

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: 36-00019 **D**

Date Received: 7/7/00

Receipt No:

Received By:

RECEIVED

SEP 26 2000

Department of Water Resources

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

1. Name of Claimant(s)

Name: RAYBURN B MC CLURE

Phone: (208) 837-4258

Address: PO BOX 483
HAGERMAN ID USA 83332

2. Date of Priority: 09/10/1884

3. Source: Billingsley Creek Trib. to: Snake River

4. Point of Diversion:

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

5. Description of diverting works:

HEADGATE AND DITCHES.

6. Water is used for the following purposes:

Purpose	From To	C.F.S. (or) A.F.A
IRRIGATION	02/15 11/30	0.24

7. Total Quantity Appropriated is:
0.24 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	27	NWSW		IRRIGATION	10.0
					Section Acres	10.0
					Total Acres	10.0

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: 36-00003D

14. Remarks:

THIS CLAIM IS A DUPLICATE OF 36-00003D. THIS ALLOWS FLEXIBLE RECOMMENDATION BY THE COURT IN RESOLUTION OF THESE RIGHTS. COMBINED FLOW RATE DOES NOT EXCEED 0.24 CFS NOR 10.0 ACRES.

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: 7-7-00

_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day of July 2000

Notary Public

Residing at Twin Falls, ID

My commission Expires 12/7/2000

RECEIVED

JUL 27 2000

Department of Water Resources

JUL 25 PM 2:13

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

)

Subcase 36-00019 1 1
(Insert water right number)

)

)

Case 39576

)

STANDARD FORM 4

)

)

MOTION TO FILE:

)

☒ LATE NOTICE OF CLAIM

)

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it 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 is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ N/A.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

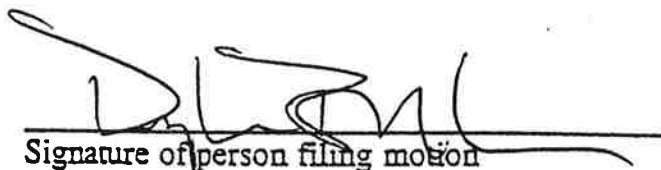
VERIFICATION (Must be completed)

State of Idaho

County of Twin Falls

Rayburn McClure, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.


Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on July 25, 2000
(Insert Date)


Notary Public for Idaho
Residing at: Twin Falls
My Commission expires: 6-26-2002

INSTRUCTIONS FOR MAILING

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

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

McClure, Rayton B.

CLAIM

MENT. NO.

36-190

DATE RECEIVED

9-26-00

CR #

SV

AMOUNT \$

0

YES

NO

Required Info?

1. Is the name and address complete with zip code?

*

2. Is a priority date entered?

*

Is the priority date acceptable in view of mandatory filing dates?

*

See Adjudication Memos #1 and #4 to determine if a Permit is required.

3. (a) Is a source entered?

*

(b) Is a tributary to entered? (if required)

N/A

4. Is the legal description of the p.d. sufficient?

*

5. Is there a description of the diverting works?

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

*

Is the period of use included?

Is a quantity claimed for each use?

*

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered?

N/A

Is the consumptive use correct?

N/A

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

N/A

*

10. Is (are) the place(s) of use and purpose(s) indicated?

*

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated?

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

15. Is the basis of the claim indicated?

16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)

N/A

17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.

*

18. Has the claim been signed, sealed, and dated by a notary?

*

19. Was this claim filed on time, or was an extension granted?

*

20. Is the fee enclosed correct?

Exempt

*

21. If this claim is based on an existing water right, has the identification number been entered?

N/A

22. Should this claim be data entered?

Claim checked by:

Sherman & D. Shuff

Date:

9-27-00

Claim must be returned to claimant:

(Yes) / (No)

Claimant must be notified of modifications:

(Yes) / (No)

Receipt Prepared by:

0 \$ yet

Date:

Claim data entered by:

Sherman

Date:

9-27-00

Checked by:

Date:

Sent to claimant by:

Date:

Comments:

fee w/ amended claim on S.M. Cushman's desk.

RECEIVED

JUL 27 2001

Department of Water Resources

RECEIVED

AUG 07 2001

Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

)
)
)
)
)
)
)

A. Subcase 36-000019D

STANDARD FORM 2
RESPONSE TO OBJECTION

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Rayburn B. McClure
Address: P.O. Box 483
Hagerman, ID 83332

Daytime Phone: (208) 837-4258

Name & Address of attorney, if any:

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

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

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

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

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

11. **Recommendation**

This water right should not exist.

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

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

State of Idaho)
ss:
County of Jerome)

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

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



Subscribed and sworn to before me on: 7-16-01

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

INSTRUCTIONS FOR MAILING

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

F. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Rayburn B. McClure
Address: P.O. Box 483
Hagerman, ID 83332

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

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

4. Copies to:

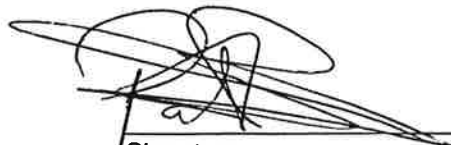
Nick Spencer
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83720

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

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

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

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


Signature

RECEIVED

JUL - 2 2001

Department of Water Resources

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

In Re SRBA) A. Subcase 36-00019D
)
Case No. 39576)
)
)
)
_____)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

Name & Address of Attorney, if any:

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

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

Name: Rayburn B. McClure
Address: P. O. Box 483
Hagerman, ID 83332

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: Less than .24 cfs. if allowed at all.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
11. **I object because:**

☒ This water right should not exist.

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

E. **REASONS SUPPORTING OBJECTION(S):** Water from the original 36-00005 and 36-00019 rights may not be recommended for use on the 36-00003 right's place of use without a showing that a commensurate portion of the 36-00003 right water was transferred to another place of use. Therefore, this water right should not exist. In the alternative, the recommended quantity exceeds one inch/acre yet gives no indication if a portion of the quantity is allocated to conveyance loss, and, further, the recommended quantity was determined without regard for the means of irrigation actually employed. The recommended quantity exceeds the amount actually beneficially used and the amount necessary.

VERIFICATION

State of Idaho)
) ss.
County of Ada)

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

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

(Signature of person filing objection)

Deborah E. Nelson
(Attorney signing in representative capacity)

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



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

CERTIFICATE OF MAILING

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

1. Original to (via hand delivery):

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

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

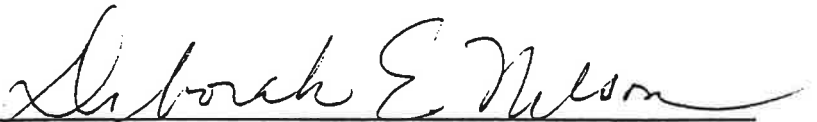
Name: Rayburn B. McClure
829-C East 2830 South
Address: P. O. Box 483
Hagerman, ID 83332

3. Copies to:

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

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

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



Signature of attorney mailing on Objector's behalf

05/17/2001

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

RIGHT NUMBER: **36-00019D**

NAME AND ADDRESS: RAYBURN B MC CLURE
PO BOX 483
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.24 CFS

PRIORITY DATE: 09/10/1884

POINT OF DIVERSION: T07S R13E S11 SESENE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02-15 11-30	0.24 CFS

PLACE OF USE:

IRRIGATION Within GOODING County
T07S R13E S27 NWSW 8.5

8.5 ACRES TOTAL

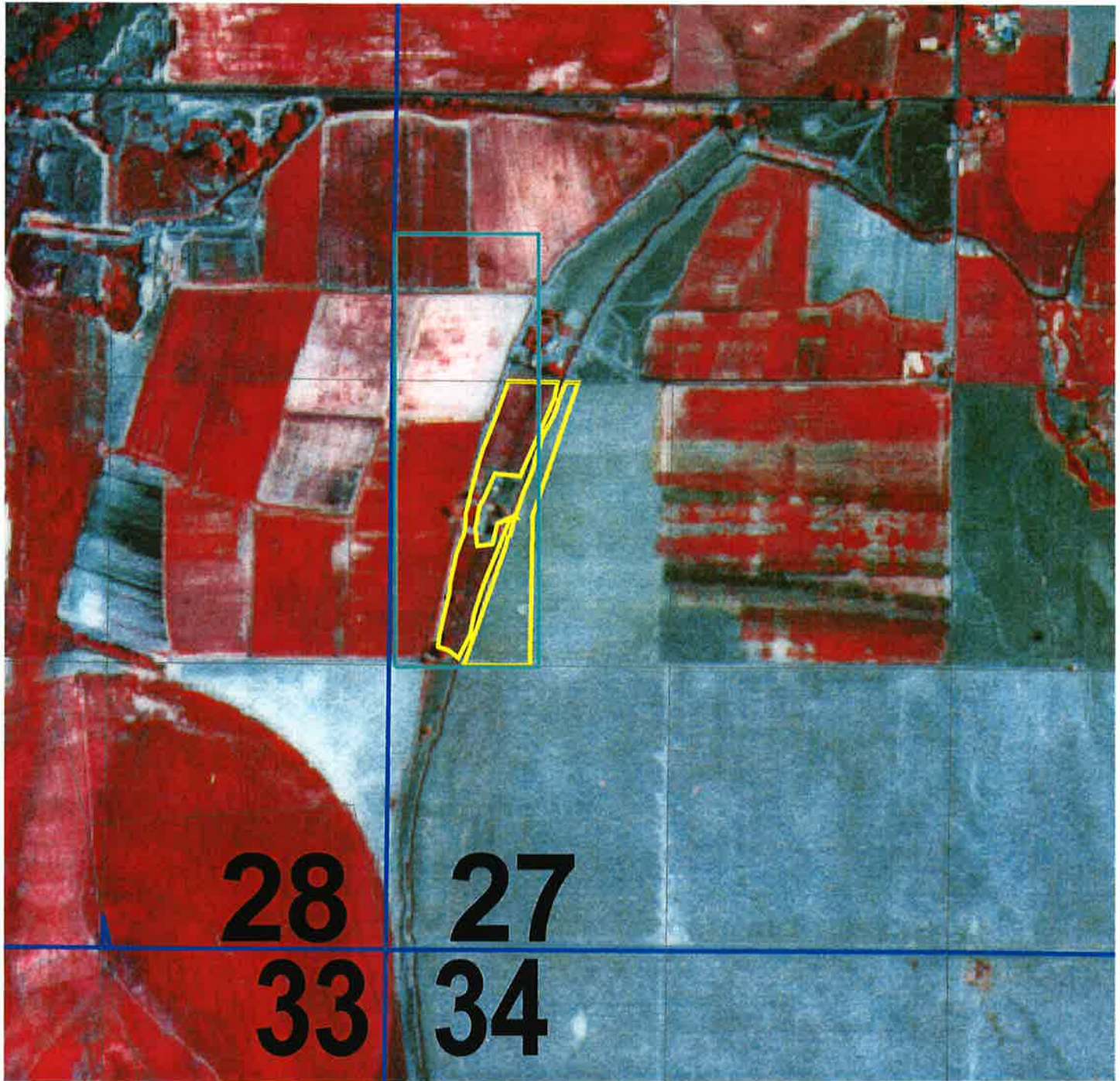
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

WATER IS DELIVERED THROUGH BUCKEYE DITCH.

IDAHO DEPT OF WATER RESOURCES
36-00019D



660 0 660 1320 Feet

T07S R13E
SEC. 27, NWSW



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

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

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

Rox

200 JUL 25 PM 3:03

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

In Re SRBA	)	Subcase Nos. 36-00019D
	)	
Case No. 39576	)	NOTICE RESETTING HEARING
	)	ON MOTION TO FILE LATE
	)	NOTICE OF CLAIM
	)	
	)	
	)	
	)	
	)	

A hearing on the *Motion to File Late Notice of Claim*, filed by Rayburn B McClure in the above subcase, is currently set for Tuesday, October 17, 2000, at 1:30 p.m. at the SRBA District Court in Twin Falls, Idaho. NOTICE IS HEREBY GIVEN that the DATE and LOCATION of the hearing has CHANGED.

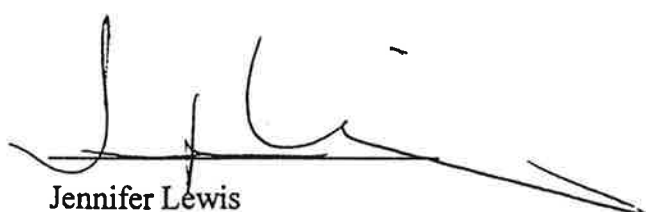
The hearing is hereby set for **October 25, 2000, at 1:30 p.m.** at the following location:

**CLARK COUNTY COURTHOUSE
320 W. MAIN
DUBOIS, ID 83423**

**** Due to limited accommodations in the courtroom, parties will not be able to ***
participate by telephone during the information meeting or status conference.*

DATED July 25, 2000.




Jennifer Lewis
Deputy Clerk of the Court
Snake River Basin Adjudication

CERTIFICATE OF MAILING

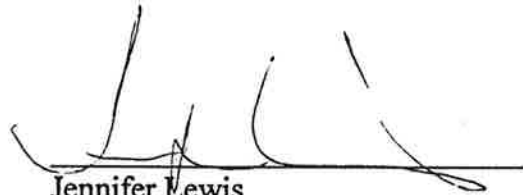
I certify that true and correct copies of the **NOTICE RESETTING HEARING ON MOTION TO FILE LATE NOTICE OF CLAIM** were mailed on July 25, 2000, with sufficient first-class postage, to the following:

Chief of Nat'l Resources
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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

U.S. Department of Justice
Environmental & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Rayburn B McClure
PO Box 483
Hagerman, ID 83332

A handwritten signature in black ink, appearing to read 'Jennifer Lewis', is written over a horizontal line.

Jennifer Lewis
Deputy Clerk of the Court
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

10/06/2000

WATER RIGHT NO. 36-19D

Owner Type
Current Owner
Name and Address
RAYBURN B MC CLURE
PO BOX 483
HAGERMAN, ID 83332
(208) 837-4258

Priority Date: 09/10/1884
Basis: Decreed
Status: Temporary

Source: BILLINGSLEY CREEK Trib. to: Snake River

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	02/15	11/30	0.24 CFS		
Total Diversion			0.24 CFS		

Point(s) of Diversion:

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

Place(s) of use:

Place of Use Legal Description: IRRIGATION

GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	13E	27		NWSW	10						

Total Acres: 10

Remarks:

1.

See email
from
SRBPA
back.

0.24 CFS

Sherman, Sally

To: Jennifer Lewis
Subject: RE: 36-19D - Rayburn McClure

Wow, Jennifer, thanx for your SPEEDY reply! I'll pass this by Don and get right back to ya.
...Sal

-----Original Message-----

From: Jennifer Lewis [mailto:jlewis@srba.state.id.us]
Sent: Wednesday, September 27, 2000 3:06 PM
To: Sherman, Sally
Subject: Re: 36-19D - Rayburn McClure

Hi Sally.
I handled the late claim. What happened was that Mr. McClure sent a late claim and amended claim to us but attached only one check. The late claim was forwarded to you, but the amended claim is still in front of S.M. Cushman.
If Mr. McClure needs to issue two separate checks, let me know and I will send his original check back to you or to him.
Kinda confusing, if you need to call, my # is 208-736-3011
Thanks
Jennifer
Deputy Clerk

CHECKLIST FOR LATE CLAIMS

Claim Number: 36-00019D Hearing Date: October 25, 2000

Claimant Name: Rayburn McClure

☒ Pro Se

☐ Attorney: Na

Date Filed: July 25, 2000

Filing Fee Included ☒ Yes ☐ No (included with 36-00003D)

Notice of Claim Attached ☒ Yes ☐ No

Domestic Stock ☐ Yes

Objections to Motion ☐ Yes

Responses to Objection ☐ Yes

Leave to Amend ☐ Granted

Comments: _____

36-19D
10m
file # 1278

RECEIVED

SEP 26 2000

Department of Water Resources

2000 SEP 21 PM 1:56

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

Subcase No. 36-00019D

ORDER GRANTING MOTION
TO FILE LATE NOTICE OF CLAIM

On July 25, 2000, a Motion to File Late Notice of Claim was filed by
Rayburn McClure. All procedural requirements under *Administrative
Order 1* were complied with in filing this *Late Notice of Claim*. No valid objections were made
to this *Late Notice of Claim*. The Motion is GRANTED.

IT IS SO ORDERED.

DATED Sept. 21, 2000

B. Wood

BARRY WOOD

Administrative District Judge

Interim Presiding Judge

Snake River Basin Adjudication

Sherman, Sally

To: jlewis@srba.state.id.us
Subject: rayburn \$\$\$

Hi again, Jennifer. Don's asked me to go ahead and enter this new late claim for Rayburn McClure (36-19D), and we'll remember when S.M. Cushman moves it off his desk and into your hands (or ours), that part of the fees on the amended go to this late claim.

whew! Wore me out just thinking about all of this!

So...just keep the check, please, until you also get the amended claim. We won't know until we get the amended claim and the check whether Mr. McClure needs to pay additional \$\$.

Thanx very much for your good help.

...Sal

	3	5	19	Total
Babington	$\checkmark$ ecvr 3C $\times$ $\checkmark$ ecvr $\checkmark$ ecvr $\begin{matrix} (1.97) \\ (.96) \\ (24 AC) \end{matrix}$ $\begin{matrix} 0.87 \text{ cfs} \\ \cancel{0.70 \text{ cfs}} \end{matrix}$	$\checkmark$ ecvr SA $\begin{matrix} + .09 \text{ cfs} \end{matrix}$	$\checkmark$ ecvr 19A $\begin{matrix} \times \emptyset \text{ cfs} \end{matrix}$	$\begin{matrix} (2\frac{1}{4} \text{ ac}) \cdot 04 \\ 0.87 \\ + .09 \\ \hline 0.96 \text{ cfs} \end{matrix}$
Simcoe	$\checkmark$ ecvr 3F $\times$ $\checkmark$ ecvr $\checkmark$ ecvr $\begin{matrix} (1.32) \\ (1.54) \\ (58 \text{ ac}) \end{matrix}$ $\begin{matrix} 1.54 \text{ cfs} \\ \cancel{1.67 \text{ cfs}} \end{matrix}$	$\checkmark$ ecvr SC $\begin{matrix} \times \checkmark \text{ecvr} \end{matrix}$	$\checkmark$ ecvr 19C $\begin{matrix} \times \checkmark \text{ecvr} \end{matrix}$	$\begin{matrix} (13\frac{1}{4} \text{ ac}) \cdot 0266 \end{matrix}$
Kurston	$\checkmark$ ecvr 3B $\rightarrow$ $\begin{matrix} (7.16) \\ 129 \end{matrix}$ $\begin{matrix} 4.69 \text{ cfs} \\ \cancel{3.71 \text{ cfs}} \end{matrix}$	$\checkmark$ ecvr SB $\begin{matrix} + .55 \text{ cfs} (2.16 \text{ cfs}) \\ (136 \text{ AC}) \end{matrix}$	$\checkmark$ ecvr 19B $\begin{matrix} + 1.92 \text{ cfs} \end{matrix}$	$\begin{matrix} 4.69 \text{ cfs} \\ + .55 \\ + 1.92 \\ \hline 7.16 \text{ cfs} \\ (.056 \text{ cfs/acre}) \end{matrix}$
Gardner	$\checkmark$ ecvr $\begin{matrix} 0.04 \text{ cfs} \\ \cancel{3K} \end{matrix}$ $\begin{matrix} 1.37 \text{ cfs} \\ \cancel{1.37 \text{ cfs}} \end{matrix}$ $\begin{matrix} .92 @ \text{ rec'd} \\ 136 \text{ ac} \end{matrix}$ $\begin{matrix} \text{assume} \\ \text{same application} \\ \text{as Babington acres} \end{matrix}$	$\otimes$ Rec'd is for 1 acre as found by aerial & field exams. Not combined into the same system with 3B until recently (c. 1996). Use found was part of the sprinkler system used by Babington above Buckeye Ditch.		
McClure	$\checkmark$ ecvr 3D $\begin{matrix} \times \text{ (DISALLOW)} \end{matrix}$	$\otimes$ NO CLAIM $\rightarrow$ see 19D $\rightarrow$	$\checkmark$ ecvr 19D (No Hubhole) $\begin{matrix} .24 \text{ cfs} \end{matrix}$	$\begin{matrix} .24 \text{ cfs} \\ 8.5 \text{ AC.} \end{matrix}$
V. Bell	$\checkmark$ ecvr 3A $\begin{matrix} 1.57 \text{ cfs} \\ \text{Temp. Allowance} \end{matrix}$ $\begin{matrix} (1.6 \text{ cfs}) \\ (13 \text{ ac}) \end{matrix}$	$\otimes$ NO CLAIM	$\otimes$ NO CLAIM	

LOWR:
 $\begin{matrix} .42 \text{ cfs} \\ - .15 \text{ CL} \\ \hline .57 \text{ cfs} \end{matrix}$

Split Right Review
 5/17/01
 SCC

Balances: $\emptyset 3$
 $\begin{matrix} 7.71 \text{ cfs} \\ \cancel{7.60} \text{ (bell)} \\ \hline 7.11 \end{matrix}$
 See page 2

$\emptyset 5$
 $\begin{matrix} 3.0 \\ - .09 \\ \hline 2.91 \end{matrix}$

19
 $\begin{matrix} 2.16 \\ - .24 \text{ (19D)} \\ \hline 1.92 \\ - 1.92 \text{ (3B w/19B)} \\ \hline \emptyset \end{matrix}$
 19D & 19B split all of 19 right as Decreed.

Ø3 SPLIT REVIEW:

5/17/01
SCC

Balance: 7.71 cfs

$$\begin{array}{r} - .57 \\ \hline 7.14 \text{ cfs} \end{array} \quad \begin{array}{l} (-3A \text{ Bell}) \\ \text{(didn't claim 05 or 19.)} \\ \text{(even tho' claimant states 03/15/19} \\ \text{are used together \& combined.)} \end{array}$$

1ST pro Rata:

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

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

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

2ND pro Rata:

129	(3B)	$129/154$	$\times 5.60$	=	4.69 cfs
24	(3C)	$24/154$	"	=	0.87
1	(3K)	$1/154$	"	=	0.04
154 Ac.					

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

PORTIONS OF Ø3 SPLIT:

- 3B 129 Ac. 0.04 1 Ac. - 3K 4.69 cfs	- 3C 24 Ac. 0.87 cfs	- 3A 13 Ac. 0.57 cfs
	- 3F 58 Ac. 1.54 cfs	

Total = 7.71 cfs

Common sprinkler system is used.

RECEIVED

SEP 29 2000

Department of Water Resources
Southern Region

RECEIVED

SEP 26 2000

Department of Water Resources

2000 SEP 21 PM 1:56

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

Subcase No. 36-00019D

ORDER GRANTING MOTION
TO FILE LATE NOTICE OF CLAIM

On July 25, 2000, a Motion to File Late Notice of Claim was filed by
Rayburn McClure. All procedural requirements under *Administrative*
Order 1 were complied with in filing this *Late Notice of Claim*. No valid objections were made
to this *Late Notice of Claim*. The Motion is GRANTED.

IT IS SO ORDERED.

DATED Sept. 21, 2000

B Wood

BARRY WOOD

Administrative District Judge
Interim Presiding Judge
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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number: 36-00019 

Date Received: 7/7/00

Receipt No:

Received By:

RECEIVED

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

SEP 26 2000

Department of Water Resources

1. Name of Claimant(s)

Name: RAYBURN B MC CLURE

Phone: (208) 837-4258

Address: PO BOX 483
HAGERMAN ID USA 83332

2. Date of Priority: 09/10/1884

3. Source: Billingsley Creek Trib. to: Snake River

4. Point of Diversion:

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

5. Description of diverting works:

HEADGATE AND DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or) A.F.A
IRRIGATION	02/15	11/30	0.24

7. Total Quantity Appropriated is:
0.24 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	27	NWSW		IRRIGATION	10.0
					Section Acres	10.0
					Total Acres	10.0

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: 36-00003D

14. Remarks:

THIS CLAIM IS A DUPLICATE OF 36-00003D. THIS ALLOWS FLEXIBLE RECOMMENDATION BY THE COURT IN RESOLUTION OF THESE RIGHTS. COMBINED FLOW RATE DOES NOT EXCEED 0.24 CFS NOR 10.0 ACRES.

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: 7-7-00

_____ Date:

State of Idaho)
) SS.
County of Twin Falls)

Subscribed and sworn (or affirmed) before me this 7th
of July 2000

Steve C. [Signature]

Notary Public

Residing at TWIN FALLS, ID

My commission Expires 12/7/2000

CHECKLIST FOR LATE CLAIMS

Claim Number: 36-00019 D

Hearing Date: October 25, 2000

Claimant Name: Rayblinn McClure

☒ Pro Se

☐ Attorney: na

Date Filed: July 25, 2000

Filing Fee Included ☒ Yes

☐ No (included with 36-00003)

Notice of Claim Attached ☒ Yes

☐ No

Domestic Stock

☐ Yes

☐ No

RECEIVED

Objections to Motion

☐ Yes

☐ No

SEP 26 2000
Department of Water Resources

Responses to Objection

☐ Yes

☐ No

Leave to Amend

☐ Granted

☐ Denied

Comments:
