

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: **A36-00007**
Date Received: 8/ 5/1988
Receipt No: S001311
Received By: _____

AMENDED

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

AMENDED

1. Name: WILLIAM STRANGE 208-837-4767
Address: 923 PIONEER RD
HAGERMAN ID 83332

AND/OR

Name: LOUISE STRANGE 208-837-4767
Address: 923 PIONEER RD
HAGERMAN ID 83332

2. Date of Priority: APR 1, 1907

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

4. Point of Diversion:

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

5. Description of diverting works:
HEADGATE & SANDS DITCH, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	1.080		
IRRIGATION	10/16	03/31	1.080		
WILDLIFE	01/01	12/31	1.080		
RECREATION	01/01	12/31	1.080		
AESTHETIC	01/01	12/31	1.080		
STOCKWATER	01/01	12/31	1.080		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK: 50 HEAD CATTLE; WILDLIFE, RECREATION & AESTHETICS: 2 PONDS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	10	SE	SE	5	IRR	9.0
Section Acres							9.0
		11	SW	SW		IRR	12.0
Section Acres							12.0
		14	NW	NW		IRR	28.0
			NW	NW		WILDLF	
			NW	NW		REC	
			NW	NW		AES	
Section Acres							28.0
		15	NE	NE	1	IRR	39.0
			NE	NE	1	WILDLF	
			NE	NE	1	REC	
			NE	NE	1	AES	
			NW	NE	2	IRR	24.0
			NE	NW	3	IRR	5.0
Section Acres							68.0
Total Acres							117.0

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:
A36-00006

14. Remarks:

LAND CLAIMED IS ALL THE LAND I OWN SOUTH OF THE BARLOGI DITCH.

12/9/1997, DJ: CLAIM AMENDMENT FILED AND FEE PAID 12/8/97. FEES
FOR ADDITIONAL USES COVERED UNDER RECEIPT S020752.
NON-IRRIGATION SEASON IRRIGATION USEAGE FOR IRRIGATION SYSTEM
MAINTENANCE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER COMPANY
vs Decree Defendant

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 36-00007

Date Received

Receipt Number

502052

540

RECEIVED

DEC 08 1997

Department of Water Resources

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

Please type or print clearly

1. Name of Claimant (s) William Strange Phone (208) 837-4767Mailing Address 923 Pioneer Rd, Hagerman, ID Zip 833322. Date of Priority (Only one (1) per claim) April 1, 19073. Source of water supply (a) Billingsley Creek
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 7S Range 13E Section 11,
NW 1/4 of SW 1/4 of NE 1/4, Govt. Lot, — B.M., County of Gooding

Additional points of diversion if any: _____

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

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

Govt. Lot _____ B.M., County of _____

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

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.diversion from Billingsley
Creek through headgate & measuring device into Sands Ditch.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from irrigation season to amount 1.08 or

For Irrigation Maintenance purposes from 1/1 to 12/31 amount 1.08 or

For Wildlife Recreation & Aesthetics purposes from 1/1 to 12/31 amount 1.08 or

For Stock purposes from 1/1 to 12/31 amount 1.08 or

7. Total quantity claimed (a) 1.08 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 5: used for 50 head cattle within irrigation POU; WRA supplies water

10. Description of place of use: to 2 ponds of about 3 acres each, used for hunting, wildlife habitat, etc.

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	13E	10																9.	
7S	13E	11											12						
7S	13E	14						28											
7S	13E	15	39	24			5												
7S	13E	14						WRA											
7S	13E	15	WRA																

Total number of acres irrigated 117 Acres

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

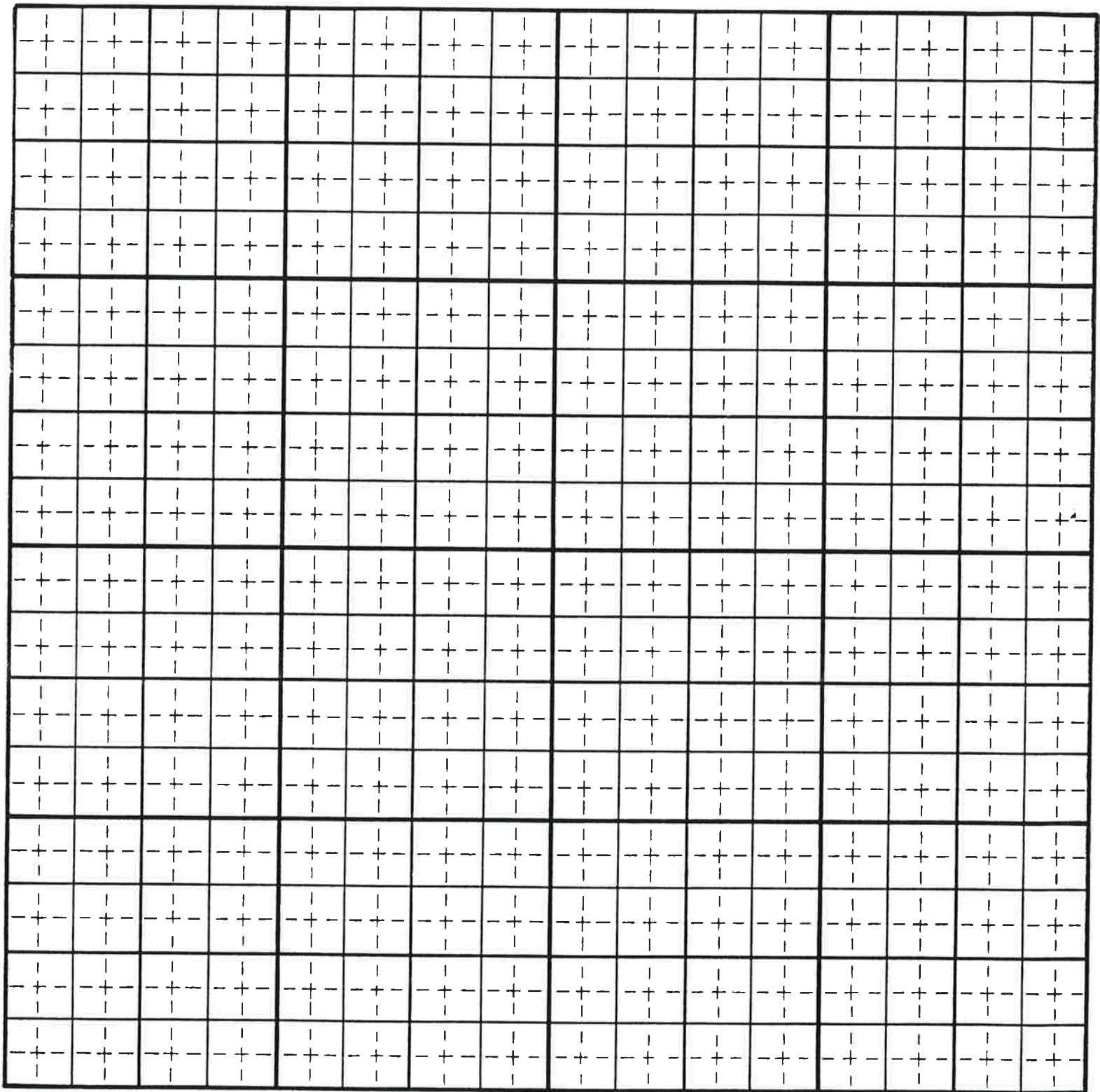
12. Do you own the property listed above as place of use? Yes X No
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. or None ()

14. Remarks:

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile *See attached aerial.*



Last Name Strange

Ident No. 36-00007

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number 36-00007

Court _____ Case Number _____ Decree Date March 22, 1932

Plaintiff vs Defendant New Int'l Mortgage Bank v. Idaho Power Co.

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Patrick D. Brown for claimant Wm. Strange Date 12/2/97

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____ Organization _____, that I have signed the foregoing

document in the space below as _____ Title _____ of _____ Organization _____

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 2nd day of December 1997

SEAL

Notary Public Leana L. McMillan

Residing at Jerome, Id

My Commission Expires 8/24/2001

Please Print Name

17. Notice of Appearance:

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

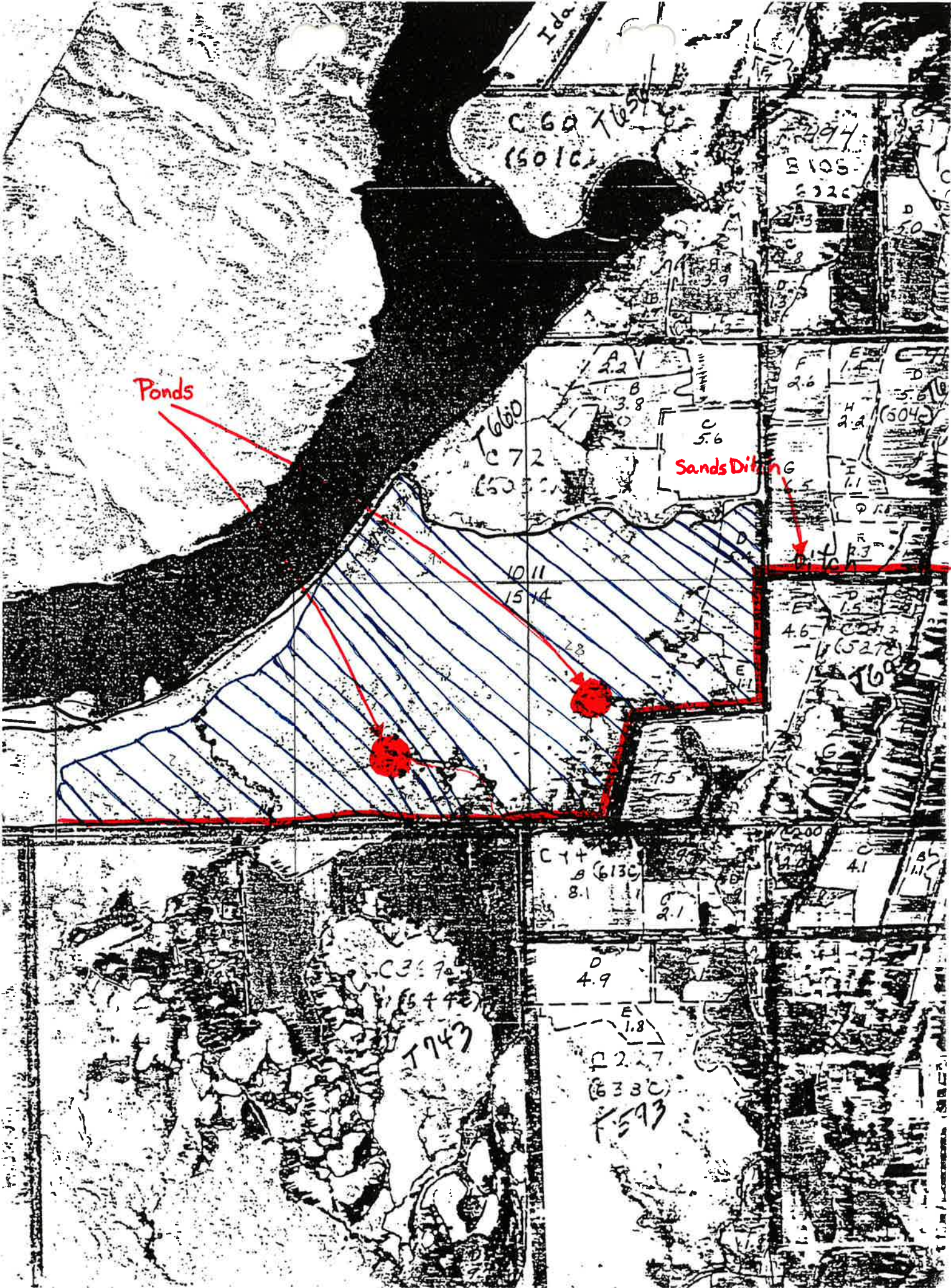
Signature Patrick D. Brown

Address 133 Shoshone St. N., P.O. Box 389, Twin Falls, ID 83303-0389

Date 12/2/97

Last Name Strange Ident. Number 36-00007

Copies White-State, Yellow-Claimant



36-00006 + 36-00007

POWER OF ATTORNEY**KNOW ALL MEN BY THESE PRESENTS:**

That I, William Strange, of Hagerman, County of Gooding, State of Idaho, have made, constituted and appointed and by these presents do make, constitute and appoint Patrick D. Brown of the law firm of Hepworth, Lezamiz & Hohnhorst, Child of Twin Falls, Idaho, as power of attorney.

Said attorney is to act in my name, place and stead, and for my use and benefit in regard to all matters involving my ownership, or the adjudication thereof, of water rights pursuant to claim(s) filed in the Snake River Basin Adjudication, Civil Case No. 39576, Fifth Judicial District, State of Idaho.

My attorney is specifically authorized to execute all necessary or proper documents on my behalf in regard to the adjudication of the above mentioned water rights or claim(s), and to negotiate, compromise, or settle all matters relating to the Snake River Basin Adjudication.

This Power of Attorney shall remain in full force and effect until written notice of its revocation or notice of my death is received by any party relying upon this document.

This Power of Attorney shall be not be affected by my disability. It is my intent that this Power of Attorney shall continue in full force and effect in the event of my incapacity.

I further provide that photocopies of this Power of Attorney are to be given equal dignity, full effect, and recognition as if it were the original.

POWER OF ATTORNEY - 1

WITNESS my hand this 8th day of December, 1997.

William Strange
William Strange

STATE OF IDAHO

County of Gooding ss.

On this 8th day of December, 1997, before me, the undersigned, a notary public in and for said county and state, personally appeared William Strange known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

Robert J. [Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Hayden, Id.
My Commission Expires: 5-11-2003

(61503pcw.)llm

POWER OF ATTORNEY - 2

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 36-00007

Date Received

Receipt Number 402052 540

RECEIVED

DEC 08 1997

Department of Water Resources
Southern Region

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

RECEIVED

DEC 08 1997

Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) William Strange Phone (208) 837-4767Mailing Address P.O. Box 389 Hagerman ID Zip 833322. Date of Priority (Only one (1) per claim) April 1, 19073. Source of water supply (a) Billingsley Creek
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 7S Range 13E Section 11,
NW 1/4 of SW 1/4 of NE 1/4, Govt. Lot, - B.M., County of Gooding

Additional points of diversion if any: _____

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

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

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. diversion from BillingsleyCreek through headgate & measuring device into Sands Ditch.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from irrigation season to amount 1.08 or

For Irrigation Maintenance purposes from 1/1 to 12/31 amount 1.08 or

For Wildlife Recreation & Aesthetics purposes from 1/1 to 12/31 amount 1.08 or

For Stock purposes from 1/1 to 12/31 amount 1.08 or

7. Total quantity claimed (a) 1.08 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Si used for 50 head cattle within irrigation POU; WRIA supplies water

to 2 ponds of about 3 Acres each, used for hunting, wildlife habitat, etc.

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	13E	10																9.	
7S	13E	11											12						
7S	13E	14						28											
7S	13E	15	39	24			5												
7S	13E	14						WRIA											
7S	13E	15	WRIA																

Total number of acres irrigated 117 Acres

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

12. Do you own the property listed above as place of use? Yes X No
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
 or None ()

14. Remarks:

Strange

36-00007

Scale: 2 inches equals 1 mile See attached aerial

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two perpendicular dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

Last Name Strange

Ident No. 36-00007

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number 36-00007

Court _____ Case Number _____ Decree Date March 22, 1932

Plaintiff vs Defendant New Int'l Mortgage Bank v. Idaho Power Co.

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Patrick D. Brown for claimant Wm. Strange Date 12/2/97

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization _____

document in the space below as _____

Title _____

of _____

Organization _____

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Twin Falls)

SS.

Subscribed and sworn (or affirmed) before me this 2nd day of December 1997

SEAL

Notary Public Leana L. McMillan

Residing at Jerome, Id

My Commission Expires 8/24/2001

Please Print Name

17. Notice of Appearance:

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

Signature Patrick D. Brown

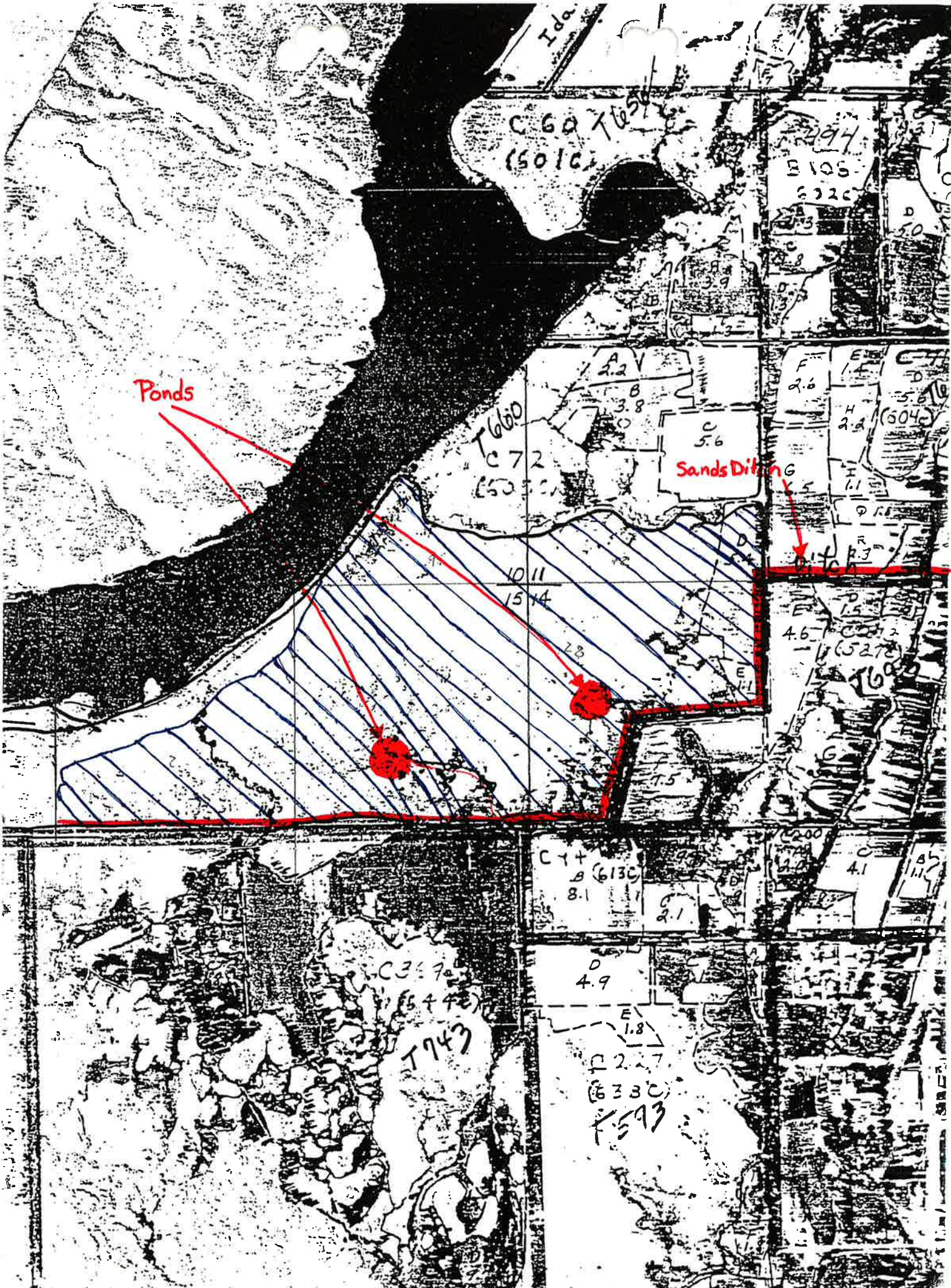
Address 133 Shoshone St. N., P.O. Box 389, Twin Falls, ID 83303-0389

Date 12/2/97

Last Name Strange

Ident. Number 36-00007

Copies White-State, Yellow-Claimant



36-00006 & 36-00007

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: A36-00007
Date Received: 8/05/1988
Receipt No: 500131/
Received By: J

COPY
FOR YOUR FILES
DO NOT RETURN

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

1. Name: WILLIAM STRANGE 208-837-4767
Address: P. O. BOX 387
HAGERMAN, ID 83332

AND/OR

Name: LOUISE STRANGE 208-837-4767
Address: P. O. BOX 387
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1907

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	NW	SW	NE		GOODING

5. Description of diverting works:
HEADGATE & SANDS DITCH, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	1.080		

7. Total Quantity Appropriated is:
1.080 C.F.S. (and/or) 472.00 A.F.A.

8. Total consumptive use is 354.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	10	SE	SE	5	IRR	9.0
						Section Acres	9.0
		11	SW	SW		IRR	12.0
						Section Acres	12.0
		14	NW	NW		IRR	28.0
						Section Acres	28.0
		15	NE	NE	1	IRR	39.0
			NW	NE	2	IRR	24.0
			NE	NW	3	IRR	5.0
						Section Acres	68.0
						Total Acres	117.0

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:
36-0006

14. Remarks:
LAND CLAIMED IS ALL THE LAND I OWN SOUTH OF THE BARLOGI DITCH.

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): *Wm. H. Hange* Date: 8-5-88

Date: _____

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 5th day

of Aug 19 88

Al J. Davis

Notary Public

Seal

Residing at Kirkley, Id.

My Commission Expires 6/30/99



C 60 X 65
(5010)

F 294
B 105
6320

T 600
C 72
(5050)

10/11
15/14

POOR ORIGINAL

F 2.6
E 1.4
H 2.2
I 1.1
J 1.8
K 2.4
L 2.4
M 2.4
N 2.4
O 2.4
P 2.4
Q 2.4
R 2.4
S 2.4
T 2.4
U 2.4
V 2.4
W 2.4
X 2.4
Y 2.4
Z 2.4

Ditch
E 1.5
F 4.6
G 1.5
H 1.5
I 1.5
J 1.5
K 1.5
L 1.5
M 1.5
N 1.5
O 1.5
P 1.5
Q 1.5
R 1.5
S 1.5
T 1.5
U 1.5
V 1.5
W 1.5
X 1.5
Y 1.5
Z 1.5

C 14
B (6130)
8.1

C 200
B (6330)
4.1

C 34
(5440)

T 743

D 4.9

E 1.8
F 2.2
G 2.7
(6330)
F 593

IN THE
OF THE

A36-00003B	A36-00003C	A36-00003E	A36-00003F	A36-00003G	A36-00003J	A36-00006	A36-00007	A36-00008	A36-00021B
A36-00022	A36-00023	A36-00033F	A36-00034B	A36-00035J	A36-00039C	A36-00039D	A36-00039E	A36-00039J	A36-00039M
A36-00039N	A36-00041A	A36-00041C	A36-00042A	A36-00048A	A36-00049	A36-00050D	A36-00051D	A36-00055AF	A36-00055BC
A36-00060	A36-00061	A36-00062	A36-00063	A36-00064B	A36-00068	A36-00069	A36-00070	A36-00071A	A36-00075
A36-00077C	A36-00079	A36-00086C	A36-00089A	A36-00090A	A36-00090F	A36-00092	A36-00094A	A36-00096A	A36-00097
A36-00098	A36-00099	A36-00100	A36-00101	A36-00103C	A36-00103F	A36-00106	A36-00108A	A36-00108B	A36-00110A
A36-00110B	A36-00111A	A36-00111B	A36-00112A	A36-00112B	A36-00113H	A36-00113J	A36-00119	A36-00120	A36-00121
A36-00123A	A36-00123E	A36-00133	A36-00134A	A36-00134C	A36-00135B	A36-00135C	A36-00141	A36-00192	A36-02002
A36-02038	A36-02169	A36-04091	A36-04142	A36-04260	A36-07071	A36-07081	A36-07089	A36-07092A	A36-07142
A36-07142A	A36-07172	A36-07229	A36-07233	A36-07346	A36-07658	A36-07875	A36-08099	A36-08317	A36-10055
A36-10119	A36-10120	A36-10140	A36-10141	A36-10168	A36-10231	A36-10249	A36-10283	A36-10283B	A36-10405
A36-10520	A36-10906	A36-15166	A36-15168	A36-15240	A36-15463				

TOTAL RECORDS IN SELECTION FILE: 116

MICROFILMED
OCT 11 1994

RECEIVED
FEB 10 1993
Department of Water Resources

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

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

* * * * *

10 In Re the General Adjudication)
11 of Rights to the Use of Water) Case No. 39576
12 from the Snake River Basin)
13 Water System)

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

19 Petitioner,)

20 vs.)

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

Respondents.)

* * * * *

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

NOTICE OF APPEARANCE - 1

MICROFILMED
OCT 11 1994



Hepworth,
Nungester,
& Lezamiz

1 Users, Inc. and its individual members:

2	Anderson, Anita G.	A36-00050D
	Babington Lynn J. & Kathy	A36-00003C
3	Banbury Pipe Co., Inc.	A36-10906
	Banbury Pipe Co., Inc.	A36-02038
4	Big Bend Irrigation & Mining Co.	A36-00192
	Big Bend Irrigation & Mining Co.	A36-00133
	Big Spring Water User's Assoc.	A36-00022
5	Big Springs Water User's Assoc.	A36-00023
	Big Springs Water User's Assoc.	A36-15166
6	Blastock, Alma E.	A36-00108B
	Bolduc, Mark E.	A36-00103C
7	Boyer, Dale E. & Elaine M.	A36-00079
	Brailsford, Robert H.	A36-04260
8	Brooks, Allen L. & Andree	A35-00060
	Brooks, Allen L. & Andree	A36-07346
9	Bybee, Gertrude B. Owsley	A36-00042A
	Bybee, Gertrude B. Owsley	A36-00041C
	Candy, Walter W. & Margaret	A36-00135B
10	Candy, Walter W. & Margaret	A36-00134A
	Clouser, Doris H. & John F.	A36-00090A
11	Clouser, Doris H. & John F.	A36-00089A
	Crandlemire, Roger C. & George C.	A36-00113H
12	Crandlemire, Roger C. & George C.	A36-00112B
	Crandlemire, Roger C. & George C.	A36-00111B
	Crandlemire, Roger C. & George C.	A36-00113J
13	Crandlemire, Roger C. & George C.	A36-00110B
	Crandlemire, Roger C.	A36-00134C
14	Crandlemire, Roger C.	A36-00135C
	Crandlemire, Roger C.	A36-10140
15	Crandlemire, Roger C.	A36-10141
	DeVries, Abraham & Hermina	A36-00055AF
16	Dice, Philip F. & Judith A.	A36-00041A
	Dice, Philip F. & Judith A.	A36-10405
	Erwin, Frank C. & Peggy	A36-00092
17	Fleming, Michael J. & Paul F.	A36-00064B
	Flint, William E. and Vera C.	A36-00110A
18	Flint, William E. and Vera C.	A36-00111A
	Flint, William E. and Vera C.	A36-00112A
19	Flint, William E. and Vera C.	A36-10168
	Fuell, Keith L. & Jolene	A36-00086C
20	Gardner, Barbara & Robert B.	A36-00003B
	Gardner, Barbara	A36-00003J
21	Gisler, Harry R.	A36-00021B
	Gisler, Bradley	A36-00077C
22	Glauner, Frank L. & Joan	A36-00039E
	Grigg, Mattie P. & Golden T.	A36-10283B
	Gustafson Family Trust/Gustafson	A36-00033F
23	Ivan J. & Lucille co-trustees	
	Hagerman Gun Club	

MICROFILMED

OCT 11 1994



Hepworth,
Nungester,
& Lezamiz

1	Hagerman Gun Club	A36-00099
	Hagerman Gun Club	A36-07233
2	Hagerman Gun Club	A36-07172
	Hagerman Gun Club	A36-10249
3	Hagerman Water Users Assoc.	A36-15168
	Jensen, Alice	A36-00055BC
	Johnson, Ira L. & Huguetta M.	A36-07142
4	Joint Hagerman School Dist 233	A36-15463
	Jones, John W., Jr.	A36-00068
5	Jones, John W., Jr.	A36-00069
	Jones, John W., Jr.	A36-07071
6	Jones, John W., Jr.	A36-00070
	Kipp, Rudy B. & Elberta M.	A36-10119
7	Kipp, Rudy B. & Elberta M.	A36-10120
	Kipp, Rudy B. & Elberta M.	A36-07658
	Kiser, John & Karl Woodall & Sons, Inc	A36-00071A
8	Kiser, John & Karl Woodall & Sons, Inc	A36-00075
	Korbis, George J. & Nellie W.	A36-00039N
9	Laughlin, Craig J. & Rita D.	A36-7089
	Laughlin, Craig J. & Rita D.	A36-00051D
10	Littlefair, Larry & Tara	A36-0121
	Littlefair, Larry & Tara	A36-10055
11	Littlefair, Larry & Tara	A36-00119
	Littlefair, Larry & Tara	A36-00120
12	Lloyd, Cleave C.	A36-04142
	Lloyd, Cleave C.	A36-00003G
	McFaddan, Dan H. & Irma R.	A36-2169
13	McFaddan, Dan H. & Irma R.	A36-00048A
	McFaddan, Dan H. & Irma R.	A36-00049
14	Morris, Howard & Rhonda	A36-00063
	Morris, Howard & Rhonda	A36-00061
15	Morris, Howard & Rhonda	A36-00062
	Mueller, Manfred	A36-00035J
	Norwood Subdivision/	A36-15240
16	Ruby Springs Water Company	A36-07092A
	Potter, Mark B. & Susan H.	A36-00039J
17	Rawson, Frank S. & Carol A.	A36-00123A
	Reese, Bruce W. & LaRose A.	A36-04091
18	Reese, Bruce W. & LaRose A.	A36-10231
	Rue, James O. & Beverly Jane	A36-07142A
19	Shaffer, Roger	A36-00034B
	Simcoe, Doyt H. & Roxie J.	A36-00003F
20	Simpson, Michael, on behalf of	A36-0123E
	Josephine Simpson Estate	
21	Simpson, Michael, on behalf of	A36-0096A
	Josephine Simpson Estate	
	Strange, Wm. (Penelope Turner-remainder man)	A36-00006
22	Strange, Wm. (Penelope Turner-remainder man)	A36-00007
	Strange, Wm. (Penelope Turner-remainder man)	A36-00008
23	Veenendaal, Dick J.	A36-00108A
	Veenendaal, Dick J.	A36-00039C

MICROFILMED
OCT 11 1994



Hepworth,
Nungester,
& Lezamiz

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

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

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

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

17
 18 CERTIFICATE OF MAILING

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



1 February, 1993, to:

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

6 Clive Strong
7 Chief Natural Resources Division
8 Office of Attorney General
9 Statehouse
10 Room 210
11 Boise, Idaho 83720

12 David Shaw
13 Adjudications Bureau Chief
14 Department of Water Resources
15 1301 North Orchard
16 Boise, Idaho 83706

17 United States Department of Justice
18 Environment and Natural Resources Division
19 550 West Fort Street, Box 33
20 Boise, ID 83734

21 
22 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 5

MICROFILMED
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 SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-00007

2001 MAY -9 AM 10:16

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: PENELOPE F TURNER
PO BOX 387
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.08 CFS

PRIORITY DATE: 04/01/1907

THIS WATER RIGHT IS SUBORDINATED TO ALL WATER RIGHTS WITH
PRIORITY DATES EARLIER THAN DECEMBER 31, 1999.

POINT OF DIVERSION: T07S R13E S11 NWSWE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	1.08 CFS
	Wildlife	01-01 TO 12-31	1.08 CFS

THE IRRIGATION USE UNDER THIS RIGHT IS SUBORDINATED TO ALL
WATER RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999.
THE WILDLIFE USE UNDER THIS RIGHT IS SUBORDINATED TO ALL
WATER RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999.

PLACE OF USE:	Irrigation		Within Gooding County
	T07S R13E S11	NWNW 19.0	SWSW 2.0
	21.0 Acres Total		
	Wildlife		Within Gooding County
	Same as Irrigation		

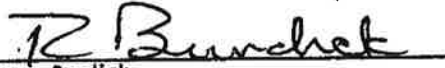
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS SUBORDINATED WATER RIGHT SHALL NOT BE ASSERTED,
DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE OR OTHERWISE
RECOGNIZED AS VALID IF IT WOULD CAUSE OR REQUIRE, EITHER
DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION
FROM ANY WATER RIGHTS WITH PRIORITY DATES EARLIER THAN
DECEMBER 31, 1999. THE SUBORDINATION SHALL RUN WITH AND BE A
PERPETUAL SERVITUDE UPON THIS WATER RIGHT AND THE ASSOCIATED
LANDS, INCLUDING ANY NEW LANDS TO WHICH ALL OR ANY PORTIONS OF
THIS WATER RIGHT IS TRANSFERRED.

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.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA

Case 39576

Subcase No.: 36-00007

STANDARD FORM 5

STIPULATED ELEMENTS
OF A WATER RIGHT

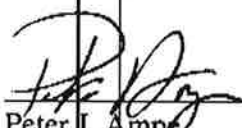
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

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

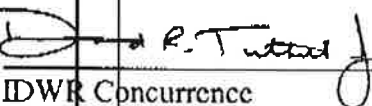
The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described in the attached Recommendation. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.


Patrick D. Brown
Attorney for William Strange, Louise Strange
and Penny Turner

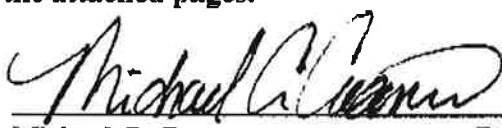
6/5/00
Date


Peter J. Ampe
Deputy Attorney General, State of Idaho
Attorney for Idaho Department of Fish &
Game

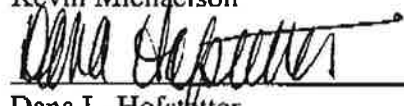
5/23/00
Date


IDWR Concurrence

8/30/00
Date


Michael C. Creamer
Givens Pursley LLP
Attorney for Cranney Bros., Doug Grant and
Kevin Michaelson

5/22/00
Date


Dana L. Hofstetter
Beeman and Hofstetter, P.C.
Attorney for North Snake Ground Water
District

5/23/00
Date

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

Right Number: 36-00007

Name and Address: William Strange
Louise Strange
Penny Turner
P.O. Box 387
Hagerman ID 83332

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

Quantity 1.08 CFS

THIS WATER RIGHT IS SUBORDINATED TO ALL WATER RIGHTS WITH
PRIORITY DATES EARLIER THAN DECEMBER 31, 1999.

Priority Date: 04/01/1907

Point of Diversion: T07S R13E S11 NWSWNE

Within GOODING County

Purpose and

Period of Use:

Purpose of Use

Period of Use

Quantity

IRRIGATION

02/15 - 11/30

1.08 CFS

WILDLIFE

01/01 - 12/31

1.08 CFS

THE WILDLIFE USE UNDER THIS RIGHT IS SUBORDINATED TO ALL WATER
RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999.

THE IRRIGATION USE UNDER THIS RIGHT IS SUBORDINATED TO ALL WATER
RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999.

Place of Use: IRRIGATION

Within GOODING County

T07S R13E S11

SWSW 2

NWNW 19

21 ACRES TOTAL

THE PLACE OF USE FOR WILDLIFE IS THE SAME AS THE PLACE OF USE FOR
IRRIGATION.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS

S:\CLIENTS\3915\34\36-00007 Water Right Description2.wpd

WATER RIGHT:

THIS SUBORDINATED WATER RIGHT SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE OR OTHERWISE RECOGNIZED AS VALID IF IT WOULD CAUSE OR REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY WATER RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999. THE SUBORDINATION SHALL RUN WITH AND BE A PERPETUAL SERVITUDE UPON THIS WATER RIGHT AND THE ASSOCIATED LANDS, INCLUDING ANY NEW LANDS TO WHICH ALL OR ANY PORTIONS OF THIS WATER RIGHT IS TRANSFERRED.

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 - DECREE
WATER IS DELIVERED THROUGH SANDS DITCH

Handwritten signatures and initials:
MCC
DBH
Dr

S:\CLIENTS\391534\36-00007 Water Right Description2.wpd

CERTIFICATE OF SERVICE

I certify that on 8-30, 2000, I mailed and/or delivered the original and copies of this Standard Form 5, to the following interested parties, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☒ Facsimile

2. Copies to:

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

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

Dana Hofstetter
Beeman Hofstetter
P.O. Box 1427
Boise, ID 83701-1427

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Patrick D. Brown
Law Offices
109 S. Adams
Jerome, ID 83338

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Michael C. Creamer
Givens Pursley, LLP
P.O. Box 2720
Boise, ID 83701-2720

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

STANDARD FORM 5 - STIPULATED ELEMENTS OF A WATER RIGHT

Peter J. Ampe
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form

STANDARD FORM 5 - STIPULATED ELEMENTS OF A WATER RIGHT

Expert Witness Report

SRBA Case No 39576

Subcases 36-00006, 36-00007, 36-00008

William Strange

C.E. Brockway P.E. PhD.

Brockway Engineering P.L.L.C.

The property owned by William Strange lies in the SW1/4, SW1/4 Sec 11. T7S R13E. It consists of parcels irrigated from the Barlogi Ditch from Billingsley Creek (36-00008) and the Sands Ditch (36-00006, 36-00007). Examination of aerial photos including 1987, 1993, and 1997 color aerial photos from the FSA, USDA NRCS soils maps and farm maps, and IDWR shape files for the farm, the minimum irrigated area includes 24.9 acres from the Sands Ditch and 25.00 acres irrigated from the Barlogi Ditch for a total of 49.9 acres. There are two large ponds and numerous smaller depressions filled for wildlife, recreation and aesthetics from each ditch.

The eastern part of the farm is irrigated with furrow irrigation on sandy soils. Soil samples taken in April 1998 and analyzed by Stukenholtz Laboratory of Twin Falls Idaho indicate that the soils are loamy sands with sand content of 76%. Soil permeability and infiltration rates are high, up to 20 in./hr. USDA NRCS soil classifications include Fathom (FAB), Bahem (DEB) and soils interspersed in lava flows (394). Irrigation on the western part of the farm includes areas between lava outcrops and non-contiguous areas. Ditches are present throughout the area and considerably more area has been irrigated in the past than is currently irrigated. The irrigation method applicable to the western part of the farm is flooding which is inherently difficult and requires high flow rates to cover the area.

Based on interviews with Mr. Turner, irrigation has historically utilized 12 or 24 hour sets. Sometimes the irrigator would set 6 hour sets to wet-up the furrows, let the set sit for 6 hours and then re-set the furrows. This decreases the infiltration rate and advance time

36-00007

so that the water will flow across the field in a shorter time. On the flood irrigated areas, dams were set in the ditches to divert to irrigable areas.

The duty of water on these lands is in excess of 0.02 cfs/acre(1 miner's inch/acre). In order to estimate the irrigation requirement for the farm, and analysis using procedures developed by Hubble Engineering for the Idaho Department of Water Resources was utilized. The procedures were incorporated in a computer program developed by C.W. Robison P.E. which has been reviewed by IDWR and utilized previously in numerous 'excess flow analyses'. Analyses were performed separately for the area irrigated from the Barlogi Ditch and from the Sands Ditch. Input data sets and computer output for each analysis are included in Appendix A to this report. NRCS soils data and laboratory soils analysis are also included in Appendix A.

Farm delivery requirement(duty of water) was calculated using set times and furrow flows as reported or appropriate for the run lengths(field length) and soil types. Project irrigation diversion requirements were calculated for the analysis period utilizing the Bliss weather data set modified for Hagerman and utilizing an 80% probability level of crop consumptive use. Calculations were also performed for the peak period consumptive use.

Estimated irrigation requirements using the Hubble approach or any other method are sensitive to irrigation management procedures. Irrigation efficiency and water requirements are very sensitive to the length of time water is left on the field(set time) and the discharge that is set in each furrow, either from siphon tubes or cutouts. Furrow infiltration rates are highly variable due to soil property variability, slope inconsistencies, antecedent moisture conditions, and crop litter in the furrow. Irrigator's judgement as to how long to leave water on the field or how 'strong' to set the tubes varies from person to person. Estimates of irrigation requirements are therefor best utilized to provide a guideline as to the range of expected requirements rather than to precisely determine what flows early irrigators should have used.

For the area irrigated from the Sands Ditch(24.9 acres) the estimated base peak project diversion requirement is 2.90inches/acre(1.44 cfs) and the analysis period (average)

irrigation requirement is 2.50 inches/acre(1.25 cfs). This assumes approximately 50% alfalfa and 50% pasture in the four major fields.

A sensitivity analysis was performed to show the effect on calculated irrigation water requirements if the irrigator chooses different set times or furrow flows. That analysis is shown in Appendix A. The furrow flow rates were varied from 80% to 160% of the base furrow flow and the set time was calculated for 12, 18, and 2 hours. The table in Appendix A shows that the required peak project diversion rate from the Sands Ditch could vary from 1.24 to 4.07 cfs or 2.49 to 8.18 miner' inches per acre.

The Sands Ditch diverts from Billingsley Creek and traverses approximately 3900 feet to the Wm. Strange diversion. Using the Worstell method of estimating seepage loss(Hubble Report) and the 3900 ft reach length, 10 ft average width, and a seepage factor of 2.0 as used by IDWR, the estimated seepage in the Sands Ditch to the Strange diversion is 0.99 cfs.

The diversion from the Sands ditch to the William Strange property is a 12 inch diameter pipe which flows west to the center point of a ditch running north and south along the head of irrigated fields. On April 29, 1998 the flow through the pipe was measured by current metering the discharge in the ditch flowing north and the ditch flowing south and summing the two measurements. Data for that measurement is shown in Appendix B. The total measured flow was 4.35 cfs. This measurement shows that the capacity of the diversion system is more than adequate to provide the estimated maximum diversion requirement to the lands irrigated from the Sands Ditch.

Lands irrigated from the Barlogi Ditch (36-00008) were estimated from aerial photos and IDWR shape files(GIS maps) at 25.0 acres in 4 major fields or irrigated areas. The Hubble analysis utilizing reported set times and assuming approximately 64 percent alfalfa and 36 percent pasture indicates a peak period diversion requirement of 2.37 inches/acre (1.19 cfs) and an irrigation requirement with 80% consumptive use probability of 2.07 inches/acre(1.03 cfs). The sensitivity analysis for the irrigation requirement on the 36-00008 lands shows possible irrigation requirements from 1.27 in/acre(.63 cfs) to 4.5 inches/acre(2.25 cfs).

The Barlogi Ditch transports water from Billingsley Creek approximately 3310 feet to the head of the Strange property. Seepage loss in the 2330 ft section of the Barlogi ditch from Billingsley Creek to the Watkins diversion has been measured using the installed flume and weir at 0.61 cfs. Prorating this measured loss to the 3310 ft of Barlogi Ditch from Billingsley Creek to the Strange property yields a loss of 0.87cfs. An April 27, 1998, the flow in the Barlogi Ditch as measured by the 20.5 inch weir below the Watkins diversion was 2.2 cfs.

Discharge from the Sands Ditch and the Barlogi Ditch can be diverted through ditches for irrigation or for enhancement of open water and habitat in ponds on the east side of the property. The ponds are not full during the entire year and can be filled directly from ditches. These ponds include wetlands vegetation and wildfowl were observed on April 29, 1998 during a field visit. The ponds do not serve as irrigation storage. Aerial photos show ponds and wet areas throughout the eastern part of the farm. Numerous wetlands on the property are delineated on the National Wetlands Inventory Maps shown in Appendix C. These areas are classified as palustrine, emergent or shrub-shrub, seasonally flooded wetlands.

The two wildlife ponds fed from the Sands Ditch have an estimated total area of 2.3 acres and the two ponds fed from the Barlogi Ditch have a combined area of about 0.6 acres. During hot summer days, recreational ponds can become oxygen depleted during the night time due to oxygen demand from high levels of vegetation and algae. A reasonable turnover time or exchange of fresh water is required to maintain reasonable oxygen levels and prevent eutrophication. A rule of thumb for ideal turnover or exchange time is 24 hours. Based on this criteria, the discharge required for the Sands Ditch ponds with an average depth of 4 feet would be 4.67 cfs. For the two Barlogi Ditch ponds with an average depth of 3 feet, the discharge required for 24 hour turnover would be 0.89 cfs.

Based on the irrigation requirements analysis, the duty of water under 37-00006 and 37-00007 from the Sands Ditch, excluding transmission loss in the Sands Ditch, is 2.90 in/acre(1.44 cfs); however, depending on irrigation management levels, crop selection, or local weather conditions, the irrigation requirement could be over 8 in/acre. On-field

duty of water under 37-00008 from the Barlogi Ditch is estimated at 2.37 in/acre(1.19 cfs) on the 25.0 irrigated acres. However, irrigation management variation could require up to 4.5 in/acre(2.25 cfs). Transmission losses in the Barlogi Ditch from Billingsley Creek to the Wm. Strange property are estimated at 0.87 cfs.

Ponds on the Wm. Strange farm can be fed directly from the Sands Ditch and Barlogi Ditches and are not dependent on irrigation return flow or subsurface return flow. The ponds and habitat, vegetation and soils are classified as wetlands

The SRBA claimed discharge of 2.0 cfs under 37-00008 is within the range of expected irrigation requirements for the 25.0 acres irrigated from the ditch. The estimated Barlogi Ditch loss of 0.87 cfs down to the Strange diversion is reasonable and justifiable. Based on the farm irrigation requirement and the Barlogi Ditch loss, the estimated diversion requirement at Billingsley Creek is 2.06 cfs ($1.19 + 0.87$). Depending on the level of irrigation management on these fields, the irrigation diversion requirement could be as high as 3.12 cfs.

The SRBA claimed discharge of 4.58 cfs under 37-00006 and 37-00007 is within the range of expected irrigation requirements for the 24.9 irrigated acres. The estimated Sands Ditch loss of 0.99 cfs as determined by the Worstell method and used by IDWR is reasonable. Based on the farm irrigation requirement and the Sands Ditch loss, the estimated base diversion requirement at Billingsley Creek is 2.43 cfs. However, depending of the level of irrigation management, the irrigation diversion requirement could be as high as 5.06 cfs.

Maintenance of the viability of the wildlife ponds depends on the amount of fresh water available. Any diverted water in excess of irrigation requirements can be beneficially used for pond enhancement.

APPENDIX A

See file

36-00006

for this Attachment -

COPY

2000 FEB -4 PM 2: 08

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)
)
) **NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS**
)
) Water Rights 36-00006, 36-00007
) and 36-00008

IDWR has completed the following Administrative Proceeding:

☐	Change of Address
☒	Substitution of Party
☐	I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

Water Right(s): 36-00006, 36-00007 and 36-00008

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
2/3/2000

36-00006, 36-00007 and 36-00008

PAGE 1

From (Claimant/Seller):

Name of Claimant: LOUISE STRANGE
WILLIAM STRANGE
Address: 923 PIONEER RD
HAGERMAN ID 83332
Phone: (208) 837-4767

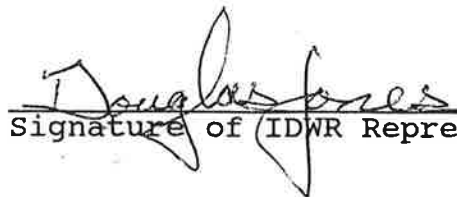
To (Claimant/Purchaser):

Name of Claimant: PENELOPE F TURNER
Address: 923 PIONEER RD
HAGERMAN ID 83332
Phone: (208) 837-4767

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: February 3, 2000


Signature of IDWR Representative

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
2/3/2000

36-00006, 36-00007 and 36-00008

PAGE 2

CERTIFICATE OF MAILING

I certify that on 2/4/2000 I mailed the original and copies of this form to the following persons, 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:
Claimant/Seller for Substitution of Party or attorney of record:

LOUISE STRANGE
WILLIAM STRANGE
923 PIONEER RD
HAGERMAN ID 83332
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

PATRICK D BROWN PC
109 S ADAMS
JEROME ID 83338
4. One Copy to:
Each party in the subcase, or attorney of record:

PATRICK D BROWN PC
109 S ADAMS
JEROME ID 83338

PATRICK D BROWN
812 SHOSHONE ST E
TWIN FALLS ID 83301

LOUISE STRANGE
PO BOX 387
HAGERMAN ID 83332
5. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
2/3/2000

36-00006, 36-00007 and 36-00008

PAGE 3

6. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

AJ5856NP

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

DATE: FEB-3-2000
PAGE: A-2

RIGHT NUMBER: 36-00006 (CONT)

EXPLANATORY MATERIAL: (CONT)

WATER IS DELIVERED THROUGH THE SANDS DITCH.

AJ5857NP

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS/RIGHTS NOT RECOMMENDED

DATE: FEB-3-2000
PAGE: B-1

W.R. NUMBER

NAME & ADDRESS

CLAIM DISPOSITION

REASON

36-00007	TURNER, PENELOPE F 923 PIONEER RD HAGERMAN ID 83332	DISALLOWED	RECOMMENDED AS RIGHT NO. 36-00006.
----------	---	------------	------------------------------------

AJ5856NP

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

DATE: FEB-3-2000

PAGE: A-3

RIGHT NUMBER: 36-00008

NAME & ADDRESS: PENELOPE F TURNER
923 PIONEER RD
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.9 CFS

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, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.

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

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION: T07S R13E S11 SESENW Within GOODING County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	02-15 11-30	0.9 CFS
	STOCKWATER	01-01 12-31	0.03 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S11 SWSW 21
21 ACRES TOTAL

STOCKWATER Within GOODING County
T07S R13E S10 Lot 5 (SESE)
S11 SWSW

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 - DECREE

AJ5856NP

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

DATE: FEB-3-2000
PAGE: A-4

RIGHT NUMBER: 36-00008 (CONT)

EXPLANATORY MATERIAL: (CONT)

WATER IS DELIVERED THROUGH THE BARLOGI DITCH.
STOCKWATER, 75 RANGE CATTLE

RECEIVED

JAN 07 2000

Department of Water Resources
Southern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 36-00006, 36-00007 & 36-00008
Adjudication Claim No(s): SRBA#39576
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant William Strange
923 Pioneer Rd, Hagerman ID 83332
4. New Owner/Claimant(s) Penelope F. Turner
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 923 Pioneer Road
City, State and ZIP Code Hagerman ID 83332
New Telephone Number (208) 837-4767
5. Date you acquired the property 12/05/91
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate NA Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Penelope F. Turner
Penelope F. Turner
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

36-00007-T15, R 13E, Sec 15 NENW Lot 3 not conveyed. Record changed anyway due to disallowed status of claim. 1/19/2000

WARRANTY DEED

For Value Received WILLIAM STRANGE
P.O. BOX 387
HAGERMAN, ID 83332

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
PENELOPE F. TURNER
P.O. BOX 387
HAGERMAN, ID 83332

Hereinafter called the Grantee, the following described premises situated in GOODING County, Idaho,
to-wit:

TOWNSHIP 7 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN

Section 10: Lot 5;
Section 11: SW $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPTING THEREFROM the following described
parcel of land:

Beginning at the Northeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said
Section 11; Running thence South 345 feet; Thence West 377 feet;
Thence North 345 feet; Thence East 377 feet to THE POINT OF BEGINNING.

Section 14: NW $\frac{1}{4}$ NW $\frac{1}{4}$, EXCEPTING THEREFROM the following described
parcel of land:

Beginning at the Southeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14,
aforesaid; Thence North 626 feet; Thence South 85° 45' West, 717 feet;
Thence South 13° 45' West, 585 feet to the South line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$
of said Section 14; Thence East along said South line 840 feet, more
or less, to THE PLACE OF BEGINNING.

Section 15: Lots 1 and 2;

TOGETHER WITH the tenements, hereditaments, and appurtenances
thereto belonging or anyway appertaining, including all water rights
and ditch rights appurtenant thereto, including but not limited to,
229 inches in Sands Ditch and 100 inches in Barlogi Ditch.

EXCEPTING AND RESERVING in the Grantor a LIFE ESTATE in the
above described property.

SITUATE IN GOODING COUNTY, STATE OF IDAHO.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee
and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to
and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are
free from all incumbrances except as above described and that Grantor will warrant and defend the
same from all lawful claims whatsoever.

Dated: December 5th, 1991.

William Strange
William Strange

STATE OF IDAHO, COUNTY OF GOODING

On this 5th day of December, 1991,
before me, a notary public in and for said State, per-
sonally appeared WILLIAM STRANGE

known to me to be the person whose name is
subscribed to this instrument, and acknowledged
to me that he executed the same

John A. Myers
Notary Public
Residing at Gooding
Commission expires 5-27-92 Idaho

147029

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of *Penny Turner*
5 min. past 10 o'clock A M. this 5
of Dec, 1991 4:30
JOHN A. MYERS Recorder

by *Christa Sells* Deputy



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

February 4, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

PATRICK D BROWN
109 S ADAMS
JEROME ID 83338

RE: SRBA Claim(s) 36-00006, 36-00007, 36-00008

Dear Counselor:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Record Specialist

PATRICK D. BROWN, P.C.
LAW OFFICES

January 5, 2000

RECEIVED
JAN 07 2000
Department of Water Resources
Southern Region

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301

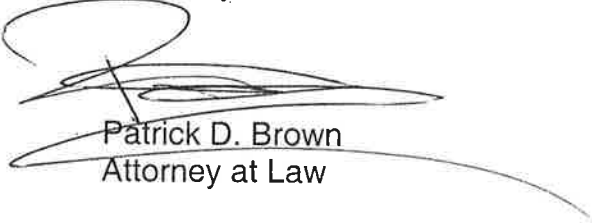
RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
36-00006, 36-00007 & 36-00008

Dear sir:

Enclosed is the completed Notice of Change of Water Right Ownership completed by Penelope F. Turner for the above-referenced water rights. Attached to the Notice is a copy of the Warranty Deed granting ownership to Ms. Turner.

If you require further documentation, please let me know. Thank you for your attention to this matter.

Sincerely,



Patrick D. Brown
Attorney at Law

pdb/tf
enc. (2)
cc: Penny Turner

In Re SRBA) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDINGS
Case No. 39576)
) Water Rights 36-00006, 36-00007
) and 36-00008

X	Change of Address
_	Substitution of Party
_	I.C. 42-222 Transfer

Name of Claimant: WILLIAM STRANGE
New Address: 923 PIONEER RD
HAGERMAN ID 83332
Phone: (208) 837-4767

The Claimant has filed Objections or Responses to the following water rights: 36-00006, 36-00007 and 36-00008

PAGE 1

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED:

10/6/99



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11-5-99 I mailed the original
and copies of this form to the following persons, 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:
Each party in the subcase, or attorney of record:

PATRICK D BROWN
PARKER WARR & BROWN LLP
812 SHOSHONE ST EAST
TWIN FALLS ID 83301

WILLIAM STRANGE
923 PIONEER RD
HAGERMAN ID 83332
3. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
4. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Samuel Egbert
Signature of person or attorney mailing the form

AJ5857NP

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS/RIGHTS NOT RECOMMENDED

DATE: SEP-30-1999
PAGE: B-1

W.R. NUMBER	NAME & ADDRESS	CLAIM DISPOSITION	REASON
36-00007	STRANGE, LOUISE STRANGE, WILLIAM 923 PIONEER RD HAGERMAN ID 83332	DISALLOWED	RECOMMENDED AS RIGHT NO. 36-00006.

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

RECEIVED

AUG 17 1999

Department of Water Resources

In Re SRBA

Case No. 39576

A. Subcase 36-00007

STANDARD FORM 1a

OBJECTION TO IRRIGATION SEASON
AND/OR CONJUNCTIVE MANAGEMENT
GENERAL PROVISIONS

RECEIVED

AUG 27 1999

Department of Water Resources
Bozeman, Montana

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: William Strange
Penelope F. Turner
Address: 923 Pioneer Road
Hagerman, Idaho 83332
Daytime Phone: (208) 837-4767

Name & address of attorney, if any

Patrick D. Brown
812 Shoshone Street
Twin Falls, Idaho 83301

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

Name: William Strange
Penelope F. Turner
Address: 923 Pioneer Road
Hagerman, Idaho 83332

D. ELEMENTS OBJECTED TO:

8. Period (Irrigation Season) of Use
Should be: See Attachment

12. General Provision

Number: Reported in Basin:
Comments:

E. REASONS SUPPORTING OBJECTION: (if you have additional reasons, please attach to this form)

This standard form is for the sole purpose of objecting to the Director's supplemental recommendations on irrigation season of use and general provisions. This form may not be used to object to any other elements of your water right.

If you have evidence that the recommendations on irrigation season of use and/or conjunctive management adversely affect other elements of your water right, please contact the Snake River Basin Adjudication at 208-736-3011. A deputy clerk of the court will inform you of how to proceed.

F. VERIFICATION (Must be Completed)

State of Idaho

County of Gooding

Penelope Fay Turner, 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.

Penelope F. Turner
(Signature of person filing objection)

Subscribed and sworn to before me on: 8-13-99

(Attorney signing in representative capacity)

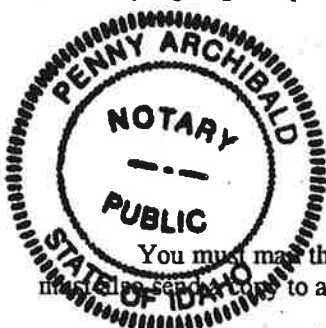
Penny Archibald

Notary Public

for State of Idaho

Residing at: Wendell Idaho

My Commission Expires: 12-2-99



INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on August 13, 1999, 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

3. Copies to:

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

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

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

Name: William Strange

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

Address: Penelope F. Turner

923 Pioneer Road
Hagerman, Idaho 83332

Signature of Objector or attorney

**ATTACHMENT TO: OBJECTION TO IRRIGATION SEASON AND/OR CONJUNCTIVE
MANAGEMENT GENERAL PROVISIONS**

We have no argument with the dates of the irrigation season as listed. BUT we do not want the water turned off at the end of the season. The water needs to continue running in the ditches to the river for the purpose of filling the ponds for wildlife, maintaining the ditches themselves, watering of livestock in the back portions of the property, and the esthetic value of the water running through our lawn and garden.

R E C E I V E D

AUG 17 1999

Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

AUG 16 1999

Department of Water Resources

August 3, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM STRANGE
LOUISE STRANGE
923 PIONEER RD
HAGERMAN ID 83332

RE: Snake River Basin Adjudication (SRBA)
Water Rights #36-00006, 36-00007, 36-00008 & 36-10353

Dear Water Right Holders: *Records changed, NCAP prepared, as 8-18-99*

Mail recently sent to you was returned to us by the Postal Service. They also advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by August 16, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally Sherman

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Penelope J. Turner
Claimant Signature

208-831-4767
Telephone No.

RECEIVED

AUG 16 1999

Department of Water Resources

Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720-0098

RE: Your letter of August 3.

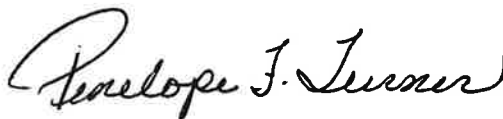
Dear Ms. Sherman:

Enclosed is the letter you enclosed for our change of address.

Please note that the ranch is now in both my father's name (William Strange) and mine (Penelope F. Turner). We have told you before that Louise Strange passed away several years ago. This information was given to your attorney at our last meeting along with a copy of the "Warranty Deed". Our attorney is also filing a "Notice Of Change Of Water Right Ownership".

The address that you show on Pioneer Road is correct we have been using that address since we came back to Idaho almost three years ago.

Sincerely,



Penelope F. Turner

36-00006
 -00007
 -00008
 -10353

8-18-99 Called
Ms. Turner & explained
process, including NEAP,
then P.D. She was
very friendly. Told
me Pat Brown is no
longer w/ Parker, Warr & Brown
but moving to Jerome.

- 10

RECEIVED

DEC 28 2000

Department of Water Resources
Bozeman Region

1999 MAR -3 PM 3: 49

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 TWIN FALLS COUNTY

In Re SRBA	)	Subcase Nos. 36-00006, 36-00007,
	)	36-00008, 36-00022, 36-00023,
Case No. 39576	)	36-00047, 36-00068, 36-00069,
	)	36-00099, 36-00100, and 36-00106
	)	
	)	ORDER GRANTING IDAHO
	)	DEPARTMENT OF FISH & GAME'S
	)	MOTION TO SHORTEN TIME

On February 12, 1999, the Court heard the *Idaho Department of Fish & Game's Motion to Shorten Time*. For good cause shown, IT IS ORDERED that the *Motion to Shorten Time* is hereby GRANTED.

IT IS FURTHER ORDERED that the following schedule shall apply to all pending Motions for Summary Judgment filed in the above-referenced subcases prior to February 12, 1999 and any Motions for Summary Judgment adopting these pending motions.

(1) **February 17, 1999, 5 p.m.** – Deadline to file motions adopting Motions for Summary Judgment pending as of February 12, 1999.

(2) **February 22, 1999, 5 p.m.** – Deadline for service of Respondents' Response Briefs. Respondents must serve their Response Briefs on the Claimants by

overnight mail delivery to ensure receipt by the Claimants no later than **5 p.m. on February 23, 1999.**

(3) **February 23, 1999, 5 p.m.** – Deadline for service of Claimants' Response Briefs. Claimants must serve their Response Briefs on all Respondents by overnight mail delivery to ensure receipt by the Respondents no later than **5 p.m. on February 24, 1999.**

(4) **March 1, 1999, 5 p.m.** – Deadline for service of all Reply Briefs.

(5) **March 8, 1999, 10 a.m.** – Hearing at the Snake River Basin Adjudication Courthouse in Twin Falls, Idaho on all summary judgment motions covered by this order.

ENTERED this 3 day of ^{March}~~February~~, 1999.



Special Master Fritz X. Haemmerle

RECEIVED

MAR 09 1999

Department of Water Resources

William Strange, Big Springs Water Users Assoc.,
C-CAN Partners, John W. Jones, Jr., Hagerman
Gun Club (Porter & Surbaugh), River Grove Farms, Inc.

PARKER, WARR & BROWN, LLP
Patrick D. Brown
812 Shoshone Street East
Twin Falls, ID 83301
Telephone: (208)735-8812

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

In Re SRBA	)	Subcase Nos. 36-00006, 36-00007,
	)	36-00008, 36-00022, 36-00023,
	)	36-00047, 36-00068, 36-00069,
Case No. 39576	)	36-00099, 36-00100, 36-00106,
	)	
	)	<u>MOTION TO COMPEL AND</u>
	)	<u>FOR SANCTIONS</u>
	)	

COME NOW, the Claimants in the above listed Subcases, and move the Court under I.R.C.P. 37(a) for Order Compelling Responses to Interrogatories and Requests for Production against each Respondent. The Claimants also move the Court for entry of an Order sanctioning the attorneys who signed the Interrogatory and Request for Production Responses pursuant to I.R.C.P. 11(a) and I.R.C.P. 37(a).

This Motion is supported by the Brief and the Affidavit of Counsel with the Interrogatory and Request for Production Responses being filed contemporaneously with this Motion.

COPY

Oral argument is requested.

Dated this 4th day of March, 1999.

PARKER, WARR & BROWN, LLP

By: 

Patrick D. Brown

CERTIFICATE OF SERVICE

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 claimants in this matter, certifies that on the 5th day of March, 1999, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

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

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

Director of IDWR
P. O. Box 83720
Boise, ID 83701-2139

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

Jeffrey Fereday
Givens Pursley, LLP
277 N. 6th St, Ste. 200
P. O. Box 2720
Boise, ID 83701-2720

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

Josephine P. Beeman
Dana L. Hofstetter
Beeman & Hofstetter, P.C.
P.O. Box 1427
Boise, ID 83701-1427

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

RECEIVED

AUG 31 1998

Department of Water Resources
Southern Region

Decreed
36-00007
SOUTH
DJ
RECEIVED

AUG 26 1998

Department of Water Resources

1998 AUG 24 PM 01:43
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) NOTICE SETTING SUBCASE
Case No. 39576) FOR SCHEDULING CONFERENCE
)
) SUBCASE NOS: SEE ATTACHED EXHIBIT A

The Scheduling Conference for this subcase will be
held as follows:

MONDAY, SEPTEMBER 21, 1998 at 10:00 AM
SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties and their attorneys, if any, shall attend the
Scheduling Conference and shall be prepared to discuss the
following matters:

1. Claimant representation and alignment of the parties;
2. Identification of the issues;
3. Admissions of facts and documents;
4. Amendment of pleadings, if required;
5. Discovery and discovery cut-off dates;
6. Expert witnesses, if planned;
7. Pre-trial conference dates;
8. Motions;
9. Settlement/alternative dispute resolution; and
10. Firm trial date.

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

Page 1 8/24/98

(continued)

The date for the scheduling conference will not be changed unless a Stipulation to Reset is received by the court fourteen (14) days before the date of the scheduling conference. Parties who wish to change the date of the scheduling conference must do the following:

1. Contact the clerk of the SRBA Court and obtain alternative dates and times (208-736-3011).
2. Contact each party to the subcase(s) or their attorney, if any, and reach an agreement on the alternative date(s) and time(s) provided by the clerk.
3. Prepare a Stipulation to Reset the hearing. The hearing must be reset on one of the dates and times provided by the clerk. The stipulation must specify the date(s) and time(s) agreed to and must contain a statement that you have contacted each party or their attorney and that all have agreed on the alternative date(s) and time(s). The court will send a notice resetting the hearing.
4. If the parties cannot agree on one of the alternative dates and times provided by the clerk, the party wishing to change the date and time must file an Expedited Motion to Reset with the court at least 21 days prior to the scheduled hearing.

Dated: AUGUST 24, 1998

/S/ DEBBIE LASH
Deputy Clerk
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING SUBCASE FOR SCHEDULING CONFERENCE was mailed on AUGUST 24, 1998, with sufficient first-class postage to the following:

IDAHO DEPT OF FISH & GAME

Represented by:

AMPE, PETER J
DEPUTY ATTORNEY GENERAL
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

STATE OF IDAHO

Represented by:

CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

NORTH SNAKE GROUND WATER DIST

Represented by:

DANA L. HOFSTETTER
BEEMAN & HOFSTETTER
608 WEST FRANKLIN STREET
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

CRANNEY BROS

CRANNEY BROS.

DOUG GRANT

KEVIN MICHAELSON

Represented by:

JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701
Phone: 208-342-6571

NORTH SNAKE GROUND WATER DIST

Represented by:

JOSEPHINE P. BEEMAN
BEEMAN & HOFSTETTER
608 WEST FRANKLIN STREET
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

BANBURY PIPE CO., INC.

BIG SPRINGS WATER USERS ASSN

BIG SPRINGS WATER USERS ASSOC.

BOB PORTER

BOB PORTER, FRED SURBAUGH,

C-CAN CORPORATION

C-CAN PARTNERS

JOHN W. & DELORIS D. JONES

JOHN W. JR. JONES

JOINT HAGERMAN SCHOOL DIST 233

JOINT HAGERMAN SCHOOL DIST.

PAUL E. WATKINS

PAUL WATKINS

WILLIAM E. NORRIS

WILLIAM STRANGE

Represented by:

PATRICK D. BROWN

812 SHOSHONE ST. EAST

TWIN FALLS, ID 83303

Phone: 208-735-8812

A & B IRRIGATION DISTRICT

Represented by:

ROGER D LING

PO BOX 396

RUPERT, ID 83350

Phone: 208-436-4717

DALE E. BOYER

BOYER, ELAINE M.

PO BOX 232

HAGERMAN, ID 83332

Phone: 208-352-1152

JOHN W. JR. JONES

JONES, DELORIS

PO BOX 265

HAGERMAN, ID 83332

WALTER II & JUDY BONNING

PO BOX 360

HAGERMAN, ID 83332

Phone: 208-837-4578

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

(Notice Setting Scheduling Conference)

(Certificate of mailing continued)

ALMA BLASTOCK
ROUTE 1, BOX 442
HAGERMAN, ID 83332

Exhibit A

Subcase Nos:

36-00006
36-00007
36-00008
36-00022
36-00023
36-00047
36-00068
36-00069
36-00070
36-00079
36-00099
36-00100
36-00106
36-00108B
36-02038
36-08099
36-15463

COPY

SAL
RECEIVED

APR 16 1998 4-14

Department of Water Resources

William Strange

PARKER, WARR & BROWN, LLP
Patrick D. Brown
812 Shoshone St. East
Twin Falls, ID 83301
Telephone: (208)735-8812

RECEIVED

MAY 01 1998

Department of Water Resource
Southern Region

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

..... 'R' ~ blank prefix
records modified 4-24-98
-12

In Re SRBA

Case No. 39576

)
) Subcase Nos. 36-00006, 36-00007
) and 36-00008
)

) NOTICE OF SUBSTITUTION
) OF COUNSEL
)

.....

TO: The above-entitled court and to the parties and their counsel:

YOU ARE HEREBY NOTIFIED that pursuant to the Rule 11(b)(1), I.R.C.P.,
Parker, Warr & Brown, LLP, 812 Shoshone Street East, Twin Falls, ID 83301, is hereby
substituted as counsel for Claimant, William Strange, in place of the firm of Hepworth,
Lezamiz & Hohnhorst, Chtd.

Dated this 13 day of April, 1998.

PARKER, WARR & BROWN, LLP

By: 

Patrick D. Brown
Attorneys for claimant

CERTIFICATE OF SERVICE

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 on the 13 day of April, 1998, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

U.S. Dept. of Justice
Environment & Natural
Resources Division
550 W. Fort, MSC 033
Boise, ID 83724

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

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

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

Director of IDWR
P. O. Box 83720
Boise, ID 83701-2139

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


Patrick D. Brown

(water/strangesubcounsel)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)01/28/98 12:28:18
Page 1

Water Right Number - R36-00007

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***

BROWN

PATRICK D

1 - HEPWORTH NUNGESTER LEZAMIZ

2 - 133 SHOSHONE ST N

3 - PO BOX 389

City- TWIN FALLS

State- ID Zip- 833030389

Phone - 208-734-7510

*** C - CURRENT OWNER ***

STRANGE

LOUISE

1 - PO BOX 387

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4767

STRANGE

WILLIAM

1 - PO BOX 387

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4767

+ - - Priority Date - - +

04/01/1907

+ - - Region - - - +

17 SOUTHERN

+ - - Stage - - - +

+ - - Status - - - +

I - DISALLOWED

+ - - - - Source - - - - +

BILLINGSLEY CREEK

+ - - - - Tributary - - - - +

SNAKE RIVER

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

+ Twn Rng Sec Tract Lot RFlg County

07S 13E 11 NW SW NE (47) GOODING

+ - - - - Water Use - - - - - +

+ Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/01

10/31

1.080

+ - Total Div. Rate - + + - Total Div. Volume - +

1.080

+ - Total Consumptive Use - + + - KW Usage - +

0.0

+ - - - - Place of Use - - - - - +

+ Twn Rng Sec Tract Lot Acres Code Description County

07S 13E 10 SE SE 5 9.0 01 IRRIGATION (47) GOODING

07S 13E 11 SW SW 12.0 01 IRRIGATION (47) GOODING

07S 13E 14 NW NW 28.0 01 IRRIGATION (47) GOODING

07S 13E 15 NE NE 1 39.0 01 IRRIGATION (47) GOODING

07S 13E 15 NW NE 2 24.0 01 IRRIGATION (47) GOODING

07S 13E 15 NE NW 3 5.0 01 IRRIGATION (47) GOODING

Total Acres: 117.0

+ - - Diversion Means - HEADGATE & SANDS DITCH, GRAVITY IRRIGATION

CAN NOT BE DELIVERED DUE TO LIMITATIONS OF THE ON FARM DELIVERY.

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	-	

SRBA FIELD EXAM REPORT

SRBA CLAIM: A36-00006 & A36-00007

EXAM DATE: JANUARY 16, 1998

IDWR AGENT: STEVE CLELLAND

ACCOMPANIED BY CLAIMANT: MR. TURNER

PURPOSE: This examination was made to investigate the amendments for additional uses filed by Pat Brown for the above named claimant. This visit was a follow-up to the exam made on 1/14/98 to gather information of the pipeline delivery from the Sands Ditch.

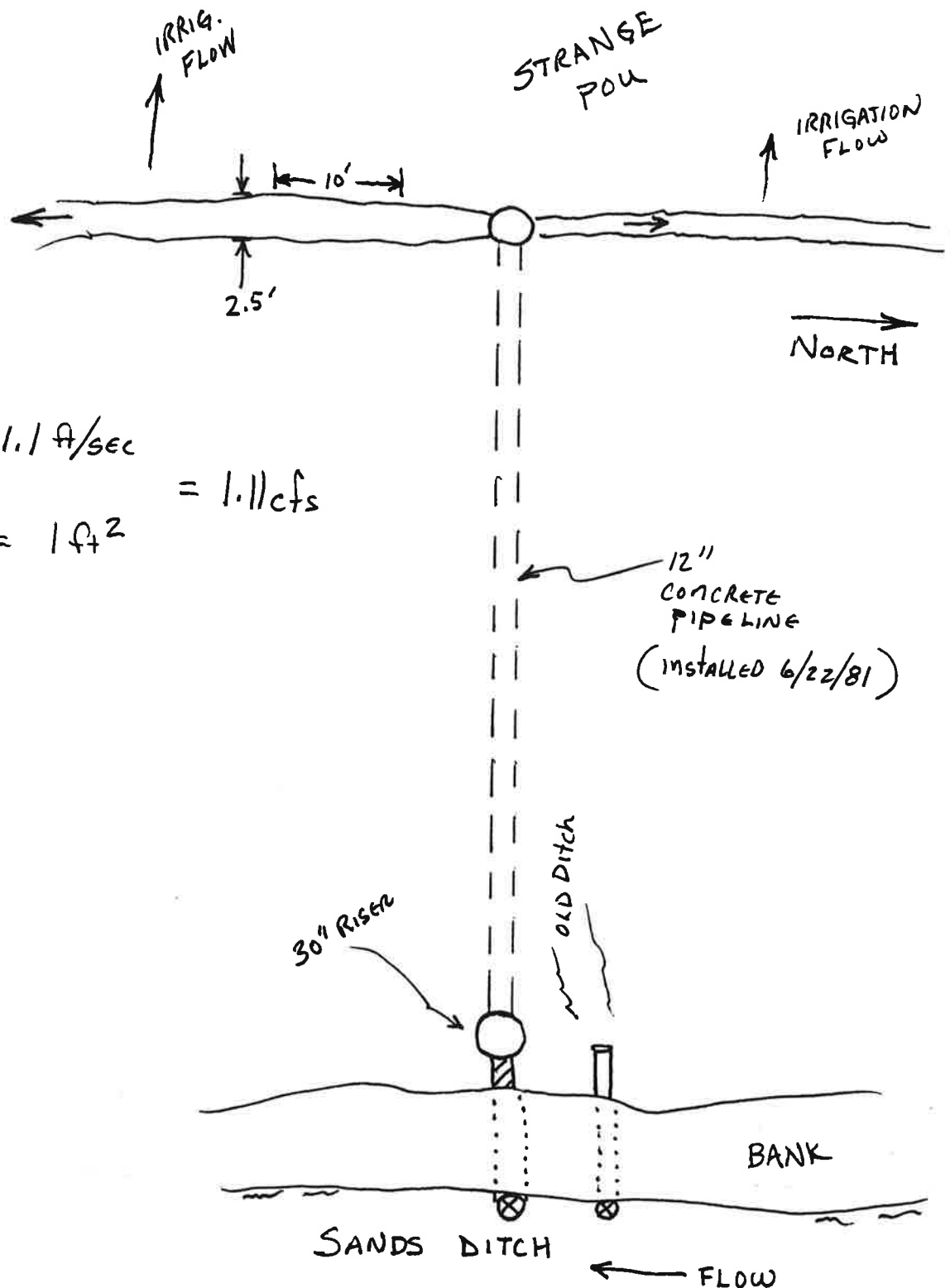
OBSERVATIONS & FINDINGS: I called the Turners on 1/15/98 to ask some questions on the pipeline that delivers water from the Sands Ditch. We agreed the system is not capable of delivering the decreed rate of 4.5 cfs and I was trying to determine the capacity of the system. They informed me the pipeline was installed 6/22/1981. They had 870 feet of 12 inch concrete installed according to their records. I was unable to estimate a flow rate based on this information alone and planned to view the ends of the pipeline system to better understand the system delivery when I returned to the area on January 16.

I inspected the headgate on the Sands Ditch but could not access the water flow to gather information needed to complete the pipeline calculations. I followed the pipeline to the riser on the Strange property and decided to measure the flow in the on-farm ditch. Using a tape measure and my stop watch, I estimated the flow in the ditch using the "orange peel" method. I also sketched the layout of the system for a more complete drawing when I returned to the office. I returned to my vehicle at the Martin place when Mr. Turner arrived to ask what I had found. He had asked if I didn't believe them about the pipe diameter. I explained my need for a flow estimate of the current flows. We sat in the blazer while I calculated the flow rate I had measured. It came to 1.11 cfs. (see details in sketch in file.) Mr. Turner stated that would not be sufficient water to irrigate his farm based on the discussions we had during the main exam.

Final recommendations will be described in the database record prepared after full legal review of my proposal is complete.

36-00006 & 36-00007
SANDS DITCH delivery

1/16/98 EXAM
STEVE CLELLAND



$$Q = AV$$

$$V = 10' / 9 \text{ sec} = 1.1 \text{ ft/sec}$$

$$A = 2.5' \text{ width} \times 0.4' \text{ depth} = 1 \text{ ft}^2 = 1.1 \text{ cfs}$$

STRANGE Delivery Pipe

$$V = \frac{\sqrt{H}}{D \times 64.4}$$

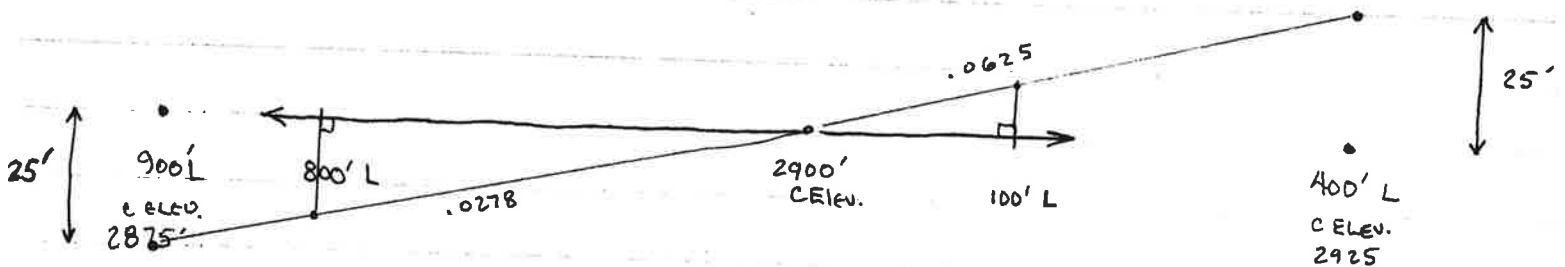
See
1/15/98

$$4.5 \text{ cfs} = 2020 \text{ gpm}$$

Pipe from Sands Ditch
to field.

900' run 29' H

(100') Slope between Bell ditch & Sands ditch: $\frac{25'}{400'} = 0.0625$
(800') Slope between Sands & Ditch: $\frac{25'}{900'} = 0.0278$



$$\frac{\pi}{800} = \frac{.028'}{1'}$$

$$\pi = 22.4'$$

$$\frac{\chi}{100\text{ft}} = \frac{.06\text{ft/ft}}{1\text{ft}}$$

$$\chi = 6.25'$$

$$\begin{array}{r} 6.25' \\ 22.40' \end{array}$$

$$\underline{28.65'} = H$$

SRBA FIELD EXAM REPORT

SRBA CLAIM: A36-00006, A36-00007 & A36-00008

EXAM DATE: JANUARY 14, 1998

IDWR AGENT: STEVE CLELLAND

ACCOMPANIED BY CLAIMANT: Mr. & Mrs. Turner for Mr. Strange
OBSERVED BY CHARLIE HONSINGER

PURPOSE: This examination was made to investigate the amendments for additional uses filed by Pat Brown for the above named claimant.

OBSERVATIONS & FINDINGS: I met with the Turners at the home of William Strange; Mrs. Turner is his daughter. I explained my purpose for being there was to investigate the recently added amendments. I added that since there is such a large discrepancy in the irrigated acreage claimed vs. recommended perhaps we should review that to be sure we were looking at the same property.

We started off by viewing the lands under the Barlogi Ditch, covered by right 36-00008. We walked north of the house area inside the pasture and headed due west to find the pond west of the pasture area. I was shown a pond and plotted it on the GIS map in the file. The other pond shown on the amended claim map was drawn in incorrectly by Pat Brown; Mr. Turner told me it lies on the other side of the Barlogi Ditch. We discussed and viewed the lands north and west of the pond - none of the land appeared irrigated nor did it have any method for irrigation. Mr. Turner agreed there was no irrigation from this point to the Snake River.

Mr. Turner led me west of the pond and then southwest until we crossed the Barlogi Ditch; he led me to a small depression in the lava ridges and pointed out a shallow ditch system. He told me this was once a field. There were no corrugates or ditches in the "field" but there was a ditch that curved around the eastern edge of the area. The vegetation was some grass and sagebrush 2-3 feet in height. I told him I could probably recommend something for this small plat of ground. He told me he irrigated it in 1997.

We headed almost straight east in search of the next pond area. The amended claim map showed no irrigation from the Barlogi Ditch being south of the Ditch; Mr. Turner said the map was not accurate as drawn. He identified small areas of irrigation south of the Barlogi Ditch as we walked easterly. Arriving at the next small pond, I noticed the water draining into a sink hole. Mr. Turner said the water flowing into these lava fields generally disappeared into sinkholes; that was a problem in getting the water to be delivered beyond the system as currently operating.

Next we walked to the south in search of the next pond that was supplied under the Sands Ditch system under rights 36-00006 & 7. The walk to the pond was across land covered mostly by lava pressure ridges and was not possible to be irrigated by either ditch system. This land was mapped out in the amended claim map as irrigated and I discussed this with Mr. Turner who agreed this area was not irrigated. Mr. Turner found the pond almost directly south of the last pond we had just observed. This pond was larger than

the last. In reviewing the GIS map in the file I showed Mr. Turner how the pond before us now appears to be in the same location as part of the place of use shown for irrigation. He told me this was the practice, to fill the pond in the winter months and during the summer months it was used as a pasture as the aerial photo shows.

We walked southwesterly to find the final pond as shown on the claim map. This pond appeared to be the largest in surface size of all four ponds. All ponds are quite shallow in depth; none appeared to be deeper than three feet at the deepest point with most of the ponds around the one foot depth. From this final pond I asked if any irrigation occurred to the west; from the pond to the Snake River. Mr. Turner told me no irrigation was done west of these ponds on the Sands Ditch system.

We viewed the irrigation along the southern border of the property and I agreed the irrigation was occurring; this was supported by the irrigation shown on the GIS photo-map.

From the point east of the third pond, we followed the far west edge of the irrigated property until we reached the corrals and barns south of the house. Mr. Turner and I discussed the irrigation observed on the ground with that shown in the GIS map. We concluded that the map was very accurate in identifying the acres under irrigation. I revised the GIS map, created in October 16, 1997 by Kelly Christensen, with hand written notations of lands that could be added to the total of the irrigated acres under the Sands Ditch system. (A map in the file 36-0006 & a map in 36-00008 were used for noting the changes agreed upon during this field exam.)

We returned to the house to discuss the possible outcomes of the observations made during this exam. Using the files and some rough estimates of acres I told Mr. Turner it appears that there will be an increase in the number of acres. We both agreed that the claimed amounts of irrigated acres were not accurate. Under the Barlogi Ditch system I estimated 20 acres and under the Sands Ditch system there will be about 20 acres also. Total for the entire farm about 40 acres. He was satisfied with that number.

Quantity was discussed at this time also. The Barlogi right 36-00008 was decreed for 2.0 cfs and claimed as such. An earlier exam of this day found the total Barlogi Ditch diversion to be 4.8 cfs, 2.8 cfs was being diverted to the end of Mr. Watkins' system under right 36-00106 and 36-08099. Based on these amounts there was 2.0 cfs available for this right at the head of the Barlogi Ditch. I asked Mr. Turner if he has ever measured the water at the Strange farm and he had not and knew of no other measurements except at the head of the ditch. I told him we would use the acres found from this exam in an analysis to determine the beneficial use necessary to irrigate based on the soils here. The common rates for the valley have been around 1.5-2 inches per acre, assuming the highest, 2 inches per acre, that would result in 40 inches for this right (0.80 cfs).

Quantity on the Sands ditch system would be similar and would be near 40 inches per acre with the same assumptions. The total of the two claims on the Sands ditch total 4.5 cfs. This is similar to the amount of water currently being delivered down the Barlogi Ditch. There does not appear to be a delivery system on the

Strange farm large enough to deliver that amount of water. The ditches observed during the exam were 2-2.5 feet wide and the Barlogi Ditch is 10-12 feet wide and much deeper than the farm ditches. Mr. Turner agreed they could not deliver that amount of water to the farm. The delivery from the Sands ditch travels across the neighbors farm through a pipeline and arrives in a concrete riser on the east side of the property at the section line between section 11 & 14. He didn't know the details of the pipeline system. (See second report on flow rates from Sands Ditch system dated 1/15/98.)

SUMMARY & RECOMMENDATIONS: In addition to the above stated findings of the irrigation portion to these rights I also told Mr. Turner the most likely recommendations for the amendments claimed.

SRBA CLAIM 36-00008 (Barlogi Ditch)

IRRIGATION: Revise the acres irrigated as noted on the field notes and as determined by GIS software. GIS maps updated 1/22/98 by me. Total acres for this right = 21.0 acres. Flow rate to be determined by Jeff Peppersack for this GIS shapefile.

IRRIGATION MAINTENANCE: Not recommended as a separate use. Portions of the conveyance loss of this right, if necessary, are included in the Irrigation use above.

WILDLIFE, RECREATION, AESTHETICS: Not recommended. All these uses are incidental to the Irrigation use as historically developed. The ditch system was built to deliver irrigation water. Permits may need to be filed to cover new uses recently developed during the non-irrigation season.

STOCKWATER: Recommended. 75 head of cattle require 0.03 cfs as per the charts in Water Law Handbook Appendix.

TOTAL QUANTITY: Irrigation rate as determined plus the Stockwater use rate.

I suggest adding the remark about "necessary flows to deliver the right," to stockwater uses under Condition Code N01.

SRBA CLAIMS 36-00006 & 36-00007 (SANDS DITCH)

IRRIGATION: Same as above in 36-00008. GIS acres = 21.0.

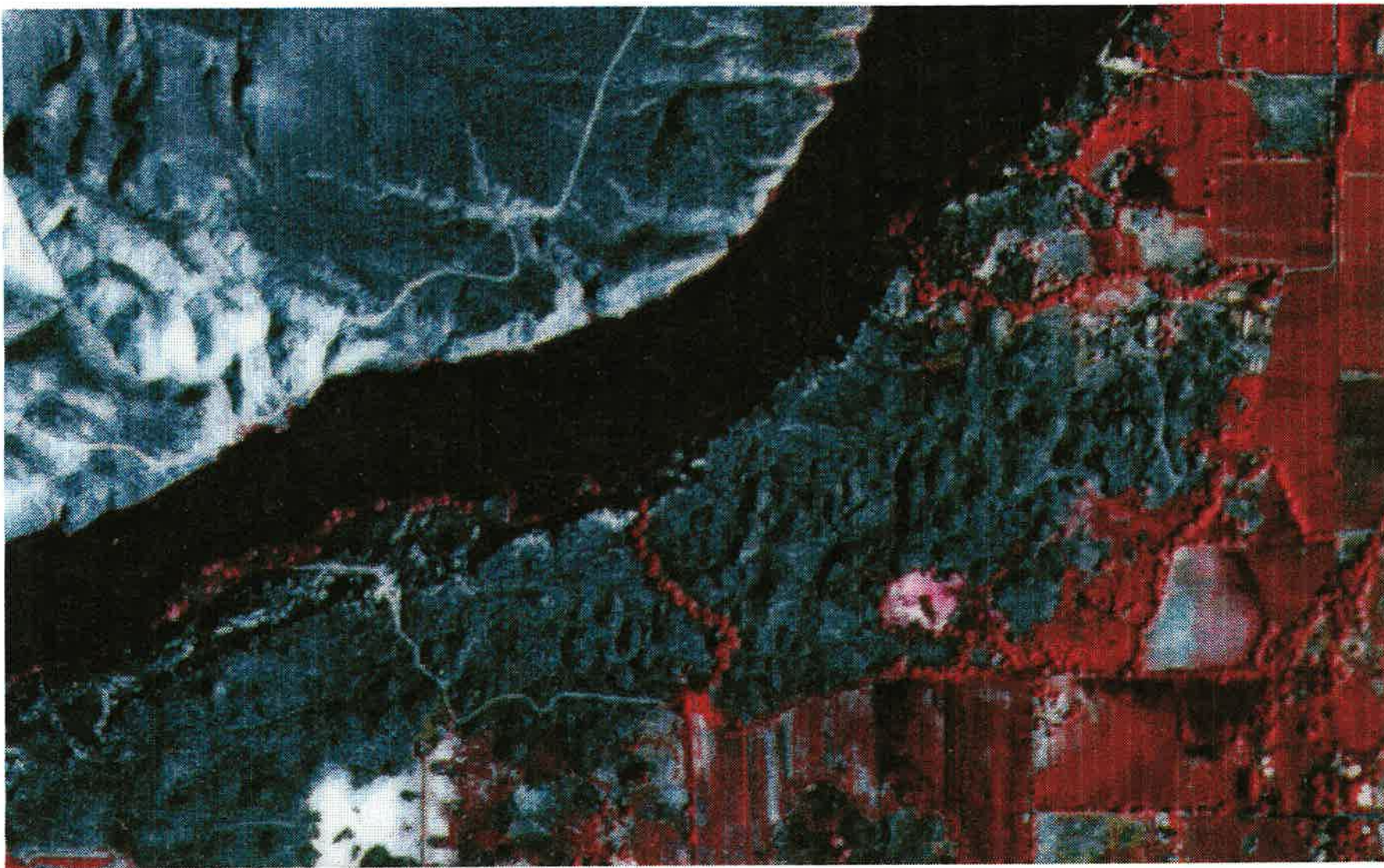
IRRIGATION MAINTENANCE: Not recommended - same as above.

WILDLIFE, RECREATION, AESTHETICS: Not recommended -same as above.

STOCKWATER: Recommended. Same 75 head as above but water is a different diversion system, same source, allow 0.03 cfs.

TOTAL QUANTITY: Same as above.

Final recommendations for each right will be described in the database record prepared after full legal review of my proposal is complete.



↑ NORTH

OVERVIEW OF STRANGE PLACE
1987 NAPP AA69
1/27/98 SW

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

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

January 12, 1998 11:45am

NAME:

PAT BROWN

CALLIN

RE:

EXAMS FOR AMENDMENTS

HE RETURNED CHARLIE'S CALL TO ME AND GAVE ME THE PHONE NUMBERS TO REACH HIS CLIENTS FOR SETTING THE EXAM TIMES THIS WEEK.

FOR 36-00006, 7, 8:

CALL PENNY TURNER AT 837-4767. PAT MENTIONED HE WAS CONCERNED ABOUT THE AMOUNT OF ACRES WE FOUND AT THE STRANGE POU AND SAID IT MAY HAVE BEEN THE YEAR MR. STRANGE WAS SICK AND DID NOT FARM.

FOR 36-00106, -08099:

CALL PAUL WATKINS AT 837-6283. WE DISCUSSED THE POWER AMENDMENT AND IT WAS INTENDED TO PROVIDE FLOW TO DELIVER THE 1.92 CFS TO THE PENSTOCK AS MEASURED IN THE LICENSE EXAM. I SUGGESTED WE ADD THE REMARK ABOUT NECESSARY FLOW TO DELIVER THE RIGHT TO POU WITHOUT WASTE AS WE HAVE ADDED TO SOME STOCK USES DOWN IN HAGERMAN. WE ALSO DISCUSSED THE SUBORDINATION REMARKS IN THE POWER LIC. HE INDICATED THE PERMIT PRE-DATED ALL THE DATES WHICH SET THE SUBORD. LANGUAGE INTO A PERMIT. WILL REFER THIS TO CHARLIE.

SET UP APPT FOR EXAM FOR 1/14/98, WED. 9 AM AT WATKINS HOME.

FOR 36-00047:

CALL DAVE CROPPER AT 788-4903. PAT SAID THE PLACE IS LOCKED UP DUE TO VANDALS. SET APPT WITH MR. CROPPER FOR 1/16/98 FRIDAY 2 PM AT THE FIELD.

FOR 36-00068, 69, 70:

PAT STILL HAS YET TO CONTACT MR. BILL JONES.

1998 JAN -5 PM 2:18

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA

Case No. 39576

**Water Rights: 36-00006, 36-00007
36-00008,**

**NOTICE OF ADMINISTRATIVE
PROCEEDING**

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

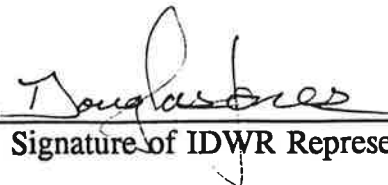
☒ Amended Claim:

☐ point of diversion ☐ place of use

☒ period of use ☒ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than: April 1, 1998.

DATED: 1/2/98


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 1-5, 1998, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant or attorney of record:
Patrick D. Brown
Hepworth Lezamiz & Hohnhorst
PO Box 389
Twin Falls ID 83303-0389
3. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
4. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

January 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

PATRICK D BROWN
HEPWORTH LEZAMIZ AND HOHNHORST
PO BOX 389
TWIN FALLS ID 83303-0389

RE: SRBA Claim(s) 36-00006, 36-00007, 36-00008, 36-00022,
36-00023, 36-00047, 36-00068, 36-00069,
36-00106, 36-08099, 36-15463

Dear Mr. Brown:

Please find the enclosed copies of the Notices of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: U.S. Dept. of Justice
Idaho Attorney General

SUBCASE NO. 36-00007

	CLAIM(8/5/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION (4/19/93)
NAME	William & Louise Strange	N/A	Disallowed	XX include Penelope Turner
BASIS OF CLAIM	Decree			
SOURCE	Billingsley Creek			
QUANTITY	1.08 cfs			
PRIORITY DATE	4/1/1907			
PURPOSE OF USE	Irrigation			
PERIOD OF USE	4/1 - 10/15			
POINT OF DIVERSION	T07S R13E S11			
PLACE OF USE	T07S R13E S10 T07S R13E S11 T07S R13E S14 T07S R13E S15 117.0 acres			
remarks	"Land claimed is all I own south of the Barlogi Ditch."			XX - Water right not being recommended. *

* Objection requests as claimed with Penelope Turner as an owner and year round season of use.

L A W O F F I C E S

*Hepworth, Lezamiz
& Hohnhorst*

- Established 1952 -

December 5, 1997

TWIN FALLS OFFICE

John C. Hepworth
John T. Lezamiz
John C. Hohnhorst
Jeffrey J. Hepworth
Penelope Parker**
Eileen A. McDevitt*
Patrick D. Brown

Wm. L. Nungester
of Counsel

BOISE OFFICE

J. Charles Hepworth*
John J. Janis

*Member CA Bar
**Member UT Bar

Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301-3380

RE: Amended Notices of Claims

Gentlemen:

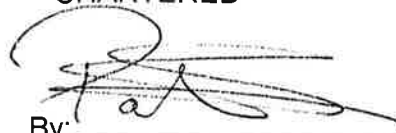
Enclosed please find this firm's check in the amount of \$6,410.00 in payment of fees assessed on the following claims:

Paul and Inez Watkins, Claim No. 36-00106	\$1,175.00
C-CAN Partners, Claim No. 36-00047	590.00
William Strange, Claim No. 36-00006	1,750.00
William Strange, Claim No. 36-00007	540.00
William Strange, Claim No. 36-00008	1,000.00
John W. and Deloris Jones, Claim No. 36-00068	1,045.00
John W. and Deloris Jones, Claim No. 36-00069	310.00
Total fees	\$6,410.00

While I do not interpret Idaho Code § 49-1414 to allow us to be assessed for additional uses of the same volume of water, we are hereby submitting these payments under protest because you will not allow filing of the amended claims without the fees. We reserve all rights to challenge your interpretation and to recover excess amounts being paid, and reserve right to show have you has miscalculated the amounts.

Very truly yours,

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED



By: _____
Patrick D. Brown

HLH

Chartered

TWIN FALLS OFFICE

208-734-7510
Blick Building
133 Shoshone St. N.
P.O. Box 389
Twin Falls, ID 83303-0389
FAX-208-734-4115

Boise Office

208-343-7510
537 West Bannock
P.O. Box 2582
Boise, ID 83701-2582
FAX: 208-342-2927

PDB/llm
Enclosure
/1205IDWR.llm

R PROOF

CVR

MAPS

PHOTOS

MISC

MICRO FILMED

NOV 1

1981

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. 36-00007 -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)

MICROFILMED
OCT 11 1994

FILED
MILLOM WEB

2. Person who filed objection:

Name: WILLIAM STRANGE
Address: PENELOPE TURNER
PO BOX 387
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12b. ☒ This water right not being recommended.
14. ☒ Other: I respond to the objection concerning:

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

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1, and all allegations regarding this item, IDWR responds as follows: No notice of change of ownership has been filed with IDWR by the owner of the right as required by Idaho Code Sec. 42-1409(7). IDWR therefore lacks sufficient information to form a belief as to the truth of the matter asserted. Upon the filing of a notice

of change of ownership, IDWR will correct the name and address of the owner of this water right accordingly. The claimant may also need to file a Standard Form 3 with the SRBA Court.

In response to Statement of the Objection items 12 and 12b., and all allegations of the objection regarding those items, IDWR responds as follows: IDWR recommended the claim for disallowal because all water from this source beneficially used by the claimant is recommended under water right no. 36-00006.

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

(Over)

MICROFILMED
OCT 11 1994

No. of
Pages

Notice of Claim No. A36-00007	4
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4

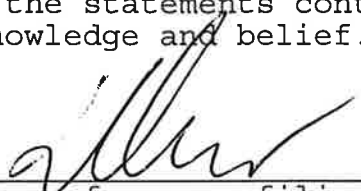
VERIFICATION (Must be Completed)

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 30th day of August,
1993.



Notary Public for Idaho
Residing at: _____

My Commission expires: _____

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

(Over)

MICROFILMED

OCT 11 1994

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of August, 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:

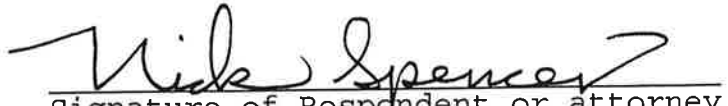
See No. 3

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: A36-00007
Date Received: 8/05/1988
Receipt No: 500131/
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM STRANGE 208-837-4767
Address: P. O. BOX 387
HAGERMAN, ID 83332

AND/OR
Name: LOUISE STRANGE 208-837-4767
Address: P. O. BOX 387
HAGERMAN, ID 83332

2. Date of Priority: APR 01,,1907

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	NW	SW	NE		GOODING

5. Description of diverting works:
HEADGATE & SANDS DITCH, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	1.080		

7. Total Quantity Appropriated is:
1.080 C.F.S. (and/or) 472.00 A.F.A.

8. Total consumptive use is 354.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	10	SE	SE	5	IRR	9.0
						Section Acres	9.0
		11	SW	SW		IRR	12.0
						Section Acres	12.0
		14	NW	NW		IRR	28.0
						Section Acres	28.0
		15	NE	NE	1	IRR	39.0
			NW	NE	2	IRR	24.0
			NE	NW	3	IRR	5.0
						Section Acres	68.0
						Total Acres	117.0

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:
36-0006

14. Remarks:
LAND CLAIMED IS ALL THE LAND I OWN SOUTH OF THE BARLOGI DITCH.

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

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

IDAHO POWER COMPANY
Decree Defendant

MICROFILMED
OCT 11 1994
MICROFILMED
OCT 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 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): Wm. Strange Date: 8-5-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of Aug 19 88

[Signature]
Notary Public

Seal

Residing at Kirkley, Id.
My Commission Expires 6/30/99

THE INVENTION OF THE

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

- 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.

MICHAEL WED

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.

RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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

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

Case No. A36-00007

(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.

36-00007 -0001/
93-04-0016

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)

MICROFILMED

OCT 11 1994

RECEIVED

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: William Strange & Penelope Turner

Address: P. O. Box 387

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Priority date 4/1/1907

Water right decreed 3/22/32 pursuant to New
International Mortgage Bank v. Idaho Power
Company;

2. Owner of the water right:

Name: William Strange & Penelope Turner

Address: P. O. Box 387

Hagerman, Idaho 83332

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.

(Over)

MICROFILMED
OCT 11 1994

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.

See Page 7

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



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

See Hagerman Water Right Owners, Inc.'s

Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of ~~Twin Falls~~ Gooding

William Strange, 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.

William Strange
Signature of person filing objection

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

Subscribed and sworn to before me this 19th day of April,
1993.

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

(Over)

MICROFILMED

OCT 11 1994

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: William Strange & Penelope Turner

Owner's address: P. O. Box 387

Hagerman, Idaho 83332

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 1 - See Paragraph 2, page 2 for correct name and/or address.

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

CHANGES TO DIRECTOR'S REPORT, page 4

WILLIAM
Name change to ~~Walter~~ William Strange and Penelope Turner, water rights granted to Mrs. Turner by William Strange with rights of life estate retained by William Strange; priority date: April 1, 1907; Maximum quantity: so decreed &/or beneficially used; source: Billingsley Creek; Place of use & diversion point: as set forth in notice of claim; Period of use: year around

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

MICROFILMED
OCT 11 1994

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

RECEIVED

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.

21-00
MICROFILMED

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.

MICROFILMED

OCT 11 1994

NOT RECORDED

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

MICROFILMED

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.

RECEIVED
JAN 11 1964

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,

MICROFILMED

OCT 11 1994

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.

MICROFILMED

OCT 11 1994

PCL. 10
MICROFILMED

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.

MICROFILMED
OCT 11 1994

REVOKED

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.

96.1-01
UNCLASSIFIED

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

WICBOLWEL

(WATER\21530ANS)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

Claimant's Name	Recommendation No. (no "A" prefix)
Bybee, Gertrude B. Owsley	36-00042A 36-00041C
Candy, Walter W. & Margaret	36-00135B
Crandlemire, Roger C.	36-00134C 36-00135C
Gustafson Family Trust/Gustafson, Ivan J. & Lucille co-trustees	36-00033F
McFaddan, Dan H. & Irma R.	36-00048A
Muller, Manfred	36-00035J
Zink, Basil Lester & Myrle Hyde	36-00103F

MICROFILMED

OCT 11 1994

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

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

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

MICROFILMED
OCT 11 1994

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

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

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

MICROFILMED
 OCT 11 1994

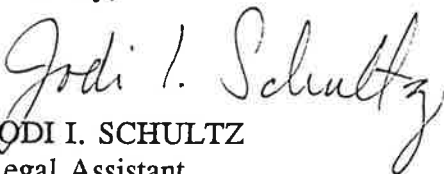
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

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

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

Sincerely,



JODI I. SCHULTZ

Legal Assistant

Idaho Department of Water Resources

cc: IDWR Southern Region

MICROFILMED

OCT 11 1994

For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 5015284

RECEIVED

JAN 19 1993

Department of Water Resources
Southern Region Office

Date: 1/19/1993
Time: 11:39:07

Received
From:

STRANGE WILLIAM

Type of Payment

Program Acct Class

Amount

FEE FOR COPIES FO ADJUDICATION CLAIM
64100

229 21 1760

9.12

Total

CHECK

357

\$9.12

Region: SOUTHERN

Signature:

R. Foster

MICROFILMED

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

12-Jan-1993

WILLIAM STRANGE
PO BOX 387
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00006, 36-00007, 36-00008

Dear Mr. Strange:

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:

\$9.12

Sincerely,

Jeanie
Jeanie Robertson
Records Clerk

Encl:

Strange
41
36
43
 $120 \times 5 = 6.00$
 .22
env. 2.90
post 9.12

MICROFILMED

UOI 11 1994

RECEIVED

JAN 11 1993

Department of Water Resources
Southern Region Office

1-9-93
(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 36-00008, 36,00006, 36,00007

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,

William Strange

William Strange
(Name)

P.O. Box 387
(Address)

Hagerman, Idaho 83332
(City, State, Zip Code)

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

MICROFILMED
OCT 11 1994

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



MICROFILMED

JAN 20 1983



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

17-Oct-1992

WILLIAM STRANGE
PO BOX 387
HAGERMAN ID 83332

RE: RESPONSE TO NOTICE OF ERROR FOR CLAIMS 36-00006,
36-00007, AND 36-00008.

Dear Mr Strange

This letter is in response to the Notice(s) of Error (NOE) you recently filed with IDWR regarding the Director's proposed recommendation of the claim(s) listed above. Your NOE indicates that you would like the recommendation to show a longer season of use for irrigation. The Director has approved extending the period of use for the Hagerman valley to 3/15 to 11/15.

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

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

Your NOE also questions the basis for recommending disallowal of a claim to a previously decreed water right.

Under Idaho law, water rights are limited to the amount of water beneficially used for the purposes for which the water rights were established. The amount of water beneficially

MICROFILMED

JAN 20 1993

STRANGE
PAGE 2
17-Oct-1992

used is limited to the amount that is actually used and is reasonably required. For irrigation purposes, a reasonable amount is the amount required using irrigation methods that are reasonably efficient under current circumstances. If the water right shown in a decree is no longer beneficially used, then the water right is forfeited.

In your case, you filed multiple overlapping claims. IDWR determined the amount of water reasonably required for the recommended uses, based on available data and current methods of analysis, and proposed to recommend the most senior claims that were within this total. To support recommendation of the notice of claim listed above, you will need to submit evidence of beneficial use of an amount of water greater than the total of the rights proposed to be recommended.

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. As part of the objection process, IDWR will work with the claimants to resolve disputed issues, including efforts to obtain additional data which will be made available to the water users.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

MICROFILMED

JAN 20 1993

NOTICE OF ERROR FORM

AUG-24-1992

RECEIVED

SEP 11 1992

Department of Water Resources

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

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

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS:

SEP-24-1992

1. Water right number: *36-0007*

2. Name: *William Strange*

Address: *P.O. Box 387*
Hagerman, Idaho 83332

Weekday Telephone Number: *837-4767*

MICROFILMED

JAN 20 1993

(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:

All

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

I believe I should have the 1.08 CFS as claimed by my filing and under the existing right

5. Describe why you disagree with the proposed recommendation:

I have used this water for several years as a matter of right. It is necessary as the ground does not have any holding capacity for water.

6. Date: *9/10/92*

SIGNATURE *Wm Strange*

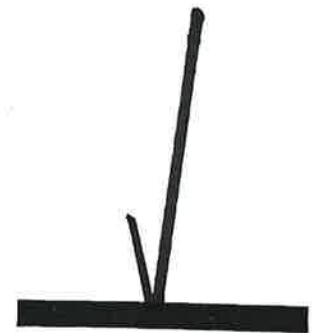
R PROOF

CVR

MAPS

PHOTOS

MISC



MICROFILMED

JAN 20 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:35:25
06/28/90

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00007

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y		7-24-90 SCU/HHT		1,2,4,5			
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES								
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS	Y							

7-18-90

"VERIFIED BY" CODES

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

DISALLOW

See p. 12

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

MICROFILMED

JAN 20 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:35:25
06/28/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00007

LAST: STRANGE
ADDRESS: P.O. BOX 387
CITY: HAGERMAN
PHONE NUMBER: 208-837-4767

FIRST: WILLIAM
STATE: ID ZIP: 83332

OWNER CODE: C

LAST: STRANGE
ADDRESS: P.O. BOX 387
CITY: HAGERMAN
PHONE NUMBER: 208-837-4767

FIRST: LOUISE
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: LAND CLAIMED IS ALL THE LAND I OWN SOUTH OF THE BARLOGI DITCH.

MICROFILMED
JAN 20 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED

JAN 20 1993

A. AJ CLAIM: # A36-00007 PRIORITY DATE: 04-01-1907 STAGE: D

B. WR RECORD: # 36-00007 PRIORITY DATE: 04-01-1907 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
✓

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
04-01-1907

REVIEWED BY lee

DATE

7-18-90

MICROFILMED

JAN 20 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00007	07S	13E	11	NW	SW	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-00036	NONE
A36-10566	
A36-07233	
A36-07271	
A36-00006	
A36-00110A	
A36-00081A	
A36-07172	
A36-00037C	
A36-00080A	
A36-00099	
A36-00100	
A36-00111A	
A36-00113G	

WR RECORDS IN SAME 40 ACRE TRACT

36-00006
36-00036
36-00037
36-00066
36-00079
36-00080
36-00081
36-00097
36-00098
36-00099
36-00100
36-00101
36-00110
36-00111
36-00113B
36-00113D
36-00140
36-00141
36-00142
36-00143
36-00144
36-00145
36-00146
36-00147
36-00148
36-00150
36-00151
36-02082
36-07081
36-07172
36-07229
36-07233
36-07271
36-07565
36-07838

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
36-00007	07S	13E	11		SW	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

MICROFILMED
JAN 20 1993

A PREFIX

R PREFIX

MICROFILMED

JAN 20 1993

36-00006
36-00036
36-00037
36-00066
36-00079
36-00080
36-00081
36-00097
36-00098
36-00099
36-00100
36-00101
36-00110
36-00111
36-00113B
36-00113D
36-00140
36-00141
36-00142
36-00143
36-00144
36-00145
36-00146
36-00147
36-00148
36-00150
36-00151
36-02082
36-07081
36-07172
36-07229
36-07233
36-07271
36-07565
36-07838

A36-10080
A36-07229
A36-00113E
A36-00141
A36-00066
A36-00066A
A36-00079
A36-07081
A36-07565
A36-10543
A36-00021A
A36-00021B
A36-00037A
A36-00036
A36-10566
A36-07233
A36-07271
A36-00006
A36-00110A
A36-00081A
A36-07172
A36-00037C
A36-00080A
A36-00099
A36-00100
A36-00111A
A36-00113G

NONE

MICROFILMED
JAN 20 1993

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER
N
N

REMARKS:

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>NW</u>	<u>SW</u>	<u>NE</u>	<u>---</u>	<u>Gooding</u>

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY: Rat

DATE: 7-18-90

Sands Ditch

MICROFILMED

JAN 20 1993

OK

A. ROOT WATER RIGHT NUMBERS: A36-00007

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	10	SE	SE	5	STRANGE , WILLIAM STRANGE , WILLIAM STRANGE , LOUISE BARLOGI , AGNES	A36-00007 / 9.0 A36-00006 / 9.0 A36-00008 / 8.0	36-00007 / 36-00006 / 36-00008 / 36-00146 /			
07S	13E	11	SW	SW		STRANGE , WILLIAM STRANGE , WILLIAM STRANGE , LOUISE STRANGE , WILLIAM BARLOGI , AGNES	A36-00007 /12.0 A36-10353 / A36-00008 / A36-00006 /12.0	36-00007 / - / 36-00008 / 36-00006 / 36-00145 /	38.0		
07S	13E	14	NW	NW		STRANGE , WILLIAM BECKSTEAD , FRED A. COATES , FAYE BECKSTEAD , FRED A. STRANGE , WILLIAM BECKSTEAD , FRED A. BECKSTEAD , FRED A. BARLOGI , REX BARLOGI , AGNES SULLIVAN , RALPH	A36-00007 /28.0 A36-10169 / 7.5 A36-00067 / 7.5 A36-07298 / A36-00006 /28.0 A36-00065 / 7.5 A36-00066 / 7.5	36-00007 / - / 36-00067 / 36-07298 / 36-00006 / 36-00065 / 36-00066 / 36-00008 / 36-00145 / 36-04025 / 5.0	30.0		
07S	13E	15	NE	NE	1	STRANGE , WILLIAM STRANGE , WILLIAM BARLOGI , REX BARLOGI , AGNES	A36-00007 /39.0 A36-00006 /39.0	36-00007 / 36-00006 / 36-00008 / 36-00146 /			
07S	13E	15	NW	NE	2	STRANGE , WILLIAM STRANGE , WILLIAM	A36-00007 /24.0 A36-00006 /24.0	- / - /			
07S	13E	15	NE	NW	3	STRANGE , WILLIAM STRANGE , WILLIAM	A36-00007 / 5.0 A36-00006 / 5.0	- / - /			
TOTAL ACRES						A36-00007	117.00		68.00		

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
X

MICROFILMED

JAN 20 1993

3.0

3.0

10.0

10.0

13.0

PRESUMPTION FLAG:

REMARKS:

NAPP photo confirmed by field exam to be accurate.

MICROFILMED

JAN 20 1993

RECOMMENDATIONS:

TOTAL ACRES: 13.0

REVIEWED BY: See

DATE: 1-3-91

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00007 IRRIGATION	FROM 04-01 TO 10-15	1.080 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.080 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00007 IRRIGATION	FROM TO	1.080 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.080 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

Exceeds flow

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

MICROFILMED

JAN 20 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 1.080 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.080 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) N

FIELD
DATABASE EXAMINER

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A36-00006

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00007	BILLINGSLEY CREEK	STRANGE , WILLIAM	1.080	0.009		
A36-00006	BILLINGSLEY CREEK	STRANGE , WILLIAM	3.500	0.029		
A36-10169	WASTE WATER	BECKSTEAD , FRED A.	2.000	0.266		
A36-00067	BILLINGSLEY CREEK	COATES , FAYE	0.500	0.014		
A36-00065	BILLINGSLEY CREEK	BECKSTEAD , FRED A.	0.700	0.019		
A36-00066	BILLINGSLEY CREEK	BECKSTEAD , FRED A.	1.400	0.039		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-00008	STOCKWATER	STRANGE , LOUISE	FROM 01-01 TO 12-31	.030 CFS	
A36-10353	DOMESTIC	STRANGE , WILLIAM	FROM 01-01 TO 12-31	.040 CFS	
A36-07298	FISH PROPAGATION	BECKSTEAD , FRED A.	FROM 01-01 TO 12-31	2.000 CFS	

MICROFILMED

JAN 20 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

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

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 351.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(____) N(____)

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

MICROFILMED
JAN 20 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. FROM	PERIOD TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01	10-15	1.080		351.0
TOTAL FOR THIS RIGHT			1.080		351.0

REVIEWED BY:

SCC

DATE:

1-3-91

Dis allow: since WR A36-00006 can supply more water than is necessary for this irrigation use from the same source at an earlier priority date.

MICROFILMED

JAN 20 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED
(☒)
(☒)
(☒)

NEEDS
REVIEW
(☒)

Legal

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00007

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.080

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-00007	A36-00007	1.080	-		36-00007	1.080
TOTAL CFS		1.080				1.080

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
Y

FIELD
EXAMINER

REMARKS:

=====

AUTHENTICATION:

SIGNATURE: *Shun Collins*

DATE: *1-3-91*

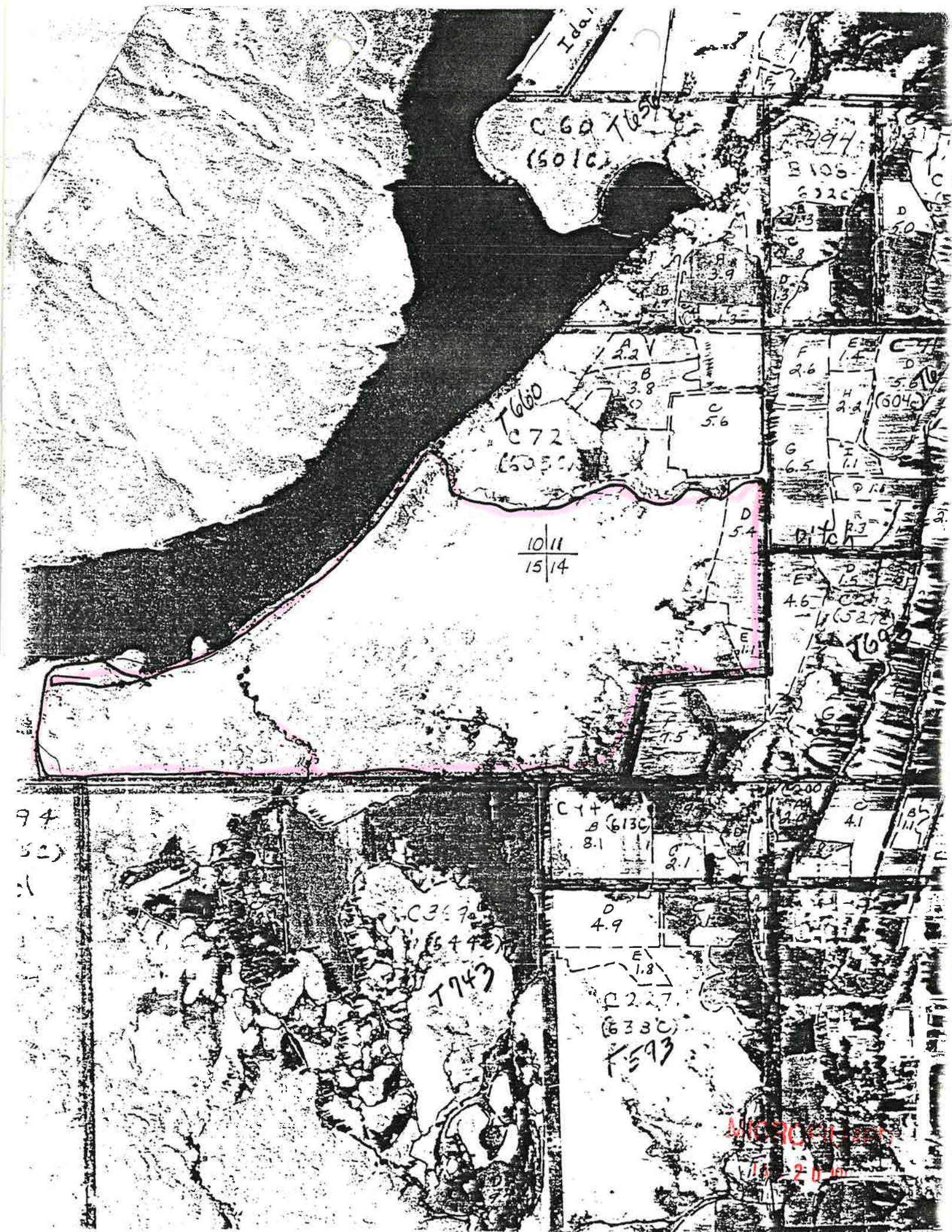
NAME OF FIELD EXAMINER: _____

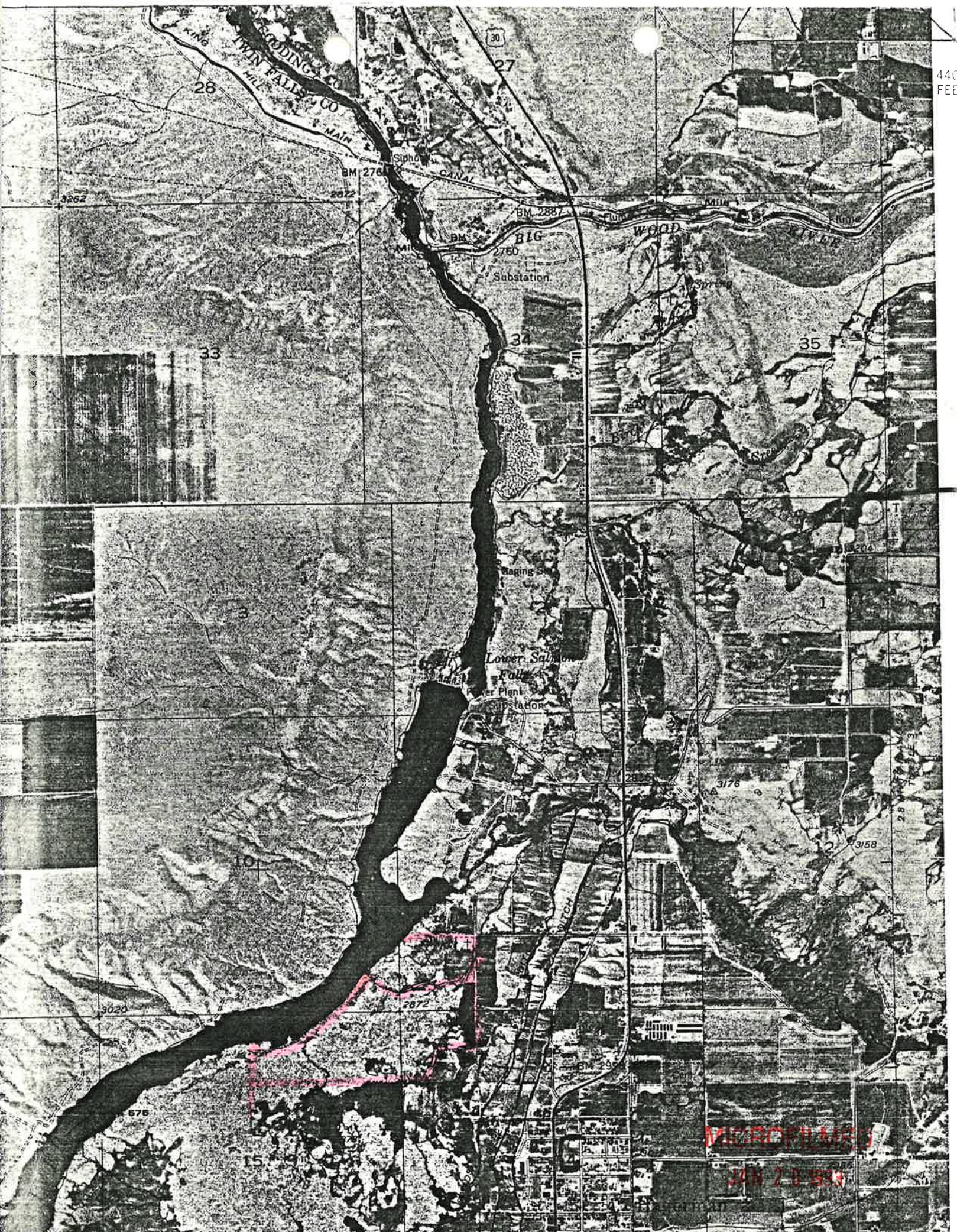
TITLE: _____

=====

MICROFILMED

JAN 20 1993





MICROFILMED

JAN 20 1993

Water Right Number - R36-00007

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
STRANGE

LOUISE

1 - PO BOX 387

2 -

3 -

City- HAGERMAN

Phone - 208-837-4767

State- ID Zip- 83332

STRANGE

WILLIAM

1 - PO BOX 387

2 -

3 -

City- HAGERMAN

Phone - 208-837-4767

State- ID Zip- 83332

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
04/01/1907 17 SOUTHERN -1- DISALLOWED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 13E 11 NW SW NE (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 1.080+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.080 351.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 10 SE SE 5 9.0 01 IRRIGATION (47) GOODING
07S 13E 11 SW SW 12.0 01 IRRIGATION (47) GOODING
07S 13E 14 NW NW 28.0 01 IRRIGATION (47) GOODING
07S 13E 15 NE NE 1 39.0 01 IRRIGATION (47) GOODING
07S 13E 15 NW NE 2 24.0 01 IRRIGATION (47) GOODING
07S 13E 15 NE NW 3 5.0 01 IRRIGATION (47) GOODING

Total Acres: 117.0

+ - - Diversion Means - HEADGATE & SANDS DITCH, GRAVITY IRRIGATION

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A36-00006

MICROFILMED

JAN 20 1993

Water right number - R36-00007

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - -
RECOMMENDED AS RIGHT NO. 36-00006.

+ - - - - Old Water Right Numbers - - - - -
A3600007

+ - - - - Conditions of Approval - - - - -
P06 - RECOMMENDED AS RIGHT NO. _____: This is included for a
- claim that is PROPOSED to be disallowed because the right claimed
- is recommended pursuant to another right. The remark indicates
- the water right number of the OTHER right that is proposed to be
- recommended. If you are not mailed a notice of the recommendation
- of the OTHER right, then the OTHER right is recommended in
- another claimant's name.

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

+ - - - - Comments - - - - -
Date: 01/15/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW
Date: 07/20/1992 User Id: THORNTON Subject: SEASON OF USE
CHANGED TO STANDARD SEASON OF USE THIS DAY.
Date: 07/30/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS
LAND CLAIMED IS ALL THE LAND I OWN SOUTH OF THE BARLOGI DITCH.
Date: 07/30/1992 User Id: CHRISTEN Subject: BASIS FOR DISALLOWAL
36-00006 CAN SUPPLY THE REQUIRED DIVERSION RATE FOR THE
RECOMMENDED P/U AND THAT CLAIM HAS AN EARLIER PRIORITY DATE. KKC

+ - - Audit Fields - - +
07/30/92 CHRISTEN

+ - - - - 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 - 07/30/1992 Old Judicial District -
Claim Received Date - 08/05/1988 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - S001311 Water District - 36A
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - AND/OR Presumption Flag -
Notice of Error Flag -

MICROFILMED
JAN 20 1993

SYSTEM CLAIM NUMBERS

R36 0007AGENT
INITIALS
DATEKKCCLAIM NO.
OR ENTRY
ORDERREMARK
CODE

ENTRY DATA

CONDITION
CODESTAGE
OR
STATUSPRESUMPTION
CODEP0/636-0006P0/6IComments

Dis allow; 36-0006 can supply the
determined legal limit for the ~~the~~ claimed
P/4. ~~This claimed use can be~~ and 36-0006
has an earlier priority date.

MICROFILMED

JAN 20 1993