRIORITY DATE: 04/15/1965

POINT OF DIVERSION: T04N R02W S24 SWSNE Within Canyon County  
SWSNW

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 03-15 TO 11-15 | 0.12 CFS |

|               |                 |                      |
|---------------|-----------------|----------------------|
| PLACE OF USE: | Irrigation      | Within Canyon County |
|               | T04N R02W S24   | SWNE 2.4             |
|               | SENW 1.6        |                      |
|               | 4.0 Acres Total |                      |

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

The source of this water right is waste water. The wasting of water may be discontinued at any time.

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

RULE 54(b) CERTIFICATE

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

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

RECOMMENDATION

MAR 12 2009

*Lawrence Booth*  
SPECIAL MASTER

10/28/2008

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

RIGHT NUMBER: 63-16543

NAME AND ADDRESS: X L RANCH  
C/O WILLIAM C CLAYTON  
6622 JOPLIN RD  
NAMPA ID 83687

VERIFIED BY KKC  
10-28-08

SOURCE: WASTE WATER TRIBUTARY: BOISE RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 04/15/1965

POINT OF  
DIVERSION:  
T04N R02W S24 SWSWNE Within CANYON County  
T04N R02W S24 SWSNW Within CANYON County

PURPOSE AND  
PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>              | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|---------------|------------------------------------|----------------------|-----------------|
|               | IRRIGATION                         | 03/15 11/15          | 0.120 CFS       |
| PLACE OF USE: | <u>IRRIGATION in CANYON County</u> |                      |                 |
|               | T04N R02W S24 SWNE 2.40            | T04N R02W S24 SENW   | 1.60            |

4 ACRES TOTAL

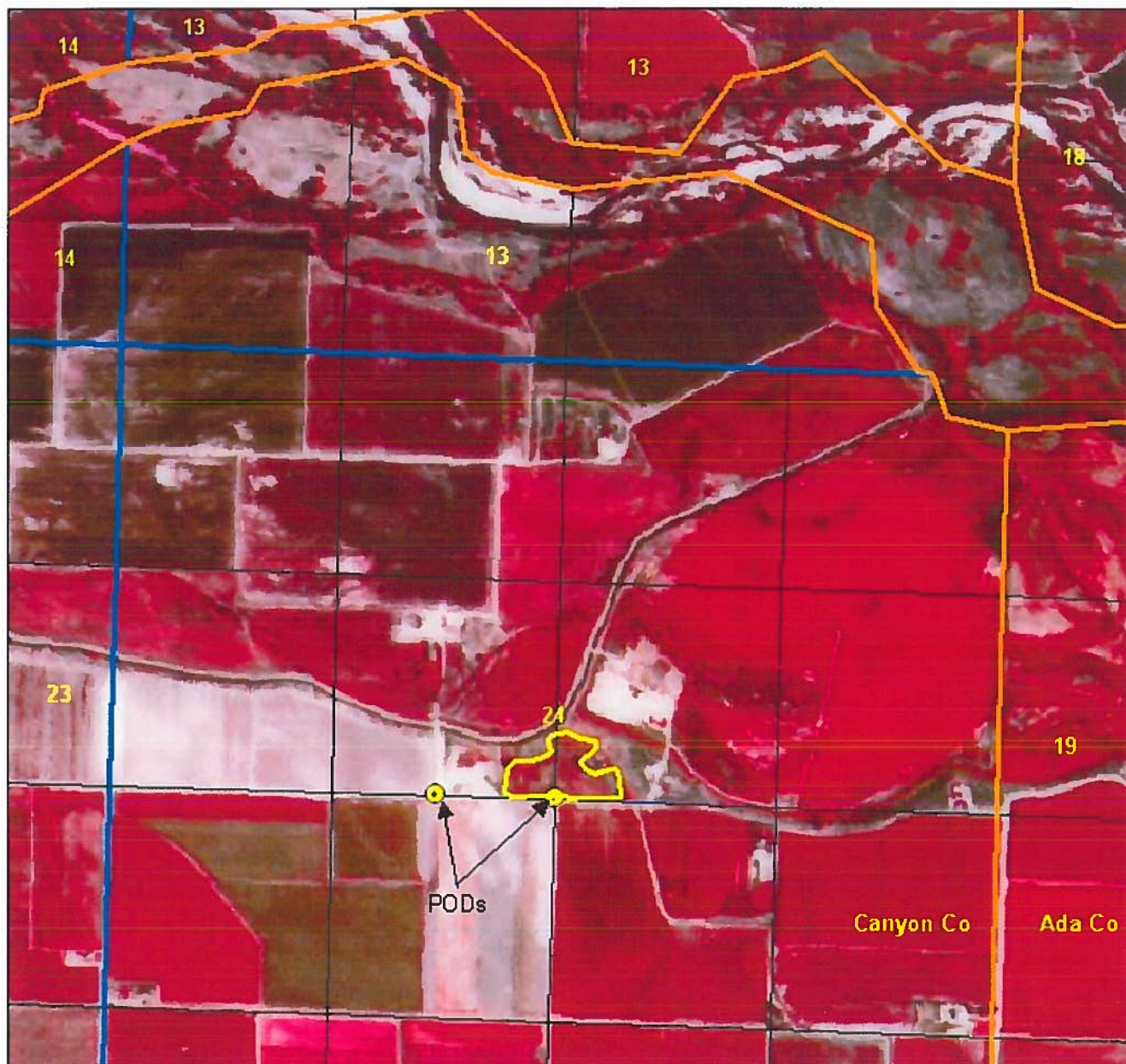
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The source of this water right is waste water. The wasting of water may be discontinued at any time.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources  
**RECOMMENDED PLACE OF USE FOR  
63-16543**



PLACE OF USE  
TWP 04N, RNG 01W, SEC 24

- Recommended point of diversion
- ▭ Recommended place of use
- ▭ Township
- ▭ Section
- ▭ Quarter/Quarters

★ LOCATION IN BASIN

*GIS PLACE OF USE PRESENTATION  
1987 OR 1988 NAPP PHOTOGRAPHY  
BY KELLY K CHRISTENSEN*



**Basin 63**



## XL RANCH RECOMMENDATION

63-5343. The current system is waste water delivered via a flume crossing the Pioneer ditch and flood irrigation. The waste water comes from ground southeast of the flume.

63-16386. The waste water reaches the POU via three different locations. The point of diversion in Section 19 diverts water south into a channel that continues to parallel that channel. The diverted water flows northwest to the east side of the irrigated property where water can flow either north or south. The north waste water flow goes into a cement lined ditch. The ditch can carry both waste water and 'live Eureka' canal water. That system continues north to eventually cross the Pioneer ditch in a pipeline to enter the field north of the Pioneer and Franklin ditches. Originally the water was ditched to the POU at that point but has since been changed to a pump and pipeline system to a center pivot. The pump system lofts water from a slough area that roughly parallels the field on the south. The pivot is obvious in the 1987 aerial photo. The third point of diversion also dumps into the slough area leading to the pump system. Waste water reaching this point of diversion comes from a small field basically located north and east of the POD.

63-16543. This is a small field laying just north of the Joplin Road. Waste water is collected from fields to the west and south of the POU at two different points. The west POD is just west of the access road going to the main farmstead. Water enters a small pond and can then flow either north or east. The east ditch goes to the POU. The second point of diversion is also a small pond which is located just south of the Joplin Road. Water goes under the Joplin Road near the southwest corner of the POU. The POU is flood irrigated.

*Field notes, Photos, & map notes of the 8-13-08  
field Exam are in File 63-5343.  
KKC*

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

63-16543

(insert water right number)

Case No. 39576 )

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Wm. CLAYTON

Address:

6622 Jallin Rd.

namha, ID 83667

Daytime Phone:

206-250-7547

Name & Address of Attorney, if any:

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

Name:

XL Ranch c/o Wm. CLAYTON

Address:

6622 Jallin Rd.

namha, ID 83667

F.

VERIFICATION (must be completed)

State of COLORADO )  
 )ss.  
County of JEFFERSON )

WILLIAM C. CLAYTON, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

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]  
(Signature of person filing objection)

\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 20 JUNE 2007

[Signature]  
Notary Public for SF BANK  
Residing at: 3500 S. WADSWORTH BLVD, LAKEWOOD CO 80239  
My Commission Expires: \_\_\_\_\_ My Commission Expires 11/13/2010

**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: \_\_\_\_\_
4. ☐ **Priority Date**  
Should be: \_\_\_\_\_
5. ☐ **Point of Diversion**  
Should be: \_\_\_\_\_
6. ☐ **Instream Flow Beginning and Ending Point**  
Should be: \_\_\_\_\_
7. ☒ **Purpose(s) of Use**  
Should be: 1. irrigation
8. ☐ **Period of Year**  
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 OBJECTIONS(S):** \_\_\_\_\_

We have been using this for irrigation  
for a long time

RECEIVED

JUN 25 2007

DEPARTMENT OF  
WATER RESOURCES

INSTRUCTIONS FOR MAILING

You must mail the objection, 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.

G. CERTIFICATE OF MAILING

I certify that on June 20<sup>th</sup>, 2007, I mailed the original and copies of this objection, 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: Wm. Clayton  
Address: 6622 20th St  
Hamlet, ID 83267

3. Copies to:

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

United States Department of Justice  
Environment & Nat'l Resources Div  
550 W Fort Street, MSC 033  
Boise, ID 83724

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

Wesley  
Signature of objector or attorney  
mailing on Objector's behalf

# Idaho Department of Water Resources

Claim Number: 63-16543

Legal: T04N, R02W, S24

Reviewed By:

"RECEIVED"

NOV 13 2006

WATER RESOURCES  
WESTERN REGION

William Clayton  
at  
Western  
Region



Point of Diversion



Place of Use

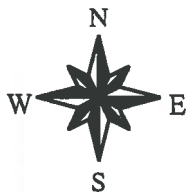


Section Lines

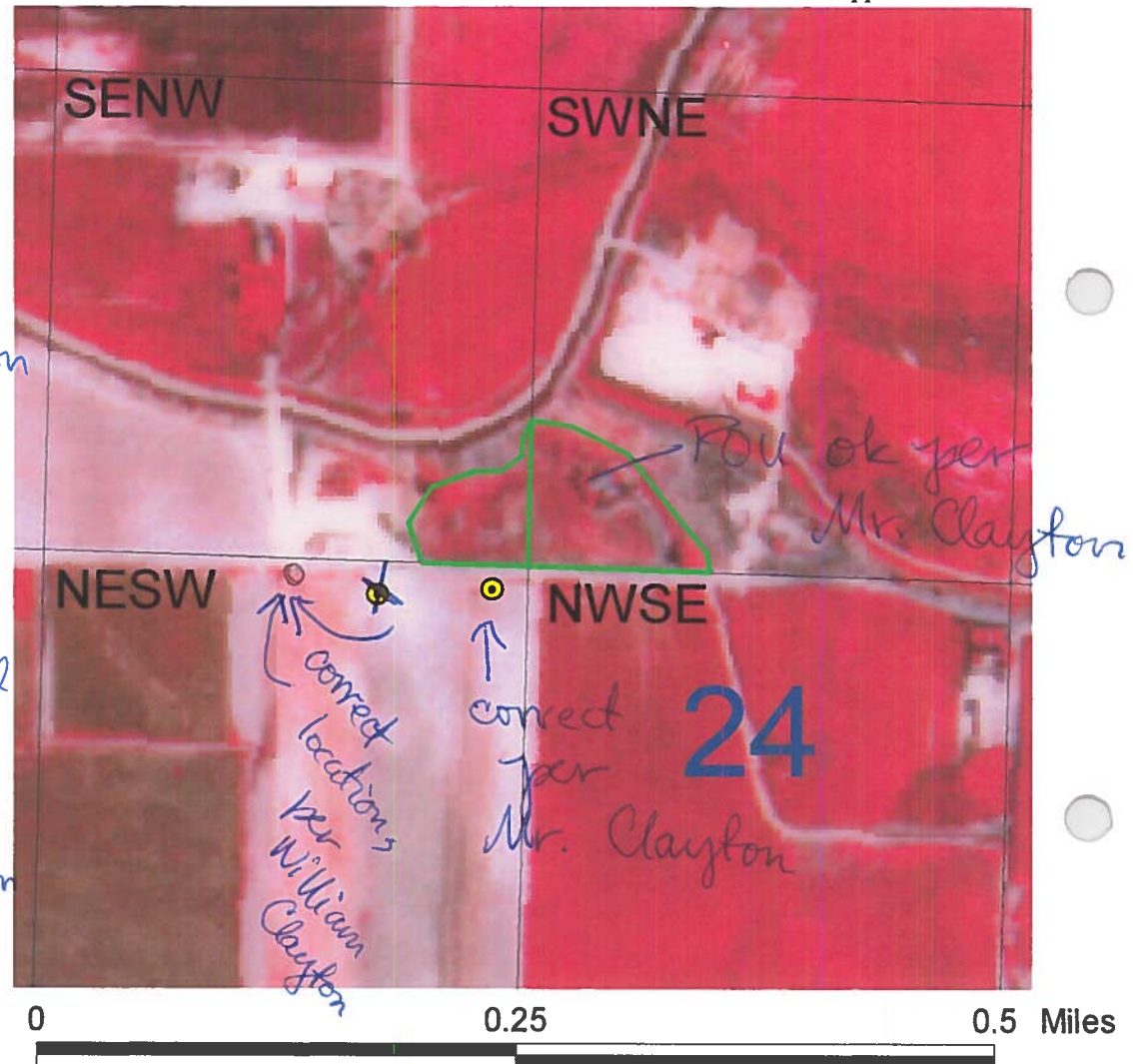


Quarter Quarter Lines

+ verified  
this  
NAPP.  
-KBrown



1987 Napp Photo



RECEIVED

MAY 26 2008

DEPARTMENT OF  
WATER RESOURCES

2008 MAY 23 PM 03:44  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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

|                |   |                        |          |
|----------------|---|------------------------|----------|
| In Re SRBA     | ) | NOTICE SETTING HEARING |          |
|                | ) |                        |          |
| Case No. 39576 | ) |                        |          |
| _____          | ) | SUBCASE NOS: 63-05343  | 63-16386 |
|                |   | 63-16543               |          |

Please be advised that Special Master THEODORE R. BOOTH  
has set for hearing the MOTION TO FILE LATE OBJECTION.

FRIDAY, JUNE 20, 2008 at 03:30 PM (MT)

IDAHO SUPREME COURT BUILDING  
451 WEST STATE STREET  
BOISE, ID

Dated: MAY 23, 2008

/S/ DIANA R DELANEY  
Deputy Clerk  
Snake River Basin Adjudication

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

Page 1 5/22/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING HEARING was mailed on MAY 23, 2008, with sufficient first-class postage to the following:

X L RANCH  
C/O WILLIAM C CLAYTON  
6622 JOPLIN RD  
NAMPA, ID 83687  
Phone: 208-286-7801

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

WILLIAM CLAYTON  
6622 JOPLIN RD  
NAMPA, ID 83687  
Phone: 208-250-7547

RECEIVED

MAY 26 2008

DEPARTMENT OF  
WATER RESOURCES

2008 MAY 23 PM 03:43  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

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

|                |   |                          |          |
|----------------|---|--------------------------|----------|
| In Re SRBA     | ) | ORDER SETTING SUBCASE(S) |          |
|                | ) | FOR INITIAL HEARING      |          |
| Case No. 39576 | ) |                          |          |
|                |   | SUBCASE NOS: 63-05343    | 63-16386 |
|                |   | 63-16543                 |          |

The Initial Hearing for this subcase will be held before  
Special Master THEODORE R. BOOTH

FRIDAY, JUNE 20, 2008 at 03:30 PM (MT)  
IDAHO SUPREME COURT BUILDING  
451 WEST STATE STREET  
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to  
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity  
to meet with a representative of the Idaho Department of  
Water Resources (IDWR) and/or the objector in an attempt  
to reconcile any difference between the claim and the  
Director's Report. Bring any and all information you  
believe is relevant to your claim and/or objection. If  
the claim cannot be reconciled at the Initial Hearing,  
the court will set the subcase(s) for trial within 45  
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR  
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by  
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH

Special Master

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING  
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008  
with sufficient first-class postage to the following:

X L RANCH  
C/O WILLIAM C CLAYTON  
6622 JOPLIN RD  
NAMPA, ID 83687  
Phone: 208-286-7801

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

WILLIAM CLAYTON  
6622 JOPLIN RD  
NAMPA, ID 83687  
Phone: 208-250-7547

# CONVERSATION MEMORANDUM

**RE: Snake River Basin Adjudication Water Right Nos. A63-5343, -16386, -16543**  
**Notice of Error Reply**

November 13, 2006

William Clayton came into the office with the Preliminary Recommendations/Notice of Error packet of information he received for his three claims. Mr. Clayton was aware that he had missed the October 31<sup>st</sup> deadline for the Notices of Error.

Regarding the Preliminary Recommendations, I explained that 63-16543 had been disallowed and 63-16386 and 63-16543 had been reduced to stockwater use because he did not provide evidence of the claimed priority dates. I pointed-out that I had requested the evidence at the beginning of March 2006 and that when I did not receive anything by the deadline of March 27, 2006, I also called the telephone number listed on his claim several times; but to no avail since all I heard on the other end was a screeching sound. Mr. Clayton admitted that that telephone number has not been used for many years. In order to remedy the situation, I had Mr. Clayton fill-out affidavits regarding the claimed priority dates for each claim and had him also verify the POUS and the location of the PODs on 1987 NAPP images found in each file. I also asked him specific questions regarding each claim, such as whether he had Eureka or Franklin Ditch Co shares.

Before Mr. Clayton left, I informed him that these claims would require a field investigation, that our deadline to have all of our recommendations completed for the Director's Report was this Friday (November 17<sup>th</sup>, 2006), and that I would call him either this afternoon or tomorrow regarding what needed to be done next.

Since #286-7801 does not work, I asked for correct numbers in order to reach him:

#250-7547 (cell)      #482-6600 (business)      #286-7196 (home)

---

Later this afternoon, I met with my supervisor, Jan Shurte, in order to make a decision on how to handle receiving evidence of priority four days before all recommendations need to be completed for the B63 PIII Director's Report. We called our attorney, Nick

Spencer, at the State office and all came to the conclusion that Mr. Clayton will need to file an objection and a field exam will be conducted at that time. The reasons for this decision were many:

- Mr. Clayton missed the March 27, 2006 evidence of priority deadline.
- Mr. Clayton missed the October 31, 2006 Notice of Error Reply deadline.
- There is not enough time to conduct a field investigation, have the Field Report written-up, and to review the information for a recommendation before 11/17/06.

Therefore, as a procedural step, Mr. Clayton will need to file an objection to these three claims in order to remedy this situation.

November 14, 2006

I called Mr. Clayton at #251-7547 (cell) and explained my conversation with my supervisor and our attorney. He understands that he must file an objection in order to "fix" the Preliminary Recommendations for his three claims.

Kimberly Brown  
Senior Water Resource Agent  
Western Region

NOV 13 2006

RECEIVED

IN THE MATTER OF )  
NOTICE OF CLAIM TO )  
A WATER RIGHT NO. (S) )

AFFIDAVIT

63-10343 )  
 )  
 )  
 )  
State of Idaho )  
County of CANTON )

RECEIVED

NOV 13 2006

WATER RESOURCES  
WESTERN REGION

WILLIAM CLAYTON

deposes and says: \_\_\_\_\_

OUR FAMILY BOUGHT THE 640± ACRES THAT  
IS ON THE WEST EAST 1/4 NORTH OF THE SUBJECT  
5 ACRES IN 1965.

THIS FIVE ACRES WAS BEING WATERED BY THE  
WASTEWATER BY THE PREVIOUS OWNERS FOR  
MANY YEARS.

WE CONTINUED TO USE THE WASTEWATER  
ON THE FIVE ACRES CLAIMED ON THIS WATER RIGHT.  
WE HAVE USED THE WASTEWATER EVERY YEAR  
SINCE 1965.

William Clayton  
(Signature)

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-16543 V1

WATER RIGHT NUMBER: 63-16543 V1

|                   |                                                                                          |
|-------------------|------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                  |
| Current Owner     | X L RANCH<br>C/O WILLIAM C CLAYTON<br>6622 JOPLIN RD<br>NAMPA, ID 83687<br>(208)286-7801 |

Priority Date: 04/15/1930

Basis:

Status: **Disallowed**

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| WASTE WATER   | BOISE RIVER      |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 3/15 to 11/15           | 0.150 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.150 CFS             |                      |

Location of Point(s) of Diversion

|               |                 |                                 |
|---------------|-----------------|---------------------------------|
| WASTE WATER   | NE1/4NE1/4SW1/4 | Sec. 24, Twp 04N, Rge 02W, B.M. |
| CANYON County |                 |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |     |    | NW |    |     |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|-----|----|----|----|-----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW  | SE | NE | NW | SW  | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 02W | 24  |    |    | 3.0 |    |    |    | 2.0 |    |    |    |    |    |    |    |    |    | 5.0    |

Total Acres: 5

Conditions of Approval:

1. **P13** No beneficial use found; This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.
2. **P03** No beneficial use found.
3. **C18** 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 63-16543 V1

Comments:

## 1. kbrown 7/11/2006 Reason for Disallowal

Comment: I sent a request for evidence of priority on 3/02/06, with a due date of 3/27/06. When nothing was received in return (neither the envelope nor any evidence), I checked 2005 Canyon County tax lot data on 4/03/06 to see if the property had a new owner, etc. According to 2005 Canyon County tax lot information: XL Ranch and William C. Clayton are the current owners and 6622 Joplin Rd. is the correct address (see Real Property Inquiry in file). On 6/27/06, I called #286-7801 twice during the day and, on both occasions, heard only screeching noises on the other end. On 7/11/06, I called #286-7801 twice and, once again, got only screeching noises. This claim is being recommended as disallowed due to lack of evidence.

## 2. kbrown 7/11/2006 Remark from Notice of Claim

Comment: 2 points of diversion in Twn. 4N, Rng. 2W, Sec. 24, NE 1/4, NE 1/4, SW 1/4.

Dates and Other Information:

Decreed Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Defendant:  
Plaintiff:  
Civil Case Number:  
Judicial District:  
Notice of Error Flag:  
State or Federal: S  
Owner Name Connector: OR  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary        |                           |                 | 02/28/2006                | lharris         | Disallowed    |
| Contacts       | 7/11/2006 3:23:08 PM      | kbrown          |                           |                 | Disallowed    |
| Summary        |                           |                 | 07/11/2006                | kbrown          | Disallowed    |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                   |
|----------------|------------------------|-----------------|-----------------------------------------------------------------------------------|
| Contacts       | 7/11/2006 3:23:09 PM   | kbrown          | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: Disallowed. |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-16543 V1

|         |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------|----------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary | 7/11/2006 3:25:02 PM | kbrown  | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(No) 3. Is the water being used for all of the purposes claimed and to the extent claimed?<br>(No) 4. Is any portion of the claim be recommended?<br>(Yes) 6. Is an additional remark and/or condition required?<br>(Yes) 7. Would you like to view the recommended right?<br>(No) 8. Is this a split or combined right?<br>(No) 9. Do you have documents you would like to attach or link to the file?<br>(Yes) 10. Would you like to set the verification date? |
| Summary | 2/28/2006 3:37:55 PM | lharris | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?                                                                                                                                                                                                                                                                                                                                                                       |

Water Supply Bank:

DISALLOWED

Field Exam Date 7.11.06

(in-office review)

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid \$55.00
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) A63-16543

Owner: XL Ranch, c/o William Clayton Phone No. 286-7801

Current Address: 6622 Goplin Rd., Nampa 83687

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property?

Accompanied by: N/A

PRIORITY DATE

- ☐ No change – Complete evidence submitted or not necessary
- ☒ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 04/15/1930

(If priority date, based on your exam, seems questionable, explain below.)

I sent a request for evidence of priority on 3/2/06, with a due date of 3/27/06. When nothing was received in return and no contact was made, I checked 2005 Canyon County tax lot data on 4/3/06 to see if the property had a new owner, etc.

Source: According to 2005 Canyon Co. tax lot data, Tributary to XL Ranch

- ☐ No Change – SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

- ☐ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change?

and William Clayton are the correct owner(s) and 6622 Goplin Rd. is the correct address. On 6/27/06, I called # 286-7801 twice in the day and, on both occasions, heard only screeching noises on the other end. On 7/11/06, I called # 286-7801 twice and, once again, got only screeching noises. This claim is being recommended for disallowance.

| Place of Use |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| TWP          | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Overlap with other water rights: \_\_\_\_\_

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

\_\_\_\_\_

Delivery System Narrative: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

| Well or Diversion<br>Identification No<br>GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or<br>Discharge size |
|--------------------------------------------------|------------|----|------------------|-----------|--------------------------------------|
|                                                  |            |    |                  |           |                                      |
|                                                  |            |    |                  |           |                                      |

#### FLOW MEASUREMENTS:

Attach appropriate documents

#### NARRATIVE/REMARKS/COMMENTS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**AFTER EXAM THE FILE SHOULD CONTAIN:**

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 7.11.06 (in-office review)

FIELD EXAMINER: Kimberly Brown

**DISALLOWED**