RECEIVED
APR 01 1992
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 THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

COPY
FOR YOUR FILES
DO NOT RETURN

Ident. Number: A36-00021B
Date Received: 9/16/1988
Receipt No: S002259
Received By: See

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

1. Name: HARRY R. GISLER 208-837-4894
   Address: 755 E. 2800 S.
   RT. 1
   HAGERMAN ID 83332

2. Date of Priority: MAR 30, 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	NE SW NE		GOODING
		22	SW NW SE	R	GOODING

5. Description of diverting works:
   VIA E. M. BELL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	14.400		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 636.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   S/400 HEAD OF CATTLE/CALVES

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	21	NE SE	6	IRR	10.0

MICROFILMED
OCT 11 1994

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
07S	13E	21	NE	SE	6	STOCK	
			SE	SE	9	IRR	40.0
			SE	SE	9	STOCK	
						Section Acres	50.0
		22	NE	SW		STOCK	
			NE	SW		IRR	9.0
			NW	SW		IRR	13.0
			NW	SW		STOCK	
			SW	SW		IRR	40.0
			SW	SW		STOCK	
						Section Acres	62.0
		27	NW	NW		IRR	40.0
			NW	NW		STOCK	
						Section Acres	40.0
		28	NE	NE		IRR	40.0
			NE	NE		STOCK	
			NW	NE	1	IRR	20.0
			NW	NE	1	STOCK	
						Section Acres	60.0
						Total Acres	212.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS AMOUNT OF WATER IS NEEDED ON THE PROPERTY FOR SEVERAL REASONS: (1) WITH THE LENGTH OF THE BELL DITCH, THERE IS A LOT OF LOSS FROM EVAPORATION AND SEEPAGE FROM THE DIRT DITCH ITSELF. (2) THE PROPERTY THAT IS IRRIGATED IS VERY SANDY IN NATURE. (3) THE DITCH PASSES OVER LAVA FLOWS AND THERE ARE SINK HOLES THAT CANNOT BE FILLED, WHICH ALSO CAUSE LOSS IN WATER.
CLAIM IS FOR ENTIRE AMOUNT OF THE WATER RIGHT 36-00021 AS DECREED AND NO SPLIT HAS OCCURRED.

15. Basis of Claim: DECREED

MICROFILMED
OCT 11 1994

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
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 ____ 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): Harry R. Gisler Date: 3-27-92

_____ Date: _____

State of Idaho Arizona)
) SS.
County of Gooding Maricopa)

Subscribed and sworn (or affirmed) before me this 27 day of March 19 92

_____
Notary Public

Seal

OFFICIAL SEAL
[illegible] STATE OF ARIZONA
[illegible] COUNTY
My commission expires June 3, 1993

Residing at 9002 E. Knox

My Commission Expires 6-3-93

MICROFILMED
OCT 11 1994

AJ5811NP
SELECTION FILE: HHT-NOA-BROWN

IDAHO DEPARTMENT OF WATER RESOURCES
SELECTION FILE CONTENTS

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

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A36-00022	A36-00023	A36-00033F	A36-00034B	A36-00035J	A36-00039C	A36-00039D	A36-00039E	A36-00039J	A36-00039N
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

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: **A36-00021B**
Date Received:
Receipt No: S002259 RAT
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HARRY R. GISLER 208-837-4894
   Address: 755 E. 2800 S., RT. 1
   HAGERMAN, ID 83332

2. Date of Priority: MAR 30, 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	NE SW NE		GOODING
		22	SW NW SE	R	GOODING

5. Description of diverting works:
   VIA E. M. BELL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	10.400		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 636.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   S/400 HEAD OF CATTLE/CALVES

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	21	NE SE	6	IRR	10.0

MICROFILMED
JAN 21 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	13E	21	NE	SE	9	STOCK	
			SE	SE	9	IRR	40.0
			SE	SE	9	STOCK	
						Section Acres	50.0
		22	NE	SW		STOCK	
			NE	SW		IRR	9.0
			NW	SW		IRR	13.0
			NW	SW		STOCK	
			SW	SW		IRR	40.0
			SW	SW		STOCK	
						Section Acres	62.0
		27	NW	NW		IRR	40.0
			NW	NW		STOCK	
						Section Acres	40.0
		28	NE	NE		IRR	40.0
			NE	NE		STOCK	
			NW	NE	1	IRR	20.0
			NW	NE	1	STOCK	
						Section Acres	60.0
						Total Acres	212.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS AMOUNT OF WATER IS NEEDED ON THE PROPERTY FOR SEVERAL REASONS: (1) WITH THE LENGTH OF THE BELL DITCH, THERE IS A LOT OF LOSS FROM EVAPORATION AND SEEPAGE FROM THE DIRT DITCH ITSELF. (2) THE PROPERTY THAT IS IRRIGATED IS VERY SANDY IN NATURE. (3) THE DITCH PASSES OVER LAVA FLOWS AND THERE ARE SINK HOLES THAT CANNOT BE FILLED, WHICH ALSO CAUSE LOSS IN WATER.

15. Basis of Claim: DECREED

MICROFILMED
JAN 21 1993

Case Number:
Court :
Decree date:

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 ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
JAN 2 1 1993

Form No. 42-1409 (2) a 1/88

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: 39356
Ident. Number A36-00021B
Date Received
Receipt Number 5002259
GR

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) HARRY R. GISLER Phone (208) 837-4894

   Mailing Address 755 E 2800 S, Route #1, Hagerman, Idaho Zip 83332

2. Date of Priority (Only one (1) per claim) March 30, 1884

3. Source of water supply (a) Billingsley Creek via Bell Ditch
   which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 7 South Range 13 East Section 11,
   NE 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Gooding

   Additional points of diversion if any: Re-diverted from Bell Ditch SW¼NW¼SE¼ of Section 22, Township 7 South, Range 13 East, B.M.

   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. From the diversion of the Bell Ditch on the bank of Billingsley Creek, the water flows in a Southwesterly direction approximately 3½ miles via the Bell Ditch to the subject property. Once the water is on the property, the land is irrigated by the use of flood irrigation and a sprinkler system.

MICROFILMED
Copies: White-State, Yellow-Claimant
JAN 21 1993

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

If applicable provide IDWR Water Right Number 36-0021 (Part Of)
Court U.S. District Court Case Number 1602 Decree Date March 22, 1932
Plaintiff vs Defendant New International Mortgage Bank vs Idaho Power Company

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 One (1)

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

Signature of Claimant (s) Harry R Gisler Date 7-29-88

_____ 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 _____)
) SS.
County of Gooding)

Subscribed and sworn (or affirmed) before me this 29th day of July 19 88

SEAL

Notary Public Clifton Jensen

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

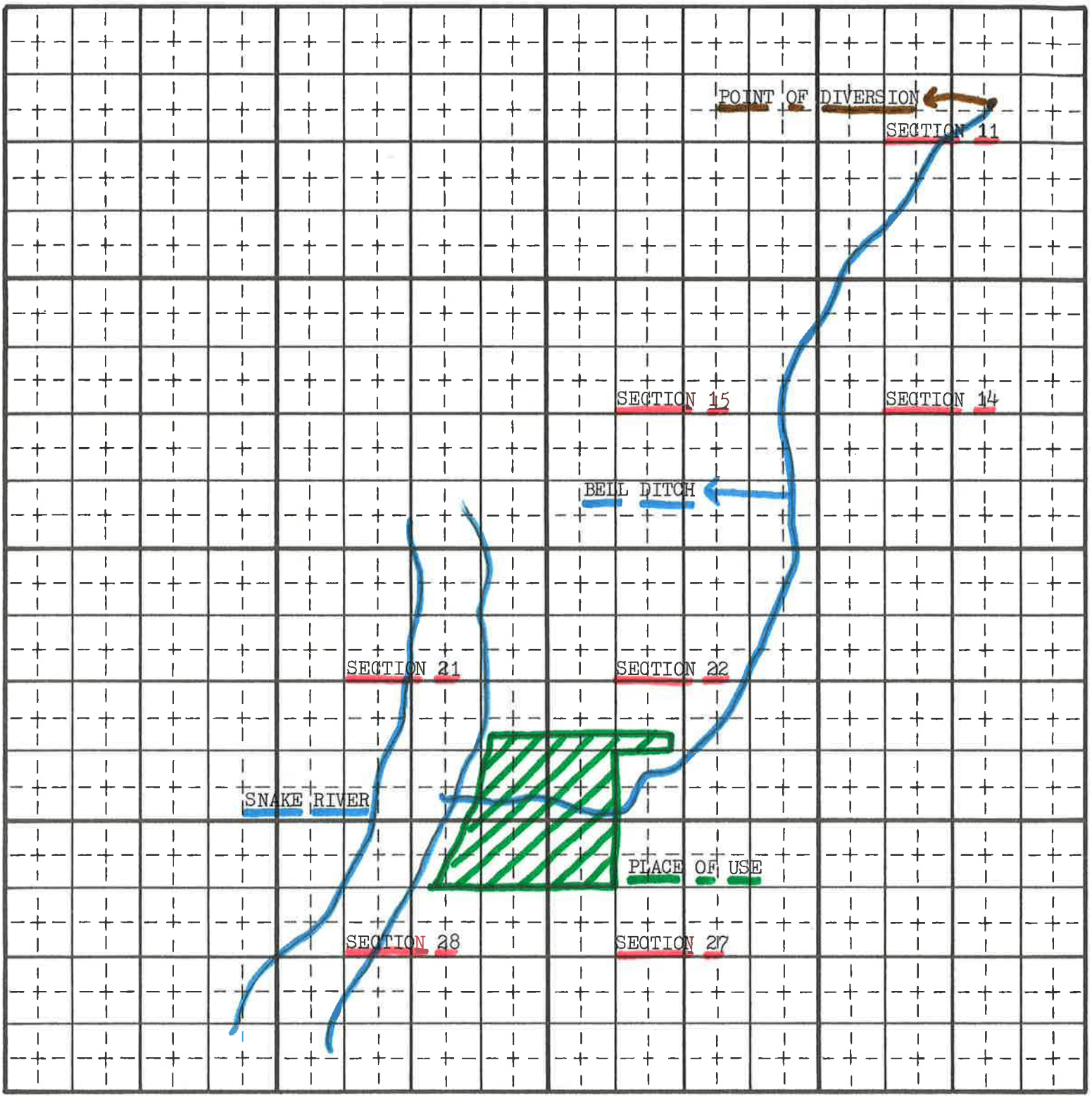
Last Name GISLER, HARRY Ident. Number _____

MICROFILMED
Copies White-State, Yellow-Claimant
JAN 21 1993

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

Scale: 2 inches equals 1 mile

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN



Last Name GISLER, HARRY Ident No. _____

MICROFILMED
Copies: White-State, Yellow-Claimant
JAN 21 1993

6. Water is claimed for the following purposes:

			(both dates are inclusive)			(cfs)		(acre feet)
For	Irrigation	purposes from	Mar. 15	to	Nov. 15	amount	10.40	or
For	Stockwater	purposes from	Jan. 1	to	Dec. 31	amount	0.09	or
For		purposes from		to		amount		or
For		purposes from		to		amount		or

7. Total quantity claimed (a) 10.40 (cfs) and/or (b) 848 (acre feet)

8. Total consumptive use claimed is 636 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) At times, there are 300 to 400 head of cattle or calves on the property.

10. Description of place of use:
   a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
   b. 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	
7 S	13 E	21													Lot6 S-10			Lot9 S-40	50
7 S	13 E	22									S-9	S-13	S-40						62
7 S	13 E	27						S-40											40
7 S	13 E	28	S-40	Lot1 S-20															60

Total number of acres irrigated 212 acres

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

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 (X)

14. Remarks:
This amount of water is needed on the property for several reasons: (1) With the length of the Bell Ditch, there is alot of loss from evaporation and seepage from the dirt ditch itself. (2) The property that is irrigated is very sandy in nature. (3) The ditch passes over lava flows and there are sink holes that cannot be filled, which also causes loss in water.

MICROFILMED
JAN 21 1993

Last Name GISLER, HARRY Ident No.

Copies: White-State, Yellow-Claimant

corner of the SE¼ of the NW¼ of Sec. 5, Twp. 8 S. R. 14 E. B. M. The diversion point of the Redol Ditch is on Riley Creek about one-fourth mile above the residence

~~the NW land described below.)~~

~~The W½ of the SE¼ and the E½ of the SW¼, and the SE¼ of the SE¼ of Sec. 36, Twp. 7~~ S. R. 13 E. B. M.; Lots 1, 2, 6 and 7 and the SE¼ of the NE¼ of Sec. 1, Twp. 8 S. R. 13 E. B. M., and Lots 4, 5, and 6 of Sec. 6, Twp. 8 S. R. 14 E. B. M.

15 J. C. BEDINGFIELD 10.9 Spring March 6, 1902 Heatherby Spring;
16 and ALETA A. BEDINGFIELD 3 Spring April 4, 1913 Heatherby Spring;
17 AND MARY McCARTY 12 Spring Dec. 9, 1916 Heatherby Spring;
18 20 Billingsley Creek April 1, 1917 Curran Ditch;

(The diversion point of said Curran Ditch is at the head of Billingsley Creek.)

The SW¼ Sec. 23; N½NW¼, SE¼NW¼, ~~SW¼NW¼~~ W½NE¼, W½SE¼, SE¼SE¼, E½SW¼, and SW¼SW¼, Sec. 25; NE¼, E½NW¼, NW¼NW¼, N½SE¼, SE¼SW¼, NE¼SW¼, Sec. 35, and the NW¼NW¼, Sec. 36, all in Township 7 South, Range 13 E. B. M.

19 BELL, HARLAN 2.16 Billingsley Creek Sept. 10, 1884 Buckeye Ditch; Pipe Ditch
20 .5 Riley Creek Oct. 1, 1908 referred to in paragraph 7 of the Findings.

Lots 16, in the SW¼ of the SW¼ of the NW¼ and Lots 27 and 37 in the W½ of the W½ of the SW¼ of the SW¼, in Sec. 27, Twp. 7 S. R. 13 E. B. M., the same being Acreage Tracts shown on the map or plat of Buckeye Ranch on file in the office of the Recorder of Gooding County, Idaho.

21 BELL, LEO, GLENN, AND MRS. E. M. BELL 14.4 Billingsley Creek March 30, 1884 E. M. Bell Ditch;

(The diversion point of the said E. M. Bell Ditch is very close to the diversion point of said Buckeye Ditch.)

Lots 6 and 9 in Sec. 21, Twp. 7 S. R. 13 E. B. M.; SW¼ of the SW¼ of Sec. 22, Twp. 7 S. R. 13 E. B. M.; NW¼ NW¼ of Sec. 27, Twp. 7 S. R. 13 E. B. M.; NE¼NE¼, and Lot 1, in Sec. 28, Twp. 7 S. R. 13 E. B. M.

MICROFILMED NOV 2 1 1993

9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Gisler CLAIM ENT. NO. A36-00021B

DATE RECEIVED ? CK # 5002259 AMOUNT $ 481

	YES	NO
1. Is the name and address complete with zip code?	X	
2. Is a priority date entered?	X	
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.	X	
3. (a) Is a source entered?	X	
(b) Is a tributary to entered? (if required) N/A ___	X	
4. Is the legal description of the p.d. sufficient?	X	
5. Is there a description of the diverting works?	X	
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.	X	
Is the period of use included?	X	
Is a quantity claimed for each use?	X	
7. Is a total quantity claimed entered?	X	
8. If required is a consumptive use entered? N/A ___	X	
Is the consumptive use correct? N/A ___	X	
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, each household must file a separate claim. See Adjudication Memo # 4.	X	
10. Is (are) the place(s) of use entered?	X	
11. Is (are) the county(ies) entered?	✓	
12. Is the ownership of p.u. checked?	X	
13. Are other water rights listed or "none" checked?	X	
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 checked?	X	
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	X	
Has the claim been signed, sealed, and dated by a notary?	X	
Is the fee enclosed correct?	X	
If this claim is based on an existing water right, has the identification number been entered? N/A ___	X	
Should this claim be receipted and data entered?	X	

Claim checked by: RAT

Comments:

MICROFILMED
JAN 21 1993

(7-91)

REMARK AND CONDITION CODE WORKSHEET

SYSTEM CLAIM NUMBERS R36 000218

AGENT INITIALS HHT

DATE 8/6/92

CLAIM NO. OR ENTRY ORDER	REMARK CODE	ENTRY DATA	CONDITION CODE	STAGE OR STATUS	PRESUMPTION CODE
	F01	Bell Ditch			
	D02	1.84			

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

Water Right Number - A36-00021B Adj. Flag Translation: Adjudication Temporary Work Area Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
GISLER	HARRY R.	1 - 755 E. 2800 S., RT. 1 2 - 3 - City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-4894
*** O - ORIGINAL OWNER ***		
BELL	LEO	1 - 2 - 3 - City- X State- ID Zip- 0 Phone - 208-000-0000
BELL	GLENN	1 - 2 - 3 - City- X State- ID Zip- 0 Phone - 208-000-0000
BELL	MRS. E. M.	1 - 2 - 3 - City- X State- ID Zip- 0 Phone - 208-000-0000

Priority Date	Region	Stage	Status
03/30/1884	17	D - DECREED	

Source	Tributary
BILLINGSLEY CREEK	SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index (Blank if no Index Code)
07S	13E	11	NE SW NE			(47) GOODING	
07S	13E	22	SW NW SE		R	(47) GOODING	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/15	11/15	10.400	
04	STOCKWATER	01/01	12/31	0.090	

Total Div. Rate	Total Div. Volume	Total Div. Capacity	Total Consumptive Use	KW Usage
10.400			636.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	21	NE SE	6	10.0	01	IRRIGATION	(47) GOODING
07S	13E	21	SE SE	9	40.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NE SW		9.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NW SW		13.0	01	IRRIGATION	(47) GOODING

Water right number - A36-00021B Adj. flag translation: Adjudication Temporary Work Area

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	22	SW SW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	27	NW NW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	28	NE NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	28	NW NE	1	20.0	01	IRRIGATION	(47) GOODING
07S	13E	21	NE SE	9	6 DB	04	STOCKWATER	(47) GOODING
07S	13E	21	SE SE	9		04	STOCKWATER	(47) GOODING
07S	13E	22	NE SW			04	STOCKWATER	(47) GOODING
07S	13E	22	NW SW			04	STOCKWATER	(47) GOODING
07S	13E	22	SW SW			04	STOCKWATER	(47) GOODING
07S	13E	27	NW NW			04	STOCKWATER	(47) GOODING
07S	13E	28	NE NE			04	STOCKWATER	(47) GOODING
07S	13E	28	NW NE	1		04	STOCKWATER	(47) GOODING

Total Acres: 212.0

Diversion Means - VIA E. M. BELL DITCH

Non-Irrigation Use - S/400 HEAD OF CATTLE/CALVES

Other Rights for Same Use - NONE

Remarks

THIS AMOUNT OF WATER IS NEEDED ON THE PROPERTY FOR SEVERAL REASONS: (1) WITH THE LENGTH OF THE BELL DITCH, THERE IS A LOT OF LOSS FROM EVAPORATION AND SEEPAGE FROM THE DIRT DITCH ITSELF. (2) THE PROPERTY THAT IS IRRIGATED IS VERY SANDY IN NATURE. (3) THE DITCH PASSES OVER LAVA FLOWS AND THERE ARE SINK HOLES THAT CANNOT BE FILLED, WHICH ALSO CAUSE LOSS IN WATER.

Old Water Right Numbers

A36-00021 DB

No Old Water Right Numbers found.

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
NEW INTERNATIONAL MORTGAGE BANK	IDAHO POWER COMPANY	00/00/0000

Comments

No Comments Found

Audit Fields - 02/02/89 MOBILE3

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	- 02/11/1985	Old Judicial District	-
Claim Received Date	- 09/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Claims Tape Error Flg	-	Receipt Number	- S002259	Water District	- 36A

Fee Exempt Flag - POU Ownership Flag - Y Federal/State Indicator - S

Water right number - A36-00021B Adj. flag translation: Adjudication Temporary Work Area

+ - Adjudication Rights Dates and Flags Area - +

Name Connector - Presumption Flag -

Water Right Number - 36-00021 Prefix Translation: WATER RIGHT Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
BELL	LEO	1 - 2 - 3 - City- State- Zip- Phone -
BELL	GLENN	1 - 2 - 3 - City- State- Zip- Phone -
BELL	MRS. E. M.	1 - 2 - 3 - City- State- Zip- Phone -

Priority Date	Region	Stage	Status
03/30/1884	17 SOUTHERN	D - DECREED	

Source	Tributary
BILLINGSLEY CREEK	SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index (Blank if no Index Code)
07S	13E	11	SE NE			(47) GOODING	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION			14.400	

Total Div. Rate	Total Div. Volume	Total Div. Capacity
14.400		

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	21	NE SE	6		01	IRRIGATION	(47) GOODING
07S	13E	21	SW SE	9		01	IRRIGATION	(47) GOODING
07S	13E	21	SE SE	9		01	IRRIGATION	(47) GOODING
07S	13E	22	SW SW			01	IRRIGATION	(47) GOODING
07S	13E	27	NW NW			01	IRRIGATION	(47) GOODING
07S	13E	28	NE NE			01	IRRIGATION	(47) GOODING
07S	13E	28	NW NE	1		01	IRRIGATION	(47) GOODING

Diversion Means - VIA E. M. BELL DITCH

Non-Irrigation Use -

Water right number - 36-00021 Prefix Translation: WATER RIGHT

+ - - Other Rights for Same Use -

+ - - - - - - - - - - Remarks - - - - - - - - - - +
No Remarks found.

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

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

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

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

+ - - Audit Fields - 02/11/85 05/28/88 CONVERT

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

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 02/11/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 36A
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 03/22/1932	Presumption Flag	-		

AJ0743NP
(OD-124)

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

04/02/92 16:20:32
Page 1

Current owner renumbered

Water Right Number - R36-00021B Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER *** GISLER	HARRY R	1 - 755 E 2800 S 2 - 3 - RT 1 City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-4894

Priority Date	Region	Stage	Status
03/30/1884	17 SOUTHERN	~~D - DECREED~~	~~2~~

Source	Tributary
BILLINGSLEY CREEK	SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	13E	11	NW SE NE		(47)	GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	~~2.98 ditch loss~~ ~~7.450~~ 5	~~596.00~~
04	STOCKWATER	01/01	12/31	0.090	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
~~7.450~~ ~~2.98 ditch loss~~	~~596.00~~	447.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	21	NE SE	6	10.0	01	IRRIGATION	(47) GOODING
07S	13E	21	SE SE	9	28.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NE SW		9.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NW SW		13.0	01	IRRIGATION	(47) GOODING
07S	13E	22	SW SW		37.0	01	IRRIGATION	(47) GOODING
07S	13E	27	NW NW		32.0	01	IRRIGATION	(47) GOODING
07S	13E	28	NE NE		20.0	01	IRRIGATION	(47) GOODING
07S	13E	21	NE SE	6		04	STOCKWATER	(47) GOODING
07S	13E	21	SE SE	9		04	STOCKWATER	(47) GOODING
07S	13E	22	NE SW			04	STOCKWATER	(47) GOODING
07S	13E	22	NW SW			04	STOCKWATER	(47) GOODING
07S	13E	22	SW SW			04	STOCKWATER	(47) GOODING
07S	13E	27	NW NW			04	STOCKWATER	(47) GOODING
07S	13E	28	NE NE			04	STOCKWATER	(47) GOODING
07S	13E	28	NW NE	1		04	STOCKWATER	(47) GOODING

Total Acres: 149.0

Diversion Means - VIA E.M. BELL DITCH, SPRINKLERS, PIVOT & WHEELLINES

Remark

P13 — 36-00021

Water right number - R36-00021B Prefix Translation: RESEARCH

+ - - Non-Irrigation Use - STOCKWATER, 400 HEAD OF CATTLE/CALVES

+ - - Other Rights for Same Use - NONE

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

________ CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
WATER IS DELIVERED THROUGH BELL DITCH.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE:

} delete.

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

A3600021

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

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +	+ - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK	IDAHO POWER COMPANY	00/00/0000

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

Date: 01/02/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW
Date: 04/02/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS
THIS AMOUNT OF WATER IS NEEDED ON THE PROPERTY FOR SEVERAL REASONS: (1) WITH THE LENGTH OF THE BELL DITCH, THERE IS A LOT OF LOSS FROM EVAPORATION AND SEEPAGE FROM THE DIRT DITCH ITSELF. (2) THE PROPERTY THAT IS IRRIGATED IS VERY SANDY IN NATURE. (3) THE DITCH PASSES OVER LAVA FLOWS AND THERE ARE SINK HOLES THAT CANNOT BE FILLED, WHICH ALSO CAUSE LOSS IN WATER.
CLAIM IS FOR ENTIRE AMOUNT OF THE WATER RIGHT 36-00021 AS DECREED AND NO SPLIT HAS OCCURRED.
Date: 04/02/1992 User Id: CLELLAND Subject: AMENDED
CLAIMED ENTIRE RIGHT AMOUNT. MAY NEED TO BE RENUMBERED. PART A HAS BEEN RENUMBERED TO ANOTHER BASIS OF CLAIM.

+ - - Audit Fields - - +

04/02/92 CLELLAND

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002259	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

~~New Comment~~
This

State 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED
APR 17 2002
Department of Water Resources
Southern Region

FAX Transmittal Cover Sheet

Number of pages including this one: 5

Date: 4/17/02

To: Vikki

Fax No.:

From: Vicki

Fax. No.:

Phone No.:

Subject: 36-21B Hi there! The court left the subordination language off their 1st SMR. They had to fix it!! Let me know if you need anything else on this one. Thanks! -V

In Addition: There is now a way to research water rights over the Internet. The system is a graphical or text query system and can be accessed from the IDWR home page:

http://www.idwr.state.id.us

From that link, select "Snake River Basin Adjudication" toward the lower left hand of the screen. Then select "Map" or "Text" on the next page.

"TEXT" lets you search water rights via Name, Legal, Source, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search"

"MAP" allows you to search water rights graphically.

Use the tools on the Left side of the screen to Zoom in and out. To find out what each button does, hold the cursor over the button for a second. To the Right side of the screen are different layers that can be turned on or off. As you zoom in to your place in question, different layers will appear on the right side of the screen.

A HELP function is available within the application or you can call 1-800-451-4129 or (208)327-7906 for help.

Sent By: WATER RESOURCES; 2083275400; Apr-17-02 11:19AM; Page 1
To: SOUTHERN At: 912087363037,,,,641859----

TRANSMISSION VERIFICATION REPORT

TIME : 04/17/2002 10:14
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

DATE,TIME	04/17 10:14
FAX NO./NAME	93246804
DURATION	00:00:19
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM

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** 36-00021B
	)	
Case 39576	)	**STANDARD FORM 5**
	)	
	)	
	)	

This form is used to report the stipulated elements of one water right acquired under state law and/or a 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 described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date: June 1, 2000

Curtis Fritzsche 6-5-00
IDWR Concurrence

Dana Hepworth
Attorney for May Farms, Ltd.

Harry R Gisler
Harry R. Gisler, Claimant

APPROVED AS TO FORM
Nick Spencer
Attorney for ~~Cranney Bros.~~ IDWR

STANDARD FORM 5

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00021B

NAME AND ADDRESS: HARRY R. GISLER
755 EAST 2800 SOUTH
ROUTE 1
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 7.32 CFS

THE PORTION OF THIS RIGHT IN EXCESS OF 4.58 CFS IS SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER.

HRG

NBS

C4

PRIORITY DATE: 03/30/1884

POINT OF DIVERSION: T07S R13E S11 NWNENE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE		QUANTITY
IRRIGATION	02-15	11-30	7.32 CFS
STOCKWATER	02-15	11-30	0.09 CFS
STOCKWATER	12-01	02-14	1.93 CFS

THE IRRIGATION USE UNDER THIS RIGHT IN EXCESS OF 4.58 CFS IS SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER.

PLACE OF USE:

IRRIGATION Within GOODING County
T07S R13E S21 LOT 6 (NESE) 10, LOT 9 (SESE) 28
S22 NESW 9, NWSW 13, SWSW 37
S27 NWNW 32
S28 NENE 8

137.0 ACRES TOTAL

STOCKWATER Within GOODING County
T07S R13E S21 LOT 6 (NESE), LOT 9 (SESE)
S22 NESW, NWSW, SWSW
S27 NWNW
S28 NENE, Lot 1 (NWNE)

CONSUMPTIVE USE:

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

1.84 CFS OF THE UNSUBORDINATED PORTION OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

THE SUBORDINATED PORTION OF THIS WATER RIGHT SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY SURFACE WATER OR GROUND WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER. 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

WATER IS DELIVERED THROUGH BELL DITCH.

CERTIFICATE OF MAILING

I certify that on 6-5-00, 2000, I caused to be served true and correct copies of the Standard Form 5, to the following persons, 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 X Facsimile

2. Copies to:

IDWR Document Repository P.O. Box 83720 Boise, ID 83720-0098	__Overnight Mail __Regular Mail X Hand-Delivered __Facsimile
Dana Hofstetter Beeman Hofstetter P.O. Box 1427 Boise, ID 83701-1427	__Overnight Mail __Regular Mail __Hand-Delivered X Facsimile
Patrick D. Brown Law Offices 109 S. Adams Jerome, ID 83338	__Overnight Mail __Regular Mail __Hand-Delivered X Facsimile
United States Dept. of Justice Environment & Natural Resources Div. 550 West Fort Street MSC 033 Boise, ID 83724	__Overnight Mail X Regular Mail __Hand-Delivered __Facsimile

Sent By: WATER RESOURCES; 2083275400; Apr-17-02 11:20AM; Page 4/5

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

__Overnight Mail
__Regular Mail
X Hand-Delivered
__Facsimile

Signature of person or attorney mailing the form

Sent By: WATER RESOURCES; 2083275400; Apr-17-02 11:20AM; Page 5/5

RECEIVED
NOV 28 2000
Department of Water Resources

2000 NOV 27 PM 3:02
...SRBA
...D., IDAHO
FILED

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

In Re SRBA	)	**ORDER OF PARTIAL DECREE**
Case No. 39576	)	**For Water Right 36-00021B**

On November 1, 2000, a ***Special Master's Report and Recommendation*** was filed for the above water right. No Challenges were filed to the ***Special Master's Report and Recommendation*** and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and ***SRBA Administrative Order 1***, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the ***Special Master's Report*** and wholly adopts them as its own.

On August 2, 1999, in response to the Idaho Supreme Court decision in *A&B Irrigtaion District v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions* which included a recommendation for the irrigation season of use for this water right. No objections to this Supplemental Report were filed and the time period for filing objections has now expired.

Therefore, IT IS ORDERED that water right 36-00021B is hereby **decreed** as set forth in the attached ***Partial Decree Pursuant to I.R.C.P. 54(b)***.

DATED Nov. 27, 2000.

B. Wood

BARRY WOOD
Administrative District Judge and
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)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
) Water Right 36-00021B

2000 NOV 27 PM 3:02
SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: HARRY R GISLER
755 EAST 2800 SOUTH
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 7.32 CFS

THE PORTION OF THIS RIGHT IN EXCESS OF 4.58 CFS IS SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER.
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/30/1884

POINT OF DIVERSION: T07S R13E S11 NWNENE Within Gooding County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	02-15 TO 11-30	7.32 CFS
Stockwater	02-15 TO 11-30	0.09 CFS
Stockwater	12-01 TO 02-14	1.93 CFS

THE IRRIGATION USE UNDER THIS RIGHT IN EXCESS OF 4.58 CFS IS SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER.

PLACE OF USE:

Irrigation — Within Gooding County

T07S R13E S21	LOT 06 (NESE)	10.0	LOT 09 (SESE) 28.0
S22	NESW	9.0	NWSW 13.0
	SWSW	37.0	
S27	NWNW	32.0	
S28	NENE	8.0	

137.0 Acres Total

Stockwater — Within Gooding County

T07S R13E S21	LOT 06 (NESE)	LOT 09 (SESE)
S22	NESW	NWSW
	SWSW	
S27	NWNW	
S28	NENE	LOT 01 (NWNE)

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

1.84 CFS OF THE UNSUBORDINATED PORTION OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
THE SUBORDINATED PORTION OF THIS 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.
THE QUANTITY OF WATER DECREED UNDER THIS RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

OTHER PROVISIONS (continued)

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.

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

COPY

2000 JUN -7 AM 11:38

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	)	**NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDINGS**
Case No. 39576	)	
	)	**Water Rights 36-00021, 36-00021B and 36-00021C**

IDWR has completed the following Administrative Proceeding:

|_| Change of Address

|X| 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? |X| Yes |_| No

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

Water Right(s): **36-00021, 36-00021B and 36-00021C**

From (Claimant/Seller):

Water Right Number: 36-00021

Name of Claimant: HARRY R GISLER
Address: 755 E 2800 S
HAGERMAN ID 83332
Phone: (208) 837-4894

To (Claimant/Purchaser):

Water Right Number: 36-00021B

Name of Claimant: HARRY R GISLER
Address: 755 E 2800 S
HAGERMAN ID 83332
Phone: (208) 837-4894

Water Right Number: 36-00021C

Name of Claimant: UNITED STATES OF AMERICA
Address: DEPT OF INTERIOR
909 1ST AVE
SEATTLE WA 98104-1060
Phone: (206) 220-5092

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: June 6, 2000

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6/7/2000 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:

HARRY R GISLER
755 E 2800 S
HAGERMAN ID 83332

3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

PATRICK D BROWN
LAW OFFICES
109 S ADAMS
JEROME ID 83338

UNITED STATES OF AMERICA
DEPT OF INTERIOR
909 1ST AVE
SEATTLE WA 98104-1060

4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

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

Patricia Tennett
Signature of person or attorney mailing the form

RIGHT NUMBER: 36-00021

SEE NOS. 36-00021B & 36-00021C.

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-000218

NAME & ADDRESS: HARRY R GISLER
755 E 2800 S
RT 1
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 7.32 CFS

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

THE PORTION OF THIS RIGHT IN EXCESS OF 4.58 CFS IS SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER.

PRIORITY DATE: 03/30/1884

POINT OF DIVERSION: T07S R13E S11 NWNENE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	02-15 11-30	7.32 CFS
STOCKWATER	02-15 11-30	0.09 CFS
STOCKWATER	12-01 02-14	1.93 CFS

PLACE OF USE:

IRRIGATION Within GOODING County

T07S R13E S21	Lot 6 (NESE)10	Lot 9 (SESE)28		
S22	NESW 9	NWSW 13	SWSW 37	
S27	NWNW 32			
S28	NENE 8			

137 ACRES TOTAL

STOCKWATER Within GOODING County

T07S R13E S21	Lot 6 (NESE)	Lot 9 (SESE)	
S22	NESW	NWSW	SWSW
S27	NWNW		
S28	NENE	Lot 1 (NWNE)	

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.

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00021B (CONT)

OTHER PROVISIONS: (CONT)

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.

1.84 CFS OF THE UNSUBORDINATED PORTION OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

THE SUBORDINATED PORTION OF THIS WATER RIGHT SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE, EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY SURFACE WATER OR GROUND WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER. 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

WATER IS DELIVERED THROUGH BELL DITCH.

STOCKWATER, 400 CATTLE

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00021C

NAME & ADDRESS: UNITED STATES OF AMERICA
DEPT OF INTERIOR
909 1ST AVE
SEATTLE WA 98104-1060

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.3 CFS

PRIORITY DATE: 03/30/1884

POINT OF DIVERSION: T07S R13E S11 NWNENE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	02-15 11-30	0.3 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S28 NENE 12
12 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 - DECREE
WATER IS DELIVERED THROUGH BELL DITCH.

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

June 7, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPT OF INTERIOR PARK SVC
909 1ST AVE
SEATTLE WA 98104-1060

RE: SRBA Claim(s) 36-00021

Dear Claimant:

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 Records Specialist

cc: Patrick D. Brown

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	HARRY R GISLER	03/30/1884	IRRIGATION	02-15	11-30	4.580 CFS	
	755 E 2800 S		STOCKWATER	02-15	11-30	0.090 CFS	
	HAGERMAN ID 83332		STOCKWATER	12-01	02-14	1.930 CFS	
	(208) 837-4894				TOTAL DIVERSION:	4.580 CFS	

Water Source: BILLINGSLEY CREEK Tributary to: SNAKE RIVER Stage: DECREED

Point(s) of Diversion: T07S R13E S11 NWNENE GOODING County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
07S 13E 21													06-10			09-28	38.0
07S 13E 22									09	13	37						59.0
07S 13E 27						32											32.0
07S 13E 28		08															8.0
														TOTAL ACRES			137.0

Place of use Legal Description for: STOCKWATER

	NE				NW				SW				SE				
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
07S 13E 21													06-S			09-S	
07S 13E 22									S	S	S						
07S 13E 27						S											
07S 13E 28		S	01-S														

POU County: GOODING

Other Rights: NONE

Conditions of Approval:

N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.

N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.

C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
- DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
- ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks: EXP WATER IS DELIVERED THROUGH BELL DITCH.

Remarks: STOCK, 400 HEAD OF CATTLE/CALVES

Dates: Exam Made Date: Verified Date: 06/05/2000 Objection Filed Date:

Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag:

Water Right Number - R36-00021 Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** O - ORIGINAL OWNER ***		
GISLER	HARRY R	1 - 755 E 2800 S 2 - 3 - City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-4894
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

Priority Date	Region	Stage	Status
03/30/1884	17 SOUTHERN		Z - SEE REMARKS

Source	Tributary
BILLINGSLEY CREEK SPLIT RIGHT	SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	
07S	13E	11	NW NE NE		(47)	GOODING	BELL DITCH

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	02/15	11/30	4.820	
04	STOCKWATER	02/15	11/30	0.090	
04	STOCKWATER	12/01	02/14	1.930	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
4.820		0.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	21	NE SE	6	10.0	01	IRRIGATION	(47) GOODING
07S	13E	21	SE SE	9	28.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NE SW		9.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NW SW		13.0	01	IRRIGATION	(47) GOODING
07S	13E	22	SW SW		37.0	01	IRRIGATION	(47) GOODING
07S	13E	27	NW NW		32.0	01	IRRIGATION	(47) GOODING
07S	13E	28	NE NE		20.0	01	IRRIGATION	(47) GOODING
07S	13E	21	NE SE	6		04	STOCKWATER	(47) GOODING
07S	13E	21	SE SE	9		04	STOCKWATER	(47) GOODING
07S	13E	22	NE SW			04	STOCKWATER	(47) GOODING
07S	13E	22	NW SW			04	STOCKWATER	(47) GOODING
07S	13E	22	SW SW			04	STOCKWATER	(47) GOODING
07S	13E	27	NW NW			04	STOCKWATER	(47) GOODING
07S	13E	28	NE NE			04	STOCKWATER	(47) GOODING
07S	13E	28	NW NE	1		04	STOCKWATER	(47) GOODING

Water right number - R36-00021 Prefix Translation: RESEARCH

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County

Total Acres: 149.0

Diversion Means - VIA BELL DITCH

Non-Irrigation Use -

Other Rights for Same Use - NONE

Remarks

GEN SEE NOS. 36-00021B & 36-00021C.

Old Water Right Numbers

3600021

Conditions of Approval

N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.

Decree Plaintiff	Decree Defendant	Decree Date
NEW INTERNATIONAL MORTGAGE BANK	IDAHO POWER COMPANY	00/00/0000

Comments

Date: 04/20/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS
THIS WR IS SPLIT: A36-00021A FOR 4.0 CFS BRADLEY GISLER
A36-00021B FOR 10.0 CFS HARRY R. GISLER
Date: 08/06/1992 User Id: CHRISTEN Subject: CLAIM NUMBERING CHANGES
THE PARENT RIGHT WAS SPLIT IN ERROR. CLAIMANT OF A36-00021B ACTUALLY CLAIMED ENTIRE RIGHT AND THERE ARE NO OTHER PORTIONS
RECOMMENDED. THEREFORE, THE PORTION CLAIMED UNDER A36-00021B IS RECOMMENDED AS R36-00021.
Date: 09/22/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/21/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/6/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/13/1992 User Id: WORSTELL Subject: NOTICE OF ERROR RECORD
NO CHANGE TO RECOMMENDATION
Date: 10/21/1992 User Id: CHRISTEN Subject: CHANGE IN CLAIM 10-21-92
CHANGED SEASON OF USE FOR STOCKWATER TO AGREE WITH IRR SEASON.KKC
Date: 02/22/1993 User Id: SCHULTZ Subject: ADDED NEW ATTORNEY
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ 2/10/93.
CLAIM VERIFIED 10/21/92--DIDN'T REVERIFY CLAIM.
Date: 08/22/1996 User Id: SCLELLAN Subject: COPIED FROM REMARKS
1.84 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
WATER IS DELIVERED THROUGH BELL DITCH.
Date: 12/10/1997 User Id: SCLELLAN Subject: REFORMAT UPDATE
REFORMAT UPDATE
Date: 07/27/1999 User Id: VHANCOCK Subject: SOU
CORRECTED STOCK CODE, SOU

Water right number - R36-00021 Prefix Translation: RESEARCH

Comments

Date: 06/05/2000 User Id: SCLELLAN Subject: COPIED FROM REMARKS
WATER IS DELIVERED THROUGH BELL DITCH. STOCK, 400 HEAD OF CATTLE/CALVES
Date: 06/05/2000 User Id: SCLELLAN Subject: CHANGE OF OWNERSHIP SPLIT
RIGHT 36-00021 IS SPLIT INTO PARTS B (GISLER) AND C (USA) AS PER THE CHANGE OF OWNERSHIP AND SALE OF 12 ACRES FROM ORIGINAL PARCEL

Audit Fields
06/05/00 SCLELLAN

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	- 06/05/2000	Old Judicial District	-
Claim Received Date	- 09/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	- B

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

◊◊

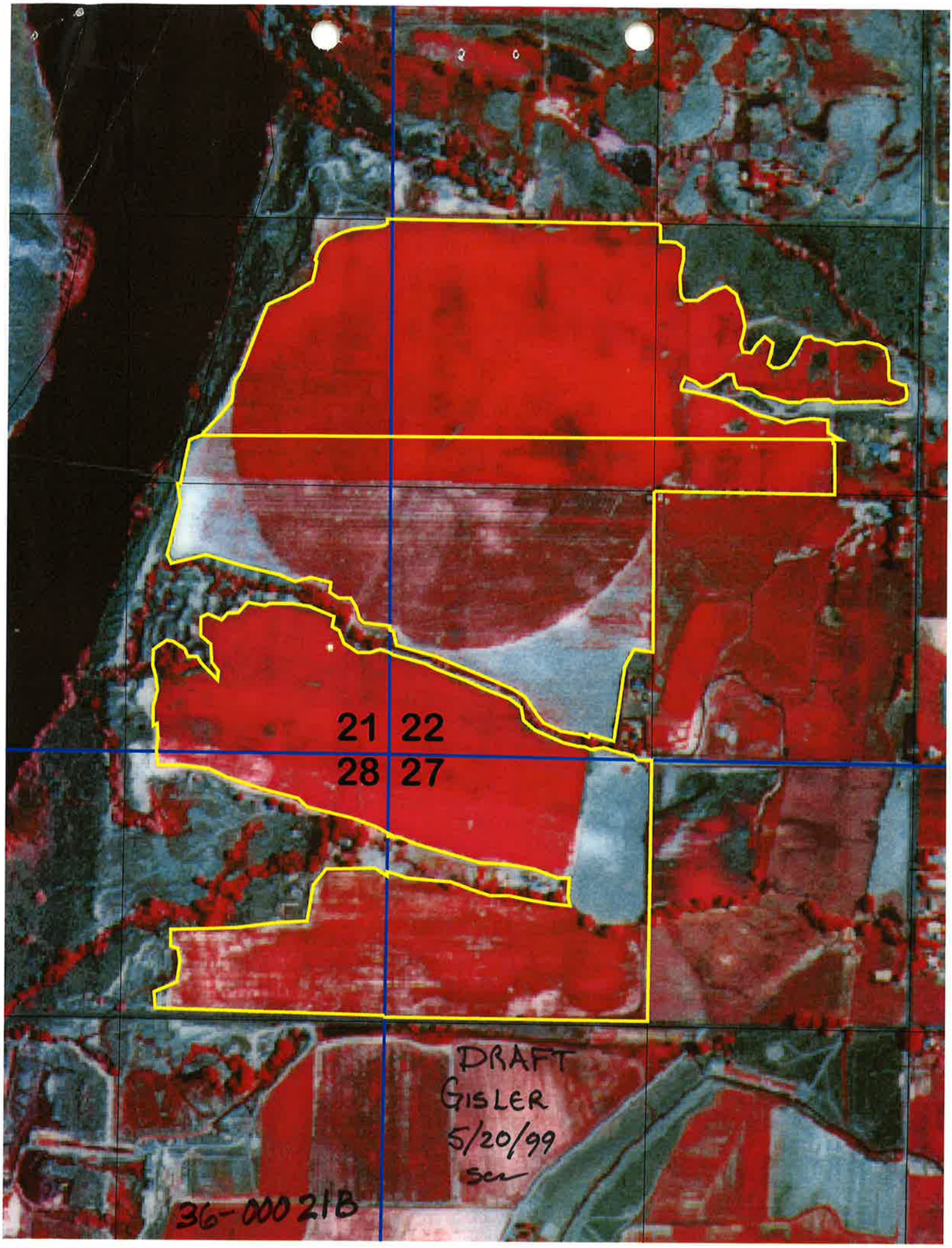
5/20/99 3:20 PM

NAME: RE:

HARRY GISLER CAMEIN GIS REQUEST OF POU

He came in at the request of Pat Brown, his attorney, to get copies of the GIS prints. I provided a full page print of the POU area one page with IDWR's POU outline shown and one with only the GCDB and section lines. I also gave him a copy of the AA69 OPQ for the same area for comparison. (36-00021B)

I also gave him similar copies of the Ya-Ta-Hay POU for Pat's use in another case. (36-10283A)


21 22
28 27
DRAFT
GISLER
5/20/99
36-00021B

36-00021B

RECEIVED

FEB 09 1999

Department of Water Resources
Southern Region

1999 FEB 01 PM 03
DISTRICT COURT - SR
TWIN FALLS CO., IDAH
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
	)	FOR SCHEDULING CONFERENCE
Case No. 39576	)	
	)	SUBCASE NO: 36-00021B

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

WEDNESDAY, MARCH 10, 1999 at 11:30 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.

MAIL

23300

CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010

(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: FEBRUARY 01, 1999

/S/ TERI HRANAC
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 FEBRUARY 01, 1999, with sufficient first-class postage to the following:

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

MAY FARMS LTD
Represented by:
JOSEPHINE P. BEEMAN
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

HARRY R. GISLER
Represented by:
PATRICK D. BROWN
812 SHOSHONE ST E
TWIN FALLS, ID 83301
Phone: 208-735-8812

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

/S/ TERI HRANAC
Deputy Clerk

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 36-00021B

2000 NOV 27 PM 3:02

SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: HARRY R GISLER
755 EAST 2800 SOUTH
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 7.32 CFS

THE PORTION OF THIS RIGHT IN EXCESS OF 4.58 CFS IS SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER.

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

PRIORITY DATE: 03/30/1884

POINT OF DIVERSION: T07S R13E S11 NWNENE Within Gooding County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	02-15 TO 11-30	7.32 CFS
Stockwater	02-15 TO 11-30	0.09 CFS
Stockwater	12-01 TO 02-14	1.93 CFS

THE IRRIGATION USE UNDER THIS RIGHT IN EXCESS OF 4.58 CFS IS SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER.

PLACE OF USE:

Irrigation Within Gooding County
T07S R13E S21 LOT 06 (NESE) 10.0 9.5 LOT 09 (SESE) 28.0 28
S22 NESW 9.0 8 NWSW 13.0 13
SWSW 37.0 37
S27 NWNW 32.0
S28 NENE 8.0
137.0 Acres Total

Stockwater Within Gooding County
T07S R13E S21 LOT 06 (NESE) LOT 09 (SESE)
S22 NESW NWSW
SWSW
S27 NWNW
S28 NENE LOT 01 (NWNE)

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

1.84 CFS OF THE UNSUBORDINATED PORTION OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

THE SUBORDINATED PORTION OF THIS 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.

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

Form 42-248/42-1409(6) February 3, 1997

RECEIVED

JUN 26 1998

Department of Water Resources
Southern Region

STATE 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).: 36-0021

   Adjudication Claim No(s).: _____

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: Harry R. Gisler,
   108 Doral Drive, Jerome, ID 83338

4. New Owner/Claimant(s): U.S. National Park Service
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
   New Mailing Address: 909 First Avenue
   City, State and ZIP Code: Seattle, WA 98104
   New Telephone Number: (206) 220-4065

5. Date you acquired the property: Dec. 29, 1997

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 15 inches as specified in QCD 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): _____
   Acting Chief, Columbia Cascades Land Resources PC

   (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..

173625

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of GOODING TITLE & ESCROW

010 min. past 12 o'clock P m. this 5th

of January, 19 98 9.00

By Penny Watson Deputy

After Recording, Return to:
U.S. Department of the Interior
National Park Service - CCLRPC
909 First Avenue - 5th Floor
Seattle, WA 98104-1060

STATUTORY WARRANTY DEED

The Grantor, Harry R. Gisler, a married man, as his separate property, for and in consideration of the sum of EIGHT HUNDRED SIXTY-EIGHT THOUSAND AND NO/100 DOLLARS ($868,000.00), to him paid, receipt of which is hereby acknowledged, does hereby convey and warrant to the UNITED STATES OF AMERICA and its assigns, the following described property located in the County of Gooding, State of Idaho to wit:

All that certain tract of land situated in Section 28, Township 7 South, Range 13 East, Boise Meridian, Gooding County, State of Idaho, more particularly described as follows:

All of Government Lot 10 and Government Lot 11 as shown on the Dependent Resurvey and Subdivision Plat of Section 28, Township 7 South, Range 13 East of the Boise Meridian, State of Idaho, dated August 1, 1997, and filed in the official records of the Bureau of Land Management, Boise, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said Section 28 thence;
South 0°04'00" West, a distance of 444.84 feet, to a point on the Easterly line of said Section 28, and said point being the Point of Beginning of the property herein described, thence, along the southerly and westerly sideline margins of an existing, unsurfaced private road for the following nine (9) courses,
North 75°01'00" West, a distance of 304.92 feet, thence;
North 69°23'00" West, a distance of 321.42 feet, thence;
North 79°13'00" West, a distance of 184.14 feet, thence;
North 65°11'00" West, a distance of 182.82 feet, thence;
North 84°05'00" West, a distance of 91.74 feet, thence;
South 78°42'00" West, a distance of 100.32 feet, thence;
North 85°03'00" West, a distance of 75.24 feet, thence;
North 04°38'00" West, a distance of 56.10 feet, thence;
North 09°46'00" East, a distance of 80.52 feet to a point on the Northerly line of said Section 28, thence;

RECEIVED

JUN 26 1998

Department of Water Resource
Southern Region

Hagerman Fossil Beds National Monument
Tract No. 101-04

South 89°31'00" West, along said northerly line of Section 28, a distance of 601.59 feet, to a point thence;

South 13°35'00" West, a distance of 91.08 feet, thence;
South 06°30'00" East, a distance of 104.28 feet, thence;
South 05°02'00" East, a distance of 255.75 feet, thence;
South 75°43'00" West, a distance of 112.86 feet, thence;
South 81°17'00" West, a distance of 79.86 feet, thence;
South 11°19'00" West, a distance of 109.56 feet, thence
South 55°22'00" West, a distance of 167.64 feet, thence;
South 32°33'00" West, a distance of 159.72 feet, thence;
South 29°21'00" West, a distance of 112.86 feet, thence;
South 01°29'00" West, a distance of 165.66 feet, thence;
South 18°20'00" East, a distance of 90.42 feet, thence;
South 08°19'00" West, a distance of 58.41 feet, thence;
South 10°49'00" West, a distance of 48.84 feet, thence;
South 47°30'00" East, a distance of 25.74 feet, thence;
South 05°14'00" West, a distance of 25.74 feet to a point, said point being located on the East and West center line of the Northeast Quarter (NE1/4) of said Section 28, thence;

North 89°37'00" East, along said East and West center line of the Northeast Quarter (NE1/4) of Section 28, a distance of 394.482, thence;

North 00°07'00" East, a distance of 19.998 feet, thence;

North 89°37'00" East, a distance of 1,856.778 feet to a point on the easterly line of said Section 28, thence;

North 00°04'00" East, along said easterly line of Section 28, a distance of 858.00 feet to the Point of Beginning and there ending.

The land hereinabove described contains 54.06 acres, more or less.

TOGETHER WITH THE Grantor's right, title and interest in and to water rights appurtenant to this property.

FURTHERMORE TOGETHER WITH a non-exclusive road easement for administrative purposes for ingress and egress over and across that road referenced in the above narrative description.

The land is conveyed subject to existing easements of record for public roads and highways, public utilities, railroads and pipelines.

TO HAVE AND TO HOLD the above granted and described premises, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in any way appertaining, unto said UNITED STATES OF AMERICA and its assigns forever.

The Grantor further remises, releases, and forever quitclaims to the UNITED STATES OF AMERICA, and its assigns, all right, title and interest which the Grantor may have in the banks, beds and waters of any streams bordering the said land conveyed and also all interest in any alleys, roads, streets, ways, strips, gores or railroad rights-of-way abutting or adjoining said land and in any means of ingress or egress appurtenant thereto.

The land is being acquired by the Department of Interior, National Park Service.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand this 29 day of Dec, 1997.

Harry R Gisler
HARRY R. GISLER

ACKNOWLEDGMENT

STATE OF Arizona }
}ss
COUNTY OF Maricopa }

I certify that I know or have satisfactory evidence that HARRY R. GISLER, is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in this instrument.

Given Under My Hand and Official Seal this 29 day of Dec., 1997.

Donna J Bobier
Notary Public in and for the
State of Arizona
residing at Show Lakes.

My Commission Expires:

OFFICIAL SEAL
DONNA J. BOBIER
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires Mar. 27, 1999

Hagerman Fossil Beds National Monument
Tract 101-04

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JUN 26 1998
Department of Water Resources
Southern Region

QUIT CLAIM DEED

FOR VALUE RECEIVED

Harry R. Gisler

GRANTOR(S)

Do(es) Hereby Convey, Release, Remise and Forever Quitclaim Unto

United States of America

GRANTEE(S)

Whose address is: 909 First Ave 5th floor SEATTLE, WA. 98104

The following described premises, to-wit:

15 inches of Irrigation water from the Bell Ditch, being part of Water Right #36-0021B, or that amount determined by the Snake River Adjudication Court.

173626

Together with their appurtenances.

STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of GOODING TITLE & ESCROW
07 min. past 12 o'clock P m. this 5th
of January, 1998. 3.00
By Penny Watson Deputy

Dated: **January 5, 1998**

Harry R. Gisler
Harry R. Gisler

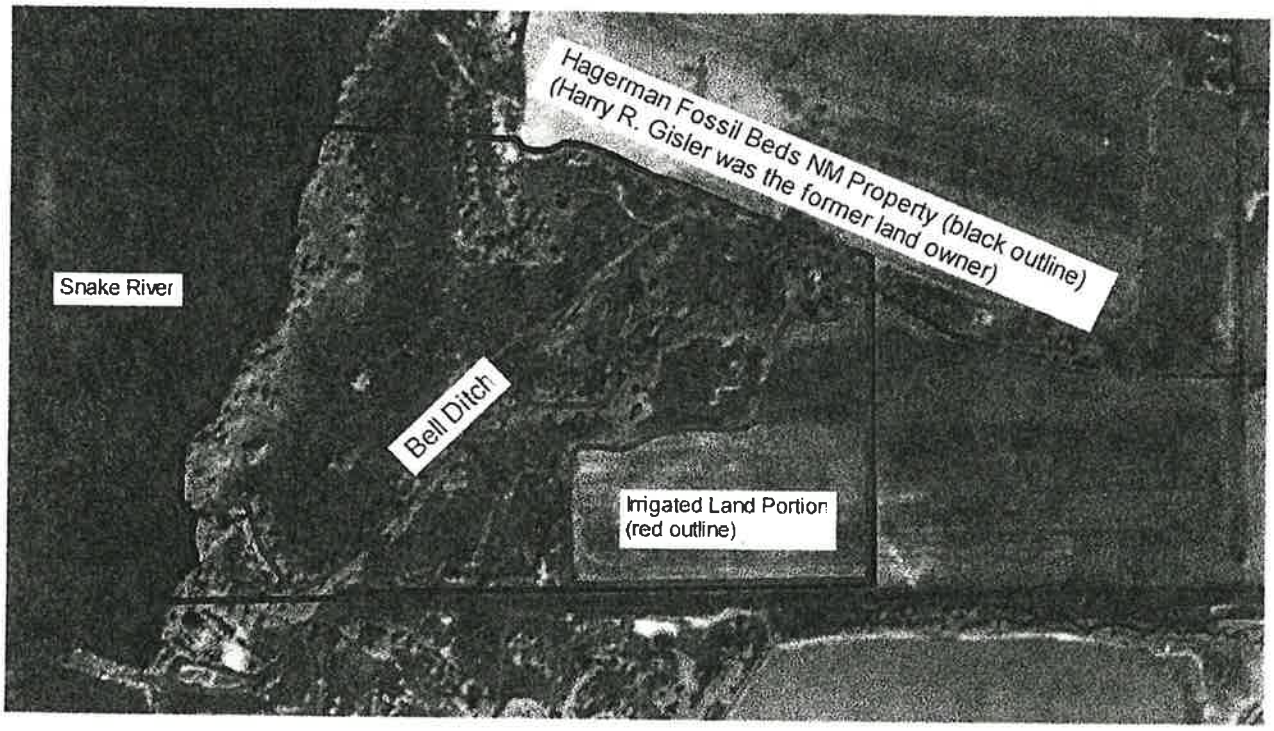
State of ~~IDAHO~~ ARIZONA
} ss.
County of ~~GOODING~~ MARICOPA

On this 27 day of January, in the year ~~1998~~ 1997, before me, a notary public, personally appeared **Harry R. Gisler**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Donna J. Bobier
Notary Public
Residing At:
Commission Expires:

OFFICIAL SEAL
DONNA J. BOBIER
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires Mar. 27, 1999



Color Infrared Air Photo Showing Vegetation in Orange.

North

Original map in 36-00021C

RECEIVED
JUN 26 1998
Department of Water Resources
Southern Region

Form 42-248/42-1409(6) February 3, 1997

JAN 14 1998

Department of Water Resources
Southern Region

STATE 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).: #36-0021B (15 inches of irrigation water from the Bell Ditch)

   Adjudication Claim No(s).: _____

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: Harry R. Gisler
   108 Doral Dr., Jerome, ID 83338

4. New Owner/Claimant(s): United States of America
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
   New Mailing Address: Dept. of Interior, 909 1st Avenue
   City, State and ZIP Code: Seattle, WA 98104-1060
   New Telephone Number: (206) 220-5092

5. Date you acquired the property: January 5, 1998

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 _____ 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): UNITED STATES OF AMERICA, DEPT. OF INTERIOR
   By Rick L. Wagner

   (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..

Date Entry Done: 6/5/00 scc SPLITS B & C

173 25

STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of GOODING TITLE & ESCROW
016 min. past 12 o'clock P m. this 5th
of January, 19 98 9.00
By Penny Watson Deputy

After Recording, Return to:
U.S. Department of the Interior
National Park Service - CCLRPC
909 First Avenue - 5th Floor
Seattle, WA 98104-1060

STATUTORY WARRANTY DEED

The Grantor, Harry R. Gisler, a married man, as his separate property, for and in consideration of the sum of EIGHT HUNDRED SIXTY-EIGHT THOUSAND AND NO/100 DOLLARS ($868,000.00), to him paid, receipt of which is hereby acknowledged, does hereby convey and warrant to the UNITED STATES OF AMERICA and its assigns, the following described property located in the County of Gooding, State of Idaho to wit:

All that certain tract of land situated in Section 28, Township 7 South, Range 13 East, Boise Meridian, Gooding County, State of Idaho, more particularly described as follows:

All of Government Lot 10 and Government Lot 11 as shown on the Dependent Resurvey and Subdivision Plat of Section 28, Township 7 South, Range 13 East of the Boise Meridian, State of Idaho, dated August 1, 1997, and filed in the official records of the Bureau of Land Management, Boise, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said Section 28 thence;
South 0°04'00" West, a distance of 444.84 feet, to a point on the Easterly line of said Section 28, and said point being the Point of Beginning of the property herein described, thence, along the southerly and westerly sideline margins of an existing, unsurfaced private road for the following nine (9) courses,
North 75°01'00" West, a distance of 304.92 feet, thence;
North 69°23'00" West, a distance of 321.42 feet, thence;
North 79°13'00" West, a distance of 184.14 feet, thence;
North 65°11'00" West, a distance of 182.82 feet, thence;
North 84°05'00" West, a distance of 91.74 feet, thence;
South 78°42'00" West, a distance of 100.32 feet, thence;
North 85°03'00" West, a distance of 75.24 feet, thence;
North 04°38'00" West, a distance of 56.10 feet, thence;
North 09°46'00" East, a distance of 80.52 feet to a point on the Northerly line of said Section 28, thence;

Hagerman Fossil Beds National Monument
Tract No. 101-04

South 89°31'00" West, along said northerly line of Section 28, a distance of 601.59 feet, to a point thence;

South 13°35'00" West, a distance of 91.08 feet, thence;
South 06°30'00" East, a distance of 104.28 feet, thence;
South 05°02'00" East, a distance of 255.75 feet, thence;
South 75°43'00" West, a distance of 112.86 feet, thence;
South 81°17'00" West, a distance of 79.86 feet, thence;
South 11°19'00" West, a distance of 109.56 feet, thence
South 55°22'00" West, a distance of 167.64 feet, thence;
South 32°33'00" West, a distance of 159.72 feet, thence;
South 29°21'00" West, a distance of 112.86 feet, thence;
South 01°29'00" West, a distance of 165.66 feet, thence;
South 18°20'00" East, a distance of 90.42 feet, thence;
South 08°19'00" West, a distance of 58.41 feet, thence;
South 10°49'00" West, a distance of 48.84 feet, thence;
South 47°30'00" East, a distance of 25.74 feet, thence;
South 05°14'00" West, a distance of 25.74 feet to a point, said point being located on the East and West center line of the Northeast Quarter (NE1/4) of said Section 28, thence;

North 89°37'00" East, along said East and West center line of the Northeast Quarter (NE1/4) of Section 28, a distance of 394.482, thence;

North 00°07'00" East, a distance of 19.998 feet, thence;

North 89°37'00" East, a distance of 1,856.778 feet to a point on the easterly line of said Section 28, thence;

North 00°04'00" East, along said easterly line of Section 28, a distance of 858.00 feet to the Point of Beginning and there ending.

The land hereinabove described contains 54.06 acres, more or less.

TOGETHER WITH THE Grantor's right, title and interest in and to water rights appurtenant to this property.

FURTHERMORE TOGETHER WITH a non-exclusive road easement for administrative purposes for ingress and egress over and across that road referenced in the above narrative description.

The land is conveyed subject to existing easements of record for public roads and highways, public utilities, railroads and pipelines.

TO HAVE AND TO HOLD the above granted and described premises, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in any way appertaining, unto said UNITED STATES OF AMERICA and its assigns forever.

The Grantor further remises, releases, and forever quitclaims to the UNITED STATES OF AMERICA, and its assigns, all right, title and interest which the Grantor may have in the banks, beds and waters of any streams bordering the said land conveyed and also all interest in any alleys, roads, streets, ways, strips, gores or railroad rights-of-way abutting or adjoining said land and in any means of ingress or egress appurtenant thereto.

The land is being acquired by the Department of Interior, National Park Service.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand this 29 day of Dec, 1997.

Harry R Gisler
HARRY R. GISLER

ACKNOWLEDGMENT

STATE OF Arizona }
}ss
COUNTY OF Maricopa }

I certify that I know or have satisfactory evidence that HARRY R. GISLER, is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in this instrument.

Given Under My Hand and Official Seal this 29 day of Dec., 1997.

Donna J Bobier
Notary Public in and for the
State of Arizona
residing at Sun Lakes.

My Commission Expires:

OFFICIAL SEAL
DONNA J. BOBIER
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires Mar. 27, 1999

Hagerman Fossil Beds National Monument
Tract 101-04

QUIT CLAIM DEED

FOR VALUE RECEIVED

Arlene Gisler

GRANTOR(S)

Do(es) Hereby Convey, Release, Remise and Forever Quitclaim Unto

Harry R. Gisler

GRANTEE(S)

Whose address is: 108 Doral Dr. Jerome Idaho 83338

The following described premises, to-wit:

SEE ATTACHED EXHIBIT A

173624

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of GOODING TITLE & ESCROW

05 min. past 12 o'clock P m. this 5th

of January 19 98. 9.00

By Penny Watson Deputy

Together with their appurtenances.

Dated: **January 5, 1998**

Arlene Gisler

Arlene Gisler

State of ~~IDAHO~~ Arizona

} ss.

County of ~~GOODING~~ Maricopa

On this 29 day of ~~January~~ Dec, in the year ~~1998,~~ 1997 before me, a notary public, personally appeared **Arlene Gisler**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Donna J. Bobier

Notary Public

Residing At: Glendale Arizona

Commission Expires:

OFFICIAL SEAL
DONNA J. BOBIER
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires Mar. 27, 1999

EXHIBIT A

G970397

Township 7 South, Range 13, East of the Boise Meridian, Gooding County, Idaho

Section 28: All of Government Lots 10 and 11 as shown on the Dependent Resurvey and Subdivision Plat dated August 1, 1997, filed in the official records of the Bureau of Land Management, Boise, Idaho, being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 28;
Thence South 0°04'00" West a distance of 444.84 feet to a point on the Easterly line of said Section 28, said point being the POINT OF BEGINNING;
Thence along the Southerly and Westerly sideline margins of an existing unsurfaced private road for the following nine courses:

North 75°01'00" West a distance of 304.92 feet;
North 69°23'00" West a distance of 321.42 feet;
North 79°13'00" West a distance of 184.14 feet;
North 65°11'00" West a distance of 182.82 feet;
North 84°05'00" West a distance of 91.74 feet;
South 78°42'00" West a distance of 100.32 feet;
North 85°03'00" West a distance of 75.24 feet;
North 04°38'00" West a distance of 56.10 feet;
North 09°46'00" East a distance of 80.52 feet to a point on the Northerly line of said Section 28;

Thence South 89°31'00" West along said Northerly line of Section 28 a distance of 601.59 feet to a point;
Thence South 13°35'00" West a distance of 91.08 feet;
Thence South 06°30'00" East a distance of 104.28 feet;
Thence South 05°02'00" East a distance of 255.75 feet;
Thence South 75°43'00" West a distance of 112.86 feet;
Thence South 81°17'00" West a distance of 79.86 feet;
Thence South 11°19'00" West a distance of 109.56 feet;
Thence South 55°22'00" West a distance of 167.64 feet;
Thence South 32°33'00" West a distance of 159.72 feet;
Thence South 29°21'00" West a distance of 112.86 feet;
Thence South 01°29'00" West a distance of 165.66 feet;
Thence South 18°20'00" East a distance of 90.42 feet;

(Continued)

Thence South 08°19'00" West a distance of 58.41 feet;
Thence South 10°49'00" West a distance of 48.84 feet;
Thence South 47°30'00" East a distance of 25.74 feet;
Thence South 05°14'00" West a distance of 25.74 feet to a point, said point being located on the East and West center line of the Northeast of said Section 28;
Thence North 89°37'00" East along said East and West center line of the Northeast Quarter of Section 28 a distance of 394.482 feet;
Thence North 00°07'00" East a distance of 19.998 feet;
Thence North 89°37'00" East a distance of 1,856.778 feet to a point on the Easterly line of said Section 28;
Thence North 00°04'00" East along said Easterly line of Section 28 a distance of 858.00 feet to the POINT OF BEGINNING.

TOGETHER WITH a non-exclusive road easement for administrative purposes for ingress and egress over and across that road referenced in the above narrative description.

SUBJECT TO public roads and highway rights of way.

GOODING
TITLE & ESCROW
COMPANY

(Formerly First American Title Co. of Magic Valley)

January 13, 1998

RECEIVED

JAN 14 1998

Department of Water Resources
Southern Region

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

Dear Sir or Madame:

Recently our office closed a transaction wherein Harry Gisler sold property to the Department of Interior on property in Hagerman, Idaho. Included in the sale was the water right #36-0021B. I am enclosing a copy of the Quit Claim Deed and Warranty Deed reflecting the ownership change.

If you have questions or need anything further in connection with this transaction, please do not hesitate to contact our office.

Sincerely,

GOODING TITLE & ESCROW

DeNene M. Dixon

DeNene M. Dixon
Escrow Assistant

/dmd
Encl.

COPY

RECEIVED
FEB 06 1998
Department of Water Resources

RECEIVED
MAR 02 1998
Department of Water Resources
Southern Region

Harry R. Gisler

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

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

****

This a/c was re-numbered to 36-00021. Added Brown 2-11-98 - ss

In Re SRBA) Subcase No. 36-00021B

Case No. 39576) **NOTICE OF APPEARANCE**

****

COMES NOW the firm of Hepworth, Lezamiz & Hohnhorst, Chartered, and appears on behalf of claimant for the water right number listed above.

Dated this 5 day of February, 1998.

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED

By
Patrick D. Brown

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the claimant in this matter, certifies that on the 5 day of February, 1998, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

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)
U.S. Department of Justice Environment & Natural Resources 550 West Fort Street, MSC 033 Boise, ID 83724	✓ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
IDWR Document Depository P. O. Box 83720 Boise, ID 83720-0098	✓ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
Jeffrey C. Fereday Givens, Pursley & Huntley P. O. Box 2720 Boise, ID 83701-2720	✓ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)
Josephine P. Beeman Beeman & Hofstetter, PC 608 W. Franklin St. Boise, ID 83702	✓ U.S. Mail ___ Hand Delivered ___ Overnight Mail ___ Telecopy (Fax)

Patrick D. Brown

(water\61148.noa)llm

CLAIM NUMBERS 36-00021 _____ _____ _____ _____ _____ _____

DATE _____

AGENT _____

TRANSFER NUMBER _____

OBJECTION FILED _____

TOTAL ACRES FROM RECOMMENDATION 149

GEOGRAPHIC INFO SYSTEM 171.81

RIGHT NO	TNS	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
RECOM	17S	13E	21													10			28	38
GIS																18.43			7.68 16.48	42.59
																			24.16	
RECOM	07S	13E	22									9	13	37						59
GIS												18.52	3.83	19.39 1.04						84.28
														25.93						
RECOM	07S	13E	27						32											32
GIS									10.76 16.22											26.98
									26.98											
RECOM	07S	13E	28	20																20
GIS				5.20 12.76																17.96
				17.96																

UPDATED

B36-DBPOU.DBF _____

B36-DBPOD.DBF _____

POLYGON # UPDATED

POLYGON CREATED ON 604 ( ) _____

ATTRIBUTES OF B36-POU.SHP ( ) _____

ATTRIBUTES OF B36-POD.SHP ( ) NWNENE-11 (Bell Ditch)

P/U CONFLICT yes ( ) no ( )

P/D CONFLICT yes ( ) no ( )

READY FOR DECREE yes ( ) no ( )

SENT FOR DECREE yes ( ) no ( )

6/9/94

COMMUNICATION DOCUMENTATION

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 Georgia Satterlee

DATE
April 8, 1997 3:20pm

CUSTOMER
KNIPE, BRAD

SUBJECT: 36-00021

phone call (X) walk-in (.)

BOISE REAL ESTATE APPRAISER 342-2500...HE'S DOING AN APPRAISAL ON 55 ACRES IN THE NE¼ NE¼ SEC 28, T07S, R13E AND WANTED TO KNOW THE STATUS OF WATER RIGHTS IN THE AREA PLUS THE DEPARTMENT'S STAND ON GROUNDWATER FOR SUBDIVISIONS. I FAXED HIM §42-111 PLUS MAXIMUM INSTANTANEOUS WATER REQUIREMENTS AND THE CLAIMS FOR THE ABOVE #.

RECEIVED
DEC 26 1995
Department of Water Resources
Adjudication Bureau

RECEIVED
DEC 22 1995
OFFICE OF THE
ATTORNEY GENERAL

1995 DEC 21 PM 1:55
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

RECEIVED
JAN 10 1996
Department of Water Resources
Southern Region

In Re SRBA

Case No. 39576

Subcase Nos.: 36-00021B (36-00021) 36-00039D, 36-00048A, 36-00049, 36-00051A, 36-02169, 36-04260B, 36-10283A and 36-15168

AMENDED ORDER DENYING MOTIONS TO STRIKE AFFIDAVITS and ORDER GRANTING MOTIONS TO FILE LATE RESPONSES

On August 18, 1995, Cranney Bros. filed its *Motion to File Late Responses* (Cranney *Motion*) in five of the above subcases: 36-00039D, 36-00048A, 36-00049, 36-02169 and 36-04260B.[1] Attached to the Cranney *Motion* was its *Brief in Support of Motion to File Late Responses*. The same date, Cranney Bros. lodged responses to objections in each of the five subcases.

On August 18, 1995, May Farms, Ltd. (May Farms), Sand Springs Ranch Partnership (Sand Springs) and Faulkner Land & Livestock Company (Faulkner) filed their *Motions to FileLate Responses*[2] (May Farms, Sand Springs and Faulkner *Motions*) in six of the above

[1] The claimants/objectors in these five subcases are: Fred and Susan Walmsley (36-00039D); Dan and Irma McFaddan (36-00048A, 36-00049 and 36-02169); and Robert H. Brailsford (36-04260B).

[2] Amended May Farms *Motions* in Subcase Nos. 36-00021B and 36-10283A were filed on September 12, 1995.

MICROFILMED
DEC 04 1996

subcases: 36-00021B, 36-00048A, 36-00049, 36-00051A, 36-10283A and 3615168.[3] Attached to the May Farms, Sand Springs and Faulkner *Motions* were six separate but similar *Memoranda in Support of Motions to File Late Responses*.[4] The same date, May Farms, Sand Springs and Faulkner lodged responses to objections in each of the six subcases.

Cranney Bros., May Farms, Sand Springs and Faulkner will sometimes be referred to collectively as Movants.

On November 21, 1995, the claimants in all nine of the above subcases (Claimants) filed their *Consolidated Memorandum Opposing Intervention*. The Claimants also filed their *Motion to Strike* the affidavit of attorney Michael C. Creamer and the attached portion of Mike Cranney's deposition (Subcase Nos. 36-00039D, 36-00048A, 36-00049, 36-02169 and 36-04260B). Finally, the Claimants filed six *Objections and Motions to Strike Affidavits* of Ralph L. May (36-00021B and 36-10283A), Mike Faulkner (36-00048A and 36-00049) and Tom Ambrose (36-00051A and 36-15168). Attached was the Claimants' *Memorandum in Support of Objection and Motion to Strike Affidavits and Preclude Intervention*.

On November 21, 1995, Cranney Bros. lodged its *Pre-Hearing Memorandum*.

A hearing was held on November 22, 1995, at the SRBA Courthouse in Twin Falls, Idaho. Jeffrey C. Fereday appeared for Cranney Bros.; Dana L. Hofstetter and Josephine P. Beeman for May Farms, Sand Springs and Faulkner; Patrick D. Brown for the Claimants; and Brent R. King for IDWR. The Cranney *Motion* was set for hearing the same day as the May Farms, Sand Springs and Faulkner *Motions*. However, because of similarities of the *Motions* and the Claimants' consolidated opposition, the hearings were combined. All counsel were present and participated throughout the hearing.

After the hearing, on December 1, 1995, Cranney Bros. filed its *Response to Motion to Strike*. The same day, the Claimants wrote to the Special Master asking that the pleading be disregarded and Cranney Bros.' counsel be admonished for submitting post-hearing briefs and

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[3] The claimants/objectors in four of the subcases are: Harry R. Gisler (36-00021B); Walten and Marjorie Mildren (36-00051A); Ya-Ta-Hay Investments, Inc. (36-10283A); and Hagerman Water Users Association (36-15168).

[4] Amended Faulkner and Sand Springs *Memoranda* in Subcase Nos. 36-00049 and 36-00051A were filed on September 12, 1995.

evidence.

Motions to Strike

The Claimants moved to strike certain affidavits because the affidavits were not served with the *Motions* or they contain hearsay testimony, lack foundation and the affiants are not qualified as experts. While these criticisms are well taken for purposes of summary judgment or trial, they are less compelling in the context of these motions to file late pleadings -- particularly in these subcases. The Claimants and Movants have followed a particularly contentious motion practice and the court has been required to fashion its responses accordingly. On top of that, these are "test" subcases where fundamental and unique issues are being explored. Sweeping legislative changes in the midst of ongoing litigation only added to the challenges. The result has been a certain "flexible" application of ***SRBA Administrative Order 1*** and the Idaho Rules of Civil Procedure to accomplish the ends of justice.

Judge Daniel C. Hurlbutt's July 28, 1995 ***Order***[5] concerning late filings clearly intended to provide "special consideration" to some parties to the adjudication. The ***Order*** was made because of legislative changes in the party status of IDWR and its Director. Even now, over a year after the amendments to the SRBA statutes went into effect, the court and the partes continue to discover new implications.

Even though the affidavits complained of by the Claimants are flawed in certain respects, the timing of their filing and their contents are sufficient for purposes of these motions to file late pleadings. It must be remembered that the motions were filed by SRBA parties seeking to participate in subcases. The Movants have not had the opportunity to conduct discovery. It may reasonably be expected that their responses will be substantially refined and amended as they gather more information. The suggestion that the Movants will step into the shoes of the Director and defend the whole Director's Report is not reasonable. At this point, their burden is not to *prove* a case but to *plead* sufficient facts to support their motions. The affidavits meet that minimal burden and will not be stricken.

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[5] The full title of the **Order** is **Order Granting in Part, and Denying in Part, Joint Motions for Amendment of Administrative Order 1.**

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Motions to File Late Responses

The Movants argue that they meet the criteria of Judge Hurlbutt's July 28, 1995 **Order**: (1) they filed their pending motions in a timely manner and attached completed responses; (2) they have shown good cause for not filing responses in a timely manner; (3) they have demonstrated the existence of a meritorious position; and (4) they do not seek to enlarge or add to existing issues. In support of their allegation of "good cause," all three Movants suggest that they chose not to file responses in a timely manner because they relied upon IDWR to "defend" the Director's Report. Now that the Director's Report is no longer a pleading and IDWR and the Director are no longer parties, they seek to file late responses in all nine subcases.

There is no question that the pending motions were filed in a timely manner and completed responses were attached. It is also clear that the Movants do not seek to enlarge nor add to existing issues. Almost any element they might have chosen to respond to was objected to by the Claimants. So, the issues are whether good cause and a meritorious position have been shown.

The court is satisfied that the Movants have shown both good cause for untimeliness and the existence of a meritorious position. It was reasonable for them to rely upon the Director to investigate all SRBA water claims and defend his findings in strict accord with Idaho water laws. When IDWR and its Director were removed as parties by the Legislature, it was also reasonable for the Movants to suspect that some claims might result in excessive rights. After all, at the time the *Motions* were filed, no subcase had proceeded to a full hearing before the Special Master.

The fact that the Movants chose these particular subcases to intervene is no accident. These subcases concern water claims in the Hagerman Valley where the *Musser*[6] case arose. Right or wrong, the Movants were concerned that future "calls," as happened in that case, *might* impact their farm operations. Given the information generally available to water users, their concern was understandable. It made no difference that none of the Movants knew details in the Director's Report or specific facts about the Claimants' water uses.

Having said that, the court feels compelled to remind the Movants and Claimants of Rule 11(a)(1), Idaho Rules of Civil Procedure:

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6 *Musser* v. *Higginson*, 125 Idaho 392, 871 P.2d 809 (1994).

> The signature of an attorney or party constitutes a certificate that the attorney or party has read the pleading, motion or other paper; that to the best of the signer's knowledge, information, and belief after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, **and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation** [emphasis added].

Therefore, IT IS ORDERED that the Claimants' *Motions to Strike Affidavits* are **denied**. It is further ordered that the Cranney *Motion to File Late Responses* and the May Farms, Sand Springs and Faulkner *Motions* and *Amended Motions to File Late Responses* are **granted**. However, participation of Cranney Bros., May Farms, Sand Springs and Faulkner shall be limited to litigation of those elements in the Director's Report to which the Claimants have objected and to which IDWR has responded. They may not enlarge or add to existing issues. Responses previously lodged with the court by Cranney Bros., May Farms, Sand Springs and Faulkner are deemed filed as of December 12, 1995.

DATED December 21, 1995.

Terrence A. Dolan
Special Master, Reporting Area 3
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **(AMENDED) ORDER DENYING MOTIONS TO STRIKE AFFIDAVITS** and **ORDER GRANTING MOTIONS TO FILE LATE RESPONSES** was mailed December 21, 1995, with sufficient first-class postage to the following:

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

Patrick D. Brown
Hepworth, Lezamiz & Hohnhorst
P.O. Box 389
Twin Falls, ID 83303-0389

Josephine P. Beeman
Dana L. Hofstetter
Dillon, Bosch, Daw & Bock, Chartered
Suite 200
242 North 8th Street
Boise, ID 83720

Jeffrey C. Fereday
Givens, Purlsey & Huntley
P.O. Box 2720
Boise, ID 83701

Brent R. King
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Courtesy copies to:

Daria J. Zane
R. Lee Leininger
William M. Ferry
The United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724-0663

Cheri C. Jacobus
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Deputy Clerk

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RECEIVED
JAN 10 1996
Department of Water Resources
Southern Region

Party's Name: May Farm, Ltd.

Attorney's Name and Address
Josephine P. Beeman
DILLION BOSCH DAW & BOCK Chtd.
Fidelity Building
242 N. 8th Street, Suite 200
Boise, Idaho 83702

RECEIVED
AUG 24 1995
Department of Water Resources
Adjudication Bureau

RECEIVED
AUG 23 1995
OFFICE OF THE
ATTORNEY GENERAL

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. 36-00021

MOTION TO FILE LATE RESPONSE TO GISLER OBJECTION

DESCRIPTIVE SUMMARY

May Farms, Ltd. seeks to file a late response to the Gisler objection to water right 36-00021 as recommended in the Director's Report Part I for reporting area 3 (basin 36).

MOTION TO FILE LATE RESPONSE

May Farms, Ltd. seeks to participate as a full party in subcase 36-00021 and files this motion and the attached Response to Gisler Objection pursuant to the July 28, 1995 order of Judge Hurlbutt. The July 28 order states, "it is necessary to provide a mechanism for parties to participate in subcases where participation is required due to the removal of the Director and IDWR as a party and the change in the status of the Director's Report as a pleading."

The Motion is supported by a Memorandum in Support of Late Response (Gisler) and affidavits which accompany the Memorandum and Response.

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DATED this 18th day of August, 1995.

/s/
JOSEPHINE P. BEEMAN

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of August, 1995, I mailed the original and copies of the foregoing motion, 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. Copies to:

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

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

Patrick D. Brown
HEPWORTH LEZAMIZ & HOHNHORST, Chtd.
P.O. Box 389
Twin Falls, ID 83303-0389

/s/
JOSEPHINE P. BEEMAN

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Party's Name: May Farms, Ltd.

Attorney's Name and Address
Josephine P. Beeman
DILLION BOSCH DAW & BOCK Chtd.
Fidelity Building
242 N. 8th Street, Suite 200
Boise, Idaho 83702

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

In Re: SRBA	)	
	)	Case No. 36-00021
Case No. 39576	)	
	)	**RESPONSE TO GISLER OBJECTION**
	)	

I. GENERAL INFORMATION

1. Person responding to objection:

   Name: May Farms, Ltd.

   Address: 3509 South 2400 East
   Jerome, Idaho 83338

   Briefly describe your interest in this water right:

   May Farms, Ltd. ("May Farms") is a water claimant in reporting area 3 (Basin 36) who diverts from a common aquifer with the Harry R. Gisler ("Gisler").

2. Person who filed objection

   Name: Harry R Gisler

   Address: 108 Doral Drive
   Jerome, ID 83338

3. If this response is filed by an attorney:

   Attorney Name: Josephine P. Beeman

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Attorney Address: DILLION BOSCH DAW & BOCK Chtd.
Fidelity Building
242 N. 8th Street, Suite 200
BOISE, ID 83702

Attorney Phone No.: (208) 344-8990

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.

May Farms, Ltd.'s Response to Answer Affirmative Defenses and Prayer for Relief of Claimant

3. ☐ Quantity: I respond to the objection concerning:

   a. ☐ the total quantity of water used in cubic feet per second; or

5. ☐ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.

8. ☐ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.

9. ☐ Place of Use: I respond to the objection concerning:

   a. ☐ the legal description of the place of use; or

10. ☐ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

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

14. ☐ Other: I respond to the objection concerning:

All matters raised in the claimant's answer, affirmative defenses, and prayer for relief.

REASONS SUPPORTING EACH BOX CHECKED

A. Statement of Objection 1 In response to Statement of the Objections item 1, May Farms responds that IDWR will change the claimant's address on its records to that shown on the objection This, however, may not change the claimant's address on the records of the SRBA Court. The court

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has developed its "Sta[illegible]orm 3" to be used for reporting ma[illegible]rs such as address changes and changes in ownership. The claimant may need to file this form with the SRBA Court.

B. Statement of Objections 3 and 3.a. In response to Statement of Objections 3 and 3.a., and all allegations of the objection regarding those items, May Farms responds as follows: (1) IDWR recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402); (3) the recommendation of the Director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used. May Farms further responds that in the objection the claimant seeks to have the recommended quantity of stockwater changed to .09 cfs year round, as claimed. IDWR recommended .09 cfs for stockwater during the irrigation season of use, and 1.93 cfs for stockwater outside the irrigation season of use, to allow for conveyance losses when stockwater is not diverted with irrigation water.

C. Statement of Objection 5. In response to Statement of the Objection item 5, and all allegations of the objection regarding this item, May Farms responds as follows: There is an error in the description of the point of diversion of this right in the Director's Report. The recommendation should be corrected as shown in the attachment entitled "Recommended water Rights Acquired Under State Law."

D. Statement of Objection 8. In response to Statement of the Objection item 8, and all allegations of the objection regarding this item, May Farms responds as follows: The decree asserted by the claimant does not contain a period of use decreed for this water right. Idaho Code 42-1411(2)(g) requires the Director to determine the period of use of each water right acquired under state law that is recommended in the Director's report. IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree Fahrenheit frost. The irrigation season of use cannot exceed the period in which water may be

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beneficially used. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the Director's report.

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

E. Statement of Objections 9 and 9.a. In response to Statement of the Objection 9 and 9.a, and all allegations of the objection regarding those items, May Farms responds that the recommended water right accurately describes the place of use of the right. May Farms further responds that the claimant does not identify for which use the claimant seeks to increase the recommended place of use. IDWR found no irrigation use in the quarter-quarter the claimant seeks to have added to the place of use. However, IDWR recommended that quarter-quarter within its description of the place of use for stockwatering.

F. Statement of Objection 10. In response to Statement of the Objection item 10 and all allegations of the objection regarding this item, May Farms responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2) Idaho Code Sec. 42-1411(2)(I) requires the Director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the Director's report. (3) Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is

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used for irrigation, as provided for by Idaho Code Sec. 42-1401. (5) The recommendation of the Director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

G. Statement of Objection 11. In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, May Farms responds that IDWR has authority pursuant to Idaho Code Sec. 42-1411(2)(j) to include in its recommendations of water rights acquired under state law and recommended in the Director's Report "such other matters as are necessary to define the right." The remark or remarks objected to are necessary to adequately describe and define this water right.

H. Statement of Objection 14. In response to Statement of the Objection item 14, and all allegations of the objection regarding that item, see attached "May Farms, Ltd.'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," May Farms 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. 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

May Farms 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:

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Affidavit of Josephine P. Beeman	2 pages
May Farms, Ltd.'s Response to Answer Affirmative Defenses and Prayer for Relief of Claimant	4 pages

VERIFICATION

State of IDAHO)
: SS
County of ADA)

Ralph May being first duly sworn, upon oath, deposes and says:

I am a principal in May Farms Ltd., a party to this proceeding, as defined by I.C. § 42-1401A(1) and (7); that Josephine P. Beeman is my attorney in fact for these matters and is authorized to verify this response; and 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.

MAY FARMS LTD.

By: /S/
Ralph May

DILLION BOSCH DAW & BOCK, Chtd.

By: /S/
Josephine P. Beeman, Attorney signing in Representative capacity

Subscribed and sworn to before me this 18 day of August, 1995 .

/S/
Notary Public for _____
Residing at: _____
My Commission expires: _____

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CERTIFICATE OF MAILING

I hereby certify that on the 18th day of August, 1995, 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 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. Copies to:

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

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

Patrick D. Brown
HEPWORTH LEZAMIZ & HOHNHORST, Chtd.
P.O. Box 389
Twin Falls, ID 83303-0389

/S/
JOSEPHINE P. BEEMAN

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MOVANT'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)

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(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).

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In response to each of the items enumerated above Movant responds that pursuant to Section 4 a.(2)(c) of SRBA Administrative Order 1, Rules of Procedure, Movant generally denies each and every allegation, if any, contained in each enumerated portion of the attachment. Movant affirmatively responds that neither SRBA Administrative Order 1, Rules of Procedure, nor Title 42, Chapter 14, Idaho Code, make provision for Movant to affirm, amplify, or otherwise respond to the claimant's admissions, or to deny the claimant's denials, and that Movant 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, Movant further responds as follows:

Movant 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 Movant 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, Movant responds that such claims or agreements are not brought before this court by this objection.

Responding to the 27 affirmative defenses asserted in the attachment, Movant generally denies each and every affirmative defense asserted. Movant further responds that affirmative

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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, Movant 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, Movant responds as follows:

1. Movant 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. Movant 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. Movant denies that any acts upon its part constitute the taking of private property for which just compensation should be allowed and awarded.

4. Movant denies that the claimant is entitled to recover court costs and reasonable attorney fees.

5. Movant denies that the claimant by this objection has raised any claims 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.

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DEC 04 1996

Movant's Name
May Farms, Ltd.

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

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

In Re SRBA	)	Case No. 36-00021
	)	
Case No. 39576	)	**AFFIDAVIT OF JOSEPHINE BEEMAN**
	)	
	)	
	)	

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

1. I am the attorney for May Farms, Ltd., the Movant in this matter.

2. Attached are true and correct copies of documents maintained by the Idaho Department of Water Resources with respect to SRBA claim 36-00021.

DATED: August 18, 1995

/s/
Josephine Beeman

MICROFILMED
DEC 0 4 1996

STATE OF IDAHO)
) ss
County of Ada)

Subscribed and sworn before me on August 18, 1995.

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

MICROFILMED
DEC 04 1996

Movant's Name
May Farms Limited

Attorney's Name & Address
JOSEPHINE P. BEEMAN
C. A. DAW
Dillion, Bosch, Daw & Bock
Chartered
Fidelity Building
242 N. 8th St., Suite 200
Boise, ID 83702
Tel. (208) 344-8990
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

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

In Re SRBA	)	Case No. 36-00021
	)	
Case No. 39576	)	**MEMORANDUM IN SUPPORT OF MOTION TO FILE LATE RESPONSE (GISLER)**
	)	
	)	
	)	

INTRODUCTION

May Farms Limited, an Idaho corporation, (May Farms) submits this memorandum in support of its Motion to File Late Response. The Motion seeks the Court's permission to enter a late response on the objection of Harry R. Gisler ("Gisler") to the Director's Report regarding WR # 36-00021. The Court's Order of July 28, 1995, ("July 28th Order") regarding the Joint Motions for Amending Administrative Order 1 and for Expedited Hearing indicates that such motions may be made within 21 days of the July 28th Order. May Farms' motion is made within the 21 days and is accordingly timely.

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DEC 04 1996

The Court's July 28th Order also indicates that such motions will be granted or not according to criteria similar to those prevailing under I.R.C.P. 55(c) for setting aside a default (i.e. showing both good cause for untimeliness and the existence of a meritorious position.).

FACTUAL SITUATION

The Court's July 28th Order states the factual situation with respect to the basis for entry of the late response to objection by May Farms:

> The removal of IDWR and the Director as a party to the SRBA and all subcases necessitates special considerations for some parties to the adjudication. . . Based on the pleadings and party status of IDWR prior to the 1994 amendments to the SRBA statutes, some parties decided not to participate in certain subcases, choosing instead to rely on the Director's report and IDWR's defense of its pleading. . . Those parties who opted to rely on IDWR to litigate and advocate in favor of the Director's Report are unable to do so. Therefore it is necessary to provide a mechanism for parties to participate in subcases where participation is required due to the removal of the Director and IDWR as a party and the change in the status of the Director's Report as a pleading.

Movant is a party who relied on the IDWR to defend the Director's Report. See Affidavit of Ralph May, Secretary Treasurer of May Farms Limited.

There has been no effort by any party to bring the Gisler objection to trial. There is no discovery in the file and no indication that any progress has been made on the case by either Gisler or the Department (prior to the 1994 statutory amendments removing the Department as a party.)

Gisler has objected to the Director's Report with respect to his water right number 36-00021 in Basin 36. The source of the water is Billingsley Creek. The water right has a claimed priority date of March 30, 1884. The differences between the Director's Report and Gisler's objection is significant. Gisler claims 14.4 cfs (720 inches) for 212 irrigated acres, or 3.40 inches per acre.

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Following field examination the Director recommended 4.82 cfs (241 inches) for 149 acres including 1.84 cfs for conveyance losses. Cf. IDAHO CODE § 42-220. Reputable studies, including the Department's, indicate that the statutory standard of one inch per acre is sufficient, on average, to irrigate property such as Gisler's.

Gisler also claimed year-round irrigation use. The Director recommended March 15 to November 15. These facts, if established, would consitute a meritorious defense to the Gisler objection.

LEGAL BASIS FOR PERMITTING MAY FARMS' LATE RESPONSE

I. CRITERIA FOR PERMITTING LATE RESPONSE.

The Court's July 28th Order indicates that the criteria for determining whether to permit the late response will be similar to those under which motions under I.R.C.P. 55(c) to set aside a default will be determined. Such motions are within the sound discretion of the trial court and will not be reversed on appeal unless an abuse of discretion clearly appears. *Clear Springs Trout Company v. Anthony*, 123 Idaho 141, 845 P.2d 559 (1992). Judgments by default are not favored and there is a preference for setting them aside so that cases can be decided on the merits. *Baldwin v. Baldwin*, 114 Idaho 525, 757 P.2d 1244 (Ct. App. 1988) ("*Baldwin*"); *Gro-Mor, Inc. v. Butts,* 109 Idaho 1020, 712 P.2d 721 (Ct. App. 1985). Even in doubtful cases, relief from a default is favored. *Baldwin.* Since this response comes early in the history of this case, indeed, before any default has been entered, the motion should be granted.

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II. NECESSARY ELEMENTS OF MOTION.

In order to set aside a default under rule 55(c), there must be a showing of reasonable cause for the late pleading and a factual showing that if granted, a meritorious basis supporting the pleading exists. See, e.g., *McFarland v. Curtis*, 123 Idaho 931, 854 P.2d 274 (Ct. App. 1988). Cf., Court's Order of July 28th, p. 2. However, this is not to say that the existence of the meritorious basis for the pleadings should be subject to trial at this point. It is only necessary to plead facts which, if established at trial, would support the motion. *Baldwin*. A final determination of the validity of the facts is not appropriate at this stage and the general rule, even in doubtful cases, is to grant relief in order to reach a judgment on the merits. *Johnson v. Pioneer Title Co.*, 104 Idaho 727, 626 P.2d 1171.

A. Reasonable Cause Exists to Support the Late Filing of the Response.

The affidavit submitted in favor of the motion shows that May Farms reasonably relied on the IDWR to defend the Director's report. The facts of this subcase indicate that the Department's defense of the Report would be successful or would significantly reduce the rate of diversion from that claimed in the objection, without outside intervention.

B. The Facts in the Supporting Affidavit, the Department's File and in the Proposed Response Provide a Meritorious Basis for Opposing the Objection. The Affidavit of Ralph May establishes the factual basis for the proposed response to the Gisler objection. This affidavit incorporates the Department's file on the objection. The facts outlined above, if established at trial, demonstrate good cause for the granting a water right according to the diversion rate recommended in the Director's Report and for rejecting the diversion rate claimed in the objection. There is a

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DEC 04 1996

significant discrepancy between the Director's Report and Gisler's objection in the acreage subject to irrigation and the amount of water necessary to irrigate the claimed acreage. Gisler's objection claim exceeds three inches of water per acre of ground. Reputable studies indicate that the statutory standard of one inch per acre is sufficient, on average, to irrigate property such as Gisler's. Cf. IDAHO CODE § 42-220.

III. GRANTING THE MOTION WILL NOT PREJUDICE GISLER.

The issue of whether to grant leave to file a late response involves a consideration of the prejudice to Gisler if the motion is granted. *Traguth v. Zuck*, 710 F.2d 90 (2d Cir. 1983); *Meehan v. Snow*, 652 F.2d 1074 (2d Cir. 1981); *Cribb v. Matlock Communications, Inc.*, 236 Montana 27, 768 P.2d 337 (1989). However, the prejudice to be considered must based on some other ground than the mere allowance of the late response and the direct consequences flowing therefrom. See, *In re: General Determination of Rights to the Use of Surface and Ground Waters of the Payette River Drainage Basin*, 107 Idaho 221, 687 P.2d 1348 (1984); *Johnson v. Noland*, 78 Idaho 642, 308 P.2d 588 (1957); Otherwise no later response would ever be allowed.

Since no progress has been made in this subcase, there is no prejudice uniquely attributable to permitting the late response vis' a vis' a timely response of identical dimensions. Accordingly, the May Farms motion for leave to enter a late response should be granted.

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CONCLUSION

May Farms motion should be granted and the May Farms Response to Gisler's objection should be entered as a pleading in this matter.

Respectfully submitted,

Dillion, Bosch, Daw & Bock
Chartered

by: /s/
Josephine P. Beeman, of the firm

by: /s/
C. A. Daw, of the firm

MICROFILMED
DEC 0 4 1996

Movant's Name
May Farms Limited

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

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

In Re SRBA	)	Case No. 36-00021
	)	
Case No. 39576	)	**AFFIDAVIT OF RALPH**
	)	**MAY IN SUPPORT**
	)	**OF MEMORANDUM**
	)	

Ralph May, duly sworn on oath, states as follows:

1. I am an officer of May Farms Limited, the Movant in this matter.

2. May Farms Limited is the owner of water rights located in Basin 36 of the Snake River Basin Adjudication ("SRBA").

3. Harry R. Gisler ("Gisler") has objected to the Director's Report with respect to his water right number 36-00021 in Basin 36. The source of the water is Billingsley Creek. The water right has a claimed priority date of March 30, 1884. The differences between the Director's Report and Gisler's objection is significant. Gisler claims 14.4 cfs (720 inches) for 212 irrigated acres, or

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DEC 0 4 1996

3.40 inches per acre. Following field examination the Director recommended 4.82 cfs (241 inches) for 149 acres including 1.84 cfs for conveyance losses. Cf. IDAHO CODE § 42-220. Reputable studies, including the Department's, indicate that the statutory standard of one inch per acre is sufficient, on average, to irrigate property such as Gisler's.

4. Gisler also claimed year-round irrigation use. The Director recommended March 15 to November 15. These facts, if established, would consitute a meritorious defense to the Gisler objection.

5. Based on the pleadings and party status of IDWR prior to the 1994 amendments to the SRBA statutes, May Farms Limited decided not to participate in this subcase, choosing instead to rely on the Director's report and IDWR's defense of its pleading. The facts of this situation show that the IDWR, had it remained a party to this subcase, would have been, without substantial outside assistance, able to defend its report and significantly reduce the claimed diversion rate by Gisler.

6. With the removal of IDWR and the Director as a party to the SRBA and all subcases, parties such as May Farms Limited who opted to rely on IDWR to litigate and advocate in favor of the Director's Report are unable to do so.

DATED: August 18, 1995

/s/
Ralph May, partner

STATE OF IDAHO)
) ss
County of Ada)

Subscribed and sworn before me on August 18, 1995.

/s/
Notary Public for Idaho

MICROFILMED
DEC 04 1996

Residing at Boise, Idaho
Commission Expires: _____

MICROFILMED
DEC 04 1996

AJ5856NP

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

DATE: AUG-29-1995
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM	TO	MAXIMUM QUANTITY		BASIS OF CLAIM
	SOURCE: BILLINGSLEY CREEK		TRIBUTARY: SNAKE RIVER					
36-00021	HARRY R GISLER 755 E 2800 S RT 1 HAGERMAN ID 83332	03/30/1884	IRRIGATION	03-15	11-15	4.82	CFS	DECREED
			STOCKWATER	03-15	11-15	.09	CFS	
			STOCKWATER	11-16	03-14	1.93	CFS	
			TOTAL QUANTITY:			4.82	CFS	
			CONSUMPTIVE USE:			447.0	AFY	

NON-IRRIGATION-USES:
STOCK, 400 HEAD OF CATTLE/CALVES
POINT OF DIVERSION:
T07S R13E S11 NWSENE [redacted]
PLACE OF USE: IRRIGATION

T07S R13E S21	Lot 6	(NESE)	10.0	Lot 9	(SESE)	28.0		
S22		NESW	9.0		NWSW	13.0	SWSW	37.0
S27		NWNW	32.0					
S28		NENE	20.0					

149.0 ACRES TOTAL
PLACE OF USE: STOCKWATER

T07S R13E S21	Lot 6	(NESE)	Lot 9	(SESE)		
S22		NESW		NWSW	SWSW	
S27		NWNW				
S28		NENE	Lot 1	(NWNE)		

PLACE OF USE: STOCKWATER
SAME AS OTHER USE
REMARKS: 1.84 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
WATER IS DELIVERED THROUGH BELL DITCH.

RECEIVED
AUG 25 1995
Department of Water Resources
Adjudication Bureau

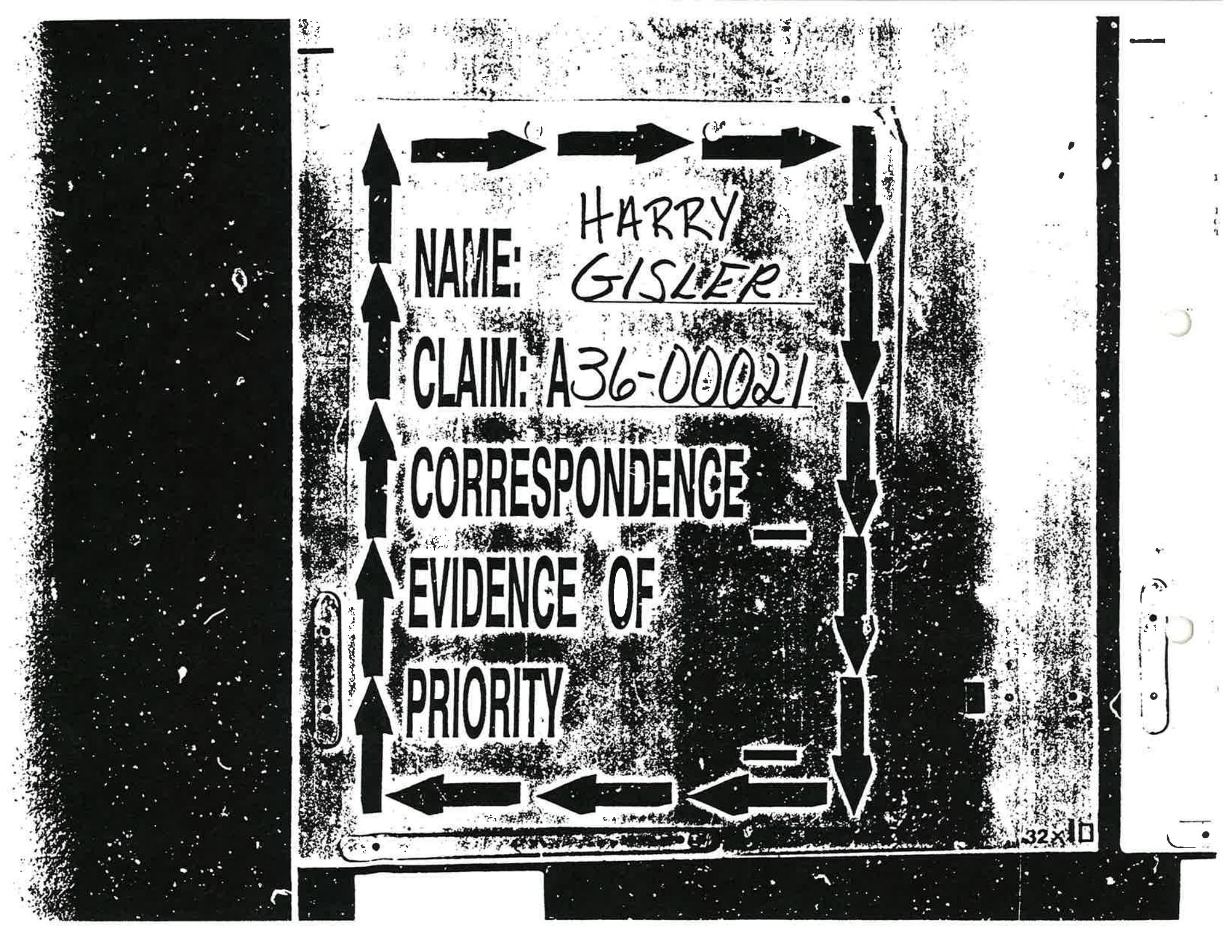
08/18/1995 03:52 3275400 IDWR PAGE 03

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM	PERIOD OF USE TO	MAXIMUM QUANTITY		BASIS OF CLAIM
	SOURCE: BILLINGSLEY CREEK		TRIBUTARY: SNAKE RIVER					
36-00021	HARRY R GISLER 755 E 2800 S RT 1 HAGERMAN ID 83332	03/30/1884	IRRIGATION	03-15	11-15	4.82	CFS	DECREED
			STOCKWATER	03-15	11-15	.09	CFS	
			STOCKWATER	11-16	03-14	1.93	CFS	
				TOTAL QUANTITY:		4.82	CFS	
				CONSUMPTIVE USE:		447.0	AFY	

NON-IRRIGATION-USES:
STOCK, 400 HEAD OF CATTLE/CALVES
POINT OF DIVERSION:
T07S R13E S11 NWNENE
PLACE OF USE: IRRIGATION

T07S R13E S21 Lot 6 (NESE)10.0 Lot 9 (SESE)28.0
S22 NESW 9.0 NWSW 13.0 SWSW 37.0
S27 NWNW 32.0
S28 NENE 20.0
149.0 ACRES TOTAL
PLACE OF USE: STOCKWATER

T07S R13E S21 Lot 6 (NESE) Lot 9 (SESE)
S22 NESW NWSW SWSW
S27 NWNW
S28 NENE Lot 1 (NWNE)
PLACE OF USE: STOCKWATER
SAME AS OTHER USE
REMARKS: 1.84 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
WATER IS DELIVERED THROUGH BELL DITCH.


NAME: HARRY GISLER
CLAIM: A36-00021
CORRESPONDENCE
EVIDENCE OF
PRIORITY
32x10

RECEIVED

APR 01 1992

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 THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00021
Date Received: 9/16/1988
Receipt No: 8002259
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

AMENDED

1. Name: HARRY R. GISLER 208-837-4894
   Address: 755 E. 2800 S.
   RT. 1
   HAGERMAN ID #3332

2. Date of Priority: MAR 30, 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	NE	SW	NE		GOODING
		22	SW	NW	SE		GOODING

5. Description of diverting works:
   VIA E. M. BELL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	14.400		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 536.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   5/40C HEAD OF CATTLE/CALVES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	21	NE	SE	6	IRR	10.0

32x10

EIVED

0 1 1992

Water Resources

STATE OF IDAHO,

NUMBER: 39576

ber: A36-00021

ved: 9/16/1988

: 9002259

y: Cur

AMENDED

208-837-4894

RIVER

County
GOODING
GOODING

or) A.F.A.

Amount.

Acres
10.0

03/19/92

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	13E	21	NE	SE	6	STOCK	
			SE	SE	9	IRR	40.0
			SE	SE	9	STOCK	
						Section Acres	50.0
		22	NE	SW		STOCK	
			NE	SW		IRR	9.0
			NW	SW		IRR	13.0
			NW	SW		STOCK	
			SW	SW		IRR	40.0
			SW	SW		STOCK	
						Section Acres	62.0
		27	NW	NW		IRR	40.0
			NW	NW		STOCK	
						Section Acres	40.0
		28	NE	NE		IRR	40.0
			NE	NE		STOCK	
			NW	NE		IRR	20.0
			NW	NE		STOCK	
						Section Acres	60.0
						Total Acres	212.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS AMOUNT OF WATER IS NEEDED ON THE PROPERTY FOR SEVERAL REASONS: (1) WITH THE LENGTH OF THE BELL DITCH, THERE IS A LOT OF LOSS FROM EVAPORATION AND SEEPAGE FROM THE DIRT DITCH ITSELF. (2) THE PROPERTY THAT IS IRRIGATED IS VERY SANDY IN NATURE. (3) THE DITCH PASSES OVER LAVA FLOWS AND THERE ARE SINK HOLES THAT CANNOT BE FILLED, WHICH ALSO CAUSE LOSS IN WATER. CLAIM IS FOR ENTIRE AMOUNT OF THE WATER RIGHT 36-00021 AS DECREED AND NO SPLIT HAS OCCURRED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
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 ____ 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): Harry R. Gisler Date: 3-27-92

_____ Date: _____

State of Idaho Arizona)
) ss.
County of Gooding Maricopa)

Subscribed and sworn (or affirmed) before me this 27 day of March 19 92

_____
Notary Public

Seal

Residing at 9002 E. Riggs Rd

My Commission Expires 6-5-93

OFFICIAL SEAL
TERI L. MILLER
NOTARY PUBLIC - STATE OF ARIZONA
MARICOPA COUNTY
My Comm. Expires June 5, 1993

32x10

32x10

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: A36-00021B
Date Received:
Receipt No: 8002259
Received By:

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: HARRY R. GISLER 208-837-4894
   Address: 755 E. 2800 S., RT. 1
   HAGERMAN, ID 83332

2. Date of Priority: MAR 30, 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	NE	SW	NE		GOODING
		22	SW	NW	SE	R	GOODING

5. Description of diverting works:
   VIA E. M. BELL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	10.400		
STOCKWATER	01/01	12/31	0.890		

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

8. Total consumptive use is 636.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   5/400 HEAD OF CATTLE/CALVES

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	21	NE SE	6	IRR	10.0

A36-00021B Page Date: 12/02/89

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	13E	21	NE	SE	9	STOCK	
			SE	SE	9	IRR	40.0
			SE	SE	9	STOCK	
						Section Acres	50.0
		22	NE	SW		STOCK	
			NE	SW		IRR	9.0
			NW	SW		IRR	13.0
			NW	SW		STOCK	
			SW	SW		IRR	48.0
			SW	SW		STOCK	
						Section Acres	62.0
		27	NW	NW		IRR	40.0
			NW	NW		STOCK	
						Section Acres	40.0
		28	NE	NE		IRR	40.0
			NE	NE		STOCK	
			NW	NE	1	IRR	20.0
			NW	NE	1	STOCK	
						Section Acres	60.0
						Total Acres	212.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS AMOUNT OF WATER IS NEEDED ON THE PROPERTY FOR SEVERAL REASONS: (1) WITH THE LENGTH OF THE BELL DITCH, THERE IS A LOT OF LOSS FROM EVAPORATION AND SEEPAGE FROM THE DIRT DITCH ITSELF. (2) THE PROPERTY THAT IS IRRIGATED IS VERY SANDY IN NATURE. (3) THE DITCH PASSES OVER LAVA FLOWS AND THERE ARE SINK HOLES THAT CANNOT BE FILLED, WHICH ALSO CAUSE LOSS IN WATER.

15. Basis of Claim: DECREED

32x10

Case Number:
Court :
Decree date:

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

-s-

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 ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) ss.
County of _____)

Subscribed and sworn (or affirmed) before me this ____ day of _____ 19 ____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

Form No. 43-1409 (2) a 1/88

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
[illegible] SNAKE RIVER BASIN

CIVIL CASE NUMBER: 39356

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM

Ident. Number: A36-00021B

Date Received: [illegible]

Receipt Number: 1500225?

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (a) HARRY R. GISLER Phone (208) 837-4895

   Mailing Address 755 E 2800 N, Route #1, Hagerman, Idaho 83332

2. Date of Priority (Only one (1) per claim) March 30, 1884

3. Source of water supply (a) Billingsley Creek via Bell Ditch
   which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 7 South, Range 13 East Section 21,
   NE 1/4 of SW 1/4 of NE 1/4, Govt. Lot ____, B.M., County of Gooding

   Additional points of diversion if any: Re-diverted from Bell Ditch at point of Section 21, Township 7 South, Range 13 East, B.M.

   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. From the diversion at the Bell Ditch on the bank of Billingsley Creek, the water flows in a Southeasterly direction approximately 3½ miles via the Bell Ditch to the subject property. Once the water is on the property, the land is irrigated by the use of flood irrigation and a sprinkler system.

32x10

32x10

6. Water is claimed for the following purposes: (both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from Mar. 15 to Nov. 15 amount 10.40 or

For Stockwater purposes from Jan. 1 to Dec. 31 amount 0.09 or

For _____ purposes from _____ to _____ amount _____ or

For _____ purposes from _____ to _____ amount _____ or

7. Total quantity claimed (a) 10.40 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 636 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) At times, there are 300 to 400 head of cattle or calves on the property.

10. Description of place of use:
a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. 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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7 S	13 E	21													S-10			S-40	50
7 S	13 E	22									S-9	S-13 S-40							62
7 S	13 E	27						S-40											40
7 S	13 E	28	S-40	Lot 1 S-20															60

Total number of acres irrigated 212 acres

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

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.
_____ Water Right Name (s)

14. Remarks:
This amount of water is needed on the property for several reasons: (1) With the length of the Bell Ditch, there is alot of loss from evaporation and seepage from the dirt ditch itself. (2) The property that is irrigated is very sandy in nature. (3) The ditch passes over lava flows and there are sink holes that cannot be filled, which also causes loss in water.

Last Name CISLER, HARRY Ident No. _____ Claim(s) Water Right(s) Follow Instructions

15. Basis of Claim (check one) Beneficial Use ____ Posted Notice ____ License ____ Permit ____
Decree X

If applicable provide IDWR Water Right Number 36-0021 (Part Of)

Court U.S. District Court Case Number 1602 Decree Date March 22, 1932

Plaintiff vs Defendant Nav International Mortgage Bank vs Idaho Power Company

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 One (1)

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

Signature of Claimant (s) Harry R Gisler Date 7-29-88

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 ____ } SS.
County of Gooding }

Subscribed and sworn (or affirmed) before me this 29th day of July 19 88

SEAL

Notary Public Clifton Jones

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, ____ 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

Address

Date

Last Name GISLER, HARRY Ident. Number

Circle White Copy, Yellow Claimant

32x10

Map of Project: s

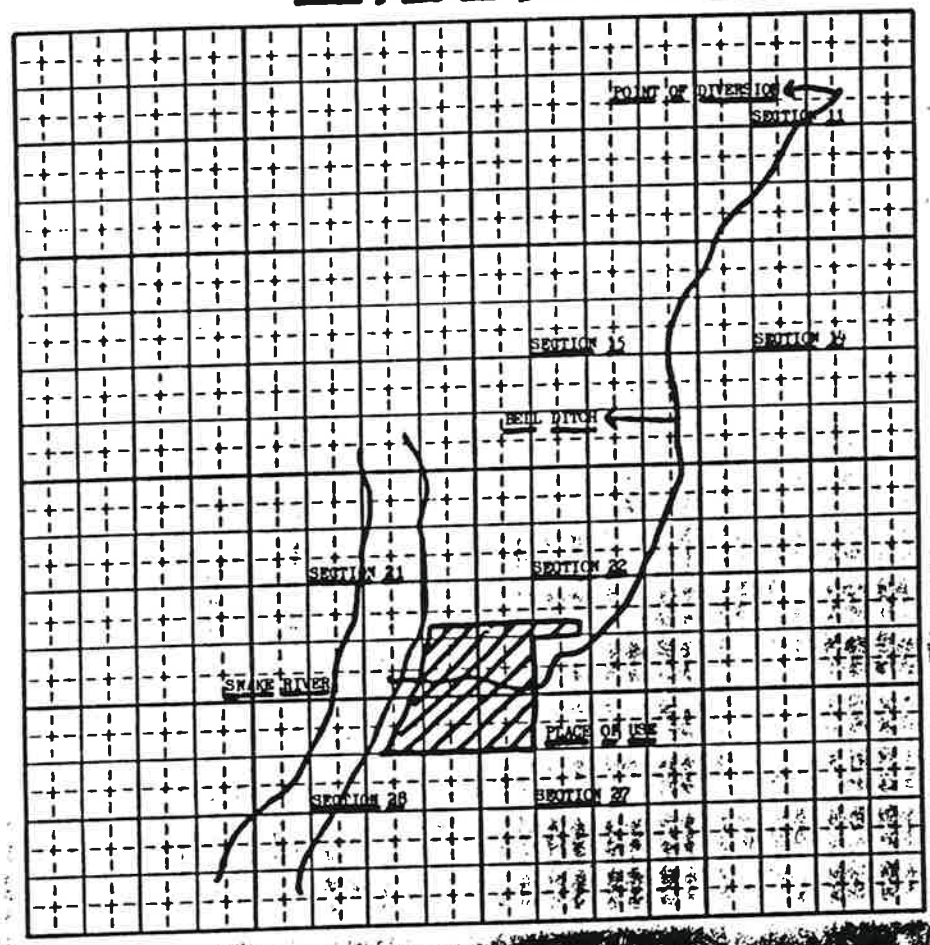
Scale: 2 Inches e

Last Name

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

Scale: 2 inches equals 1 mile

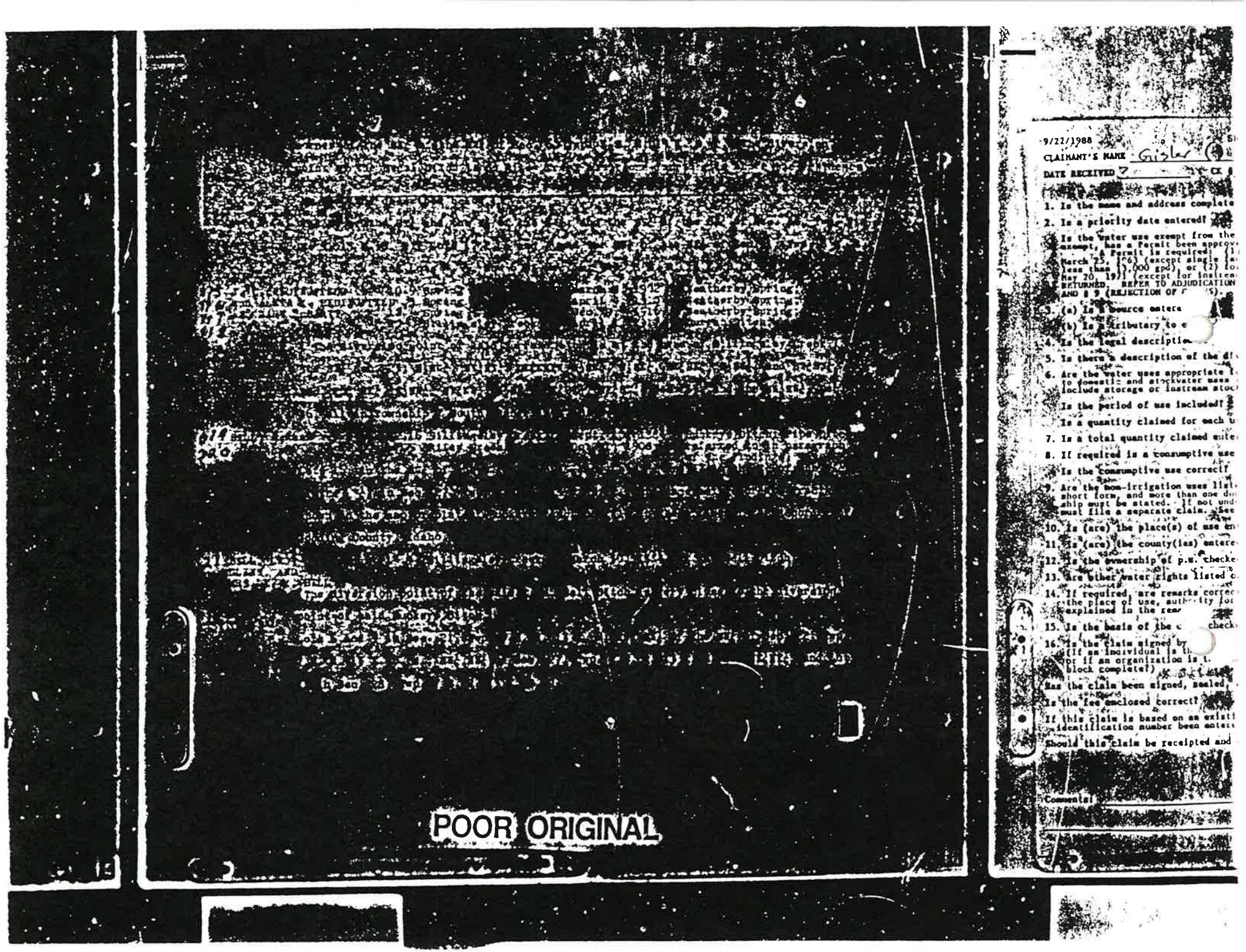
TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN



Last Name GISLER, HARRY Ident No.

32x10

32x10



9/22/1988

CLAIMANT'S NAME Gisler

DATE RECEIVED 7

1. Is the name and address complete

2. Is a priority date entered?

Is the water use exempt from the
exempt, has a Permit been approv
A Permit is required: (1
March 25, 1966 (except single
less than 15,000 gpd), or (2) fo
May 20, 1971 (except for instre
RETURNED. REFER TO ADJUDICATION
AND # 9 (REJECTION OF

3. (a) Is a source entere

(b) Is a tributary to e

4. Is the legal descriptio

5. Is there a description of the d

6. Are the water uses appropriate
to domestic and stockwater uses
include storage or instream stoc

Is the period of use included?

Is a quantity claimed for each u

7. Is a total quantity claimed ente

8. If required is a consumptive use

Is the consumptive use correct?

9. Are the non-irrigation uses lis
short form, and more than one d
ship must be stated. If not und
must file a separate claim. See

10. Is (are) the place(s) of use en

11. Is (are) the county(ies) entere

12. Is the ownership of p.u. checke

13. Are other water rights listed o

14. If required, are remarks correc
the place of use, auth ity for
explained in the rem

15. Is the basis of the c check

16. Is the claim signed by
(If an individual is t
or if an organization is t
block complete?)

Has the claim been signed, sealed,

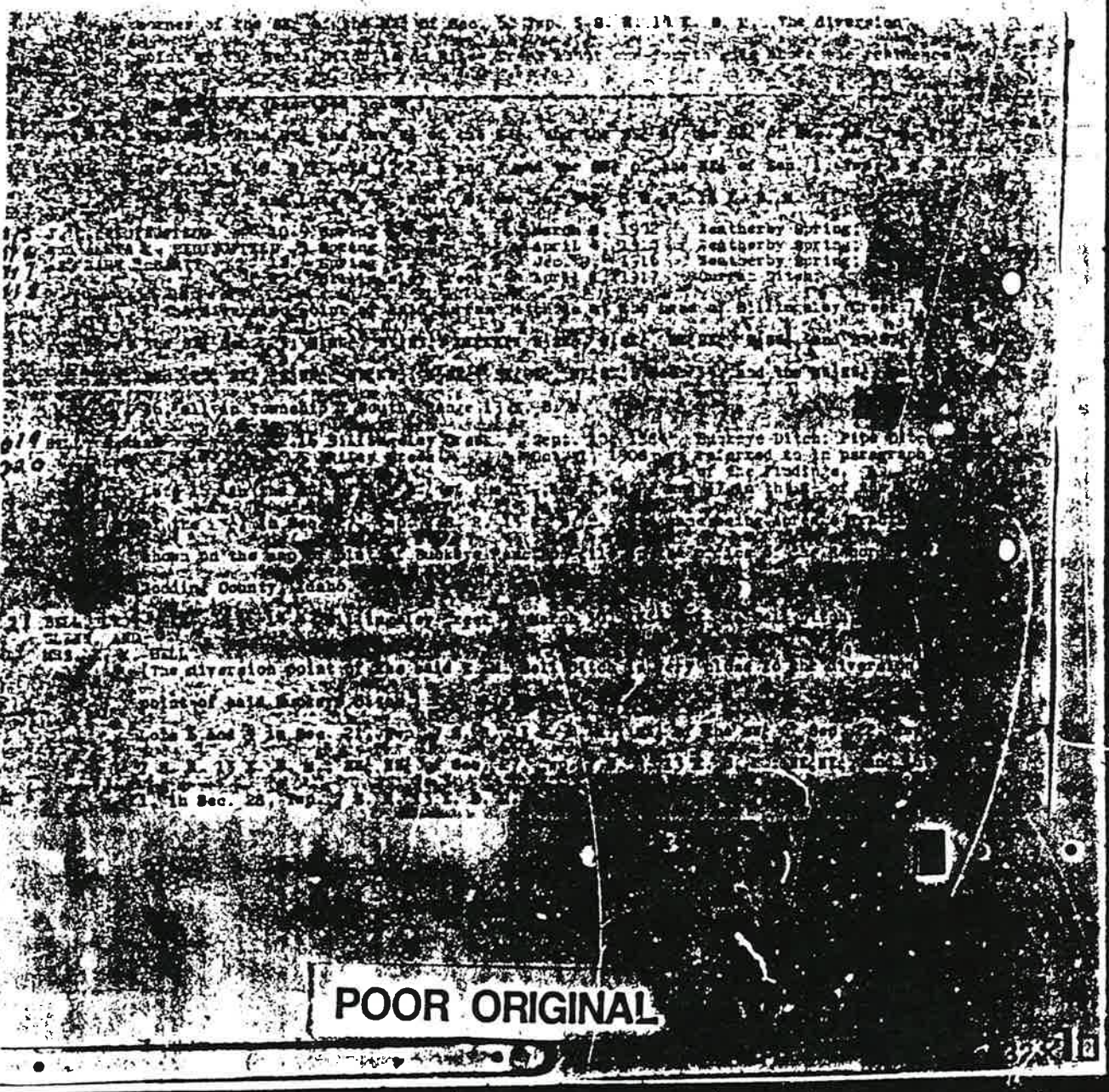
Is the fee enclosed correct?

If this claim is based on an existi
identification number been enter

Should this claim be receipted and

Comments:

POOR ORIGINAL



POOR ORIGINAL

9/22/1988

CLAIMANT'S NAME Gisler (

DATE RECEIVED ?

1. Is the name and address complete

2. Is a priority date entered?

Is the water use exempt from the exempt, has a Permit been approv A Permit is required (March 25, 1966 (except single l less than 13,000 gpc) or (2) l May 20, 1971 (except for instre RETURNED. REFER TO AD ICATIO AND 19 (REJECTION OF S).

3. (a) Is a source enter

(b) Is a tributary to

4. Is the legal description of

5. Is there a description of the d

6. Are the water uses appropriate to domestic and stockwater uses include storage or instream sto

Is the period of use included?

Is a quantity claimed for each

7. Is a total quantity claimed ent

8. If required is a consumptive us

Is the consumptive use correct?

9. Are the non-irrigation uses lis short form, and more than one d ship must be stated. If not un must file a separate claim. Se

10. Is (are) the place(s) of use e

11. Is (are) the county(ies) enter

12. Is the ownership of p.u. check

13. Are other water rights listed

14. If required, are remarks corre the place of use, au ty fo explained in the re)

15. Is the basis of the chec

16. Is the claim signed b (If an individual is the or if an organization is t block complete?) . . . .

Has the claim been signed, sealed,

Is the fee enclosed correct?

If this claim is based on an exist identification number been ente

Should this claim be receipted and

Comments: _____

corner of the SE¼ of the NW¼ of Sec. 5, Twp. 7 S. R. 14 E. B. M. The diversion

point of the Rural Water Ditch is in Riley Creek [illegible] the residence

[illegible]

[illegible] and the E½ of the SE¼, and the SW¼ of the SE¼ of Sec. [illegible]

[illegible] and Lots 3, 4, and 5 of Sec. 6, Twp. 8 S. R. 14 E. B. M.

115 J. [illegible] Patterson 10.9 Spring March 8, 1972 Leatherby Spring;
116 and Alta K. [illegible] Spring April 8, 1913 Leatherby Spring;
117 [illegible] 13. Spring Dec. 9, 1916 Leatherby Spring;
118 [illegible] Billingsley Creek April 1, 1917 Durrer Ditch.

(The diversion point of said Durrer Ditch is at the head of Billingsley Creek.)

The NE¼ NE¼, S½ NE¼, NW¼, Northerly 8 Acres of the E½ SE¼, NE¼ SW¼, and the SE¼ SW¼, Sec. 33, and the W½ NW¼, Sec. 34, all in Township 7 South, Range 13 E. B. M.

219 Bell Ditch 2.15 Billingsley Creek Sept. 10, 1954 Buckeye Ditch; Pipe Ditch
220 [illegible] Riley Creek Oct. 1, 1908 referred to in paragraph 7 of the Findings.

Lot 19, in the NE¼ of the NW¼, and Lots 37 and 38 in the E½ of the W½ of the NW¼ in Sec. 27, Twp. 7 S. R. 13 E. B. M., the same being Acreage Tracts shown on the map or plat of Buckeye Reduction file in the office of the Recorder of Gooding County, Idaho.

221 SE¼ NE¼, E½ SE¼ SW¼ Billingsley Creek March 30, 1954 E. M. Bell Ditch;
NE¼ SE¼, AND
NE¼ SE¼ SE¼.
(The diversion point of the said E. M. Bell Ditch is very close to the diversion point of said Buckeye Ditch.)

Lots 2 and 3 in Sec. 21, Twp. 7 S. R. 13 E. B. M.; SE¼ of the SW¼ of Sec. 22, Twp. 7 S. R. 13 E. B. M.; NE¼ NE¼ of Sec. 27, Twp. 7 S. R. 13 E. B. M.; NE¼ NE¼, and Lot 1, in Sec. 28, Twp. 7 S. R. 13 E. B. M.

POOR ORIGINAL

32×10

32×10

9/22/1988 S
CLAIMANT'S NAME Gisler (
DATE RECEIVED ? CK #

1. Is the name and address complete
2. Is a priority date entered?
Is the water use exempt from the exempt, has a Permit been approv
A Permit is required: (1 March 25, 1963 (except single fa less than 13,000 gpd) or (2) fo May 20, 1971 (except for instrea RETURNED. REFER TO ADJUDICATION AND § 9 (REJECTION OF S).
3. (a) Is a source entere
(b) Is a tributary to
4. Is the legal description of
5. Is there a description of the d
6. Are the water uses appropriate f to domestic and stockwater uses include storage or instream stoc
Is the period of use included?
Is a quantity claimed for each u
7. Is a total quantity claimed ente
8. If required is a consumptive use
Is the consumptive use correct?
9. Are the non-irrigation uses list short form, and more than one do ship must be stated. If not und must file a separate claim. See
10. Is (are) the place(s) of use en
11. Is (are) the county(ies) entere
12. Is the ownership of p.u. checke
13. Are other water rights listed o
14. If required, are remarks correct the place of use, auth y for explained in the rem
15. Is the basis of the cl heck
16. Is the claim signed by (If an individual is the c or if an organization is the cl block complete?)
Has the claim been signed, sealed,
Is the fee enclosed correct?
If this claim is based on an existi identification number been entere
Should this claim be receipted and

Comments: _____

9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Gisler (_____ CLAIM ENT. NO. A36-00021B

DATE RECEIVED ? _____ CK # 5002259 AMOUNT $ 481

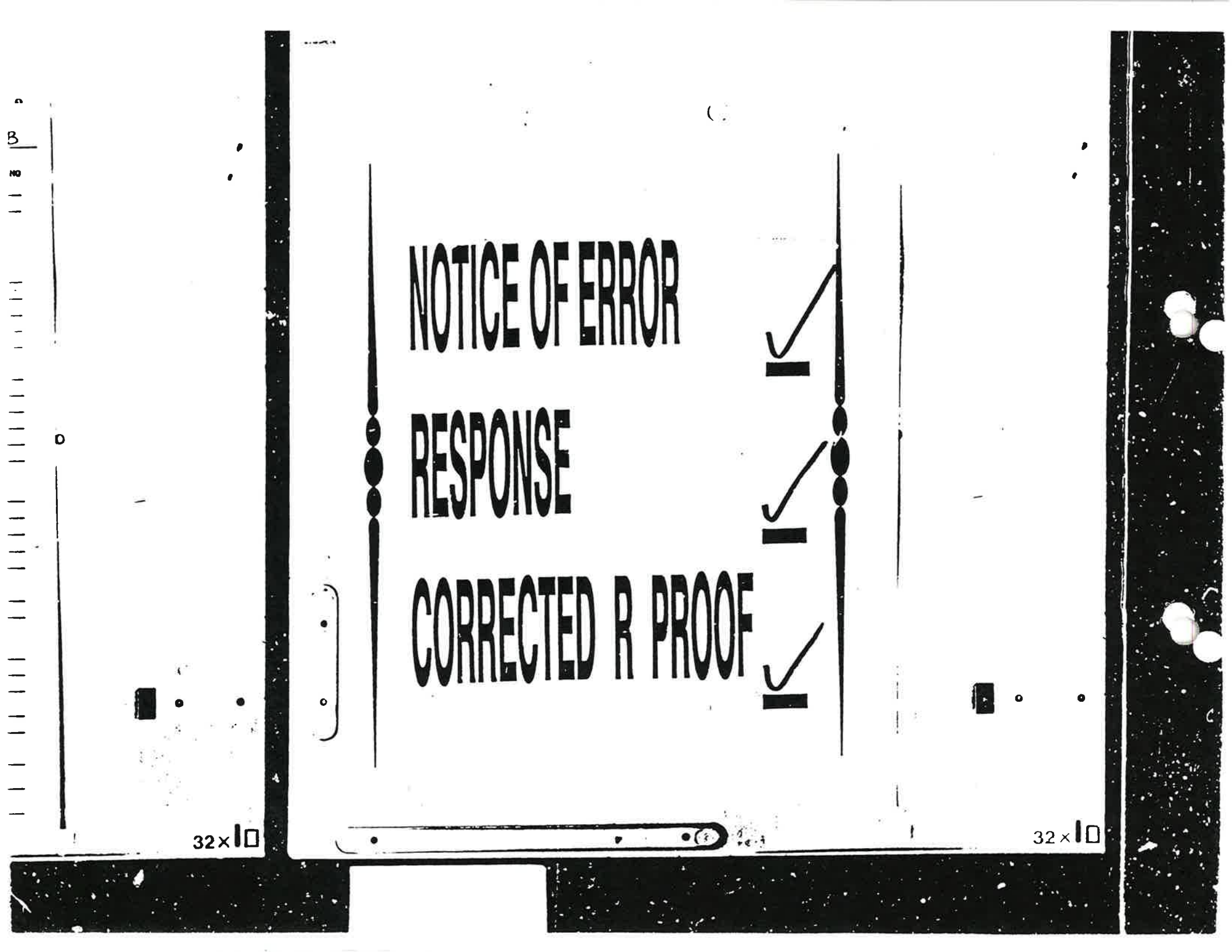
	YES	NO
1. Is the name and address complete with zip code?	X	
2. Is a priority date entered?	X	
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.	X	
3. (a) Is a source entered?	X	
(b) Is a tributary to entered? (if required) N/A ___	X	
4. Is the legal description of the p.d. sufficient?	X	
5. Is there a description of the diverting works?	X	
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.	X	
Is the period of use included?	X	
Is a quantity claimed for each use?	X	
7. Is a total quantity claimed entered?	X	
8. If required is a consumptive use entered? N/A ___	X	
Is the consumptive use correct? N/A ___	X	
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, each household must file a separate claim. See Adjudication Memo # 4.	X	
10. Is (are) the place(s) of use entered?	X	
11. Is (are) the county(ies) entered?	✓	
12. Is the ownership of p.u. checked?	X	
13. Are other water rights listed or "none" checked?	X	
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 checked?	X	
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	X	
Has the claim been signed, sealed, and dated by a notary?	X	
Is the fee enclosed correct?	X	
If this claim is based on an existing water right, has the identification number been entered? N/A ___	X	
Should this claim be receipted and data entered?	X	

Claim checked by: Pat

Comments: _____

32 x 10

32 x 10


NOTICE OF ERROR
RESPONSE
CORRECTED R PROOF

NOTICE OF ERROR FORM

RECEIVED
SEP 21 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: 36-00021

2 Name: Harry R. Gisler

Address: 105 Doral Dr.
Jerome, Idaho 83338

Weekday Telephone Number:
208-324-6944 or 602-845-7583

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

32×10

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

3 Describe the portion of proposed recommendation with which you disagree:
the amount of water. Water comes from irrigate Hamilton Ranch

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

5. Describe why you disagree with the proposed recommendation:
Part of the farmable acres is flow sand it does not take more water than hard ground about 20 acres.

6 Date: 9/17/92

SIGNATURE Harry R. Gusler

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

OCTOBER 13, 1992

· HARRY R. GISLER
· 108 DORAL DRIVE
· JEROME, ID 83338

RE: NOTICE OF ERROR FOR DIVERSION AMOUNT
WATER RIGHT NO.: 36-00021

DEAR MR. GISLER:

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 QUESTIONS THE BASIS FOR RECOMMENDATION OF AN AMOUNT THAT IS LESS THAN THE AMOUNT SHOWN IN A PREVIOUS DECREE.

UNDER IDAHO LAW, A WATER RIGHT IS LIMITED TO THE AMOUNT OF WATER BENEFICIALLY USED FOR THE PURPOSES FOR WHICH THE WATER RIGHT WAS ESTABLISHED. THE AMOUNT OF WATER BENEFICIALLY USED IS LIMITED TO THE AMOUNT THAT IS ACTUALLY USED AND IS REASONABLY REQUIRED. FOR IRRIGATION PURPOSES, A REASONABLE AMOUNT IS THE AMOUNT REQUIRED USING IRRIGATION METHODS THAT ARE REASONABLY EFFICIENT UNDER CURRENT CIRCUMSTANCES. IF THE AMOUNT OF A WATER RIGHT SHOWN IN A DECREE IS GREATER THAN THE AMOUNT THAT IS BENEFICIALLY USED, THEN THE PORTION THAT IS NOT BENEFICIALLY USED IS FORFEITED.

THE AMOUNT PROPOSED TO BE RECOMMENDED FOR YOUR CLAIM IS BASED ON THE AMOUNT OF WATER DETERMINED TO BE BENEFICIALLY USED FOR THE RECOMMENDED USES, BASED ON AVAILABLE DATA AND CURRENT METHODS OF ANALYSIS.

IF YOU STILL DISAGREE WITH IDWR'S RECOMMENDATIONS, YOU WILL HAVE AN OPPORTUNITY TO FILE AN OBJECTION TO THE DIRECTOR'S REPORT WITH THE COURT. WHEN THE DIRECTOR'S REPORT IS FILED WITH THE COURT, YOU WILL BE MAILED A NOTICE THAT WILL CONTAIN MORE INFORMATION ABOUT THE OBJECTION PROCESS. 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 SHARED WITH THE WATER USERS.

SINCERELY,

Robert W. Worstell

WATER AGENT

32 × 10

32 × 10

AJ0743MP
(09-124)

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

[redacted] Page 1

Water Right Number [redacted] Profile Translations: RESEARCH Old (B) Number -

Last Name | First Name | Address

*** C - CURRENT OWNER ***
GIBLER BARRY R
1 - 755 E 3000 S
2 -
3 - RT 1
City- BASEHAM State- ID Zip- 83332
Phone - 208-837-4894

Priority Date: 05/30/1884 | Region: 17 SOUTHERN | [redacted] | Status:

Source: BILLINGSLEY CREEK
Tributary: SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	Mrig	County
07S	13E	11	NW NE NE		(47)	BOONDNG

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	4.820	
04	STOCKWATER	04/01	10/31	0.090	
04	STOCKWATER	11/01	03/31	1.950	

Total Div. Rate: 4.820 | Total Div. Volume: | Total Consumptive Use: 447.0 | CU Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	21	[redacted]	6	10.0	01	IRRIGATION	(47) BOONDNG
07S	13E	21	[redacted]	9	28.0	01	IRRIGATION	(47) BOONDNG
07S	13E	22	[redacted]		9.0	01	IRRIGATION	(47) BOONDNG
07S	13E	22	[redacted]		13.0	01	IRRIGATIO	(47) BOONDNG
07S	13E	22	[redacted]		37.0	01	IRRIGATION	(47) BOONDNG
07S	13E	27	[redacted]		32.0	01	IRRIGATION	(47) BOONDNG
07S	13E	28	[redacted]		20.0	01	IRRIGATION	(47) BOONDNG
07S	13E	21	[redacted]	6		04	STOCKWATER	(47) BOONDNG
07S	13E	21	[redacted]	9		04	STOCKWATER	(47) BOONDNG
07S	13E	22	[redacted]			04	STOCKWATER	(47) BOONDNG
07S	13E	22	[redacted]			04	STOCKWATER	(47) BOONDNG
07S	13E	22	[redacted]			04	STOCKWATER	(47) BOONDNG
07S	13E	27	[redacted]			04	STOCKWATER	(47) BOONDNG
07S	13E	28	[redacted]			04	STOCKWATER	(47) BOONDNG
07S	13E	28	[redacted]	1		04	STOCKWATER	(47) BOONDNG

Total Acres: 149.0

changed season of use for stockwater to agree with IDW decree 10-21-92 KKC

32×10

AJ0743MP
(09-124)

Water right number - 436-000

Diversion Means - VIA

Non-Irrigation Use - S

Other Rights for Same

3600021

Decree
NEW INTERNATIONAL

Date: 04/20/1992 User Id: CAM
THIS WR IS SPLIT:
A36-000210 FOR 10.0 CFS WAR
Date: 08/06/1992 User Id: CHR
THE PARENT RIGHT WAS SPLIT IN
RECOMMENDED. THEREFORE, THE
Date: 09/22/1992 User Id: BCH
RECEIVED BOE 9/21/92. CHANGED
Date: 10/13/1992 User Id: WOR
NO CHANGE TO RECOMMENDATION

Audit Fields
10/13/92

Court Report Filing
Objection Filed Dat
Response Filed Date
Claim Received Date

32×10

Water right number - 036-00021 Prefix Translation: RESEARCH

+ - - Diversion Rate - VIA BELL DITCH

+ - - Non-Irrigation Use - STOCK, 400 HEAD OF CATTLE/CALVES

+ - - Other Rights for Same Use - NONE

+ - Remarks - +

1.04 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
WATER IS DELIVERED THROUGH BELL DITCH.

+ - Old Water Right Numbers - +

3600021

+ - Conditions of Approval - +

No Conditions of Approval Found.

+ - - - - Decree Plaintiff - - - - +	+ - - - - Decree Defendant - - - - +	+ - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK	IDAHO POWER COMPANY	00/00/0000

+ - Comments - +

Date: 04/20/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS
THIS WR IS SPLIT:
A36-00021A FOR 4.0 CFS BRADLEY GIBLER
A36-00021B FOR 10.0 CFS BARRY B. GIBLER
Date: 08/06/1992 User Id: CHRISTEC Subject: CLAIM NUMBERING CHANGES
THE PARENT RIGHT WAS SPLIT IN ERROR. CLAIMANT OF A36-00021B ACTUALLY CLAIMED ENTIRE RIGHT AND THERE ARE NO OTHER PORTIONS
RECOMMENDED. THEREFORE, THE PORTION CLAIMED UNDER A36-00021B IS RECOMMENDED AS A36-00021.
Date: 09/22/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/21/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/6/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/13/1992 User Id: MORSTELL Subject: NOTICE OF ERROR RECORD
NO CHANGE TO RECOMMENDATION

+ - - Audit Fields - - +
10/13/92 MORSTELL

+ - 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	- [redacted]	Old Judicial District	-
Claim Received Date	- 09/14/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- 1777777	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	- [redacted]

Changed assessment to Slackwater to agree with KRC 10-21-92

32×10

32×10

10/13/92 20:20:52
Page 2

Decree Date
00/00/0000

THERE ARE NO OTHER PORTIONS

CERTIFY ANY PART OF CLAIM.

39576
P
366
6

R PROOF
CVR
MAPS
PHOTOS
MISC

32 x 10

32 x 10

(CD-124)

ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Page 1

Water Right Number - [redacted] Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
GIBLER	HARRY R	1 - 755 E 2000 S 2 - 3 - RT 1 City- HAGERMAN Phone - 208-837-4894 State- ID Zip- 83332

Priority Date	Region	Stage	Status
05/30/1884	17 SOUTHERN	D - DECREED	

Source: BILLINGSLEY CREEK Tributary: SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	Rlg	County
07S	13E	11	NW NE NE			(47) GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	4.020	
04	STOCKWATER	04/01	10/31	0.990	
04	STOCKWATER	11/01	03/31	1.030	

Total Div. Rate: 4.020 Total Div. Volume: Total Consumptive Use: 447.0 AU Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	21	NE NE	6	10.0	01	IRRIGATION	(47) GOODING
07S	13E	21	NE NE	9	20.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NW NW		9.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NE NW		13.0	01	IRRIGATION	(47) GOODING
07S	13E	22	SW NW		37.0	01	IRRIGATION	(47) GOODING
07S	13E	27	NW NE		32.0	01	IRRIGATION	(47) GOODING
07S	13E	28	NE NE		20.0	01	IRRIGATION	(47) GOODING
07S	13E	21	NE NE	6		04	STOCKWATER	(47) GOODING
07S	13E	21	NE NE	9		04	STOCKWATER	(47) GOODING
07S	13E	22	NW NW			04	STOCKWATER	(47) GOODING
07S	13E	22	NE NW			04	STOCKWATER	(47) GOODING
07S	13E	22	SW NW			04	STOCKWATER	(47) GOODING
07S	13E	27	NW NE			04	STOCKWATER	(47) GOODING
07S	13E	28	NE NE			04	STOCKWATER	(47) GOODING
07S	13E	36	NE NE	1		04	STOCKWATER	(47) GOODING

Total Acres: 140.0

32×10

32×10

(CD-126)

ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - 36-00021 Prefix Translation: RESEARCH

- - - Diversion Means - VIA BELL DITCH

- - - Non-Irrigation Use - STOCK, 400 HEAD OF CATTLE/CALVES

- - - Other Rights for Same Use - NONE

- Remarks -

1.84 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
WATER IS DELIVERED THROUGH BELL DITCH.

- Old Water Right Numbers -

3600021

- Conditions of Approval -

No Conditions of Approval found.

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

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

- - Decree Date - -
00/00/0000

- Comments -

Date: 04/20/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS
A36-00021A FOR 4.0 CFS BRADLEY GIBLER
THIS WR IS SPLIT:
A36-00021B FOR 10.0 CFS HARRY R. GIBLER
Date: 08/06/1992 User Id: CHRISTEN Subject: CLAIM REMARKS CHANGED
THE PARENT RIGHT WAS SPLIT IN ERROR. CLAIMANT OF A36-00021B ACTUALLY CLAIMED ENTIRE RIGHT AND THERE ARE NO OTHER PORTIONS
RECOMMENDED. THEREFORE, THE PORTION CLAIMED UNDER A36-00021B IS RECOMMENDED AS A36-00021.

- - - Audit Fields - - -
08/06/92 CHRISTEN

- Adjudication Rights Dates and Flags Area -

Court Report Filing	- 00/00/0000	Field Inspection Date	- 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	- [redacted]	Old Judicial District	-
Claim Received Date	- 09/14/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- XXXXXXX	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

32 × 10

32 × 10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:26:13
06/28/96

PAGE: 15
QUICKLOOK INFORMATION

Renumbered to
CLAIM NUMBER: A36-000219 R36-00021

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			8-16-90 GW/MWI	N			2-13	
POINT OF DIV	Y			Y	1,5			
SOURCE				N				
RATE OF USE	Y			Y	1,4,5,6			
DIV ADJUST CFS/VOLUME	Y			Y	1. Increase WR			
CONSUMPTIVE USE	-			Y				
PURPOSES	Y			N				
PERIOD OF USE	Y			N Y	6.			
BASIS OF CLAIM	Y	Phoned 3-19-92		N				
REMARKS	Y			N Y	6.			

"VERIFIED BY" CODES

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

PLANIMETER MEAS.

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

A36-00021 B → R36-00021B → R36-00021
(claim) (original Rec.) (final Review)

PAGE: 1
GENERAL INFORMATION

LAST: BELL
ADDRESS:
CITY: X
PHONE NUMBER: 208-

OWNER CODE: 0

LAST: BEL
ADDRESS:
CITY:
PHONE NUMB

OWNER CODE:

LAST: BELL
ADDRESS:
CITY: X
PHONE NUMBER: 208-

OWNER CODE: 0

LAST: GISLER
ADDRESS: 755 E. J
ST. 1
CITY: HAGEM
PHONE NUMBER: 208-

OWNER CODE: C

FIELD EXAM REQUIRED

VERIFICATION REQUIR

CLAIM REMARKS: T
R
O
I
T
C

32×10

32×10

16:26:13
06/28/98

Renumbered to 42L-0001

CLAIM NUMBER: A36-000219 42L-0001

...TED ...W ...DATE	COMPLETED DATA ENTRY INIT/DATE	VERIFIED DATE INIT/DATE
	DB	

32 x 10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:26:13
06/28/98

PAGE: 1

CLAIM NUMBER: A36-000219

GENERAL INFORMATION

LAST: BELL
ADDRESS:
CITY: X
PHONE NUMBER: 208-000-0000

FIRST: LEO
STATE: ID ZIP: 0

OWNER CODE: 0

LAST: BELL
ADDRESS:
CITY: X
PHONE NUMBER: 208-000-0000

FIRST: GLENN
STATE: ID ZIP: 0

OWNER CODE: 0

LAST: BELL
ADDRESS:
CITY: X
PHONE NUMBER: 208-000-0000

FIRST: MRS. E.H.
STATE: ID ZIP: 0

OWNER CODE: 0

LAST: GISLER
ADDRESS: 755 E. 2600 S.
RT. 1
CITY: HAGERMAN
PHONE NUMBER: 208-837-4894

FIRST: HARRY R.
STATE: ID ZIP: 83332

OWNER CODE: C

	DATABASE	FIELD EXAMINER
FIELD EXAM REQUIRED?		
VERIFICATION REQUIRED DUE TO REMARKS?	Y	

CLAIM REMARKS: THIS AMOUNT OF WATER IS NEEDED ON THE PROPERTY FOR SEVERAL REASONS: (1) WITH THE LENGTH OF THE BELL DITCH, THERE IS A LOT OF LOSS FROM EVAPORATION AND SEEPAGE FROM THE DIRT DITCH ITSELF. (2) THE PROPERTY THAT IS IRRIGATED IS VERY SANDY IN NATURE. (3) THE DITCH PASSES OVER LAVA FLOWS AND THERE ARE SIDE HOLES THAT CANNOT BE FILLED, WHICH ALSO CAUSE LOSS IN WATER.

How much?

How much Water?

How much?

32 x 10

16:36:13
06/26/90

CN: A36-000218

PAGE: 2
FIELD EXAMINATION INFORMATION

CLAIM NUMBER: A36-000218

CONTACT PERSON: _____ PHONE NUMBER: (___) ___-____

DATE OF FIELD EXAM: 8/16/90 APPOINTMENT MADE: Y(___) N(___) TIME: ___:___ A(___) P(___)

ACCOMPANIED BY: _____ PHONE NUMBER: (___) ___-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

A36-00021 claimed as split - but appears to be used as one right due to pivots and wheeling systems.

2-17-92 Conversation w/ Cliff Jensen indicates this right is claimed in full by Henry Gielen and he will be submitting an amended claim for the full 14# cfs. There is no split of this right. Bradley has been transferred to A36-00077C.

CCC

PAGE: 2
PRIORITY DATE RE

A. AJ CLAIM:

B. WR RECORD:

C. FIELD EXAM RE
DUE TO PRIOR

ARE THERE OBVIOU
IF YES SEE

REMARK

RECOMMENDED PRIO
03-30-1

REVIEWED BY ____

32 x 10

32 x 10

000218

full by for the

PAGE: 3
PRIORITY DATE REVIEW PAGE

CLAIM NUMBER: A36-000218

A. AJ CLAIM: 0 A36-000218 PRIORITY DATE: 03-30-1864 STAGE: D

B. WR RECORD: 0 36-00021 PRIORITY DATE: 03-30-1864 STAGE: D

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N)	N	N

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

REMARKS: _____

RECOMMENDED PRIORITY DATE:
03-30-1864

REVIEWED BY _____ DATE 9-10-90

32×10

PAGE: 4
POINT OF DIVERSION REVIEW

A. AJ CLAIM POINT OF DIV

RIGHT	TWP.	RGE
A36-000218	07S	13E
A36-000218	07S	13E

OTHER AJ CLAIMS WITH A PRE1B
A36-07565
A36-10343
A36-00021A
A36-00037A

SOURCE: BILLINGSLEY CREE

B. WR POINT OF DIVERSIO

RIGHT	TWP.	RGE
36-00021		13E

32×10

PAGE: 4
POINT OF DIVERSION REVIEW SHEET

CLAIM NUMBER: A36-000218

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-000218	07S	13E	11	SE	SW	SE		GOODING
A36-000218	07S	13E	11	SW	SW	SE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	B PREFIX
A36-07565	POOL
A36-10343	
A36-00021A	
A36-00037A	

WR RECORDS IN SAME 40 ACRE TRACT

36-00006
36-00007
36-00016
36-00027
36-00046
36-00079
36-00080
36-00081
36-00087
36-00090
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
36-02062
36-07001
36-07172
36-07220
36-07233
36-07271
36-07565
36-07630

confirmed pump for Rediversion is here (probably more acreage to say SENESW 5.22)

5

3-20-72

SOURCE: BILLINGSLEY CREEK

THIS: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-00021	07S	13E	11		SE	SE		GOODING

OTHER WR RECORDS WIT

36-00003
36-00005
36-00019
36-00024
36-00025
36-00026
36-00027
36-00034
36-00035A
36-00035B
36-00038A
36-00038B
36-00040
36-00051
36-00053
36-00064
36-00065
36-00
36-0
36-0
36-00
36-0
36-0
36-00087
36-00088
36-00089
36-00090
36-00091
36-00094
36-00095
36-00096
36-00101
36-00108
36-00112A
36-00112B
36-00113B
36-00113C
36-00113D
36-00125
36-00006
36-04115
36-06261
36-07271
36-07650
36-07739
36-07834
36-07840
36-07853
36-07875
36-07957
36-08056
36-08319
36-08335

32×10

32×10

H NUMBER: A36-000218

pump for
wasn in
Probably same as well 6
as SENESW S 22
S
3-20-72

OTHER WR RECORDS WITH SAME WR POD

36-00003
36-00005
36-00010
36-00024
36-00025
36-00026
36-00027
36-00034
36-00035A
36-00035B
36-00038A
36-00038B
36-00040
36-00051
36-00052
36-00064
36-00065
36-00067
36-00071
36-00076
36-00077
36-00081
36-00083
36-00085
36-00087
36-00088
36-00089
36-00090
36-00091
36-00094
36-00095
36-00096
36-00101
36-00108
36-00113A
36-00113B
36-00113B
36-00113C
36-00113D
36-00125
36-00000
36-00135
36-00261
36-07271
36-07658
36-07739
36-07834
36-07840
36-07851
36-07875
36-07957
36-08058
36-08319
36-08335

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	B PREFIX
A36-00025	DOES
A36-00087	
A36-07658	
A36-10409	
A36-00051D	
A36-10119	
A36-10120	
A36-10751	
A36-10752	
A36-10755	
A36-10061	
A36-00103B	
A36-00108A	
A36-00063D	
A36-00027	
A36-00039C	
A36-00058E	
A36-00051B	
A36-00076A	
A36-00089B	
A36-00099D	
A36-10261	
A36-10111	
A36-00090A	
A36-00091B	
A36-00088B	
A36-00090C	
A36-00090B	
A36-00090F	
A36-00106F	
A36-00125A	
A36-00026	
A36-00051C	
A36-00071A	
A36-00089A	
A36-00106C	
A36-00108B	
A36-00108E	
A36-00108H	
A36-00000	
A36-00113	
A36-00261	
A36-00135D	
A36-10316	
A36-10504	
A36-00039J	
A36-00090A	
A36-00113F	
A36-00113G	
A36-10559	
A36-00040B	
A36-00040C	
A36-10223	
A36-00103A	
A36-00003B	

32×10

32×10

A36-000031C
A36-000031E
A36-000031F
A36-000031J
A36-00.396

SOURCE: BILLINGSLEY CREEK TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

		DATABASE	FIELD EXAMINER
POU TO POD DISCREPANCY?	(Y/N)	N	Y
POD TO SOURCE DISCREPANCY?	(Y/N)	N	N

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
7S	13E	11	NW	SE	NE	—	47
—	—	—	—	—	—	—	—

change chan

SOURCE: BILLINGSLEY CREEK TRIB: SNAKE RIVER

REVIEWED BY: SC DATE: 7-10-90

PAGE: 3
PLACE OF USE REVIEW SH

A. ROOT WATER RIGHT N

B. POU LISTING

TWP	RNG	SEC	1/4	1/4
07S	13E	11	NE	NE
07S	13E	11	NW	NE
07S	13E	11	SE	NE
07S	13E	11	NE	SE
07S	13E	11	NW	SE
07S	13E	11	SE	SE
07S	13E	11	NE	SW
07S	13E	11	NW	SW
07S	13E	11	SE	SW

32×10

PAGE: 7
PLACE OF USE REVIEW SHEET

CLAIM NUMBER: A36-000218

A. ROOT WATER RIGHT NUMBERS: A36-000218
A36-000218

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	21	SE	SE	6	GISLER , HARRY R.	A36-000218 /10.0	- /		10	10
						GISLER , BRADLEY	A36-00021A /15.0	- /			
						BELL , LEO		36-00021 /			
						BIG BEND IRRIGATION & MINING C		36-00133 /			
						BIG BEND IRRIGATION & MINING C		36-00192 /	A (15)		
07S	13E	21	SE	SE	6	GISLER , HARRY R.	A36-000218 /	- /			
						GISLER , BRADLEY	A36-00021A /15.0	- /			
						BELL , LEO		36-00021 /			
						BIG BEND IRRIGATION & MINING C		36-00133 /			
						BIG BEND IRRIGATION & MINING C		36-00192 /			
07S	13E	21	SE	SE	5	GISLER , HARRY R.	A36-000218 /40.0	- /		28	
						BELL , LEO		36-00021 /			28
						BIG BEND IRRIGATION & MINING C		36-00133 /			
						BIG BEND IRRIGATION & MINING C		36-00192 /			
07S	13E	21	SE	SE	5	GISLER , HARRY R.	A36-000218 /	- /			
						BELL , LEO		36-00021 /			
						BIG BEND IRRIGATION & MINING C		36-00133 /			
						BIG BEND IRRIGATION & MINING C		36-00192 /			
07S	13E	22	SE	SW		GISLER , HARRY R.	A36-000218 /	- /	12.0		
						BIG BEND IRRIGATION & MINING CA36-02007 / 4.0		36-02007 /			
						BIG BEND IRRIGATION & MINING CA36-00192 / 4.0		36-00192 /			
						BURLESON , LINDA	A36-00077A / 5.0	- /			
						GISLER , BRADLEY	A36-00021A /27.0	- /			
						BIG BEND IRRIGATION & MINING CA36-00133 / 4.0		36-00133 /			
						MARINER , F. C.		36-00077 /			
07S	13E	22	SE	SW		GISLER , HARRY R.	A36-000218 / 8.0	- /	32.0	9	
						BIG BEND IRRIGATION & MINING CA36-02007 / 4.0		36-02007 /			9
						BIG BEND IRRIGATION & MINING CA36-00192 / 4.0		36-00192 /			
						BURLESON , LINDA	A36-00077A / 5.0	- /			
						GISLER , BRADLEY	A36-00021A /27.0	- /			
						BIG BEND IRRIGATION & MINING CA36-00133 / 4.0		36-00133 /	A (6)		
						MARINER , F. C.		36-00077 /	40.0		
07S	13E	22	SW	SW		GISLER , HARRY R.	A36-000218 /13.0	- /		13	
						GISLER , BRADLEY	A36-00021A /27.0	- /			13
						MARINER , F. C.		36-00077 /			
						BIG BEND IRRIGATION & MINING C		36-00133 /			
						BIG BEND IRRIGATION & MINING C		36-00192 /			
						BIG BEND IRRIGATION & MINING C		36-02007 /	A (27)		
07S	13E	22	SW	SW		GISLER , HARRY R.	A36-000218 /	- /	40.0		
						GISLER , BRADLEY	A36-00021A /27.0	- /			

07S 13E 22 SW

07S 13E 22 SW

07S 13E 27 NW

07S 13E NW

07S 13E

07S 13E 28 NE

07S 13E 28 NW

07S 13E 28 SW

ARE IRRIGATED ACR
IF YES SEE ATTACH

C. FIELD EXAM RE
DUE TO POU

32×10

32×10

: A36-000218

FIELD EXAM.	RECOMM. ACRES
10	10
28	28
9	9
13	13

	MARINER , F. C. BIG BEND IRRIGATION & MINING C BIG BEND IRRIGATION & MINING C BIG BEND IRRIGATION & MINING C		36-00077 / 36-00133 / 36-00192 / 36-02067 /

Location	Owner	Record		Acres	Field	Recomm.
07S 13E 22 SW SW	GISLER , HARRY E. GISLER , HARRY E. BELL , LEO	A36-000218 /40.0 A36-11067 /	- / - / 36-00021 /	40.0	37	37
07S 13E 22 SW SW	GISLER , HARRY E. GISLER , HARRY E. BELL , LEO	A36-000218 / A36-11067 /	- / - / 36-00021 /	40.0		
07S 13E 27 NW SW	GISLER , HARRY E. GISLER , HARRY E. BELL , LEO	A36-000218 /40.0 A36-11069 /	- / - / 36-00021 /	40.0	32	32
07S 13E 27 NW SW	GISLER , HARRY E. GISLER , HARRY E. BELL , LEO	A36-000218 / A36-11069 /	- / - / 36-00021 /	40.0		
07S 13E 28 NE NE	GISLER , HARRY E. GISLER , HARRY E. BELL , LEO	A36-000218 /40.0 A36-11068 /	- / - / 36-00021 /	39.0	20	20
07S 13E 28 NE NE	GISLER , HARRY E. GISLER , HARRY E. BELL , LEO	A36-000218 / A36-11068 /	- / - / 36-00021 /	39.0		
07S 13E 28 NW NE 1	GISLER , HARRY E. BELL , LEO	A36-000218 /20.0	- / 36-00021 /		Ø	Ø
07S 13E 28 NW NE 1	GISLER , HARRY E. BELL , LEO	A36-000218 /	- / 36-00021 /			
TOTAL ACRES	A36-000218	212.00		242.00	149	149

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

C. FIELD EXAM REQUIRED? DATABASE Y FIELD EXAMINER Y

DUE TO POU DISCREPANCY? (Y/N)

PAGE: 8
PLACE OF USE

PRESUMPTION

REMARKS:

32×10

32×10

PAGE: 9
PLACE OF USE REVIEW SHEET CONTINUED CLAIM NUMBER: A36-000218

PRESUMPTION FLAG:

REMARKS: In addition to field exam & Napp photo, Planimeter was used to verify the acres for each 1/4-1/4 tract.

RECOMMENDATIONS:

TOTAL ACRES: 149

REVIEWED BY: SCC DATE: 9-16-94

— acres are actually irrigated in a common system w/ 48 Acres under A8C-00077C as a permissable place of use.

— however no overlapping acres.

Scc
3-20-92

37 37

32 32

20 20

Ø Ø

149 (149)

32×10

32×10

CLAIM NUMBER: A16-000218

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A16-000218 IRRIGATION	FROM ~~03-15~~ TO ~~11-14~~ 4-1 to 10-31	10.400 CFS
A16-000218 STOCKWATER	FROM 01-01 TO 12-31	.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		10.400 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00021 IRRIGATION	FROM TO	14.400 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		14.400 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? W(X) N(__)

RECOMMEND TO WR STANDARDS OR OTHER? Y(X) ~~N(__)~~ Explain in remarks, below.

REMARKS:

32×10

32×10

PAGE: 11
DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A16-000218

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(X) N(X)

AJ TOTAL CLAIMED DIVERSION RATE: 10.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 14.000 CFS

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

	DATABASE	FIELD EXAMINER
FLOW MEASUREMENT REQUIRED?		
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)	Y	N

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POD AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A16-000218	GILLINGSLEY CREEK	GISLER , HARRY B.	10.000	0.040		
A16-000218		GISLER , BRADLEY	4.000	0.057		
A16-000218A	GILLINGSLEY CREEK	BIG BEND IRRIGATION & MINING C	13.000	0.017	10659.70	13.55
A16-00192	TUCKER SPRINGS, LOWER	BURLESON , LINDA	8.100	0.010		
A16-00077A	GILLINGSLEY CREEK	BIG BEND IRRIGATION & MINING C	20.000	0.022	14479.60	16.47
A16-00133	TUPPER SPRINGS, UPPER					

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A16-000218	STOCKWATER	GISLER , HARRY B.	FROM 01-01 TO 12-31	.050 CFS	
A16-000218A	STOCKWATER	GISLER , BRADLEY	FROM 01-01 TO 12-31	.050 CFS	
A16-11067	DOMESTIC	GISLER , HARRY B.	FROM 01-01 TO 12-31	.040 CFS	
A16-11069	DOMESTIC	GISLER , HARRY B.	FROM 01-01 TO 12-31	.040 CFS	
A16-11068	DOMESTIC	GISLER , HARRY B.	FROM 01-01 TO 12-31	.040 CFS	

32 x 10

32 x 10

PAGE: 13
DIVERSION AMOUNT REVIEW SHEET CONTINUED

CLAIM NUMBER: A36-000218

DATE/VOLUME CALCULATIONS: (IRRIGATION)

B.

1a. IRRIGATION RATE
ACRES 149 x 0.02 CFS/ACRE (Taken from D/U [illegible]) = 2.98 CFS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 636.0 AF/A

ACRES 149 x CONSUMPTIVE VOL. AF/A FOR AREA 447.30 =

TOTAL CONSUMPTIVE USE 447 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 149 x DIVERSION VOL. AF/A FOR AREA 4.0 =

TOTAL DIVERSION VOLUME 596 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

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

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

1b. CALCULATIONS

Entire systems sprinklers, pivots or wheellines — Reconnd 1"/ac. (.02cfs/ac.)

2.98

Conveyance loss 1.84.

no additional water Ø n/a.
for Sprinkler system.

Total rec. 4.82

plus non-irrig. domestic stock to C.L.

32x10

32x10

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM	REC. PERIOD TO	REC. DIV RATE CFS DATABASE	REC. DIV RATE CFS EXAMINER	REC. DIV VOL. AF/A DATABASE	REC. DIV VOL. AF/A EXAMINER	REC. CONS. USE DATABASE	REC. CONS. USE EXAMINER
IRRIGATION	~~4-1~~	~~10-31~~		~~7.45~~ 4.82		~~596~~		447
STOCK WATER	~~1-1~~	~~12-31~~		0.09		B/A		
stockwater	1-1	3/31		~~7.45~~ 4.82		~~596~~		447

TOTAL FOR THIS RIGHT

REVIEWED BY: Steve Bell DATE: 9-10-90

Sm 3-20-92

~~proportional rate of original WR~~ ~~11.4 cfs~~ / 280 Ac. = 0.05 cfs/Ac

Irrigation system sprinklers, pivots w/wheellines — .02cfs/ac

.02 x 149 = 2.98

plus ditch loss (1.84)

F01 -

D02 -

E04 -

F05 -

no overlap

32 x 10

32 x 10

A36-000218

SEC. CONS. USE

ABS EXAMINER

447

447

49 = 2.98
w deten loss
(1.84)

PAGE: 14
BASIS OF CLAIM REVIEW SHEET

CLAIM NUMBER: A36-000218

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP		
FORFEIT/ABANDON		
ADDITIONAL DIV. AMOUNT		

legal review

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-000021

TOTAL DIVERSION RATE OF WR SPLITS — DATABASE: 14.400 — EXAMINER: _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "B" CLAIM NUM.	"B" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-00021	~~R36-000366~~ renumbered	4.000	=		36-00021	14.400
A36-00021	A36-000218	10.400	=		36-00021	14.400
	TOTAL CFS	14.400				14.400

DIVERSION RATE REVIEW — DATABASE: B — FIELD EXAMINER: OK

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

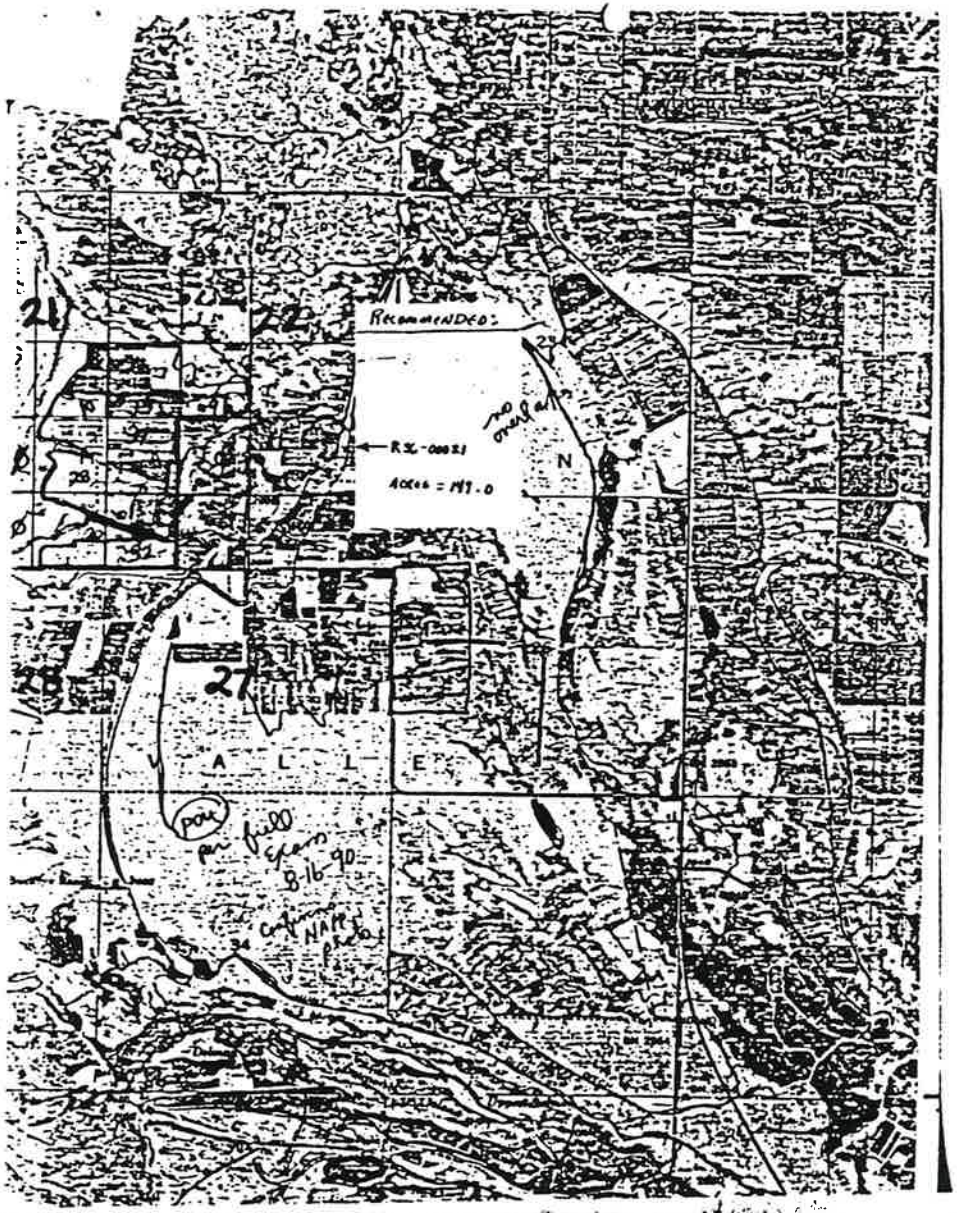
REMARKS:
Split Review: no other position. ###
Recommended as R36-00021.

AUTHENTICATION:
SIGNATURE: Steve [illegible] DATE: 9-10-90
NAME OF FIELD EXAMINER: _____ TITLE: _____



32 x 10

32 x 10



SD-52
MODIFY RIGHT
WATER RIGHT NU
10. TWP RNG S
07S 13E
07S 13E
07S 13E
07S 13E
07S 13E
07S 13E
07S 13E

(GOLD2=
(GOLD3=DEL

Split
Scc

32×10

32×10

SD-52 IDAHO DEPARTMENT OF WATER RESOURCES DATE: 09/10/90
MODIFY RIGHT MM RIGHTS PLACES OF USE SCR M TIME: 14:31:00
WATER RIGHT NUMBER: 36-00021 Claimed Licensed FIRST PAGE

10. TWP	RNG	SEC	1/4	1/4	LOT	ACRES	USE	CHNG	USE DESC.		COUNTY	COUNTY NAME	Planimeter
07S	13E	21	NE	SE	6	15/10	01	25	IRR	1	47	GOODING	20.0
07S	13E	21	SW	SE	9	40	01	28	IRR	2	47	GOODING	
07S	13E	21	SE	SE	9	40	01	28	IRR	3	47	GOODING	30.0
07S	13E	22	SW	SW		40	01	37	IRR	7	47	GOODING	37.0
07S	13E	27	NW	NW		40	01	32	IRR	5	47	GOODING	32.0
07S	13E	28	NE	NE		40	01	20	IRR	6	47	GOODING	20.0
07S	13E	28	NW	NE	1	20	01	20	IRR	7	47	GOODING	0
										7x40=			
										280 Ac			
		22	NE	SW		27/9		15					15.7
			NW	SW		27/13		40					400

(GOLD2-UPDATE) (GOLD4-PREV SCREEN) (GOLD6-END OF DATA) (ENTER-EXIT)
(GOLD3-DEL POU'S) (GOLD5-NEXT SCREEN) (GOLD8-CANCEL)

9-10-90
SCC

PLANIMETER
174.7

pou -3K-7K
pm -216

AS CLAIMED
69+212= 281

18.0
149.0
FIELD EXAM
197

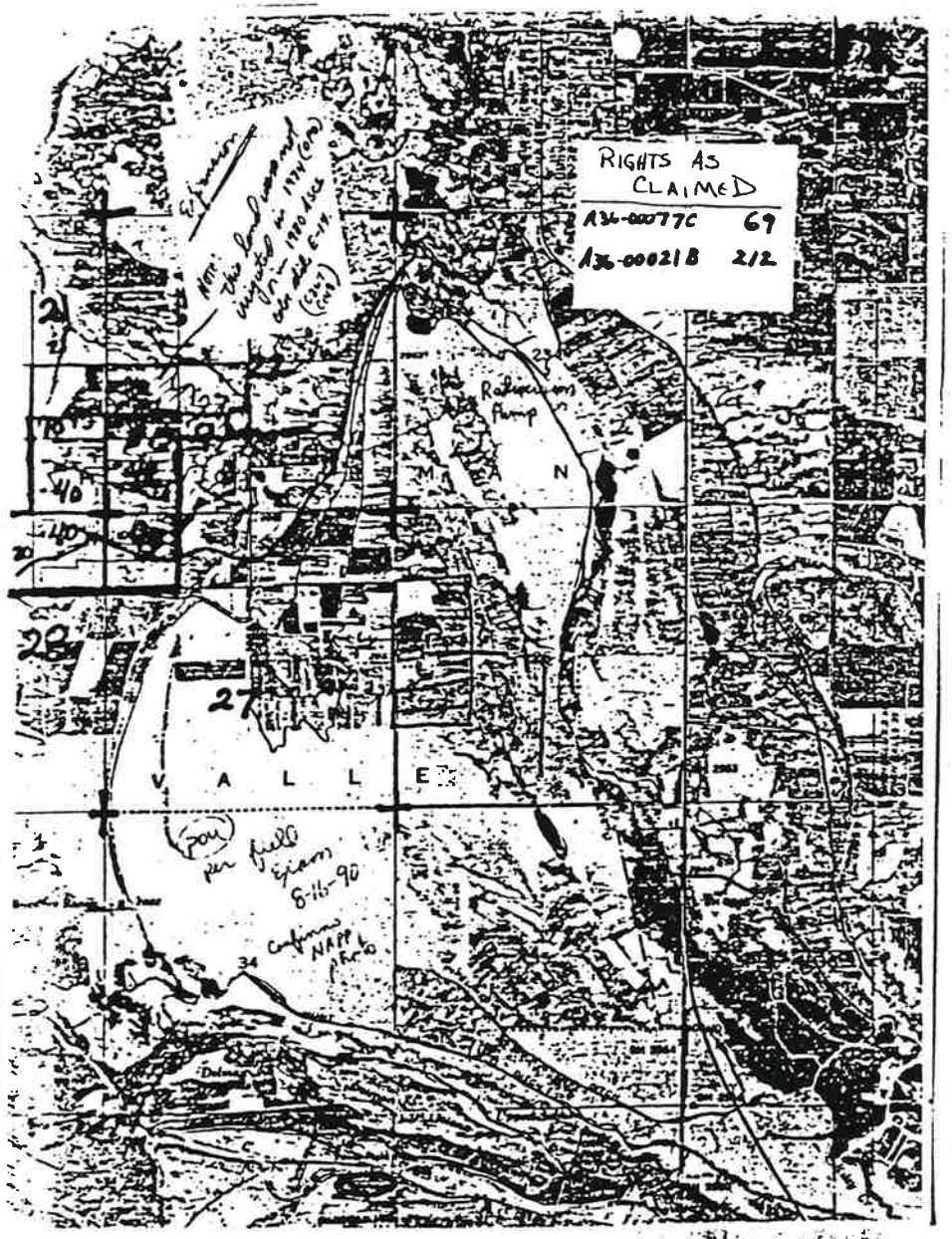
DECREE
280 Ac.

proportional rate: $\frac{0.05\ cfs}{Ac.} = \left(\frac{14.4\ cfs}{280\ Ac}\right)$

Duplicate
A36-00021 (A+B (from 36-00077C)
Split/overlap review
SCC 9-10-90

32x10

32x10


RIGHTS AS CLAIMED
A36-00077C 69
A36-00021B 212
Reclamation Pump
V A L L E
(Row) per field Exam 8-16-90
Confirmed NAPP photo
34

69
12
32×

SCC P-3-92

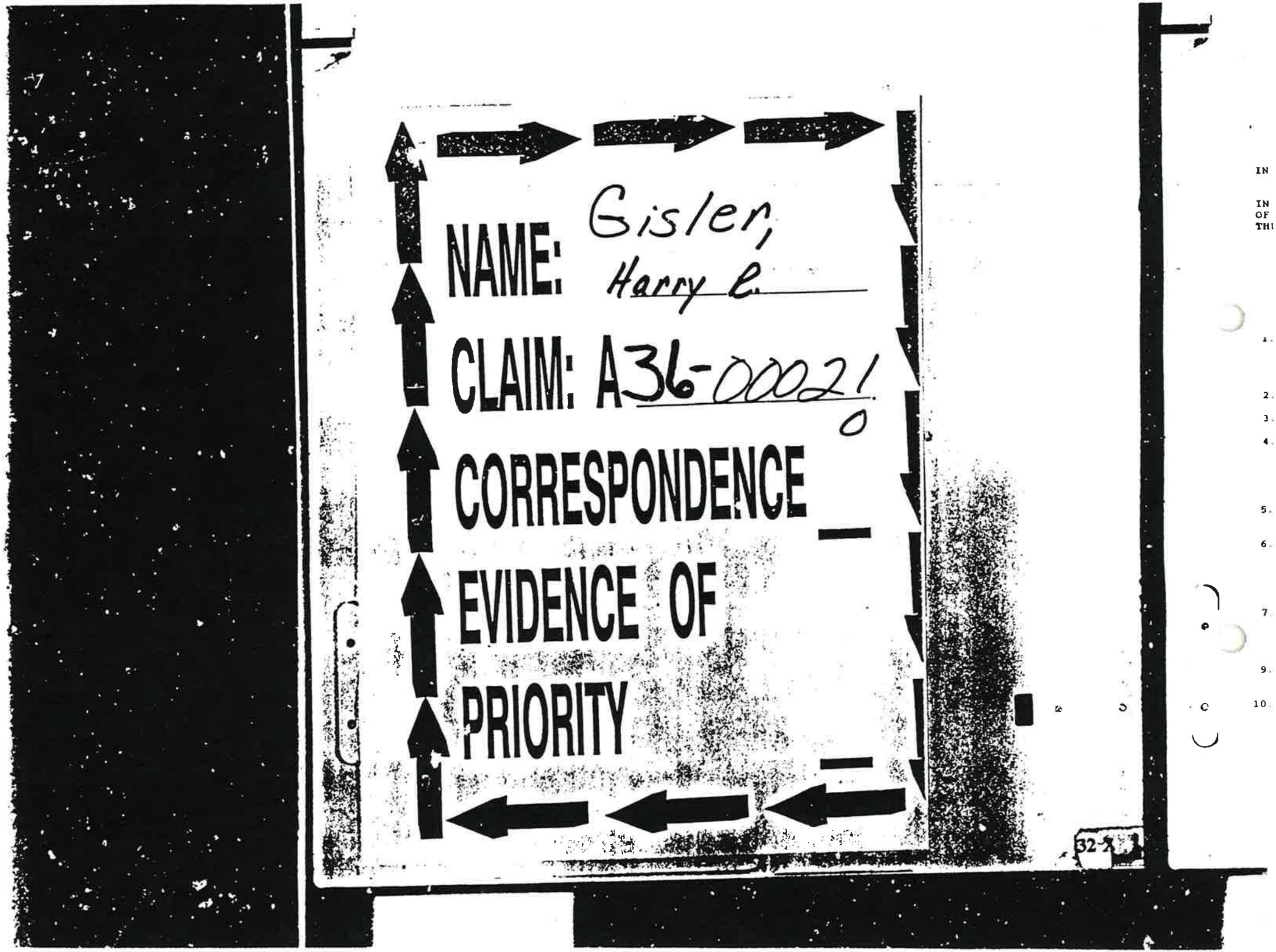
BELL DITCH

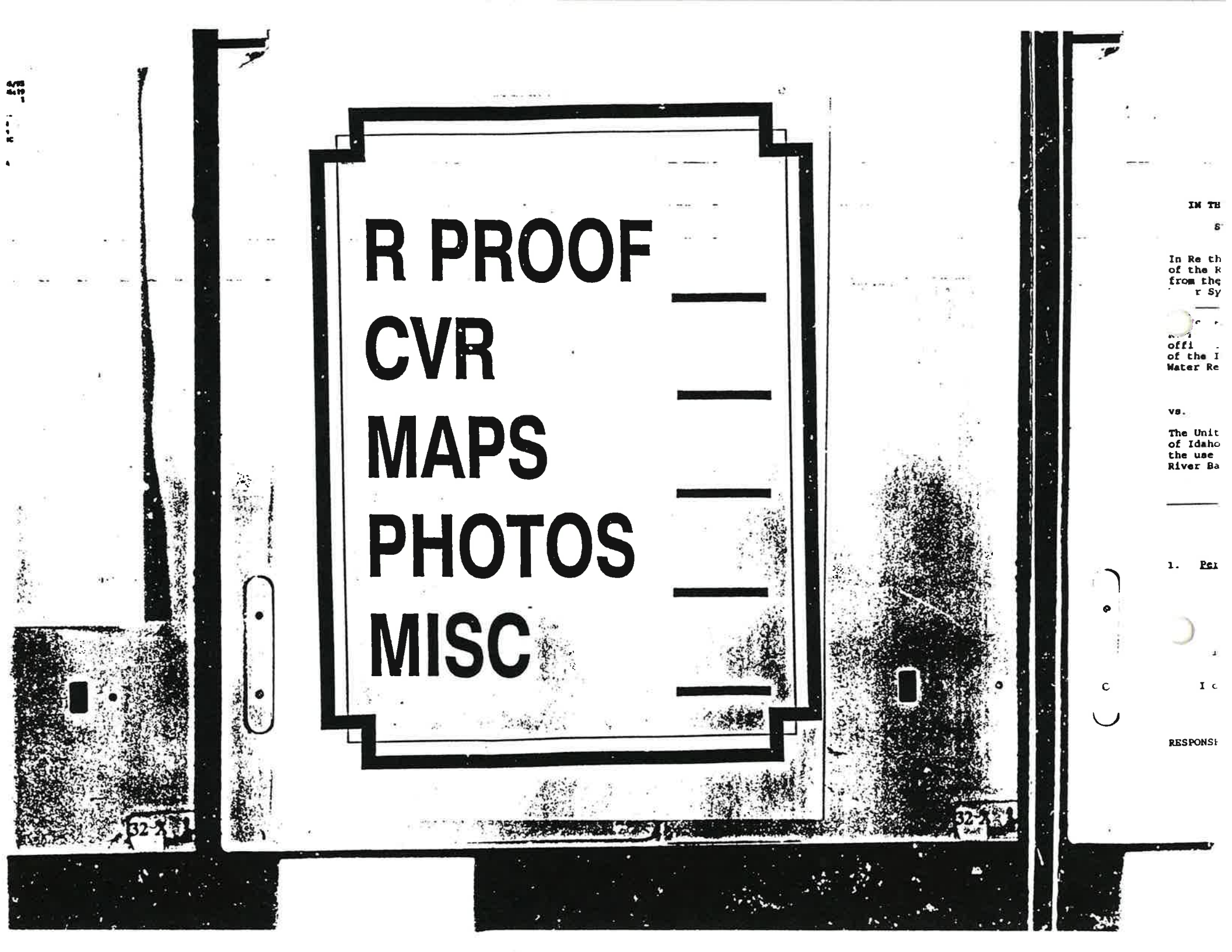
A36-000218

CONVEYANCE LOSS - WORSTELL

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
						7.13	0.1265	0.02	90.90
1	5100	7.0	2.00	0.90	0.17	6.96	0.2973	0.05	9.83
2	11700	7.0	2.00	2.07	2.24	4.72	0.0957	0.14	5.52
3	2500	7.0	2.00	0.44	0.19	4.53	0.0351	0.06	4.08
4	900	7.0	2.00	0.16	1.55	2.98	0.0653	0.19	3.17
5	1100	7.0	2.00	0.19	2.98	0.00	0.0000	0.00	0.00
6				0.00		0.00	0.0000	0.00	0.00
7				0.00		0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20								3.77	
TOTALS	21300			3.77	7.13				

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


NAME: Gisler, Harry E.
CLAIM: A36-00021
CORRESPONDENCE
EVIDENCE OF
PRIORITY


R PROOF
CVR
MAPS
PHOTOS
MISC

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. 36-00021B -0001
The State of Idaho, ex rel. R. Keith Higginson in his official capacity as Director of the Idaho Department of Water Resources, 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.	RESPONSE TO OBJECTION

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)

2. Person who filed objection:

Name: HARRY R GISLER
Address: 108 DORAL DRIVE
JEROME ID 83338

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. |X| Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.

3. |X| Quantity: I respond to the objection concerning:

3a. |X| The total quantity of water used in cubic feet per second.

5. |X| Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.

8. |X| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.

9. |X| Place of Use: I respond to the objection concerning:

9a. |X| The legal description of the place of use.

10. |X| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

11. |X|

14. |X|

I. spon
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claimant

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recommend
entitled

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

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

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

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1, IDWR responds that it will change the claimant's address on its records to that shown on the objection. This, however, may not change the claimant's address on the records of the SRBA Court. The Court has developed its "Standard Form 3" to be used for reporting matters such as address changes and changes in ownership. The claimant may need to file this form with the SRBA Court.

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402); (3) the recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used. IDWR further responds that in the objection the claimant seeks to have the recommended quantity of stockwater changed to .09 cfs year round, as claimed. IDWR recommended .09 cfs for stockwater during the irrigation season of use, and 1.93 cfs for stockwater outside the irrigation season of use, to allow for conveyance losses when stockwater is not diverted with irrigation water.

In response to Statement of the Objection item 5, and all allegations of the objection regarding this item, IDWR responds as follows: There is an error in the description of the point of diversion of this right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law."

(Over)

In response to Statement of the Objection item 8, and all allegations of the objection regarding this item, IDWR responds as follows: The decree asserted by the claimant does not contain a period of use decreed for this water right. Idaho Code 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The irrigation season of use cannot exceed the period in which water may be beneficially used. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report. IDWR further responds that it recommended the season of use as claimed. By now seeking a longer season of use the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection 9 and 9.a, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the place of use of the right. IDWR further responds that the claimant does not identify for which use the claimant seeks to increase the recommended place of use. IDWR found no irrigation use in the quarter-quarter the claimant seeks to have added to the place of use. However, IDWR recommended that quarter-quarter within its description of the place of use for stockwatering.

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

presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use claimed and recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided for by Idaho Code Sec. 42-1401A(2). (5) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, IDWR responds that it has authority pursuant to Idaho Code Sec. 42-1411(2)(j) to include in its recommendations of water rights acquired under state law and recommended in the director's report "such other matters as are necessary to define the right." The remark or remarks objected to are necessary to adequately describe and define this water right.

In response to 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.

(Over)

CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

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

	No. of Pages
Notice of Claim No. A36-00021B	3
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4
Recommended Water Rights Acquired under State Law	1

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: Nicole Spencer
(Attorney signing in representative capacity)

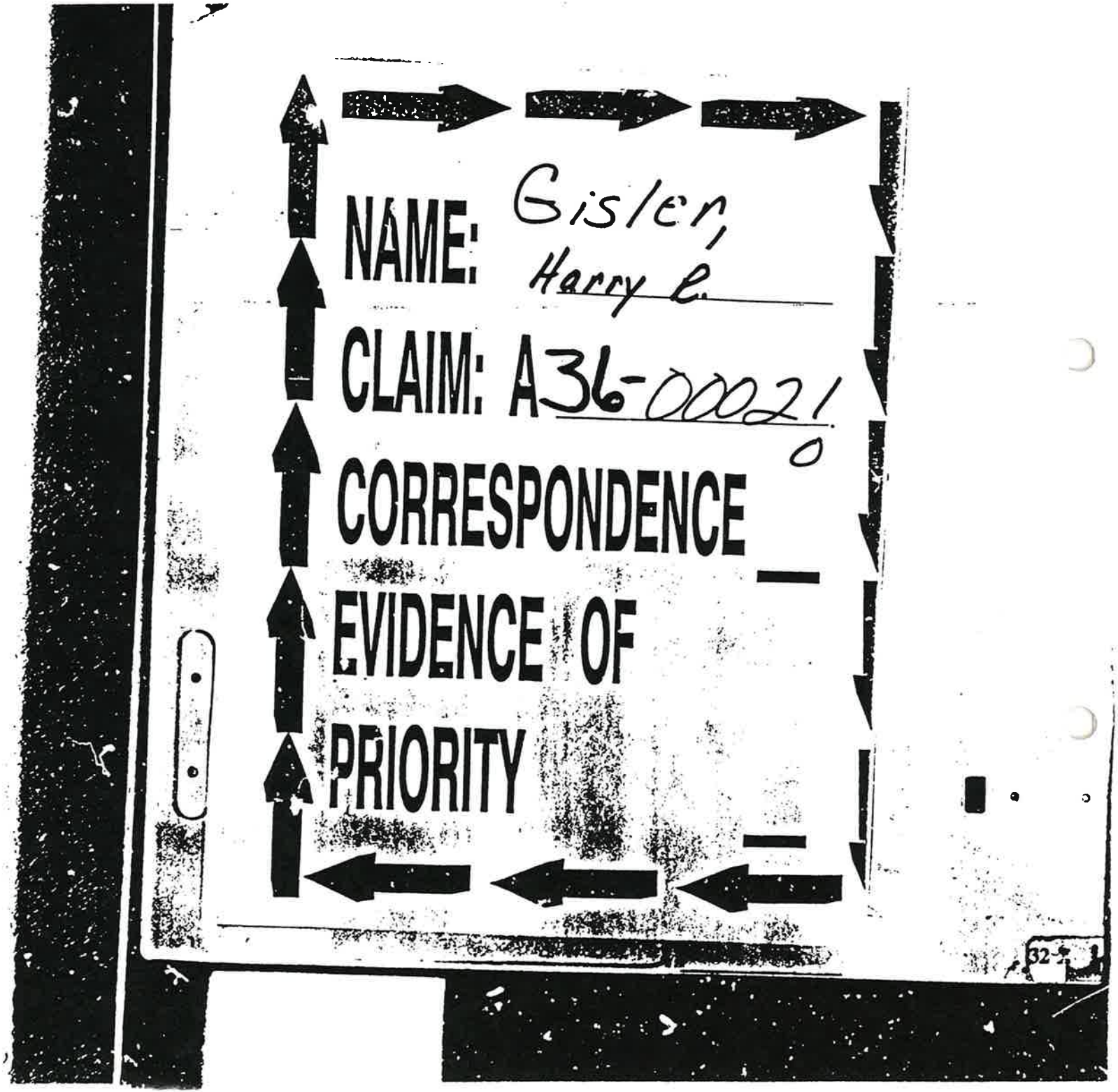
Subscribed and sworn to before me this 1st day of September, 1993.

SHELLEY WALTER KEEN NOTARY PUBLIC STATE OF IDAHO

Shelley Walter Keen
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: July 31, 1997

(Over)

32-2


NAME: Gisler, Harry R.
CLAIM: A36-00021
CORRESPONDENCE
EVIDENCE OF
PRIORITY

AJ5856NP

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

DATE: AUG-29-1997
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM	TO	MAXIMUM QUANTITY		BASIS OF CLAIM
SOURCE: BILLINGSLEY CREEK			TRIBUTARY: SNAKE RIVER					
36-00021	HARRY R GISLER 755 E 2000 S RT 1 HAGERMAN ID 83332	03/30/1884	IRRIGATION	03-15	11-15	4.82	CFS	DECREED
			STOCKWATER	03-15	11-15	.09	CFS	
			STOCKWATER	11-26	03-14	1.93	CFS	
			TOTAL QUANTITY:			4.82	CFS	
			CONSUMPTIVE USE:			447.0	AFY	

NON-IRRIGATION-USES:
STOCK, 400 HEAD OF CATTLE/CALVES
POINT OF DIVERSION:
T07S R13E S11
PLACE OF USE: IRRIGATION [redacted]

T07S R13E S21 Lot 6 (NESE) 10.0 Lot 9 (SESE) 28.0
S22 NESW 9.0 NWSW 13.0 SWSW 37.0
S27 NWNW 32.0
S28 NENE 20.0
149.0 ACRES TOTAL
PLACE OF USE: STOCKWATER

T07S R13E S21 Lot 6 (NESE) Lot 9 (SESE)
S22 NESW NWSW
S27 NWNW SWSW
S28 NENE Lot 1 (NWNE)
PLACE OF USE: STOCKWATER
SAME AS OTHER USE
REMARKS: 1.84 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
WATER IS DELIVERED THROUGH BELL DITCH.

32-X

32-X

HEPWORTH, NUNGESTER &
CHARTERED
133 Shoshone St. Nort
P.O. Box 389
Twin Falls, I 330
Telephone: (34-7
Attorneys for
(PPK\HAGERMAN.

IN THE DISTRICT COU

STATE OF IDAHO,

In Re the General Adju
of Rights to the Use o
from the Snake River B
Water System

The State of Idaho, ex
R. Keith Higginson in h
official capacity as di
of the Idaho Department
Water Resources,

Petit er,

vs.

United States; and all claimants th
of water from the Snake
Basin Water System,

Respondents.

PLEASE BE NOTI

& Lezamiz, Chartered, h

NOTICE OF APPEARANCE - 1

Hepworth, Nungester, & Lezamiz

LAN

DATE: AUG-29-1995
PAGE: A-1

OF USE TO	MAXIMUM QUANTITY		BASIS OF CLAIM
AKE RIVER			
-15	4.82	CFS	DECREED
-15	.09	CFS	
-14	1.93	CFS	
ANTITY:	4.82	CFS	
TIVE USE:	447.0	AFY	

SWSW 37.0

SWSW

32-X

RECEIVED
FEB 10 1993
Department of Water Resources

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

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. 39576
The State of Idaho, ex rel. R. Keith Higginson in his official capacity as director of the Idaho Department of Water Resources, Petitioner, vs. United States; State of Idaho; and all claimants to the use of water from the Snake River Basin Water System, Respondents.	NOTICE OF APPEARANCE

* * * * * * * * * * *

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

HNL Hepworth, Nungester, & Lezamiz

32-X

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

22-Jan-1993

JENSEN REAL ESTATE
PO BOX 201
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00021B

Dear Mr. Jensen:

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:

$5.30

Sincerely,

Jeanie

Jeanie Robertson
Records Clerk

Encl:

cc: HARRY GISLER
755 E 2800 S
RT 1
HAGERMAN ID 83332

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. A36-00021B (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, 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.	OBJECTION 36-00021B -0001/ 93-04-0022

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)

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: Harry R. Gisler

   Address: 108 Doral Drive

   Jerome, ID 83338

   Briefly describe your interest in this water right:

   Priority date March 30, 1884

   Judicial decree March 22, 1932

   New International Mortgage Bank v. Idaho Power Co.

2. Owner of the water right:

   Name: Harry R. Gisler

   Address: 108 Doral Drive

   Jerome, ID 83338

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.

32-X

II. STATEMENT OF THE OBJECTION

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

1. [X] 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. [X] Quantity: I object to:

   a. [X] 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. [X] 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. [X] Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.

9. [X] Place of Use: I object to:

   a. [X] the legal description of the place of use; or

   b. [ ] the number of irrigated acres within each forty (40) acre subdivision.

10. [X] Consumptive Use: I object to the annual volume of consumptive use.

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

(Over)

32-X

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

or

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.

Irrigation 14.400 all year; stock water 0.090 all year; total consumptive use 616.00 acre feet per annum; 212 acres; delete remarks regarding conveyance loss; add place of usage T7S R13E S28 NWNE; Pt. of diversion: NW1/4SE1/4NE1/4 instead of NWNENE

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 _____

_____, 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.

Harry R. Sisler
Signature of person filing objection

By: _____
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 24 day of April, 1991.

Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: Feb 94

(Over)

REASONS SUPPORTING EACH BOX CHECKED, page 4

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

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

Box 5 - Director's Report fails to accurately state the point of diversion.

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

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

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

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: Harry R. Gisler

   Owner's address: 108 Doral Drive

   Jerome, ID 83338

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

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

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. 36-00021B -0001
The State of Idaho, ex rel. R. Keith Higginson in his official capacity as Director of the Idaho Department of Water Resources, 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.	**RESPONSE TO OBJECTION**

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

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OCT 1 1 1994

2. Person who filed objection:

Name: HARRY R GISLER
Address: 108 DORAL DRIVE
JEROME ID 83338

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. |X| Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.

3. |X| Quantity: I respond to the objection concerning:

3a. |X| The total quantity of water used in cubic feet per second.

5. |X| Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.

8. |X| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.

9. |X| Place of Use: I respond to the objection concerning:

9a. |X| The legal description of the place of use.

10. |X| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

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

14. |X| Other: I respond to the objection concerning:

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

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1, IDWR responds that it will change the claimant's address on its records to that shown on the objection. This, however, may not change the claimant's address on the records of the SRBA Court. The Court has developed its "Standard Form 3" to be used for reporting matters such as address changes and changes in ownership. The claimant may need to file this form with the SRBA Court.

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402); (3) the recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used. IDWR further responds that in the objection the claimant seeks to have the recommended quantity of stockwater changed to .09 cfs year round, as claimed. IDWR recommended .09 cfs for stockwater during the irrigation season of use, and 1.93 cfs for stockwater outside the irrigation season of use, to allow for conveyance losses when stockwater is not diverted with irrigation water.

In response to Statement of the Objection item 5, and all allegations of the objection regarding this item, IDWR responds as follows: There is an error in the description of the point of diversion of this right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law."

(Over)

MICROFILMED
OCT 1 1 1994

In response to Statement of the Objection item 8, and all allegations of the objection regarding this item, IDWR responds as follows: The decree asserted by the claimant does not contain a period of use decreed for this water right. Idaho Code 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The irrigation season of use cannot exceed the period in which water may be beneficially used. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report. IDWR further responds that it recommended the season of use as claimed. By now seeking a longer season of use the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection 9 and 9.a, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the place of use of the right. IDWR further responds that the claimant does not identify for which use the claimant seeks to increase the recommended place of use. IDWR found no irrigation use in the quarter-quarter the claimant seeks to have added to the place of use. However, IDWR recommended that quarter-quarter within its description of the place of use for stockwatering.

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

presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use claimed and recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided for by Idaho Code Sec. 42-1401A(2). (5) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, IDWR responds that it has authority pursuant to Idaho Code Sec. 42-1411(2)(j) to include in its recommendations of water rights acquired under state law and recommended in the director's report "such other matters as are necessary to define the right." The remark or remarks objected to are necessary to adequately describe and define this water right.

In response to 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.

(Over)

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OCT 11 1994.

CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

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

	No. of Pages
Notice of Claim No. A36-00021B	3
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4
Recommended Water Rights Acquired under State Law	1

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: Nick Spencer
(Attorney signing in representative capacity)

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

SHELLEY WALTER KEEN NOTARY PUBLIC STATE OF IDAHO

Shelley Walter Keen
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: July 31, 1997

(Over)

MICROFILMED
OCT 1 1 1994

CERTIFICATE OF MAILING

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

1. Original to:

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

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

   See No. 3

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

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

4. One copy to:

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

Mike Spencer

Signature of Respondent or attorney mailing on Respondent's behalf

RECEIVED
APR 01 1992
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 THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00021B
Date Received: 9/16/1988
Receipt No: S002259
Received By: Sue

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

1. Name: HARRY R. GISLER 208-837-4894
   Address: 755 E. 2800 S.
   RT. 1
   HAGERMAN ID 83332

2. Date of Priority: MAR 30, 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	NE	SW	NE		GOODING
		22	SW	NW	SE	R	GOODING

5. Description of diverting works:
   VIA E. M. BELL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	14.400		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is 636.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   S/400 HEAD OF CATTLE/CALVES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	21	NE	SE	6	IRR	10.0

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JAN 21 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	13E	21	NE	SE	6	STOCK	
			SE	SE	9	IRR	40.0
			SE	SE	9	STOCK	
						Section Acres	50.0
		22	NE	SW		STOCK	
			NE	SW		IRR	9.0
			NW	SW		IRR	13.0
			NW	SW		STOCK	
			SW	SW		IRR	40.0
			SW	SW		STOCK	
						Section Acres	62.0
		27	NW	NW		IRR	40.0
			NW	NW		STOCK	
						Section Acres	40.0
		28	NE	NE		IRR	40.0
			NE	NE		STOCK	
			NW	NE	1	IRR	20.0
			NW	NE	1	STOCK	
						Section Acres	60.0
						Total Acres	212.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS AMOUNT OF WATER IS NEEDED ON THE PROPERTY FOR SEVERAL REASONS: (1) WITH THE LENGTH OF THE BELL DITCH, THERE IS A LOT OF LOSS FROM EVAPORATION AND SEEPAGE FROM THE DIRT DITCH ITSELF. (2) THE PROPERTY THAT IS IRRIGATED IS VERY SANDY IN NATURE. (3) THE DITCH PASSES OVER LAVA FLOWS AND THERE ARE SINK HOLES THAT CANNOT BE FILLED, WHICH ALSO CAUSE LOSS IN WATER.
CLAIM IS FOR ENTIRE AMOUNT OF THE WATER RIGHT 36-00021 AS DECREED AND NO SPLIT HAS OCCURRED.

15. Basis of Claim: DECREED

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OCT 11 1994
MICROFILMED
JAN 21 1993

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA — IDAHO POWER COMPANY
Decree Plaintiff vs 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 ____ 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): Harry R. Gisler Date: 3-27-92

_____ Date: _____

State of Idaho Arizona)
) SS.
County of Gooding Maricopa

Subscribed and sworn (or affirmed) before me this 27 day of March 19 92

Notary Public

Seal

OFFICIAL SEAL
TERRI L. MILLER
NOTARY PUBLIC - STATE OF ARIZONA
MARICOPA COUNTY
My Comm. Expires June 5, 1993

Residing at 9002 E. Rugs Rd

My Commission Expires 6-5-93

MICROFILMED
OCT 11 1994

MICROFILMED
JAN 21 1993

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**

MICROFILMED
OCT 11 1994

WORKS (page 11 of Part I of the director's report)

(17) VI. General Provision **8. FIRE FIGHTING PURPOSES** (page 11 of Part I of the director's report)

(18) VI. General Provision **9. CONSUMPTIVE USE** (page 12 of Part I of the director's report)

(19) VI. **GENERAL PROVISION 10 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE** (page 12 of Part I of the director's report)

(20) VI. General Provision **10. DOMESTIC USE** (page 12 of Part I of the director's report)

(21) VI. **GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE** (page 13 of Part I of the director's report)

(22) VI. General Provision **11. STOCK WATER USE** (page 13 of Part I of the director's report)

(23) VI. **GENERAL PROVISIONS 12-16 APPLY TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH IRRIGATION AS A PURPOSE OF USE** (page 13 of Part I of the director's report)

(24) VI. General Provision **12. IRRIGATION USE** (pages 13-14 of Part I of the director's report)

(25) VI. General Provision **13. DIVERSION VOLUME FOR IRRIGATION** (page 14 of Part I of the director's report)

(26) VI. General Provision **14. CONSUMPTIVE USE FOR IRRIGATION** (pages 14-15 of Part I of the director's report)

(27) VI. General Provision **15. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION** (page 15 of Part I of the director's report)

(28) VI. General Provision **16. DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE** (pages 15-16 of Part I of the director's report)

(30) VI. **17. INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS** (pages A-i through A-iii of Part I of the director's report)

(31) VI. **18. IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW** (pages A-1 through B-25 of Part I of the director's report)

(32) **DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36),** (DIRECTOR'S REPORT PART II)

(33) **DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36),** (DIRECTOR'S REPORT PART III)

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

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

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

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

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

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

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

1. IDWR denies that the director's report asserts any claims against the claimant; rather, the director's report contains only the recommendation of the director as to how the claimant's water right should be decreed and administered.

2. IDWR denies that the claimant is entitled to have the water right decreed as claimed unless in the director's report the water right has been recommended as claimed.

3. IDWR denies that any acts upon its part constitute the taking of private property for which just compensation should be allowed and awarded.

4. IDWR denies that the claimant is entitled to recover court costs and reasonable attorney fees.

5. IDWR denies that the claimant by this objection has raised any claims against IDWR entitling such claimant to any relief other than the eventual judicial determination and decree of the various elements of the claimant's water right, if any, and of those related matters necessary to describe and administer that water right.

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM	TO	MAXIMUM QUANTITY		BASIS OF CLAIM
	SOURCE: BILLINGSLEY CREEK		TRIBUTARY: SNAKE RIVER					
36-00021	HARRY R GISLER 755 E 2800 S RT 1 HAGERMAN ID 83332	03/30/1884	IRRIGATION	03-15	11-15	4.82	CFS	DECREED
			STOCKWATER	03-15	11-15	.09	CFS	
			STOCKWATER	11-16	03-14	1.93	CFS	
			TOTAL QUANTITY:			4.82	CFS	
			CONSUMPTIVE USE:			447.0	AFY	

NON-IRRIGATION-USES:
STOCK, 400 HEAD OF CATTLE/CALVES
POINT OF DIVERSION:
T07S R13E S11 ~~NWNENE~~ NWSENE
PLACE OF USE: IRRIGATION

T07S R13E S21	Lot 6	(NESE) 10.0	Lot 9	(SESE) 28.0		
S22		NESW 9.0		NWSW 13.0	SWSW	37.0
S27		NWNW 32.0				
S28		NENE 20.0				

149.0 ACRES TOTAL
PLACE OF USE: STOCKWATER

T07S R13E S21	Lot 6	(NESE)	Lot 9	(SESE)	
S22		NESW		NWSW	SWSW
S27		NWNW			
S28		NENE	Lot 1	(NWNE)	

PLACE OF USE: STOCKWATER
SAME AS OTHER USE
REMARKS: 1.84 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
WATER IS DELIVERED THROUGH BELL DITCH.

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OCT 1 1 1994

RECEIVED
FEB 10 1993
Department of Water Resources

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

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. 39576
The State of Idaho, ex rel. R. Keith Higginson in his official capacity as director of the Idaho Department of Water Resources, Petitioner, vs. United States; State of Idaho; and all claimants to the use of water from the Snake River Basin Water System, Respondents.	**NOTICE OF APPEARANCE**

* * * * * * * * * * *

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

LAW OFFICES HN&L Chartered
Hepworth, Nungester, & Lezamiz

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OCT 11 1994

Users, Inc. and its individual members:

Anderson, Anita G.	A36-00050D
Babington Lynn J. & Kathy	A36-00003C
Banbury Pipe Co., Inc.	A36-10906
Banbury Pipe Co., Inc.	A36-02038
Big Bend Irrigation & Mining Co.	A36-00192
Big Bend Irrigation & Mining Co.	A36-00133
Big Spring Water User's Assoc.	A36-00022
Big Springs Water User's Assoc.	A36-00023
Big Springs Water User's Assoc.	A36-15166
Blastock, Alma E.	A36-00108B
Bolduc, Mark E.	A36-00103C
Boyer, Dale E. & Elaine M.	A36-00079
Brailsford, Robert H.	A36-04260
Brooks, Allen L. & Andree	A35-00060
Brooks, Allen L. & Andree	A36-07346
Bybee, Gertrude B. Owsley	A36-00042A
Bybee, Gertrude B. Owsley	A36-00041C
Candy, Walter W. & Margaret	A36-00135B
Candy, Walter W. & Margaret	A36-00134A
Clouser, Doris H. & John F.	A36-00090A
Clouser, Doris H. & John F.	A36-00089A
Crandlemire, Roger C. & George C.	A36-00113H
Crandlemire, Roger C. & George C.	A36-00112B
Crandlemire, Roger C. & George C.	A36-00111B
Crandlemire, Roger C. & George C.	A36-00113J
Crandlemire, Roger C. & George C.	A36-00110B
Crandlemire, Roger C.	A36-00134C
Crandlemire, Roger C.	A36-00135C
Crandlemire, Roger C.	A36-10140
Crandlemire, Roger C.	A36-10141
DeVries, Abraham & Hermina	A36-00055AF
Dice, Philip F. & Judith A.	A36-00041A
Dice, Philip F. & Judith A.	A36-10405
Erwin, Frank C. & Peggy	A36-00092
Fleming, Michael J. & Paul F.	A36-00064B
Flint, William E. and Vera C.	A36-00110A
Flint, William E. and Vera C.	A36-00111A
Flint, William E. and Vera C.	A36-00112A
Flint, William E. and Vera C.	A36-10168
Fuell, Keith L. & Jolene	A36-00086C
Gardner, Barbara & Robert B.	A36-00003B
Gardner, Barbara	A36-00003J
Gisler, Harry R.	A36-00021B
Gisler, Bradley	A36-00077C
Glauner, Frank L. & Joan	A36-00039E
Grigg, Mattie P. & Golden T.	A36-10283B
Gustafson Family Trust/Gustafson Ivan J. & Lucille co-trustees	A36-00033F
Hagerman Gun Club	A36-00100

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OCT 1 1 1994

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

LAW OFFICES
HN&L
Chartered
Hepworth, Nungester, & Lezamiz

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

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

DATED This 9 day of February, 1993.

HEPWORTH, NUNGESTER & LEZAMIZ

By _____
PATRICK D. BROWN
Attorneys for Respondents

CERTIFICATE OF MAILING

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

LAW OFFICES HN&L Chartered
Hepworth, Nungester, & Lezamiz

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OCT 11 1994

February, 1993, to:

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

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

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

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

Patrick D. Brown

MICROFILMED
OCT 11 1994

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

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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. & Huguette M.	A36-07142/36-07142	Johnson, Ira L. (Huguette M. not listed as claimant)
Joint Hagerman School Dist. 233	A36-15463/36-15463	Original claim & IDWR records show school dist. as #3.
Jones, John W., Jr.	A36-00068/36-00068 A36-00069/36-00069 A36-07071/36-07071 A36-00070/36-00070	Jones, John W. Jr. & Deloris D. (Deloris D. is included as a claimant)

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OCT 1 1 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 Turner-remainder man)	A36-00006/36-00006 A36-00007/36-00007 A36-00008/36-00008	Strange, Wm. & Louise (Louise is included as a claimant, Penelope Turner is not in records)
Veenendaal, Dick J.	A36-00108A/36-00108A A36-00039C/36-00039C	Veenendaal, Dick J. & Sigrid E. (Sigrid E. is included as a claimant)
Wiens, M. J., Jr.	A36-80317	A36-08317/36-08317 (no. was transposed on notice)
Wiens, M. J., Jr.	A36-00098/36-15384	36-15384 (claim was combined with no. 36-00141 into no. 36-15384)
Wiens, M. J., Jr.	A36-00141/36-15384	36-15384 (claim was combined with no. 36-00098 into no. 36-15384)

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

Claimant's Name	Claim No. as listed on Notice of Appearance	Discrepancy Between Notice of Appearance and IDWR Records
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

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OCT 1 1 1994

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

JODI I. SCHULTZ
Legal Assistant
Idaho Department of Water Resources

cc: IDWR Southern Region

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OCT 1 1 1994

State of Idaho
DEPARTMENT OF W
Southern Region, 222 Shoshone St. East,

CECIL D. ANDRUS
Governor

RECEI
FEB 08 19
Department of Water Re
Southern Region Offi

22-Jan-1993

JENSEN REAL ESTATE
PO BOX 201
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00021B

Dear Mr. Jensen:

Please find enclosed the copies of documents you
contained in the above referenced SRBA file(s) as
note that copies of orthophoto quad maps or NAPP
slides which may have been used in the review of
been included since they are not easily reproduce
however available for your review at our office.
in some situations some water rights may have oth
which contain privileged information between IDWR
council which has not been copied.

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

$5.30

Sincerely,

Jeanie Robertson
Records Clerk

Encl:

cc: HARRY GISLER
755 E 2800 S
RT 1
HAGERMAN ID 83332



I am returning your check as the bill was already paid by Jensen Real Estate.

MICROFILMED
OCT 11 1994

Harry R. Gisler
10514 E. Spring Creek Rd.
Sun Lakes, Ariz. 85248

PHOENIX, AZ 850
PM
FEB
1993



RECEIVED
FEB 08 1993
Department of Water Resources
Southern Region Office

Department of Water Resources
222 Shoshone St East.
Twin Falls, Idaho
83301

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 3015349

Date: 2/ 2/1993
Time: 11:33:02

Received From: JENSEN, ET AL.

Type of Payment	Program Acct Class	Amount
COPIES/GISLER $8.00;JENSEN $9.80 64100	229 21 1760	17.80
COPIES/SIMPSON $16.00;DEVRIES $8.00 64100	229 21 1760	24.00
COPIES/YA-TA-HAY $8.00;JOHNSON $8.00 64100	229 21 1760	16.00
	Total	$57.80

CHECK SIX

Region: SOUTHERN Signature: Jamie Robertson

The combined total of these checks will pay for the 6 statements enclosed.
Thanks
Cliff

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

22-Jan-1993

JENSEN REAL ESTATE
PO BOX 201
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00021B

Dear Mr. Jensen:

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:

$5.30

Sincerely,

Jeanie Robertson
Records Clerk

Encl:

cc: HARRY GISLER
755 E 2800 S
RT 1
HAGERMAN ID 83332

MICROFILMED
OCT 1 1 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

22-Jan-1993

JENSEN REAL ESTATE
PO BOX 201
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00021B

Dear Mr. Jensen:

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:

$5.30

Sincerely,

Jeanie Robertson
Records Clerk

Encl:

cc: HARRY GISLER
755 E 2800 S
RT 1
HAGERMAN ID 83332

MICROFILMED
OCT 11 1994

RECEIVED
JAN 15 1993
Department of Water Resources
Southern Region Office

Jan 10, 1993
(Date)

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in my file as it relates to water right number A36-00021B.

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.

NOTE: Please send the requested information to Jensen Real Estate
P. O. Box #201
Hagerman, Idaho 83332

Sincerely,

Harry R. Gisler
(Name)

755 East 2800 South, Route #1
(Address)

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

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

MICROFILMED
OCT 11 1994

HARRY GISLER
755 EAST 2800 SOUTH, ROUTE #1
HAGERMAN, IDAHO 83332





RECEIVED

JAN 15 1993

Department of Water Resources
Southern Region Office

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE STREET EAST
TWIN FALLS, IDAHO 83301

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. A36-00021B (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, 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.	**OBJECTION** 36-00021B -0001/ 93-04-0022

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)

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Harry R. Gisler

Address: 108 Doral Drive

Jerome, ID 83338

Briefly describe your interest in this water right:

Priority date March 30, 1884

Judicial decree March 22, 1932

New International Mortgage Bank v. Idaho Power Co.

2. Owner of the water right:

Name: Harry R. Gisler

Address: 108 Doral Drive

Jerome, ID 83338

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. [X] 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. [X] Quantity: I object to:

   a. [X] 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. [X] 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. [X] Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.

9. [X] Place of Use: I object to:

   a. [X] the legal description of the place of use; or

   b. [ ] the number of irrigated acres within each forty (40) acre subdivision.

10. [X] Consumptive Use: I object to the annual volume of consumptive use.

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

(Over)

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12. ☐ Water Right Recommendation: I object to:

a. ☐ this water right being recommended at all; or

b. ☐ this water right not being recommended.

13. ☐ Description of Reservation: I object to the legal description of the reservation.

14. ☒ Other: I object to: See attached

REASONS SUPPORTING EACH BOX CHECKED

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

See Page 7

CHANGES TO THE DIRECTOR'S REPORT

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

Irrigation 14.400 all year; stock water 0.090 all year; total consumptive use 636.00 acre feet per annum; 212 acres; delete remarks regarding conveyance loss; add place of usage T7S R13E S28 NWNE; Pt. of diversion: NW1/4SE1/4NE1/4 instead of NWNENE

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

[X] 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 _____

_____, 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.

Harry R. Enslen
Signature of person filing objection

By: _____
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 28th day of April, 1993.

S/ Chris T. Hansen
Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 9-26-94

(Over)

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INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

   Owner name: Harry R. Gisler

   Owner's address: 108 Doral Drive

   Jerome, ID 83338

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

Box 5 - Director's Report fails to accurately state the point of diversion.

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

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

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

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Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

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V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

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

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

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

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

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

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

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AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

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AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

MICROFILMED
OCT 11 1994

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 1 1 1994

(WATER\21530ANS)

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



MICROFILMED
JAN 2 1 1993

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

OCTOBER 13, 1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

· HARRY R. GISLER
· 108 DORAL DRIVE
· JEROME, ID 83338

RE: NOTICE OF ERROR FOR DIVERSION AMOUNT
WATER RIGHT NO.: 36-00021

DEAR MR. GISLER:

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 QUESTIONS THE BASIS FOR RECOMMENDATION OF AN AMOUNT THAT IS LESS THAN THE AMOUNT SHOWN IN A PREVIOUS DECREE.

UNDER IDAHO LAW, A WATER RIGHT IS LIMITED TO THE AMOUNT OF WATER BENEFICIALLY USED FOR THE PURPOSES FOR WHICH THE WATER RIGHT WAS ESTABLISHED. THE AMOUNT OF WATER BENEFICIALLY USED IS LIMITED TO THE AMOUNT THAT IS ACTUALLY USED AND IS REASONABLY REQUIRED. FOR IRRIGATION PURPOSES, A REASONABLE AMOUNT IS THE AMOUNT REQUIRED USING IRRIGATION METHODS THAT ARE REASONABLY EFFICIENT UNDER CURRENT CIRCUMSTANCES. IF THE AMOUNT OF A WATER RIGHT SHOWN IN A DECREE IS GREATER THAN THE AMOUNT THAT IS BENEFICIALLY USED, THEN THE PORTION THAT IS NOT BENEFICIALLY USED IS FORFEITED.

THE AMOUNT PROPOSED TO BE RECOMMENDED FOR YOUR CLAIM IS BASED ON THE AMOUNT OF WATER DETERMINED TO BE BENEFICIALLY USED FOR THE RECOMMENDED USES, BASED ON AVAILABLE DATA AND CURRENT METHODS OF ANALYSIS.

IF YOU STILL DISAGREE WITH IDWR'S RECOMMENDATIONS, YOU WILL HAVE AN OPPORTUNITY TO FILE AN OBJECTION TO THE DIRECTOR'S REPORT WITH THE COURT. WHEN THE DIRECTOR'S REPORT IS FILED WITH THE COURT, YOU WILL BE MAILED A NOTICE THAT WILL CONTAIN MORE INFORMATION ABOUT THE OBJECTION PROCESS. 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 SHARED WITH THE WATER USERS.

SINCERELY,

Robert V. Worstell

WATER AGENT

MICROFILMED
JAN 21 1993

AJ0743NP
(OD-124)

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

10/13/92 20:28:52
Page 1

MICROFILMED
JAN 21 1993

Water Right Number - R36-00021 Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
GISLER	HARRY R	1 - 755 E 2800 S 2 - 3 - RT 1 City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-4894

Priority Date	Region	Stage	Status
03/30/1884	17 SOUTHERN	D - DECREED	

Source	Tributary
BILLINGSLEY CREEK	SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	13E	11	NW NE NE		(47)	GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	4.820	
04	STOCKWATER	04/01	10/31	0.090	
04	STOCKWATER	11/01	03/31	1.930	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
4.820		447.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	21	NE SE	6	10.0	01	IRRIGATION	(47) GOODING
07S	13E	21	SE SE	9	28.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NE SW		9.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NW SW		13.0	01	IRRIGATION	(47) GOODING
07S	13E	22	SW SW		37.0	01	IRRIGATION	(47) GOODING
07S	13E	27	NW NW		32.0	01	IRRIGATION	(47) GOODING
07S	13E	28	NE NE		20.0	01	IRRIGATION	(47) GOODING
07S	13E	21	NE SE	6		04	STOCKWATER	(47) GOODING
07S	13E	21	SE SE	9		04	STOCKWATER	(47) GOODING
07S	13E	22	NE SW			04	STOCKWATER	(47) GOODING
07S	13E	22	NW SW			04	STOCKWATER	(47) GOODING
07S	13E	22	SW SW			04	STOCKWATER	(47) GOODING
07S	13E	27	NW NW			04	STOCKWATER	(47) GOODING
07S	13E	28	NE NE			04	STOCKWATER	(47) GOODING
07S	13E	28	NW NE	1		04	STOCKWATER	(47) GOODING

Total Acres: 149.0

Changed season of use for stockwater to agree with IDW season
KKC 10-21-92

MICROFILMED
JAN 21 1993

Water right number - R36-00021   Prefix Translation: RESEARCH

+ - - Diversion Means - VIA BELL DITCH

+ - - Non-Irrigation Use - STOCK, 400 HEAD OF CATTLE/CALVES

+ - - Other Rights for Same Use - NONE

+ - Remarks - +

1.84 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
WATER IS DELIVERED THROUGH BELL DITCH.

+ - Old Water Right Numbers - +

3600021

+ - Conditions of Approval - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +	+ - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK	IDAHO POWER COMPANY	00/00/0000

+ -Comments- +

Date: 04/20/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS
THIS WR IS SPLIT: A36-00021A FOR 4.0 CFS BRADLEY GISLER
A36-00021B FOR 10.0 CFS HARRY R. GISLER
Date: 08/06/1992 User Id: CHRISTEN Subject: CLAIM NUMBERING CHANGES
THE PARENT RIGHT WAS SPLIT IN ERROR. CLAIMANT OF A36-00021B ACTUALLY CLAIMED ENTIRE RIGHT AND THERE ARE NO OTHER PORTIONS RECOMMENDED. THEREFORE, THE PORTION CLAIMED UNDER A36-00021B IS RECOMMENDED AS R36-00021.
Date: 09/22/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/21/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/6/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/13/1992 User Id: WORSTELL Subject: NOTICE OF ERROR RECORD
NO CHANGE TO RECOMMENDATION

+ - - Audit Fields - - +

10/13/92 WORSTELL

+ - Adjudication Rights Dates and Flags Area - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/13/1992	Old Judicial District	-
Claim Received Date	- 09/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	- B

R PROOF

CVR

MAPS

PHOTOS

MISC



MICROFILMED
JAN 21 1993

AUG-24-1992

NOTICE OF ERROR FORM

RECEIVED
SEP 21 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: 3600021

2. Name: Harry R. Gisler

Address: 108 Doral Dr.
Jerome, Idaho 83338

MICROFILMED
JAN 21 1993

Weekday Telephone Number:
208-324-6944 or 602-895-7583

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

3. Describe the portion of proposed recommendation with which you disagree:
the amount of water. Water comes from headgate 4 miles to Ranch

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

5. Describe why you disagree with the proposed recommendation:
Part of the farmable acres is blow sand and it takes more water than hard ground. about 20 acres.

6. Date: 9/17/92

SIGNATURE Harry R. Gisler

Water Right Number - R36-00021 Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
GISLER	HARRY R	1 - 755 E 2800 S 2 - 3 - RT 1 City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-4894

Priority Date	Region	Stage	Status
03/30/1884	17 SOUTHERN	D - DECREED	

Source	Tributary
BILLINGSLEY CREEK	SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	13E	11	NW NE NE		(47)	GOODING

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
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04	STOCKWATER	11/01	03/31	1.930	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
4.820		447.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	21	NE SE	6	10.0	01	IRRIGATION	(47) GOODING
07S	13E	21	SE SE	9	28.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NE SW		9.0	01	IRRIGATION	(47) GOODING
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07S	13E	27	NW NW		32.0	01	IRRIGATION	(47) GOODING
07S	13E	28	NE NE		20.0	01	IRRIGATION	(47) GOODING
07S	13E	21	NE SE	6		04	STOCKWATER	(47) GOODING
07S	13E	21	SE SE	9		04	STOCKWATER	(47) GOODING
07S	13E	22	NE SW			04	STOCKWATER	(47) GOODING
07S	13E	22	NW SW			04	STOCKWATER	(47) GOODING
07S	13E	22	SW SW			04	STOCKWATER	(47) GOODING
07S	13E	27	NW NW			04	STOCKWATER	(47) GOODING
07S	13E	28	NE NE			04	STOCKWATER	(47) GOODING
07S	13E	28	NW NE	1		04	STOCKWATER	(47) GOODING

Total Acres: 149.0

MICROFILMED
JAN 21 1993

MICROFILMED
JAN 21 1993

Water right number - R36-00021 Prefix Translation: RESEARCH

+ - - Diversion Means - VIA BELL DITCH

+ - - Non-Irrigation Use - STOCK, 400 HEAD OF CATTLE/CALVES

+ - - Other Rights for Same Use - NONE

+ - Remarks - +

1.84 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
WATER IS DELIVERED THROUGH BELL DITCH.

+ - Old Water Right Numbers - +

3600021

+ - Conditions of Approval - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +	+ - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK	IDAHO POWER COMPANY	00/00/0000

+ -Comments- +

Date: 04/20/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS
THIS WR IS SPLIT: A36-00021A FOR 4.0 CFS BRADLEY GISLER
A36-00021B FOR 10.0 CFS HARRY R. GISLER
Date: 08/06/1992 User Id: CHRISTEN Subject: CLAIM NUMBERING CHANGES
THE PARENT RIGHT WAS SPLIT IN ERROR. CLAIMANT OF A36-00021B ACTUALLY CLAIMED ENTIRE RIGHT AND THERE ARE NO OTHER PORTIONS RECOMMENDED. THEREFORE, THE PORTION CLAIMED UNDER A36-00021B IS RECOMMENDED AS R36-00021.

+ - - Audit Fields - - +

08/06/92 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	- 08/06/1992	Old Judicial District	-
Claim Received Date	- 09/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:26:13
06/28/90

QUICKLOOK INFORMATION

Renumbered to A36-00021

CLAIM NUMBER: A36-00021 ~~B~~

MICROFILMED JAN 21 1993

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			8-16-90 SCE/HHT	N			DB	
POINT OF DIV	Y			Y	1,5			
SOURCE				N				
PLACE OF USE	Y			Y ↓ ACRES	1,4,5,6			
DIV. AMOUNT CFS/VOLUME	Y			Y	6 DECREE WR			
CONSUMPTIVE USE	-			Y				
PURPOSES	Y			N				
PERIOD OF USE	Y			~~N~~ Y	6.			
BASIS OF CLAIM	Y	Prepared amendment copy 3-18-92 w/ diff.		N				
REMARKS	Y			~~N~~ Y	6.			

"VERIFIED BY" CODES

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

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

A36-00021 B → R36-00021B → R36-00021
(claim) (original Rec.) (final Review)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:26:13
06/28/90

GENERAL INFORMATION

CLAIM NUMBER: A36-00021B

MICROFILMED
JAN 21 1993

LAST: BELL FIRST: LEO
ADDRESS:
CITY: X STATE: ID ZIP: 0
PHONE NUMBER: 208-000-0000

OWNER CODE: O

LAST: BELL FIRST: GLENN
ADDRESS:
CITY: X STATE: ID ZIP: 0
PHONE NUMBER: 208-000-0000

OWNER CODE: O

LAST: BELL FIRST: MRS. E.M.
ADDRESS:
CITY: X STATE: ID ZIP: 0
PHONE NUMBER: 208-000-0000

OWNER CODE: O

LAST: GISLER FIRST: HARRY R.
ADDRESS: 755 E. 2800 S.
RT. 1
CITY: HAGERMAN STATE: ID ZIP: 83332
PHONE NUMBER: 208-837-4894

OWNER CODE: C

	DATABASE	FIELD EXAMINER
FIELD EXAM REQUIRED?		
VERIFICATION REQUIRED DUE TO REMARKS?	Y	

CLAIM REMARKS: THIS AMOUNT OF WATER IS NEEDED ON THE PROPERTY FOR SEVERAL REASONS: (1) WITH THE LENGTH OF THE BELL DITCH, THERE IS A LOT OF LOSS FROM EVAPORATION AND SEEPAGE FROM THE DIRT DITCH ITSELF. (2) THE PROPERTY THAT IS IRRIGATED IS VERY SANDY IN NATURE. (3) THE DITCH PASSES OVER LAVA FLOWS AND THERE ARE SINK HOLES THAT CANNOT BE FILLED, WHICH ALSO CAUSE LOSS IN WATER.

How much?

How much Water?

How much?

PAGE: 2
FIELD EXAMINATION INFORMATION

CLAIM NUMBER: A36-00021B

CONTACT PERSON: _____ PHONE NUMBER: (___) ___-____

DATE OF FIELD EXAM: 8/16/90 APPOINTMENT MADE: Y(___) N(___) TIME: ___:___ A(___) P(___)

ACCOMPANIED BY: _____ PHONE NUMBER: (___) ___-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

A36-00021 claimed as split - but appears to be used as one right due to pivots and wheellines systems.

3-19-92 Conversation w/ Cliff Jensen indicates this right is claimed in full by Harry Gisler and he will be submitting an amended claim for the full 14.4 cfs. There is no split of this right. Bradley has been renumbered to A36-00077C.

SCC

MICROFILMED
JAN 21 1993

PRIORITY DATE REVIEW PAGE

CLAIM NUMBER: A36-00021B

A. AJ CLAIM: # A36-00021B PRIORITY DATE: 03-30-1884 STAGE: D

B. WR RECORD: # 36-00021 PRIORITY DATE: 03-30-1884 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER N

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

REMARKS:

RECOMMENDED PRIORITY DATE:
03-30-1884

REVIEWED BY _____ DATE 9-10-90

MICROFILMED
JAN 21 1993

CLAIM NUMBER: A36-00021B

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00021B	07S	13E	11	NE	SW	NE		GOODING
A36-00021B	07S	13E	22	SW	NW	SE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-07565	NONE
A36-10543	
A36-00021A	
A36-00037A	

WR RECORDS IN SAME 40 ACRE TRACT

36-00006
36-00007
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

confirmed pump for Rediversion is here (probably more accurate to say SENESW S.22)

S

3-20-92

MICROFILMED
JAN 21 1993

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
36-00021	07S	13E	11		SE	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

36-00003
36-00005
36-00019
36-00024
36-00025
36-00026
36-00027
36-00034
36-00035A
36-00035B
36-00039A
36-00039B
36-00040
36-00051
36-00052
36-00064
36-00065
36-00067
36-00071
36-00076
36-00077
36-00082
36-00083
36-00085
36-00087
36-00088
36-00089
36-00090
36-00091
36-00094
36-00095
36-00096
36-00103
36-00108
36-00112A
36-00112B
36-00113B
36-00113C
36-00113D
36-00125
36-04008
36-04115
36-04261
36-07271
36-07658
36-07739
36-07834
36-07840
36-07853
36-07875
36-07957
36-08058
36-08319
36-08335

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A36-00025	NONE
A36-00087	
A36-07658	
A36-10409	
A36-00051D	
A36-10119	
A36-10120	
A36-10751	
A36-10752	
A36-10755	
A36-10061	
A36-00103B	
A36-00108A	
A36-00003G	
A36-00027	
A36-00039C	
A36-00090E	
A36-00051B	
A36-00076A	
A36-00089B	
A36-00089D	
A36-10283	
A36-10312	
A36-00090A	
A36-00003D	
A36-00090B	
A36-00090C	
A36-00090D	
A36-00090F	
A36-00108F	
A36-00125A	
A36-00026	
A36-00051C	
A36-00071A	
A36-00089A	
A36-00108C	
A36-00108D	
A36-00108E	
A36-00108H	
A36-04008	
A36-04115	
A36-04261	
A36-00113B	
A36-10316	
A36-10588	
A36-00039J	
A36-00096A	
A36-00113F	
A36-00113G	
A36-10559	
A36-00048B	
A36-00048C	
A36-10223	
A36-00103A	
A36-00003B	

MICROFILMED
JAN 21 1993

A36-00003C
A36-00003E
A36-00003F
A36-00003J
A36-00039G

SOURCE: BILLINGSLEY CREEK TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

		DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY?	(Y/N)	Y	Y
DUE TO SOURCE DISCREPANCY?	(Y/N)	N	N

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY	
7S.	13E.	11	NW	SE	NE		47	change claim

SOURCE: BILLINGSLEY CREEK TRIB: SNAKE RIVER

REVIEWED BY: SCL DATE: 7-10-90

MICROFILMED
JAN 21 1993

PLACE OF USE REVIEW SHEET

CLAIM NUMBER: A36-00021B

MICROFILMED JAN 21 1993

A. ROOT WATER RIGHT NUMBERS: A36-00021A
A36-00021B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	21	NE	SE	6	GISLER , HARRY R.	A36-00021B /10.0	- /		10	10
						GISLER , BRADLEY	A36-00021A /15.0	- /			
						BELL , LEO		36-00021 /			
						BIG BEND IRRIGATION & MINING C		36-00133 /			
						BIG BEND IRRIGATION & MINING C		36-00192 /	A (15)		
07S	13E	21	NE	SE	6	GISLER , HARRY R.	A36-00021B /	- /			
						GISLER , BRADLEY	A36-00021A /15.0	- /			
						BELL , LEO		36-00021 /			
						BIG BEND IRRIGATION & MINING C		36-00133 /			
						BIG BEND IRRIGATION & MINING C		36-00192 /			
07S	13E	21	SE	SE	9	GISLER , HARRY R.	A36-00021B /40.0	- /		28	28
						BELL , LEO		36-00021 /			
						BIG BEND IRRIGATION & MINING C		36-00133 /			
						BIG BEND IRRIGATION & MINING C		36-00192 /			
07S	13E	21	SE	SE	9	GISLER , HARRY R.	A36-00021B /	- /			
						BELL , LEO		36-00021 /			
						BIG BEND IRRIGATION & MINING C		36-00133 /			
						BIG BEND IRRIGATION & MINING C		36-00192 /			
07S	13E	22	NE	SW		GISLER , HARRY R.	A36-00021B /	- /	12.0		
						BIG BEND IRRIGATION & MINING	CA36-02007 / 4.0	36-02007 /			
						BIG BEND IRRIGATION & MINING	CA36-00192 / 4.0	36-00192 /			
						BURLESON , LINDA	A36-00077A / 5.0	- /			
						GISLER , BRADLEY	A36-00021A /27.0	- /			
						BIG BEND IRRIGATION & MINING	CA36-00133 / 4.0	36-00133 /			
						MARINER , F. C.		36-00077 /			
07S	13E	22	NE	SW		GISLER , HARRY R.	A36-00021B / 9.0	- /	12.0	9	9
						BIG BEND IRRIGATION & MINING	CA36-02007 / 4.0	36-02007 /			
						BIG BEND IRRIGATION & MINING	CA36-00192 / 4.0	36-00192 /			
						BURLESON , LINDA	A36-00077A / 5.0	- /			
						GISLER , BRADLEY	A36-00021A /27.0	- /			
						BIG BEND IRRIGATION & MINING	CA36-00133 / 4.0	36-00133 /			
						MARINER , F. C.		36-00077 /	A (6)		
07S	13E	22	NW	SW		GISLER , HARRY R.	A36-00021B /13.0	- /	40.0	13	13
						GISLER , BRADLEY	A36-00021A /27.0	- /			
						MARINER , F. C.		36-00077 /			
						BIG BEND IRRIGATION & MINING C		36-00133 /			
						BIG BEND IRRIGATION & MINING C		36-00192 /			
						BIG BEND IRRIGATION & MINING C		36-02007 /			
07S	13E	22	NW	SW		GISLER , HARRY R.	A36-00021B /	- /	A (27)		
						GISLER , BRADLEY	A36-00021A /27.0	- /	40.0		

					MARINER , F. C.			36-00077 /		
					BIG BEND IRRIGATION & MINING C			36-00133 /		
					BIG BEND IRRIGATION & MINING C			36-00192 /		
					BIG BEND IRRIGATION & MINING C			36-02007 /		
07S	13E	22	SW	SW	GISLER , HARRY R.	A36-00021B	/40.0	- /	40.0	
					GISLER , HARRY R.	A36-11067	/	- /		37
					BELL , LEO			36-00021 /		
07S	13E	22	SW	SW	GISLER , HARRY R.	A36-00021B	/	- /	40.0	
					GISLER , HARRY R.	A36-11067	/	- /		
					BELL , LEO			36-00021 /		
07S	13E	27	NW	NW	GISLER , HARRY R.	A36-00021B	/40.0	- /	40.0	
					GISLER , HARRY R.	A36-11069	/	- /		32
					BELL , LEO			36-00021 /		
07S	13E	27	NW	NW	GISLER , HARRY R.	A36-00021B	/	- /	40.0	
					GISLER , HARRY R.	A36-11069	/	- /		
					BELL , LEO			36-00021 /		
07S	13E	28	NE	NE	GISLER , HARRY R.	A36-00021B	/40.0	- /	39.0	
					GISLER , HARRY R.	A36-11068	/	- /		20
					BELL , LEO			36-00021 /		
07S	13E	28	NE	NE	GISLER , HARRY R.	A36-00021B	/	- /	39.0	
					GISLER , HARRY R.	A36-11068	/	- /		
					BELL , LEO			36-00021 /		
07S	13E	28	NW	NE	1 GISLER , HARRY R.	A36-00021B	/20.0	- /		
					BELL , LEO			36-00021 /		Ø
07S	13E	28	NW	NE	1 GISLER , HARRY R.	A36-00021B	/	- /		
					BELL , LEO			36-00021 /		
					TOTAL ACRES	A36-00021B		212.00		342.00

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

149 149

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE	FIELD EXAMINER
Y	Y

MICROFILMED
JAN 21 1993

PAGE: 9
PLACE OF USE REVIEW SHEET CONTINUED

CLAIM NUMBER: A36-00021B

PRESUMPTION FLAG:

REMARKS:

In addition to field exam & Napp photo, Planimeter was used to verify the acres for each 1/4-1/4 tract.

RECOMMENDATIONS:

TOTAL ACRES: 149

REVIEWED BY: SCC DATE: 9-10-90

MICROFILMED
JAN 21 1993

— acres are actually irrigated in a common system w/ 48 Acres under A36-00077C as a Permissable Place of Use.

— however no overlapping acres.

Scc
3-20-92

PURPOSES REVIEW SHEET

CLAIM NUMBER: A36-00021B

A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00021B	IRRIGATION	FROM ~~03-15~~ TO ~~11-15~~ 4/-1 to 10-31	10.400 CFS
A36-00021B	STOCKWATER	FROM 01-01 TO 12-31	.090 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED		10.400 CFS

B. WR RECORDED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00021	IRRIGATION	FROM TO	14.400 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED		14.400 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(X) N(___)

RECOMMEND TO WR STANDARDS OR OTHER? Y(X) ~~N(___)~~ Explain in remarks, below.

REMARKS:

MICROFILMED JAN 21 1993

DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A36-00021B

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(X) N(X)

amended = Yes

AJ TOTAL CLAIMED DIVERSION RATE: 10.400 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 14.400 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?

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

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00021B	BILLINGSLEY CREEK	GISLER , HARRY R.	10.400	0.049		
A36-00021A	BILLINGSLEY CREEK	GISLER , BRADLEY	4.000	0.057		
A36-00192	TUCKER SPRINGS, LOWER	BIG BEND IRRIGATION & MINING C	15.000	0.017	10859.70	12.35
A36-00077A	BILLINGSLEY CREEK	BURLESON , LINDA	0.100	0.020		
A36-00133	TUPPER SPRINGS, UPPER	BIG BEND IRRIGATION & MINING C	20.000	0.022	14479.60	16.47

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY		RATE	VOLUME
A36-00021B	STOCKWATER	GISLER , HARRY R.	FROM 01-01	TO 12-31	.090 CFS	
A36-00021A	STOCKWATER	GISLER , BRADLEY	FROM 01-01	TO 12-31	.050 CFS	
A36-11067	DOMESTIC	GISLER , HARRY R.	FROM 01-01	TO 12-31	.040 CFS	
A36-11069	DOMESTIC	GISLER , HARRY R.	FROM 01-01	TO 12-31	.040 CFS	
A36-11068	DOMESTIC	GISLER , HARRY R.	FROM 01-01	TO 12-31	.040 CFS	

MICROFILMED
JAN 21 1993

CLAIM NUMBER: A36-00021B

MICROFILMED
JAN 21 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 149 x 0.02 CFS/ACRE = 2.98 CFS
(Taken from p/u review)

1b. CALCULATIONS

Entire systems sprinklers, pivots or wheellines — Recommend 1"/ac. (.02cfs/ac.)

2.98

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 636.0 AF/A

ACRES 149 x CONSUMPTIVE VOL. AF/A FOR AREA ~~4.27~~ 3.0 =

TOTAL CONSUMPTIVE USE 447 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 149 x DIVERSION VOL. AF/A FOR AREA 4.0 =

TOTAL DIVERSION VOLUME 596 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

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

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

Conveyance loss 1.84.

no additional water Ø N/A.
for Sprinkler system.

Total rec. 4.82

plus non-irrig. season stock + C.U.

CLAIM NUMBER: A36-00021B

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM	REC. PERIOD TO	REC. DIV RATE CFS DATABASE	REC. DIV RATE CFS EXAMINER	REC. DIV VOL. AF/A DATABASE	REC. DIV VOL. AF/A EXAMINER	REC. CONS. USE DATABASE	REC. CONS. USE EXAMINER
IRRIGATION	~~4-15~~ 4-1	~~11-15~~ 10-31	~~7.45~~	4.82		596		447
STOCK WATER	~~1-1~~	~~12-31~~	4-1 to 10-31 0.09			N/A		
Stockwater	11-1	3/31	1.93					
TOTAL FOR THIS RIGHT			~~7.45~~	4.82		596		447

REVIEWED BY: Stu Cell DATE: 9-10-90

Exam 3-20-92

~~Proportional rate of original WR~~ ~~14.4 cfs~~ / 280 Ac. = 0.05 cfs/Ac

Irrigation System Sprinklers, pivots or wheellines — .02 cfs/ac

.02 x 149 = 2.98

plus ditch loss (1.84)

F01 -
D02 -
~~E09~~ -
~~F05~~ -

no overlap

MICROFILMED JAN 21 1993

BASIS OF CLAIM REVIEW SHEET

CLAIM NUMBER: A36-00021B

MICROFILMED JAN 21 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	( )	( )
FORFEIT/ABANDON	( )	(X) legal review
ADDITIONAL DIV. AMOUNT	(/)	(X)

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00021

TOTAL DIVERSION RATE OF WR SPLITS — DATABASE 14.400 — EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-00021	~~A36-00021A~~ renumbered	4.000	-		36-00021	14.400
A36-00021	A36-00021B	10.400	-		36-00021	14.400
	TOTAL CFS	14.400				14.400

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N) — DATABASE N — FIELD EXAMINER OK

IF NO, is the written review sheet attached? (Y/N)

REMARKS:

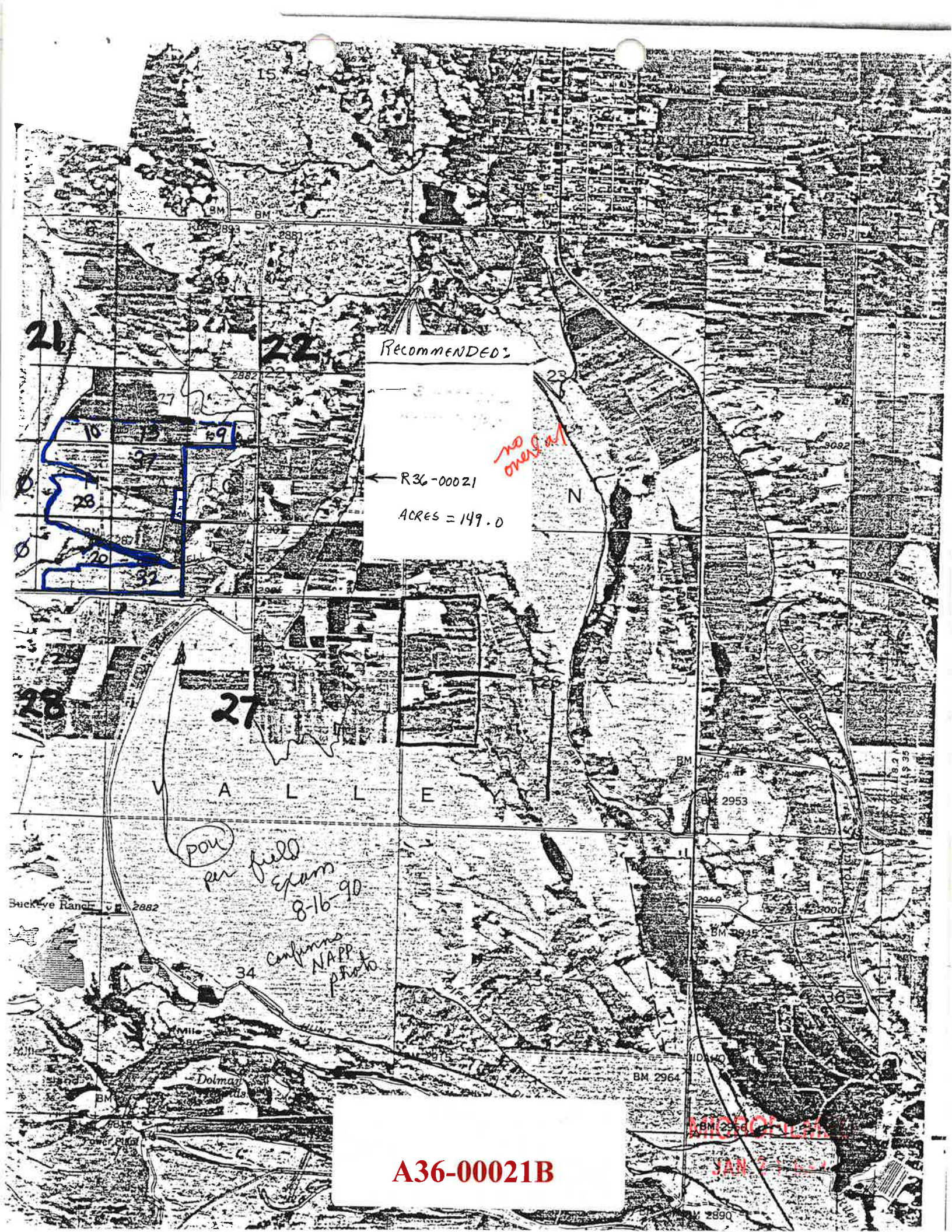
Split Review: no other portion. HHT

Recommended as R36-00021.

AUTHENTICATION:

SIGNATURE: Steve [illegible] DATE: 9-10-90

NAME OF FIELD EXAMINER: _____ TITLE: _____


RECOMMENDED:
R36-00021
ACRES = 149.0
no overlap
per field exam 8-16-90
confirms NAPP photo
A36-00021B
RECEIVED
JAN 2

SD-52
MODIFY RIGHT

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PLACES OF USE SCREEN

DATE: 09/10/90
TIME: 14:31:00

WATER RIGHT NUMBER: 36-00021 FIRST PAGE

10. TWP	RNG	SEC	1/4	1/4	LOT	Claimed ACRES	Field EXAM USE	USE DESC.		COUNTY	COUNTY NAME	Planimeter
07S	13E	21	NE	SE	6	15/10	01 25	IRR	1	47	GOODING	20.0
07S	13E	21	SW	SE	9		01 Ø	IRR	2	47	GOODING	
07S	13E	21	SE	SE	9	40	01 28	IRR	3	47	GOODING	30.0
07S	13E	22	SW	SW		40	01 37	IRR	4	47	GOODING	37.0
07S	13E	27	NW	NW		40	01 32	IRR	5	47	GOODING	32.0
07S	13E	28	NE	NE		40	01 20	IRR	6	47	GOODING	20.0
07S	13E	28	NW	NE	1	20	01 Ø	IRR	7	47	GOODING	Ø
									7X40 = 280 Ac.			
		22	NE	SW		27/9	15					15.7
			NW	SW		27/13	40					40.0

(GOLD2=UPDATE) (GOLD3=DEL POU'S) (GOLD4=PREV SCREEN) (GOLD5=NEXT SCREEN) (GOLD6=END OF DATA) (ENTER=EXIT) (GOLD8=CANCEL)

per ~~21A~~-77C
per -21B

48.0
149.0

AS CLAIMED
69+22= 281

FIELD EXAM
197

DECREE
280 Ac.

9-10-90
SCC

PLANIMETER
194.7

proportional rate: $\frac{0.05 \text{ cfs}}{\text{Ac.}} = \left(\frac{14.4 \text{ cfs}}{280 \text{ Ac}}\right)$

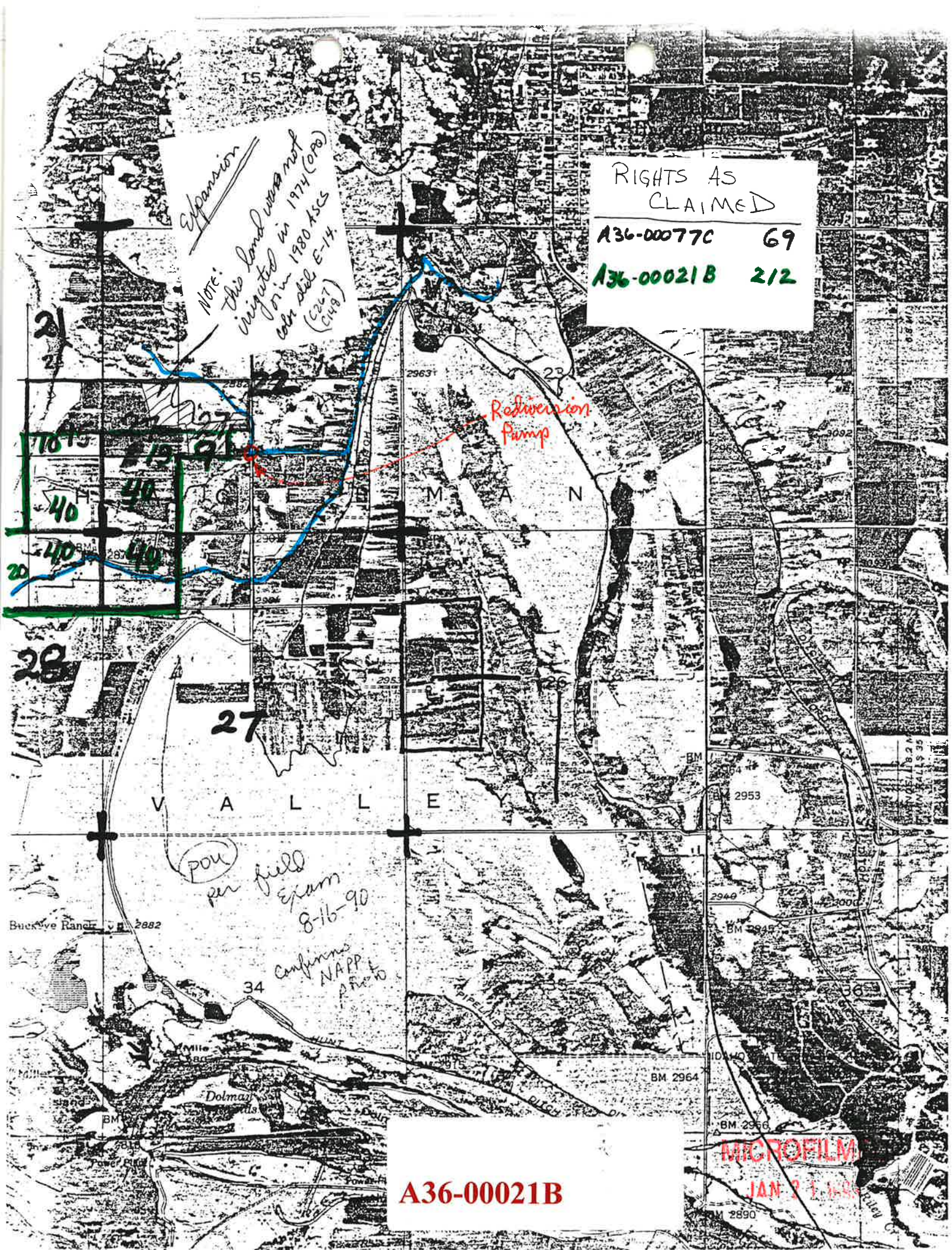
RENUMBER

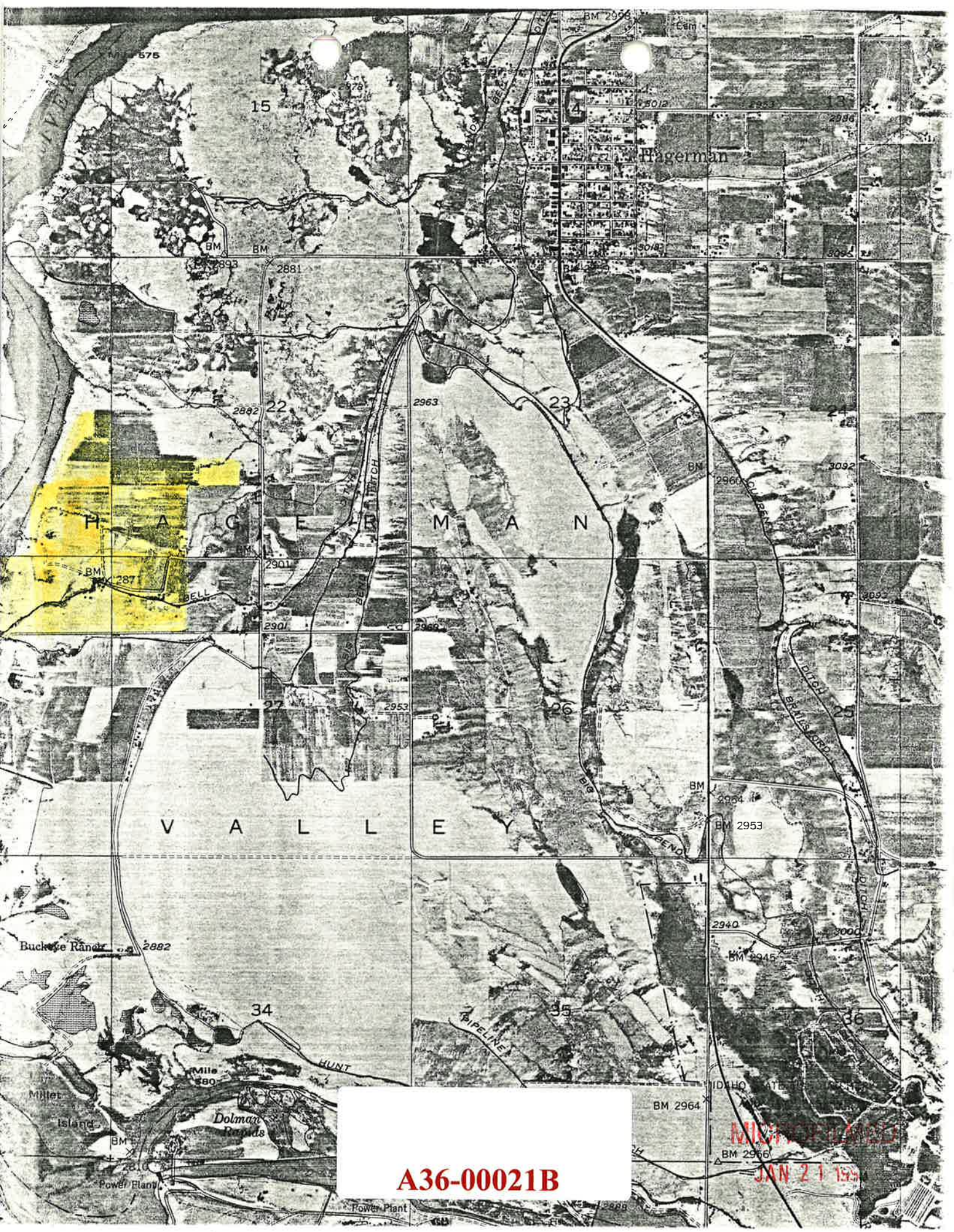
A36-00021 (A)+B (A36-00077C)

Split/Overlap review

SCC 9-10-90

MICROFILMED
JAN 21 1993


Expansion
Note: this land was not irrigated in 1974 (OPO) or in 1980 ASCS calculations (C267) (C48)
RIGHTS AS CLAIMED
A36-00077C 69
A36-00021B 2/2
Rediversion Pump
MAIN
VALLEY
POU per field Exam 8-16-90
Confirms NAPP Photo
Buckeye Ranch
Dolman
BM 2964
BM 2953
BM 2956
BM 2890
MICROFILM
JAN 2 1 1991
A36-00021B


Hagerman
P A G E R M A N
V A L L E Y
Buckeye Ranch
Dolman Rapids
Miller Island
Power Plant
Power Plant
BM 2966
BM 2964
BM 2953
BM 2945
BM 2966
BM 2964
2963
2953
2940
2901
2882
2881
2893
2960
3092
3000
15
22
23
24
25
26
27
34
35
36
HUNT
PIPELINE
BELL
BEND
DITCH
IDAHO

A36-00021B

Scc 8-3-92

CONVEYANCE LOSS - WORSTELL

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	5100	7.0	2.00	0.90	0.17	7.13	0.1265	0.02	10.90
2	11700	7.0	2.00	2.07	2.24	6.96	0.2973	0.95	9.83
3	2500	7.0	2.00	0.44	0.19	4.72	0.0937	0.10	5.52
4	900	7.0	2.00	0.16	1.55	4.53	0.0351	0.86	4.88
5	1100	7.0	2.00	0.19	2.98	2.98	0.0653	1.84	3.17
6				0.00		0.00	0.0000	0.00	0.00
7				0.00		0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	21300			3.77	7.13			3.77	

BELL DITCH

A36-000218

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

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