

36-00023

36-15681 =

**PENDING LATE CLAIM
ENLARGEMENT OF
36-00022 & 36-00023**

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: **A36-00023**
Date Received: 8/22/1988
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BIG SPRING WATER USERS ASSN 208-837-4806
Address: 2727 S 1050 E
HAGERMAN ID 83332

2. Date of Priority: APR 1, 1911

3. Source: BIG SPRING Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	14E	18		NW	SW	3	GOODING

5. Description of diverting works:
VIA DURFEE-SECOR TUNNEL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.000		1,80
DOMESTIC	01/01	12/31	0.340		34
FISH PROPAGATION	01/01	12/31	2.100		
STOCKWATER	01/01	12/31	0.060		
MUNICIPAL	01/01	12/31	0.340		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOM, 62 HOMES; FISH, 20 RACEWAYS; STOCKWATER, 1000 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	13	NE		SW		IRR	4.0
			NE		SW		DOMEST	
			SW		SW		DOMEST	
			SW		SW		IRR	35.0
			SE		SW		IRR	34.0
			SE		SW		DOMEST	
			NW		SE		DOMEST	
			NW		SE		IRR	19.0
			SW		SE		IRR	37.0
			SW		SE		DOMEST	
			SE		SE		IRR	36.0
			Section Acres					165.0
		14	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			SE		NE		MUNI	
			SE		NW		MUNI	
			NE		SE		DOMEST	
			SE		SE		IRR	30.0
			SE		SE		DOMEST	
			Section Acres					30.0
		23	NE		NE		IRR	35.0
			NE		NE		DOMEST	
			NW		NE		IRR	24.0
			NW		NE		DOMEST	
			NE		SE		DOMEST	
			Section Acres					59.0
		24	NE		NE		IRR	40.0
			NE		NE		DOMEST	
			NW		NE		IRR	36.0
			NW		NE		DOMEST	
			SW		NE		IRR	36.0
			SE		NE		IRR	31.0
			NE		NW		IRR	40.0
			NW		NW		IRR	39.0
			SW		NW		IRR	34.0
			SE		NW		FISH	
			SE		NW		IRR	34.0
			NE		SW		IRR	35.0
			NE		SE		FISH	
			NE		SE		IRR	31.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	24	NW		SE		IRR	36.0
			SW		SE		DOMEST	
			SW		SE		IRR	39.0
			SE		SE		FISH	
			SE		SE		IRR	30.0
							Section Acres	461.0
	14E	14	NE		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		23	NE		NE		MUNI	
			NW		NE		MUNI	
			NE		NW		MUNI	
		24	SW		NE		DOMEST	
			SE		NE		DOMEST	
			SE		NW		DOMEST	
			NE		SW		DOMEST	
			NW		SW		DOMEST	
			NW		SE		DOMEST	
							Total Acres	715.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

USES ALSO SUPPLIED WATER FROM OTHER SOURCES (SEE REMARKS)

14. Remarks:

THIS CLAIM IS AN AMENDMENT OF A36-15166. A36-15166 CLAIMED A COMBINED 36-00022 AND 36-00023. THIS AMENDMENT SPLITS OUT 36-00023 AND 36-00022 IS BEING CLAIMED SEPARATELY.

12/23/1997, DJ: CLAIM AMENDED 12/15/97 TO ADD USES, CHANGE OTHERS AND FURTHER DESCRIBE THE PLACE OF USE. STOCK WATER PLACES OF USE THE SAME AS FOR OTHER USES.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER COMPANY
vs Decree Defendant

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

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

CIVIL CASE NUMBER: 39576
Ident. Number 36-00023
Date Received 12/15/97
Receipt Number 5026785 B 34

DEC 15 1997

Department of Water Resources
Southern Region

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

Please type or print clearly

1. Name of Claimant (s) Big Springs Water Users Assoc., Inc. Phone (208) 837-4806
Mailing Address 2727 S. 1050 E, Hagerman ID Zip 83332
2. Date of Priority (Only one (1) per claim) 4/1/1911
3. Source of water supply (a) Big Springs (Durfee-Secor Tunnel)
which is tributary to (b) Billingsley Crk
4. a. Location of existing point of diversion is: Township 7 Range 14 Section 18,
1/4 of NW 1/4 of SW 1/4, Govt. Lot, 3 B.M., County of Gooding
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. collected at Big Springs to
concrete head box to 30" steel pipe.

6. Water is claimed for the following purposes:

1. Municipal
2. Domestic
For 3. Irrigation purposes from ^(both dates are inclusive) $\frac{1}{1}$ to $\frac{12}{31}$ amount ^(cfs) $\frac{.34}{.34}$ or ^(acre feet) $\frac{5.80}{5.80}$
For 4. Fish Propagation purposes from $\frac{1}{1}$ to $\frac{12}{31}$ amount 2.10 or
For 5. Stockwater purposes from $\frac{1}{1}$ to $\frac{12}{31}$ amount $.06$ or
For ~~6. System Maintenance~~ purposes from ~~$\frac{1}{1}$ to $\frac{12}{31}$~~ amount ~~_____~~ or

7. Total quantity claimed (a) 5.0 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic, 62 Homes; Municipal water to City of Hagerman; Fish Propagation 20 raceways; Stock 1000 head beef cattle;

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	13E	24								Fish					Fish				
			See attachments for other uses.																

Total number of acres irrigated 715

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

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

The land owners hold shares of stock in the claimant corporation.

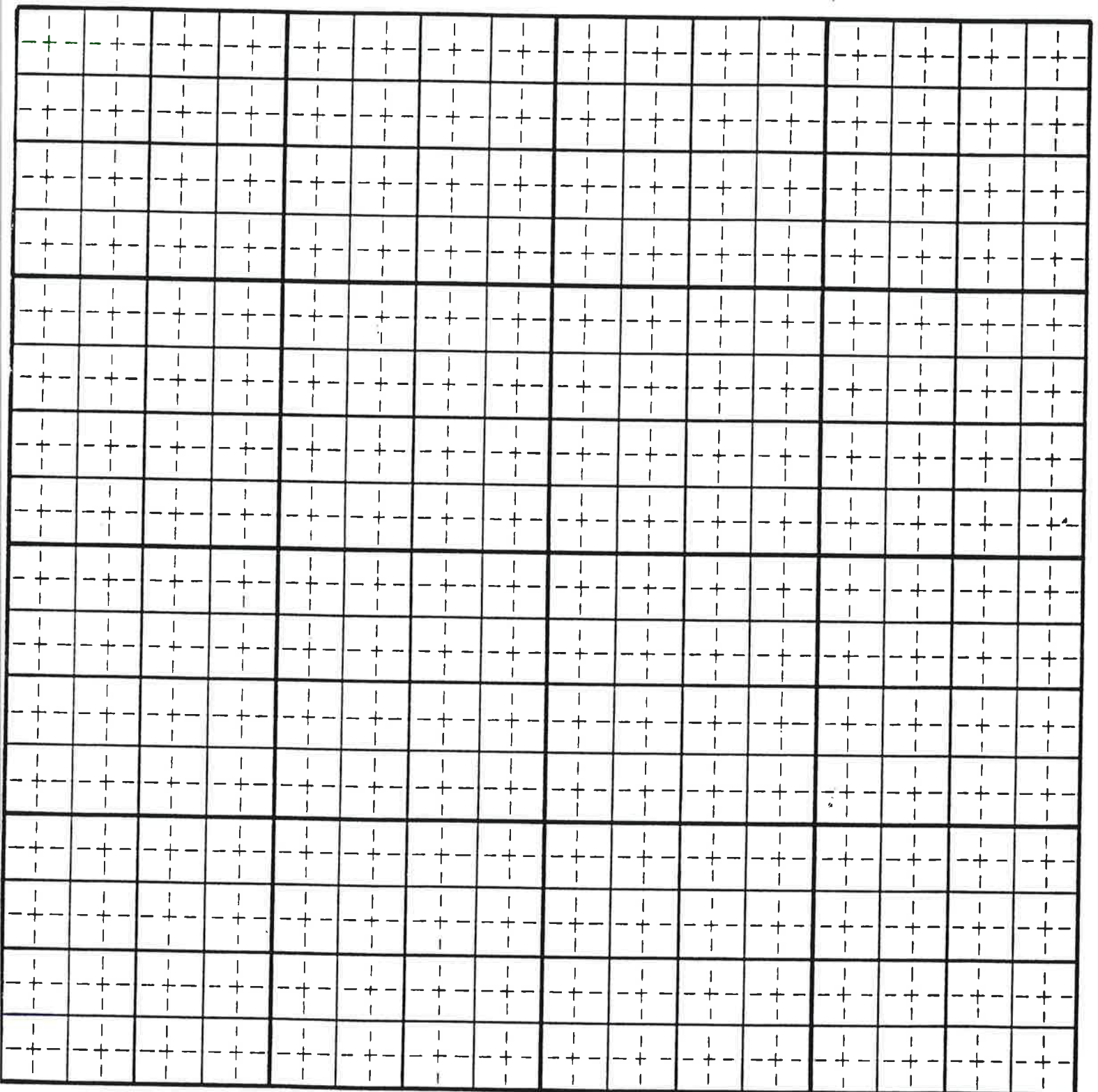
13. Describe any other water rights used at the same place and for the same purposes as described above.
36-00022 or None ()

14. Remarks:

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

Scale: 2 inches equals 1 mile

See Attached



Last Name Big Springs Water Ident No. 36-00023
Users Assoc, Inc

Copies: White-State, Yellow-Claimant

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

Decree X

If applicable provide IDWR Water Right Number 36-00023

Court _____ Case Number _____ Decree Date 3/22/32

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

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am attorney in fact

of Big Springs Water Users Association, Inc. Title _____ that I have signed the foregoing

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

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

Signature of Authorized Agent [Signature]

Title and Organization Attorney in fact for Big Springs Water Users Date 12/15/97

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

Subscribed and sworn (or affirmed) before me this 15th day of December 19 97

SEAL

Notary Public Leann L. McMillan

Residing at Jerome, ID

My Commission Expires 8/24/2001

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Patrick D. Brown Hepworth Lezanie 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 [Signature]

Address 133 Shoshone St. N., Twin Falls, ID 83303

Date 12/15/97

Last Name Big Springs Water Users Assoc, Inc Ident. Number 36-00023

Copies White-State, Yellow-Claimant

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That We, Big Springs Water Users Association, of Hagerman, County of Gooding, State of Idaho, have made, constituted and appointed and by these presents do make, constitute and appoint Patrick D. Brown of the law firm of Hepworth, Lezamiz & Hohnhorst, Chtd. of Twin Falls, Idaho, as power of attorney.

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

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

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

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

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

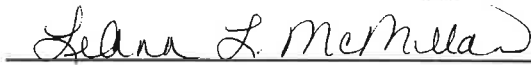
WITNESS my hand this 15 day of December, 1997.


Big Springs Water Users Association
by George Lemmon, Secretary

STATE OF IDAHO)
County of Twin Falls) ss.
Gooding)

On this 15 day of December, 1997, before me, the undersigned, a notary public in and for said county and state, personally appeared George Lemmon, Secretary, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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


NOTARY PUBLIC FOR IDAHO
Residing at: Jerome, Id
My Commission Expires: 8/24/2001

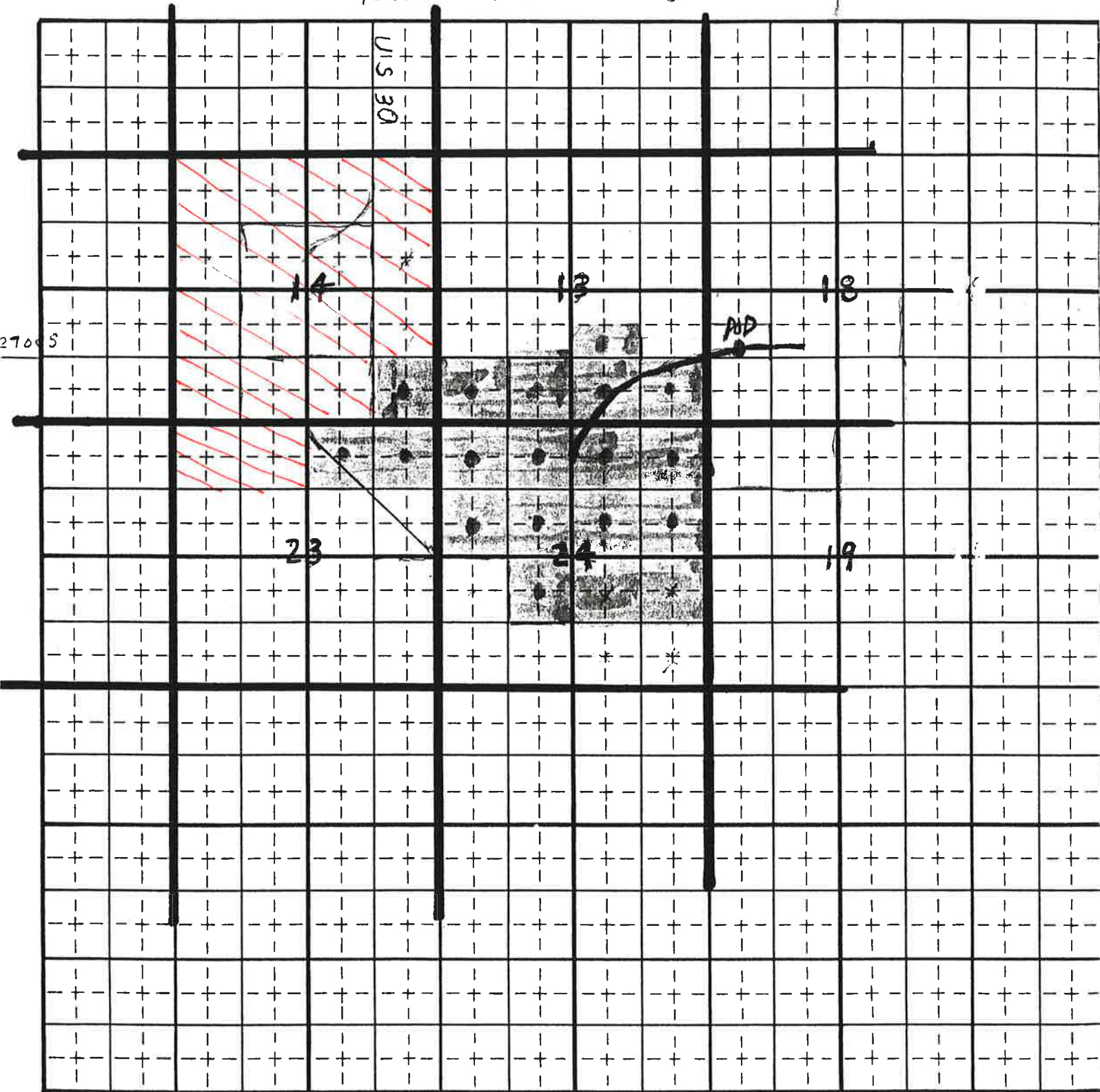
(61293poa.)llm

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 7S Range 13E

Range 14E



MUNICIPAL USE

1050 E

Last Name Big Springs Water Users Assoc, Inc.

Ident No. 36-00023

Copies: White-State, Yellow-Claimant

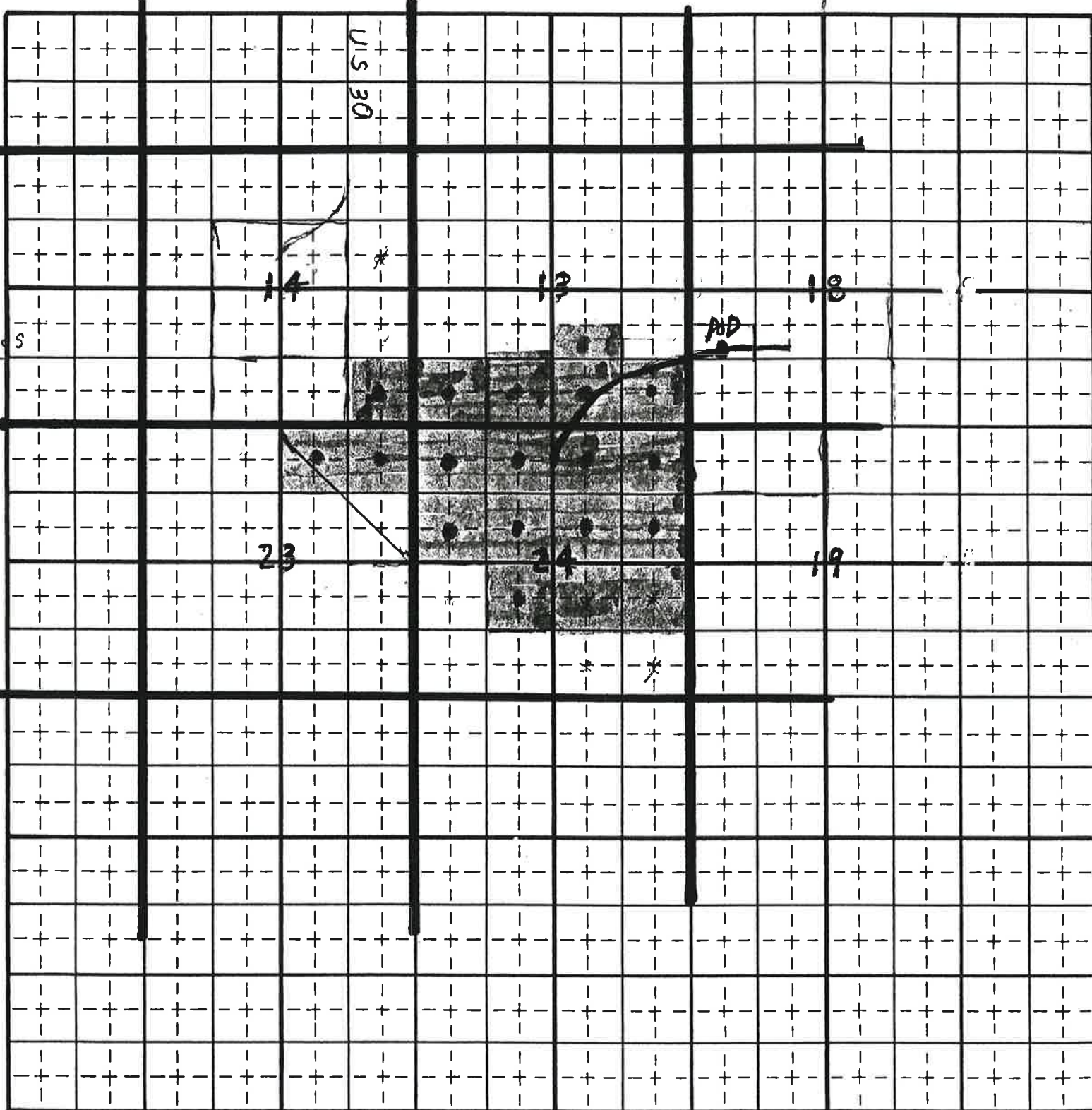
Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Irrigation USES

Township 7S Range 13E

Range 14E



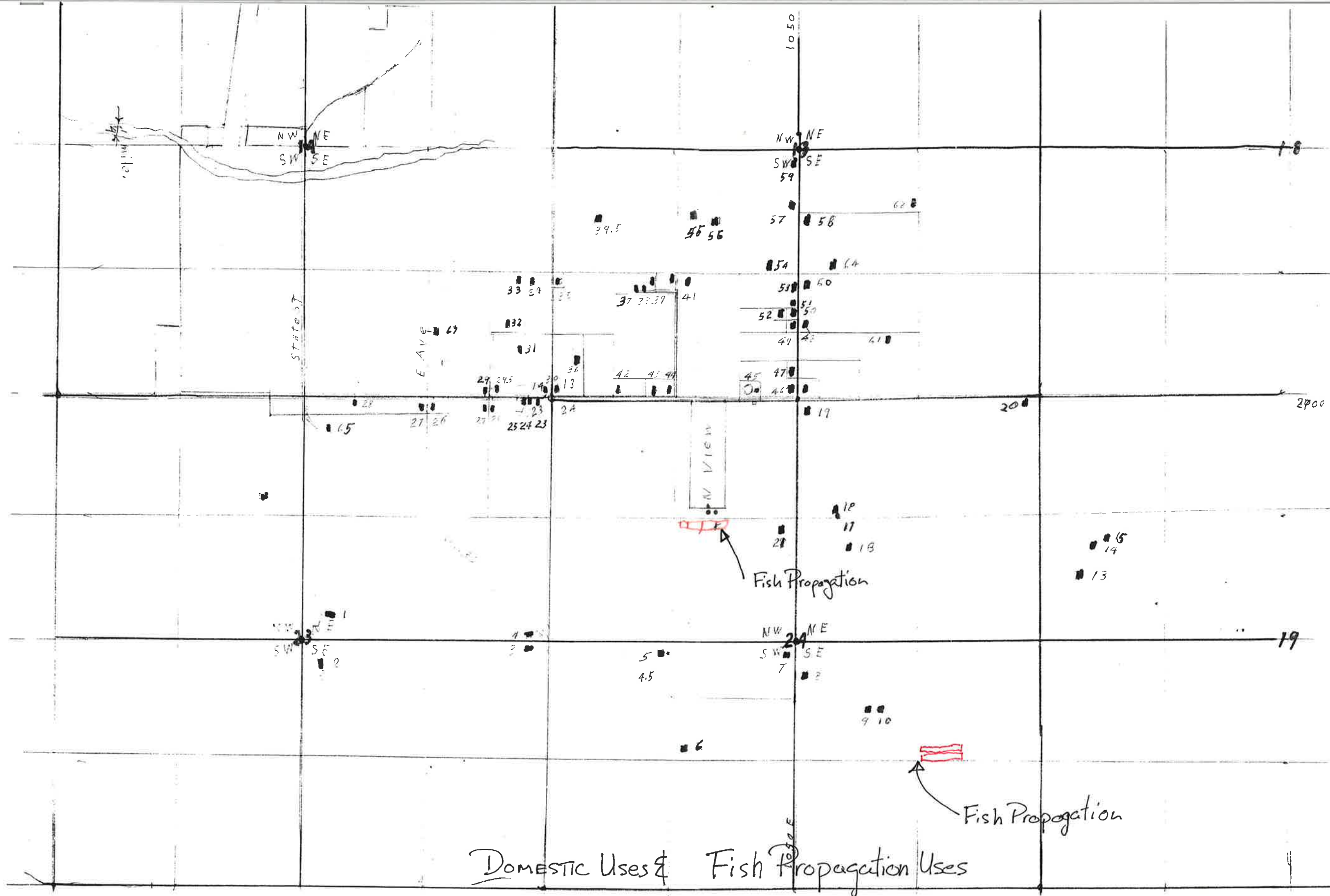
IRRIGATION USES

1050 E

Last Name Big Spring Water
Users Assoc., Inc.

Ident No. 36-00023

Copies: White-State, Yellow-Claimant



PLACE OF USE: IRRIGATION

T07S R13E S13

S14
S23
S24

NESW 4.0
SWSE 37.0
SESE 30.0
NENE 35.0
NENE 40.0
NENW 40.0
NESW 35.0
SESE 30.0

SWSW 35.0
SESE 36.0

NWNE 24.0
NWNE 36.0
NWNW 39.0
NESE 31.0

SESW 34.0

SWNE 36.0
SWNW 34.0
NWSE 36.0

NWSE 19.0

SENE 31.0
SENW 34.0
SWSE 39.0

715.0 ACRES TOTAL

PLACE OF USE: MUNICIPAL

T07S R13E S14

S23

PLACE OF USE: DOMESTIC

T07S R13E S13

S14
S23
S24

NENE
SESW
NWSE
NENE

NESW
SWSE
NESE
NENE
NENE
SESW

NWNE
NESW
SWSE
NWNE

SWSW
SESE
NWNE
NWNE
NESW

SWNE
SESW
SESE
NENW

SESW

NESE
SWNE
NWSW

SENE
NESE

NWSE

SENE
NWSE

PLACE OF USE: STOCKWATER

SAME AS OTHER USES

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: A36-00023
Date Received: 8/22/1988
Receipt No: S001603
Received By: HHT 10-21-92

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BIG SPRING WATER USERS ASSN 208-837-4806
Address: PO BOX 218
HAGERMAN ID 83332

2. Date of Priority: APR 1, 1911

3. Source: BIG SPRING Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	14E	18	SW	NW		2	GOODING

5. Description of diverting works:
VIA DURFEE-SECOR TUNNEL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.000		
DOMESTIC	01/01	12/31	5.000		
FISH PROPAGATION	01/01	12/31	5.000		
STOCKWATER	01/01	12/31	5.000		

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

A.F.A.

8. Total consumptive use is 1806.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DOM, 370 HOMES; FISH, 4 SETS PONDS; STOCKWATER, 1000 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	13	NE	SW		FISH	

A36-00023

Page 1

Date: 10/21/92

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OCT 11 1994

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	13	NE		SW		DOMEST	
			SW		SW		FISH	
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		DOMEST	
			NW		SE		DOMEST	
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 200.0

14	SW	NE	DOMEST	
	SE	NW	DOMEST	
	NE	SW	DOMEST	
	NW	SE	DOMEST	
	SW	SE	DOMEST	
	SE	SE	IRR	40.0

Section Acres 40.0

23	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	DOMEST	
	SE	NE	DOMEST	
	SE	NE	IRR	15.0
	SE	NE	DOMEST	
	NE	NW	DOMEST	
	SE	NW	DOMEST	
	NE	SE	STOCK	
	NW	SE	STOCK	
	NW	SE	COMMER	

Section Acres 95.0

24	NE	NE	IRR	16.0
	NW	NE	IRR	20.0
	SW	NE	IRR	20.0
	SE	NE	IRR	20.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	SE	NW	FISH	
	NE	SW	IRR	40.0
	NE	SW	FISH	
	SW	SW	DOMEST	
	NE	SE	IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	24	NE		SE		FISH	
			NW		SE		IRR	20.0
			SW		SE		DOMEST	
			SW		SE		IRR	40.0
			SE		SE		FISH	
			SE		SE		IRR	40.0
							Section Acres	396.0
	14E	19	NE		SW		IRR	2.0
			NW		SW		IRR	2.0
			SW		SW		IRR	2.0
							Section Acres	6.0
							Total Acres	737.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

USES ALSO SUPPLIED WATER FROM OTHER SOURCES (SEE REMARKS)

14. Remarks:

THIS CLAIM IS AN AMENDMENT OF A36-15166. A36-15166 CLAIMED A COMBINED 36-00022 AND 36-00023. THIS AMENDMENT SPLITS OUT 36-00023 AND 36-00022 IS BEING CLAIMED SEPARATELY.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER COMPANY
vs Decree Defendant

MICROFILMED

MICROFILMED

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 Organizations:

I do solemnly swear or affirm that I am Secretary of _____ Title

Big Spring Water Users Organization, that I have signed the foregoing

document in the space below as Secretary of _____ Title

Big Spring Water Users Organization and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

[Signature]
Title and Organization

10-21-92
Date

State of Idaho)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 21st day
of October 19 92

[Signature]
Notary Public

Seal.

Residing at Boise ID

My Commission Expires 12-1-1992

MICROFILMED
JAN 20 1993
OCT 11 1994

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

TOTAL RECORDS IN SELECTION FILE: 116

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JUL 11 1994

RECEIVED
FEB 10 1993
Department of Water Resources

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

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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 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,

NOTICE OF APPEARANCE

Petitioner,

vs.

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

Respondents.

* * * * *

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



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 1

MICROFILMED

1 Users, Inc. and its individual members:

2	Anderson, Anita G.	A36-00050D
	Babington Lynn J. & Kathy	A36-00003C
3	Banbury Pipe Co., Inc.	A36-10906
	Banbury Pipe Co., Inc.	A36-02038
4	Big Bend Irrigation & Mining Co.	A36-00192
	Big Bend Irrigation & Mining Co.	A36-00133
	Big Spring Water User's Assoc.	A36-00022
5	Big Springs Water User's Assoc.	A36-00023
	Big Springs Water User's Assoc.	A36-15166
6	Blastock, Alma E.	A36-00108B
	Bolduc, Mark E.	A36-00103C
7	Boyer, Dale E. & Elaine M.	A36-00079
	Brailsford, Robert H.	A36-04260
8	Brooks, Allen L. & Andree	A35-00060
	Brooks, Allen L. & Andree	A36-07346
9	Bybee, Gertrude B. Owsley	A36-00042A
	Bybee, Gertrude B. Owsley	A36-00041C
10	Candy, Walter W. & Margaret	A36-00135B
	Candy, Walter W. & Margaret	A36-00134A
11	Clouser, Doris H. & John F.	A36-00090A
	Clouser, Doris H. & John F.	A36-00089A
	Crandlemire, Roger C. & George C.	A36-00113H
12	Crandlemire, Roger C. & George C.	A36-00112B
	Crandlemire, Roger C. & George C.	A36-00111B
	Crandlemire, Roger C. & George C.	A36-00113J
13	Crandlemire, Roger C. & George C.	A36-00110B
	Crandlemire, Roger C.	A36-00134C
14	Crandlemire, Roger C.	A36-00135C
	Crandlemire, Roger C.	A36-10140
15	Crandlemire, Roger C.	A36-10141
	DeVries, Abraham & Hermina	A36-00055AF
16	Dice, Philip F. & Judith A.	A36-00041A
	Dice, Philip F. & Judith A.	A36-10405
	Erwin, Frank C. & Peggy	A36-00092
17	Fleming, Michael J. & Paul F.	A36-00064B
	Flint, William E. and Vera C.	A36-00110A
18	Flint, William E. and Vera C.	A36-00111A
	Flint, William E. and Vera C.	A36-00112A
19	Flint, William E. and Vera C.	A36-10168
	Fuell, Keith L. & Jolene	A36-00086C
20	Gardner, Barbara & Robert B.	A36-00003B
	Gardner, Barbara	A36-00003J
21	Gisler, Harry R.	A36-00021B
	Gisler, Bradley	A36-00077C
22	Glauner, Frank L. & Joan	A36-00039E
	Grigg, Mattie P. & Golden T.	A36-10283B
	Gustafson Family Trust/Gustafson	A36-00033F
23	Ivan J. & Lucille co-trustees	
	Hagerman Gun Club	A36-00100



Hepworth,
Nungester,
& Lezamiz

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OCT 11 1994

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

MICROFILMED

OCT 11 1994

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

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

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

14
 15 By Patrick D. Brown

PATRICK D. BROWN
 Attorneys for Respondents

16
 17
 18 CERTIFICATE OF MAILING

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



Hepworth,
 Nungester,
 & Lezamiz

MICROFILMED
 OCT 11 1994

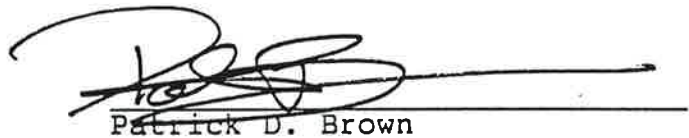
1 February, 1993, to:

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

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

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

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

21 
22 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 5

MICROFILMED
OCT 11 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00023
Date Received: 8/22/1988
Receipt No: S001603
Received By: W

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BIG SPRINGS WATER USERS ASSN. 208-837-4806
Address: BOX 218
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1911

3. Source: BIG SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	14E	18	SW	NW		2	GOODING

5. Description of diverting works:
VIA DURFEE-SECOR TUNNEL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.840		
MUNICIPAL	01/01	12/31	3.160		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/370 HOUSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	14E	13	NE	SW		DOMEST	
			SW	SW		IRR	40.0

A36-00023

Page 1

Date: 08/22/88

MICROFILMED
JAN 20 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	14E	13	SE	SW		IRR	40.0
			NE	SE		DOMEST	
			NW	SE		DOMEST	
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		160.0
		14	SW	NE		DOMEST	
			SE	NW		DOMEST	
			NE	SW		DOMEST	
			NW	SE		DOMEST	
SW	SE			DOMEST			
SE	SE			IRR	40.0		
			Section Acres		40.0		
19	NE	SW		IRR	2.0		
	NW	SW		IRR	2.0		
	SW	SW		IRR	1.0		
			Section Acres		5.0		
23	NE	NE		IRR	40.0		
	NW	NE		IRR	40.0		
	SW	NE		DOMEST			
	SE	NE		DOMEST			
	NE	NW		DOMEST			
	SE	NW		DOMEST			
			Section Acres		80.0		
24	NE	NE		IRR	16.0		
	NW	NE		IRR	20.0		
	SW	NE		IRR	20.0		
	SE	NE		IRR	20.0		
	NE	NW		IRR	40.0		
	NW	NW		IRR	40.0		
	SW	NW		IRR	40.0		
	SE	NW		IRR	40.0		
	NE	SW		IRR	40.0		
	SW	SW		DOMEST			
	NE	SE		IRR	20.0		
	NW	SE		IRR	20.0		
	SW	SE		DOMEST			
				Section Acres		316.0	

10. Place of Use: Continued

Total Acres 601.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
A36-00022

14. Remarks:
INCLUDES MUNICIPAL USE FOR CITY OF HAGERMAN
WATER IS INTERMINGLED WITH CARRAN DITCH, WEATHERBY SPRINGS,
POTTER SPRING, SHERMAN SPRING AND HAGERMAN WATER USERS ON SOME
IRRIGATION, DOMESTIC, AND FISH PROPIGATION USES.
TOTAL CFS WHEN COMBINED WITH A36-00022 = 17.9.

15. Basis of Claim: DECREED
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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A36-00023
Date Received: 8/22/1988
Receipt No: S001603
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BIG SPRINGS W.USERS COMBINED INTO AMENDE 208-837-4806
Address: BOX 218
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1911

3. Source: BIG SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	14E	18	SW	NW		2	GOODING

5. Description of diverting works:
VIA DURFEE-SECOR TUNNEL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.840		
MUNICIPAL	01/01	12/31	3.160		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/370 HOUSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties:

A36-00023

Page 1

Date: 05/10/89

MICROFILMED
JAN 20 1993

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

13. Other Water Rights Used:
A36-00022

14. Remarks:

INCLUDES MUNICIPAL USE FOR CITY OF HAGERMAN
WATER IS INTERMINGLED WITH CARRAN DITCH, WEATHERBY SPRINGS,
POTTER SPRING, SHERMAN SPRING AND HAGERMAN WATER USERS ON SOME
IRRIGATION, DOMESTIC, AND FISH PROPIGATION USES.
TOTAL CFS WHEN COMBINED WITH A36-00022 = 17.9.

15. Basis of Claim: DECREED

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)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: A36-00023
Date Received: 8/22/1988
Receipt No: S001603
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BIG SPRINGS WATER USERS ASSN. 208-837-4806
Address: BOX 218
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1911

3. Source: BIG SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	14E	18	SW	SW	NW	2	GOODING

5. Description of diverting works:
VIA DURFEE-SECOR TUNNEL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.840		
MUNICIPAL	01/01	12/31	3.160		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/370 HOUSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	14E	13	NE	SW		DOMEST	
	13E		SW	SW		IRR	40.0

A36-00023

Page 1

Date: 05/01/89

MICROFILMED

JAN 20 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	~~14E~~ 13E	13	SE		SW		IRR	40.0
			NE		SE		DOMEST	
			NW		SE		DOMEST	
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres 160.0					
		14	SW		NE		DOMEST	
			SE		NW		DOMEST	
			NE		SW		DOMEST	
			NW		SE		DOMEST	
			SW		SE		DOMEST	
			SE		SE		IRR	40.0
			Section Acres 40.0					
	14E	19	NE		SW		IRR	2.0
			NW		SW		IRR	2.0
			SW		SW		IRR	1.0
			Section Acres 5.0					
	13E	23	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		DOMEST	
			SE		NE		DOMEST	
			NE		NW		DOMEST	
			SE		NW		DOMEST	
			Section Acres 80.0					
	13E	24	NE		NE		IRR	16.0
			NW		NE		IRR	20.0
			SW		NE		IRR	20.0
			SE		NE		IRR	20.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			SW		SW		DOMEST	
			NE		SE		IRR	20.0
			NW		SE		IRR	20.0
			SW		SE		DOMEST	
			Section Acres 316.0					

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JAN 20 1993

10. Place of Use: Continued

Total Acres 601.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

A36-00022

14. Remarks:

INCLUDES MUNICIPAL USE FOR CITY OF HAGERMAN
WATER IS INTERMINGLED WITH CARRAN DITCH, WEATHERBY SPRINGS,
POTTER SPRING, SHERMAN SPRING AND HAGERMAN WATER USERS ON SOME
IRRIGATION, DOMESTIC, AND FISH PROPIGATION USES.
TOTAL CFS WHEN COMBINED WITH A36-00022 = 17.9.

15. Basis of Claim: DECREED

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 36-023

Date Received _____

Receipt Number _____

36-00023

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Big Springs Water Users Assn. Inc Phone (208) 837-4806
Mailing Address Box 218 Hagermah, Idaho Zip 83332
2. Date of Priority (Only one (1) per claim) April 1, 1911
3. Source of water supply (a) Big Spring (Durfee-Secor tunnel)
which is tributary to (b) Billingstey Creek
4. a. Location of existing point of diversion is: Township 7 Range 14 Section 18,
NW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, 3 B.M., County of Gooding
Additional points of diversion if any: none
- 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. Same as 36-022

MICROFILMED

JAN 20 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For all useful purposes from Jan. 1 to Dec. 31 amount all the water in tunnel

Present use For Domestic purposes from Jan. 1 to Dec. 31 amount _____ or _____

" For Irrigation purposes from Jan. 1 to Dec. 31 amount _____ or _____

" For Fish purposes from Jan. 1 to Dec. 31 amount _____ or _____

" For Livestock purposes from Jan. 1 to Dec. 31 amount _____ or _____

7. Total quantity claimed (a) 5 C.F.S (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 602 x 6 = 3612 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic 370 Homes, Livestock 30 stock holders

10. Description of place of use: Fish 180,000

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	

Total number of acres irrigated 602

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

12. Do you own the property listed above as place of use? Yes Some 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. Secretary of Big Springs
36-022 or None ()

14. Remarks: same as 36-022

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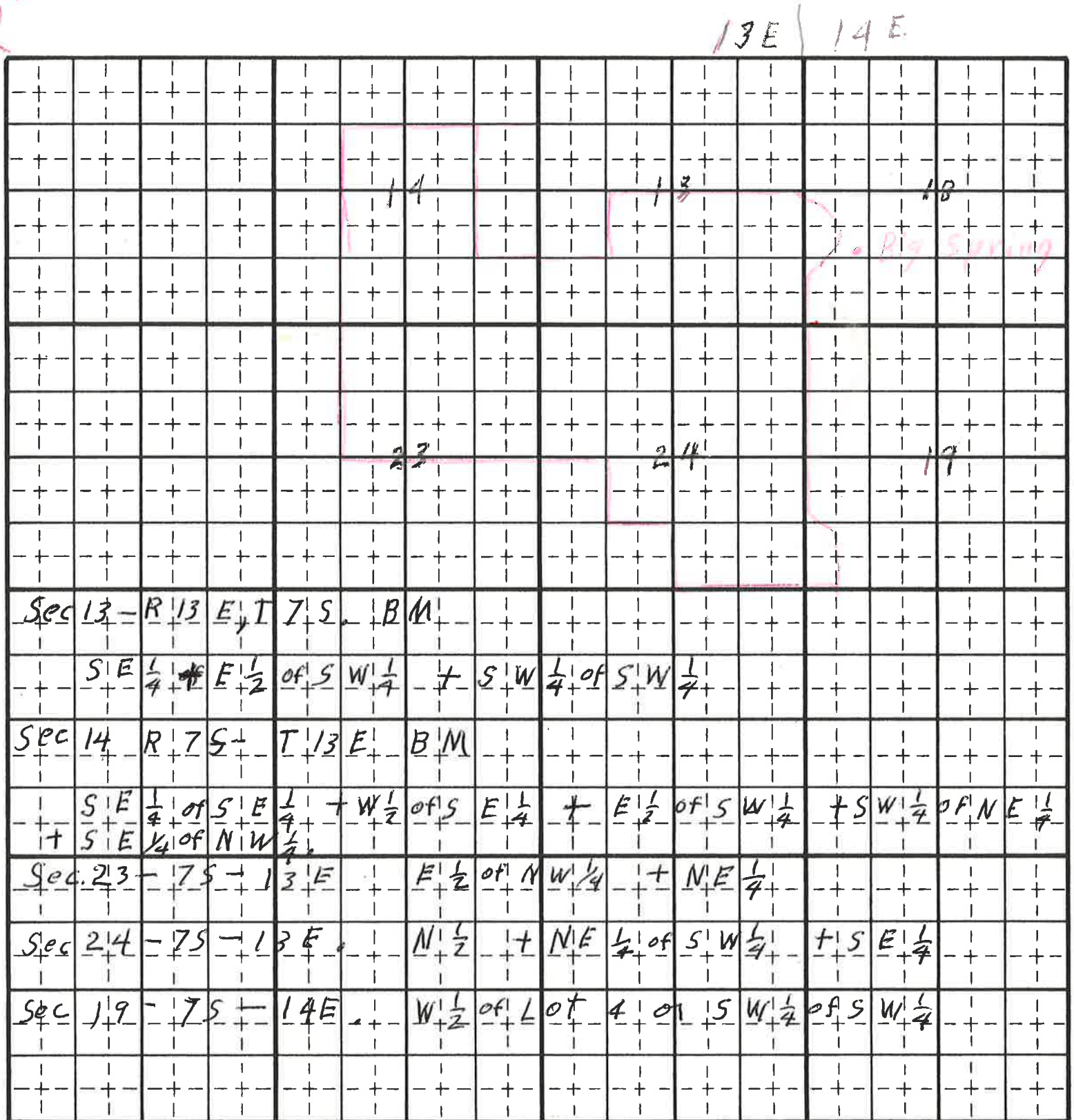
JAN 20 1993

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



MICROFILMED

Last Name _____

Ident No. 36-022

36-023

JAN 20 1993

Copies: White-State, Yellow-Claimant

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

Decree ☒

If applicable provide IDWR Water Right Number 36-023

Court U.S. District Court Case Number 1602 Decree Date 3-23-1932

Plaintiff vs Defendant New International Mortgage Bank vs. Idaho Power Co.

16. Signature (s)

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

Number of attachments 7

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

Signature of Claimant (s)

Geo H Lemmon

Date

8-22-88

Date

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

of Big Spring Water Users Assn. Inc. Title Secretary that I have signed the foregoing

document in the space below as Secretary Title of B.S.W.U.A. Organization

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

Signature of Authorized Agent

Geo H Lemmon

Title and Organization

Big Spring Water Users Assn

Date

8-22-88

State of Idaho/or

County of

TF

SS.

Subscribed and sworn (or affirmed) before me this

22nd

day of

August

19

88

SEAL

Notary Public

Lon White

Residing at

TF

My Commission Expires

5/95

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

MICROFILMED

JAN 20 1993

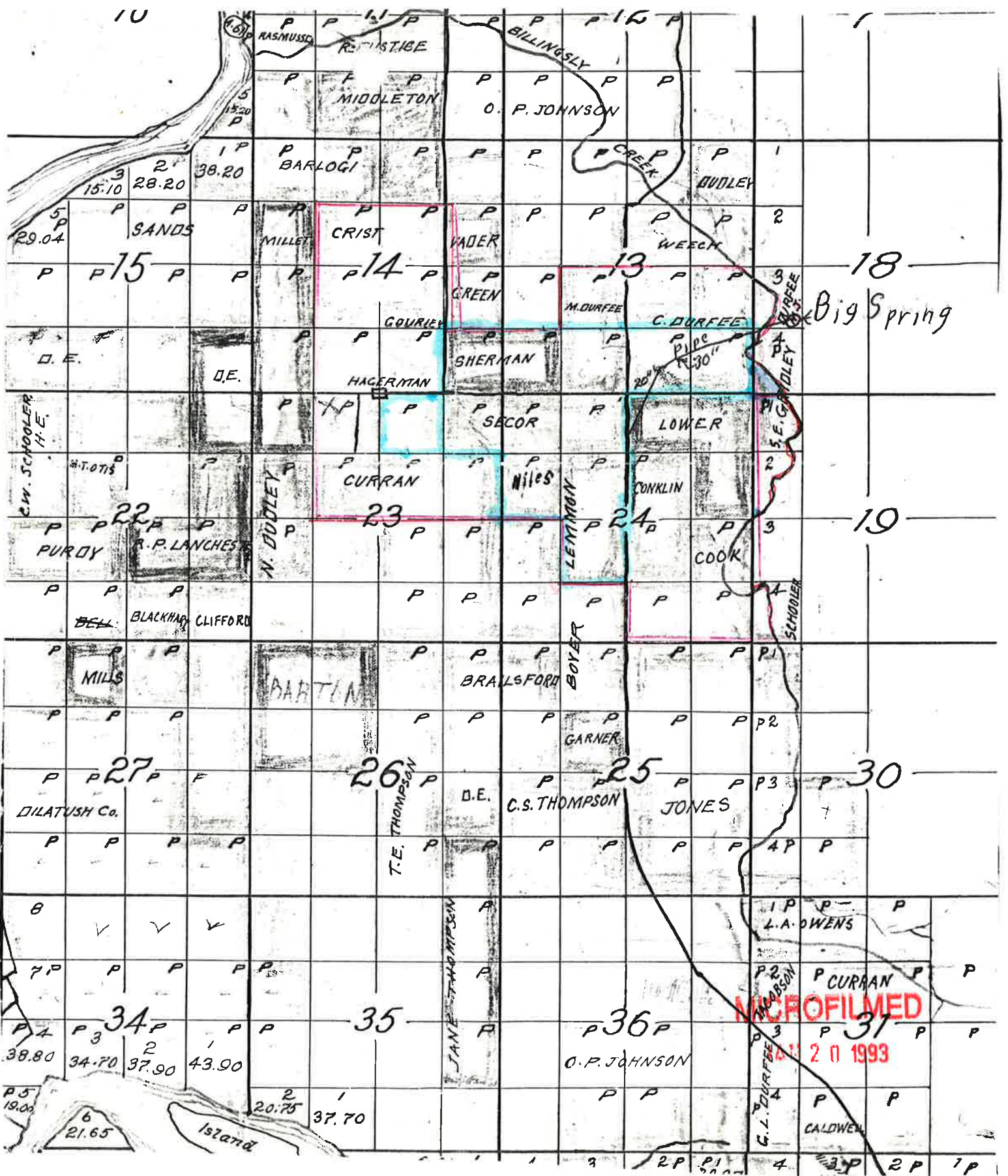
Last Name

Big Springs

Ident. Number

136-00023

Copies White-State, Yellow-Claimant



Jones, Doug

From: Jones, Doug
Sent: Tuesday, March 11, 2014 10:39 AM
To: Gary Lemmon
Cc: Luke, Tim; Merritt, Allen
Subject: RE: question on Big Spring water right

Mr. Lemmon:

I had a chance to visit with Tim Luke today and we discussed the circumstances of Big Springs Water Users' rights 36-22 (correct diversion point) and 36-23 (incorrect diversion point). I don't think you need a summary of these circumstances – lengthy and convoluted. Tim thought that the right(s) had 2 diversion points on each right, but unfortunately they don't. Basically the choice before the Users is 1) filing an application for transfer on 36-23 to change the point of diversion or 2) petition the court to set aside the decree and restart the process.

The plus side of filing a transfer is that the process can likely be completed relatively quickly. The consensus here is that advertising can be avoided due to the fact that no change will occur on the ground and that the flow rate for 36-23 is small (1.62 cfs). The downside of the transfer is the \$580 cost.

Setting aside the decree would entail filing the motion, having a hearing about 2-3 months later; the filing of an amended director's report would be easy, but then there would be objection, response and decree periods of time. A lengthy process for sure.

My suggestion is that the transfer route is the most efficient use of time and money. However you decide to proceed this office will help in any way we can. Let me know if we may be of help.

Douglas Jones
(208)736-3033

PS Southern Region Office has moved to the 5th floor of the old MVRMC/St Lukes hospital. Give us a call if you need to make an appointment to see me or any of the agents.

From: Luke, Tim
Sent: Thursday, February 20, 2014 1:10 PM
To: Gary Lemmon; Jones, Doug
Cc: pat@pblaw.co; Merritt, Allen
Subject: RE: question on Big Spring water right

Gary,

I am forwarding your message to Doug Jones at the Twin Falls office for advice on the best way forward to remove the one POD that is in error. He'll have to verify how it was claimed and the other background info you provided. If it really is a clerical error then the SRBA court may be able to correct based on our request and explanation but the other and more simpler option may be to just abandon the extraneous or incorrect 2nd POD using a standard Water Right Abandonment form. The form provides for abandoning a portion of a right which in this case would be one of the two POD's on the right. I believe we have used the form for this purpose in the past but I'll double check because the form does not explicitly reference abandoning POD's.

Either Doug or I will get back to you.

Tim

From: Gary Lemmon [<mailto:glemmon@northrim.net>]
Sent: Wednesday, February 19, 2014 2:21 PM
To: Luke, Tim
Cc: pat@pblaw.co
Subject: question on Big Spring water right

Tim,

I have been reviewing my documents and believe I have found the source of the error concerning the POD. The 1932 Decree correctly lists both rights 36-00022 and 36-00023 as diverting from the same point (Big Spring, Durfee-Secor Tunnel, "Said Big Spring is located on the NW ¼ of the SW ¼, Section 18, Township 7S, Range 14E, B.M."). However, in 1998, when right 36-00023 was amended, the POD was also amended to Lot #2 from the original Lot #3. The current USGS map incorrectly locates Big Spring in Lot #2 (at the HWUA POD) instead of in Lot #3. We believe when IDWR or the court were reviewing the maps, someone assumed that the USGS map was correct. I don't have access to a USGS map from 1932 to tell whether the USGS map has always been incorrect or whether the map has been incorrectly updated since then, but it is apparent that the intent of the filing in accordance with the 1932 decree was to locate both PODs correctly at what is now called Big Springs Tunnel in Lot #3. How do we proceed to correct what appears to be a clerical error? I can be reached by this email or cell phone (280-4808) if you want to discuss this further.

Gary

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

05/31/2001

WATER RIGHT NO. 36-23

P.D. 4/2/01

Owner Type Name and Address
Current Owner BIG SPRING WATER USERS ASSN
2727 S 1050 E
HAGERMAN, ID 83332
(208)837-4806

Attorney PATRICK D BROWN
109 S ADAMS ST
JEROME, ID 83338
(208)644-1967

Priority Date: 04/01/1911
Basis: Decreed
Status: Active

Source Tributary to
BIG SPRINGS BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	02/15	11/30	1.62 CFS		
STOCKWATER	01/01	12/31	0.06 CFS		
DOMESTIC	01/01	12/31	0.34 CFS		
Total Diversion			1.62 CFS		

Location of Point(s) of Diversion:

BIG SPRINGS SWNW Lt 2 Sec. 18 Township 07S Range 14E GOODING County

IRRIGATION Use:
Acre Limit: 617

Place(s) of use:

Place of Use Legal Description: IRRIGATION

GOODING County

<u>Townshi</u>	<u>Rang</u>	<u>Secio</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
p	e	n												
07S	13E	13		NESW	4		SWSW	35		SESW	34			
				NWSE	19		SWSE	37		SESE	7			
		14		SESE	30									
		23		NENE	35		NWNE	24						
		24		NENE	40		NWNE	36		SWNE	36		SENE	31
				NENW	40		NWN	39		SWNW	34		SENE	34
							W							
				NESW	35									
				NESE	31		NWSE	36						

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Place of Use Legal Description: DOMESTIC

GOODING County

<u>Townshi</u>	<u>Rang</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
<u>P</u>	<u>E</u>	<u>N</u>												
07S	13E	13		NESW			SWSW			SESW				
				NWSE			SWSE							
		14		NESE			SESE							
		23		NENE			NWNE							
				NESE										
		24		NENE			NWNE			SWNE			SENE	
				SENE										
				SENW										
				NESW			NWSW							
				NWSE										

Total Acres: 617

Conditions of Approval:

1. 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:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1063 ACRES IN A SINGLE IRRIGATION SEASON. OTHER RIGHT NOS.: 36-00022, 36-02465, AND 36-15168.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
THORNTON	10/23/92	COPIED FROM REMARKS	THIS CLAIM IS AN AMENDMENT OF A36-15166. A36-15166 CLAIMED A COMBINED 36-00022 AND 36-00023. THIS AMENDMENT SPLITS OUT 36-00023 AND 36-00022 IS BEING CLAIMED SEPARATELY. BASIS OF RECOMMENDATION THIS CLAIM HAS BEEN DISALLOWED BASED ON FORFEITURE/ABANDONMENT DUE TO NO BENEFICIAL USE FOUND FOR THIS DIVERSION RATE. SEE ALSO FILES FOR 36-00022. ORIGINALLY FILED AS A COMBINED RT. WITH 36-00022, CLAIMANT THEM SPLIT OUT THE RIGHTS AND CLAIMED THEM SEPARATELY. REVIEW OF THE BIG SPRINGS WATER USERS RTS FOUND BENEFICIAL USE OF 11.24 CFS, WHICH WAS COVERED UNDER THE EARLIER RIGHT, 36-00022.
SCHULTZ	2/19/93	ADDED NEW ATTORNEY	RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ 2/10/93.
SSHERMAN	12/8/97	DATA ENTRY	CORRECTED FIRM NAME FOR PAT BROWN
SSHERMAN	12/12/97	DATA ENTRY	AT THE REQUEST OF DON SHAFF, REMOVED THE USE WHICH DID NOT ALLOW THIS RIGHT TO UPDATE. I REMOVED COMMERCIAL USE AT THE POU.

Dates:

Licensed Date:
 Claim Received Date: 08/22/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date: 03/22/1932
 Date Filed with Court:
 Objection Filed Date: 4/29/93
 SF5 Filed:
 Special Master Recom Signed Date: 2/8/01

Other Information:

Receipt Number(s): X777777

State or Federal: S

Owner Name Connector: AND

Water District Number: 36A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

PresumptionFlag:

Notice of Error Flag:NONE RECEIVED

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

RECEIVED
DEC 19 2000
Department of Water Resources
Southern Region

SECOND AMENDED DIRECTOR'S REPORT

Subcase Nos. 36-00022 & 36-00023

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources

Karl J. Dreher, Director

David R. Tuthill, Jr., Adjudication Bureau Chief

December 15, 2000

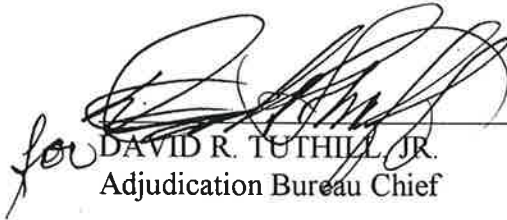
DESCRIPTIVE SUMMARY

This is a Second Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the Special Master's *Order Setting Subcase Deadlines* dated December 13, 2000, the Director submits for filing with the Court, a Second Amended Director's Report for the aforementioned subcases.

Respectfully submitted this 15 day of December, 2000.


for DAVID R. TUTHILL JR.
Adjudication Bureau Chief

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

12/15/2000

RIGHT NUMBER: 36-22

NAME AND ADDRESS: BIG SPRING WATER USERS ASSN
2727 S 1050 E
HAGERMAN, ID 83332

SOURCE: BIG SPRINGS TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 12.9 CFS

PRIORITY DATE: 03/21/1901

POINT OF DIVERSION: T07S R14E S18 LOT 3 SENWSW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	2-15 11-30	12.90 CFS
STOCKWATER	1-01 12-31	0.22 CFS
MUNICIPAL	1-01 12-31	1.86 CFS
DOMESTIC	1-01 12-31	1.24 CFS

PLACE OF USE:

IRRIGATION Within GOODING County

T07S R13E S13	NESW	4	T07S R13E S13	SWSW	35
T07S R13E S13	SESW	34	T07S R13E S13	NWSE	19
T07S R13E S13	SWSE	37	T07S R13E S13	SESE	7
T07S R13E S14	SESE	30	T07S R13E S23	NENE	35
T07S R13E S23	NWNE	24	T07S R13E S24	NENE	40
T07S R13E S24	NWNE	36	T07S R13E S24	SWNE	36
T07S R13E S24	SENE	31	T07S R13E S24	NENW	40
T07S R13E S24	NWNW	39	T07S R13E S24	SWNW	34
T07S R13E S24	SENW	34	T07S R13E S24	NESW	35
T07S R13E S24	NESE	31	T07S R13E S24	NWSE	36

STOCKWATER Use same as IRRIGATION

DOMESTIC Within GOODING County

T07S R13E S13	NESW	T07S R13E S13	SWSW
T07S R13E S13	SESW	T07S R13E S13	NWSE
T07S R13E S13	SWSE	T07S R13E S14	NESE
T07S R13E S14	SESE	T07S R13E S23	NENE

T07S R13E S23	NWNE	T07S R13E S23	NESE
T07S R13E S24	NENE	T07S R13E S24	NWNE
T07S R13E S24	SWNE	T07S R13E S24	SENE
T07S R13E S24	SENW	T07S R13E S24	NESW
T07S R13E S24	NWSW	T07S R13E S24	NWSE

617 ACRES TOTAL

MUNICIPAL PLACE OF USE IS LANDS WITHIN CITY LIMITS OF
HAGERMAN.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1063 ACRES IN A SINGLE
IRRIGATION SEASON. OTHER RIGHT NOS.: 36-00023, 36-02465, AND
36-15168

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

12/15/2000

RIGHT NUMBER: 36-23

NAME AND ADDRESS: BIG SPRING WATER USERS ASSN
2727 S 1050 E
HAGERMAN, ID 83332

SOURCE: BIG SPRINGS TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 1.62 CFS

PRIORITY DATE: 04/01/1911

POINT OF DIVERSION: T07S R14E S18 LOT 2 SWNW Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02-15 11-30	1.62 CFS
STOCKWATER	01-01 12-31	0.06 CFS
DOMESTIC	01-01 12-31	0.34 CFS

PLACE OF USE:

IRRIGATION Within GOODING County			
T07S R13E S13	NESW	4	T07S R13E S13 SWSW 35
T07S R13E S13	SESW	34	T07S R13E S13 NWSE 19
T07S R13E S13	SWSE	37	T07S R13E S13 SESE 7
T07S R13E S14	SESE	30	T07S R13E S23 NENE 35
T07S R13E S23	NWNE	24	T07S R13E S24 NENE 40
T07S R13E S24	NWNE	36	T07S R13E S24 SWNE 36
T07S R13E S24	SENE	31	T07S R13E S24 NENW 40
T07S R13E S24	NWNW	39	T07S R13E S24 SWNW 34
T07S R13E S24	SENW	34	T07S R13E S24 NESW 35
T07S R13E S24	NESE	31	T07S R13E S24 NWSE 36

STOCKWATER Use same as IRRIGATION

DOMESTIC Within GOODING County			
T07S R13E S13	NESW	T07S R13E S13	SWSW
T07S R13E S13	SESW	T07S R13E S13	NWSE
T07S R13E S13	SWSE	T07S R13E S14	NESE
T07S R13E S14	SESE	T07S R13E S23	NENE
T07S R13E S23	NWNE	T07S R13E S23	NESE

T07S R13E S24	NENE	T07S R13E S24	NWNE
T07S R13E S24	SWNE	T07S R13E S24	SENE
T07S R13E S24	SENE	T07S R13E S24	NESW
T07S R13E S24	NWSW	T07S R13E S24	NWSE

617 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1063 ACRES IN A SINGLE IRRIGATION SEASON. OTHER RIGHT NOS.: 36-00022, 36-02465, AND 36-15168

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CERTIFICATE OF SERVICE

I certify that on 12/15, 2000, I mailed and/or delivered the original and copies of this form, including all attachments, to the following interested parties, by placing them in sealed envelopes, addressed as follows:

1. Original to:

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

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

2. Copies to:

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

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

United States Department of Justice
Environment & Natural Resources Div.
550 W. Fort Street MSC 033
Boise, ID 83724

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

Gooding County Courthouse
624 Main St.
Gooding, ID 83330

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

Peter J. Ampe
State of Idaho
P.O. Box 83720
Boise, ID 83720-0010

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

Patrick D. Brown
109 S. Adams St.
Jerome, ID 83338

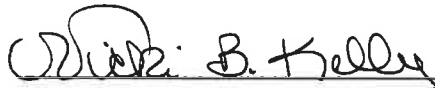
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Jeffrey C. Fereday
P.O. 2720
Boise, ID 83701-2720

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

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

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



Signature of person delivering form

RECEIVED

DEC 28 2000

Department of Water Resources
Southern Region

1999 MAR -3 PM 3: 49

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

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

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

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

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

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

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

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

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

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

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



Special Master Fritz X. Haemmerle

RECEIVED

MAR 09 1999

Department of Water Resources

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

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

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

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

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

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

COPY

Oral argument is requested.

Dated this 4th day of March, 1999.

PARKER, WARR & BROWN, LLP

By: 

Patrick D. Brown

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 812 Shoshone St. East, Twin Falls, Idaho 83301, and one of the attorneys for the claimants in this matter, certifies that on the 5th day of March, 1999, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

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

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

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

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

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

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

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

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

COPY

1998 MAR -6 PM 2: 51

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA

Case No. 39576

Water Rights: 36-00022, 36-00023,
36-02465, 36-11060, 36-15462

**AMENDED
NOTICE OF ADMINISTRATIVE
PROCEEDING**

IDWR has received an amended application for an Administrative Proceeding for the above water right(s). The claimant has removed water rights 36-00022, 36-00023, 36-11060 and 36-15462 from the transfer process. Water right 36-02465 will be the only right involved in this Administrative Proceeding.

The Administrative Proceeding contemplates a change in the water right 36-02465 as indicated below:

- ☐ Substitution of Party (waiting for documentation)
- ☐ Substitution of Party/Split Water Right
- ☒ I.C. § 42-222 transfer

☐ point of diversion ☒ place of use

☒ period of use ☒ nature of use

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

DATED: 3/6/98



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 3-6, 1996, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

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



Signature of person or attorney mailing the form



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

March 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE: SRBA Claim(s) 36-00022, 36-00023, 36-02465, 36-11060,
36-15462

Dear Mr. Brown:

Please find the enclosed copy of the Notice of 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.

After IDWR completes the indicated administrative process, and has modified the SRBA claims, you will be forwarded a Notice of Completed Administrative Proceeding. Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf
Enc

1998 JAN -5 PM 2: 19

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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

In Re SRBA

Case No. 39576

Water Rights: 36-00022, 36-00023

NOTICE OF ADMINISTRATIVE
PROCEEDING

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

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

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ Amended Claim:

☐ point of diversion ☐ place of use

☒ period of use ☒ nature of use

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

DATED: 1/2/98

Theresa Jones
Signature of IDWR Representative

CERTIFICATE OF MAILING

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

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



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

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

Dear Mr. Brown:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

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

SUBCASE NO. 36-00023

	CLAIM (8/22/88)	AMENDED CLAIM (10/21/92)	RECOMMENDATION	OBJECTION
NAME	Big Spring Water Users Association	Big Spring Water Users Association	Disallowed.	Big Spring Water Users Association.
BASIS OF CLAIM	Decree	Decree		
SOURCE	Big Spring	Big Spring		
QUANTITY	5.0 cfs	5.0		
PRIORITY DATE	4/1/1911	4/1/1911		
PURPOSE OF USE	Irrigation Municipal (350 houses)	Irrigation Domestic Fish Propagation Stockwater		
PERIOD OF USE	Irr.: 3/15 - 11/15 Domestic: 1/1 - 12/31 Mun.: 1/1 - 12/31	Irr.: 3/15 - 11/15 Dom.: 1/1 - 12/31 F.P.: 1/1 - 12/31 S.W.: 1/1 - 12/31		
POINT OF DIVERSION	T07S R14E S18	T07S R14E S18		
PLACE OF USE	T07S R14E S13 T07S R14E S14 T07S R14E S19 T07S R14E S23 T07S R14E S24 601.0 acres	T07S R13E S13 T07S R13E S14 T07S R13E S23 T07S R13E S24 T07S R14E S19 737.0 acres		
remarks	"Includes municipal use for City of Hagerman water is intermingled with Carran Ditch, Weatherby Springs, Potter Spring, Sherman Spring and Hagerman Water Users on some irrigation, domestic, and fish propagation uses. Total cfs when combined with A36-00022 equals 17.9."	"This claim is an amendment of A36-15166. A36-15166 claimed a combined 36-00022 and 36-00023. This amendment splits out 36-00023 and 36-00022 is being claimed separately."		* Water right not being recommended.

* Wants as claimed in amended claim.

1997 NOV 26 PM 2:03

DISTRICT COURT-5534
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA)

Case No. 39576)

_____)

**Water Rights: 36-00022, 36-00023,
36-02465, 36-11060, 36-15462
NOTICE OF ADMINISTRATIVE
PROCEEDING**

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

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

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ I.C. § 42-222 transfer

☐ point of diversion ☒ place of use

☒ period of use ☒ nature of use

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

DATED: 11/25/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11-26, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

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



Signature of person or attorney mailing the form



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

November 26, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

PATRICK BROWN
HEPWORTH LEZAMIZ & HOHNHORST
PO BOX 389
TWIN FALLS ID 83303-389

RE: SRBA Claim(s) 36-00022, 36-00023, 36-02465, 36-11060,
36-15462 / City of Hagerman and Billingsley Creek Ranch

Dear Mr. Brown:

Please find the enclosed copy of the Notice of 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.

After IDWR completes the indicated administrative process, and has modified the SRBA claims, you will be forwarded a Notice of Completed Administrative Proceeding. Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf
Enc

COPY

RECEIVED

NOV 28 1997

Department of Water Resources

Big Springs Water Users Association

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

RECEIVED

DEC 10 1997

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

Obj.

In Re SRBA

)
) Subcase Nos. 36-00022 & 36-00023

Case No. 39576

)
) **NOTICE OF APPEARANCE**

) *words modified*

*blank
prefix.*

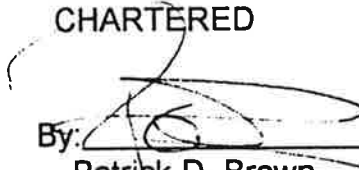
12-8-97.

ss

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

Dated this 26 day of November, 1997.

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED

By: 

Patrick D. Brown

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 claimants in this matter, certifies that he caused to be mailed a copy of the above and foregoing NOTICE OF APPEARANCE on the 26 day of November, 1997, to:

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

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



Patrick D. Brown

(water\61293.noa)\lm

1/96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 02 1997

RECEIVED WATER MEASUREMENT REPORT FORM
FOR
JAN 07 1997 OPEN CHANNEL MEASUREMENTDepartment of Water Resources
Southern Region

Department of Water Resources

1996 Reporting Form

Year end data must be submitted to Idaho Department of Water Resources, 1301 N. Orchard, Boise Idaho 83706, on or before January 15, 1997.

NOTE: Please submit a separate reporting form and fee for each diversion from a public water source. Refer to page 5 for detailed instructions.

This report form may be used for the following diversion:

Diversion Name or Facility: Big Spring Water Users Association
Water Source:

Water Right(s) Owner or Contact: Big Spring
(owner name(s) may be omitted if there are multiple owners on same diversion) Tributary To Billingsley Creek

SECTION 1. Water Right Holder/Operator Information

Name and Address of Water Right Holder

(If there are multiple water right holders on a common ditch or conveyance system, please designate the contact person below)

Current Owner

Name Big Spring Water Users Assn Phone 837-4806
Last, First, MI

Address 27275-1050E

Fax _____

City HagermanState & Zip ID 83332

Original Owner (if sold within last year)

Name _____
Last, First, MI

Phone _____

Address _____

Fax _____

City _____

State & Zip _____

Operator or Contact Person

Name Geo H. Lemmon
Last, First, MI

Phone 837-4806Address 27275-1050E

Fax _____

City HagermanState & Zip ID 83332

SECTION 3. Measuring Device Information

A. Type & Description of Measuring Device(s): Peto Tube

B. Attach copies of all measuring device rating tables to this report.

SECTION 4. Certification

I hereby certify that the information reported is correct to the best of my knowledge and that I recognize that willful submittal of false or inaccurate data is a violation of law subject to the penalty provisions of Sections 42-311, 42-350 and 42-351, Idaho Code.

Greg H. Lemmon Sec. 12-27-96
Signature Title Date

Note: Each reporting form shall be accompanied by a report processing fee in the amount of twenty dollars (\$20) per diversion made payable to the Idaho Department of Water Resources. (Section 42-701(6), Idaho Code). All domestic uses, as defined in Section 42-111, Idaho Code, and all stockwatering uses, as defined in Section 42-1401A(12), Idaho Code, are exempt from measurement and reporting requirements.

For Department Use Only

Received by Ket Date 1-7-97 Time _____

Fee amount submitted \$20.00 Correct? yes _____ no _____

Receipted by Ket Receipt No. 0037426

Data Entry by gh Date 10-9-97

Total Annual Flow (CFS) 16

Total Annual Volume (Acre-Feet) 6239

[illegible]

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00022

A36-00023

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

IDWR Employee/Agent Steve Clelland

May 17, 1996 4:26pm

NAME:
JARED VAUGHAN

CALLIN

RE:
QUERY ON CLAIMS

HE IS ASKING ABOUT THE WATER FOR WILLIAM A. CURTIS, A BIG SPRING WATER USER. I TOLD HIM THE RIGHT IS HELD BY THE ASSOCIATION AND SHARES ARE SOLD TO THE INDIVIDUAL WATER USERS. HE GAVE ME THE LEGAL OF T07S, R13E,S13, SESW AS A PORTION HE OWNS AND I FOUND THE CLAIM WAS FOR 40.0 ACRES. THE REC'D WAS FOR 34.0 ACRES AND DOMESTIC USES, PROBABLY TAKING OUT ACRES FOR THE ROADS, HOUSES AND CORRALS. SUGGESTED HE CONTACT GEORGE LEMMON FOR ADDITIONAL INFORMATION OR CONTACTS RE: BIG SPRING ASSOC.
CLAIMS: A36-00022 & A36-00023

MEMORANDUM

TO: Big Spring Water Meas. File
SRBA File 36-00022 & 36-00023

FROM: Tim Luke

DATE: 5/16/1996

RE: Big Spring Measurements

South Lake Big
Steve C.

RECEIVED

MAY 20 1996

Department of Water Resources
Southern Region

On 5/15/96, I made a polysonic meter measurement of the Big Spring pipeline with watermaster George Lemmon. The measurement location was on the pipe just west of Billingsley Creek. The polysonic meter measurement was 13.53 cfs. George Lemmon also measured the pipe in the same location using his portable pitot gage. George's instrument registered a velocity of about 2.4 to 2.5 feet per second (fps), as compared with an average velocity of 2.73 fps using the polysonic meter. Using George's velocity measurements, discharge ranged from about 11.9 to 12.4 cfs, about a -9 to -11 percent difference with the polysonic meter. George had suspected that his measurements may have been a little low because his meter does not insert far enough into this large diameter pipe.

On April 16, 1995, Scott King and I measured the Big Spring pipe just east of Billingsley Creek using the same polysonic meter and obtained a discharge of 10.96 cfs (11.0 cfs). Our measurement was made at about 5:00 p.m. George had made a measurement on the pipe the same day, but earlier in the morning. George said he obtained a measurement of about 9 cfs. George mentioned that pipe flow can vary throughout the day as a result of the City of Hagerman's use at its pumping plant and water tank facility. He said the City's Big Spring lateral mainline and pump diverts water only at certain times of the day, usually in the mornings.

Based on the comparison between IDWR and George Lemmon's measurements on 5/15/96, I have decided to adjust the estimate of total volume that will be reported by IDWR for 1995. The calculated volume based on the flows submitted by Lemmon will be adjusted by a calibration multiplier of 1.10, which is a +9 percent adjustment.

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

March 22, 1996 11:35am

NAME:
DONNIE MCFADDEN

CAMEIN

RE:
HELP ON SRBA

HE IS TRYING TO SPEED UP THE PROCESS TO GET THE WATER SWAP BETWEEN HIMSELF AND THE CITY OF HAGERMAN. TRANSFERS HAVE BEEN FILED BUT ARE PENDING APPROVAL UPON THE OUTCOMES OF THE SRBA OBJECTIONS ON FILE. I SUGGESTED THE FIRST PLACE TO START WOULD BE WITH THE SRBA COURT. GO THERE AND TALK TO TERRY DOLAN, HE IS VERY OPEN TO SPEEDING THIS PROCESS ALONG. I PROVIDED THE BIGS SPRINGS RIGHT NUMBERS AND THE CITY'S POTTER SPRING RIGHT NUMBER FOR HIM TO TAKE TO THE SRBA COURT.

CLAIMS: A36-00022 A36-00023 A36-02465

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00022 &
A36-00023

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

November 8, 1995 2:59pm

NAME:
PAM PENCOCK

CALLIN

RE:
QUERY ON BIG SPRINGS WATER

SHE WANTED TO KNOW IF WILLIAM A. CURTIS INDEED OWNED THE 8 ACRES UNDER THE BIG SPRINGS WATER RIGHT AS HE CLAIMED. I TOLD HER I CAN'T TELL IF HE OWNS THE LAND BECAUSE THE WATER RIGHT IS OWNED COLLECTIVELY AS AN ASSOCIATION. I WAS ABLE TO SHOW THE 40 ACRES WHERE SHE DESCRIBED HIS PROPERTY AS BEING WITHIN THE BIG SPRING SERVICE AREA. (T07S, R13E, S13, SWSE) I GAVE HER THE WATER RIGHT NUMBERS **A36-00022 & A36-00023** AND THE NAME AND ADDRESS AND PHONE NUMBER FOR THE CURRENT OWNER OF THESE RIGHTS.

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. 36-00023 -0001

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

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

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

2. Person who filed objection:

Name: BIG SPRINGS WATER USERS ASSN
Address: PO BOX 218
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12b. ☒ This water right not being recommended.
14. ☒ Other: I respond to the objection concerning:

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

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of Objection items 12 and 12b., and all allegations of the objection regarding these items, IDWR responds as follows: There is an error in the description of the amount of this right in the director's report. The total amount of water from this point of diversion is 13.36 cfs. The amount of water that should be recommended for water right 36-00022 is 12.9 cfs. The balance of the amount of water should appear as a correction to the recommendation for water right 36-00023. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired under State Law."

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. In further response to the changes sought in the Director's Report, IDWR responds that the objection seeks a longer season of use for irrigation than stated in the notice of claim. The claimant improperly seeks to use the objection process to amend the notice of claim.

CHANGES TO THE DIRECTOR'S REPORT

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

☒ 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. A36-00023	4
IDWR's Response to Answer, Affirmative Defenses, and Prayer For Relief of Claimant	4
Recommended Water Rights Acquired Under State Law	1

(Over)

NOT FOR
RECORD

VERIFICATION (Must be Completed)

State of IDAHO

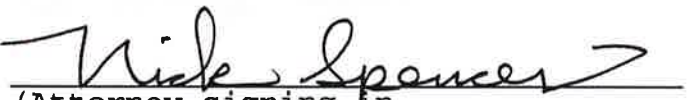
County of ADA

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

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

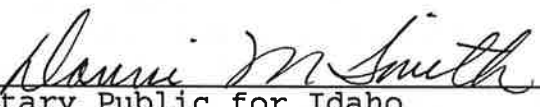


Signature of person filing response

By: 

(Attorney signing in
representative capacity)

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



Notary Public for Idaho
Residing at: _____
My Commission expires _____

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

See No. 3

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

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

4. One copy to:

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



Signature of Respondent or attorney
mailing on Respondent's behalf

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00023
Date Received: 8/22/1988
Receipt No: S001603
Received By: HHT 10-21-92

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BIG SPRING WATER USERS ASSN 208-837-4806
Address: PO BOX 218
HAGERMAN ID 83332

2. Date of Priority: APR 1, 1911

3. Source: BIG SPRING Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	14E	18	SW	NW		2	GOODING

5. Description of diverting works:
VIA DURFEE-SECOR TUNNEL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.000		
DOMESTIC	01/01	12/31	5.000		
FISH PROPAGATION	01/01	12/31	5.000		
STOCKWATER	01/01	12/31	5.000		

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

8. Total consumptive use is 1806.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOM, 370 HOMES; FISH, 4 SETS PONDS; STOCKWATER, 1000 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	13	NE	SW		FISH	

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A36-00023

Page 1

Date: 10/21/92 1993

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	13	NE		SW		DOMEST	
			SW		SW		FISH	
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		DOMEST	
			NW		SE		DOMEST	
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 200.0

14	SW	NE	DOMEST	
	SE	NW	DOMEST	
	NE	SW	DOMEST	
	NW	SE	DOMEST	
	SW	SE	DOMEST	
	SE	SE	IRR	40.0

Section Acres 40.0

23	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	DOMEST	
	SE	NE	DOMEST	
	SE	NE	IRR	15.0
	SE	NE	DOMEST	
	NE	NW	DOMEST	
	SE	NW	DOMEST	
	NE	SE	STOCK	
	NW	SE	STOCK	
	NW	SE	COMMER	

Section Acres 95.0

24	NE	NE	IRR	16.0
	NW	NE	IRR	20.0
	SW	NE	IRR	20.0
	SE	NE	IRR	20.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	SE	NW	FISH	
	NE	SW	IRR	40.0
	NE	SW	FISH	
	SW	SW	DOMEST	
	NE	SE	IRR	20.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	24	NE		SE		FISH	
			NW		SE		IRR	20.0
			SW		SE		DOMEST	
			SW		SE		IRR	40.0
			SE		SE		FISH	
			SE		SE		IRR	40.0
							Section Acres	396.0
	14E	19	NE		SW		IRR	2.0
			NW		SW		IRR	2.0
			SW		SW		IRR	2.0
							Section Acres	6.0
							Total Acres	737.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
USES ALSO SUPPLIED WATER FROM OTHER SOURCES (SEE REMARKS)

14. Remarks:
THIS CLAIM IS AN AMENDMENT OF A36-15166. A36-15166 CLAIMED
A COMBINED 36-00022 AND 36-00023. THIS AMENDMENT SPLITS OUT
36-00023 AND 36-00022 IS BEING CLAIMED SEPARATELY.

15. Basis of Claim: DECREEED

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER COMPANY
vs Decree Defendant

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JAN 20 1993
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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 Organizations:

I do solemnly swear or affirm that I am Secretary of
Title
Big Spring Water Users, that I have signed the foregoing
Organization
document in the space below as Secretary of
Title
Big Spring Water Users and that the statements contained in the
Organization
foregoing document are true and correct.

Geo. H. Lemmon
Signature of Authorized Agent

Sec.
Title and Organization

10-21-92
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of October 19 92

John Davy
Notary Public

Seal.

Residing at Boise ID

My Commission Expires 12-1-1992

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OCT 14 1994
JAN 20 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

- 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.

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

DATE: SEP-9-1993

PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: BIG SPRING		TRIBUTARY: BILLINGSLEY CREEK				
36-00023	BIG SPRING WATER USERS ASSN PO BOX 218 HAGERMAN ID 83332	04/01/1911	IRRIGATION	03-15 11-15	.46	CFS DECREE
POINT OF DIVERSION:					TOTAL QUANTITY:	.46 CFS
T07S R14E S18 LOT 3 (SENWSW)						
PLACE OF USE: IRRIGATION						
T07S R13E S13		NESW 4.0	SWSW 35.0	SESW 34.0	NWSE 19.0	
S14		SWSE 37.0	SESE 6.0			
S23		SESE 30.0				
S24		NENE 35.0	NWNE 24.0			
		NENE 40.0	NWNE 36.0	SWNE 36.0	SENE 31.0	
		NENW 40.0	NWNW 39.0	SWNW 34.0	SENE 31.0	
		NESW 35.0	NESE 31.0	NWSE 36.0	SWSE 39.0	
		SESE 30.0				
685.0 ACRES TOTAL						
REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1). USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 3189 AF AND TO THE IRRIGATION OF A COMBINED TOTAL OF 1063 ACRES IN A SINGLE IRRIGATION SEASON. OTHER RIGHT NOS.: 36-00022, 36-02465 & 36-15168. USE OF PORTIONS OF THIS RIGHT IS COMBINED WITH USE UNDER RIGHTS NOT HELD BE BIG SPRING WATER USERS ASSN. WITHIN THE PLACE OF USE DESCRIBED ABOVE						

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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. A36-00023
(You must insert the
water right number you
are objecting to)

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

OBJECTION

Petitioner,

vs.

36-00023 -0001/
93-04-0025

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

Respondents.

INSTRUCTIONS

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

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

(Over)

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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: Big Springs Water Users Association
Address: P. O. Box 218
Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Big Springs is a water supply delivery corp.
w/decreed water rights pursuant to New Interna-
tional Mortgage Bank v. Idaho Power Company,
decree dated 3/22/32; Big Springs was decreed 5.0
cfs with a priority date of 4/1/1911

2. Owner of the water right:

Name: Big Springs Water Users Association
Address: P. O. Box 218
Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker
Attorney Address: Hepworth, Nungester & Lezamiz
P.O. Box 389, Twin Falls, ID 83303
Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

NOT FOR
PUBLISHED

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.

Priority date - 4/01/1911; purpose of use: irrigation, domestic,
stock water, fish propagation; period of use: 1/1 - 12/31; max-
imum quantity: 5.0 cfs with consumptive use to be changed accord-
ingly; place of use, point of diversion & source: conformed to
notice of claim for a total acreage of 737 acres.

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 Gooding

GEORGE H. LEMMON - SEC., 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.

Geo H Lemmon Sec.
Signature of person filing objection

By:

[Signature]
(Attorney signing in
representative capacity)

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

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

(Over)

FILED
RECORDED

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: Big Springs Water Users Association

Owner's address: P. O. Box 218

Hagerman, Idaho 83332

3. One copy to:

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

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

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AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

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AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

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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.

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OCT 11 1994

(WATER\21530ANS)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

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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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Mr. Patrick D. Brown
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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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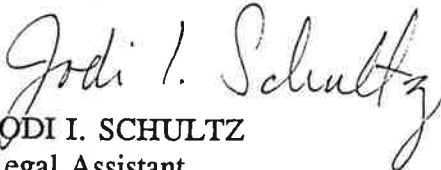
Mr. Patrick D. Brown
March 1, 1993
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Claimant's Name	Claim No. as listed on Notice of Appearance	Discrepancy Between Notice of Appearance and IDWR Records
Ya-Ta-Hay Investments, Inc.	A36-07875/36-07875	No record of this claim no., nor any other claim no. for claimant other than A36-10283A/36-10283A (as listed)

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

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

Sincerely,


JODI I. SCHULTZ
Legal Assistant
Idaho Department of Water Resources

cc: IDWR Southern Region

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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

23-Dec-1992

GEORGE LEMMON
BIG SPRINGS WATER USERS ASSN
PO BOX 218
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00022, 36-00023, 36-15166

Dear Mr. Lemmon:

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:

\$14.87

Sincerely,

Jeanie
Jeanie Robertson
Records Clerk

Encl:

*paid 1-8-93
receipt # SD 15270*

*Big Spring
Water Users*
20
103
10
18
211 x 5 10.55
ans. 22
post. 4.10
14.87

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DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

George Lemmon

Big Spring Water Users Assn.
PO Box 2180
Hagerman Id 83332

2. SUBJECT OF INQUIRY:

Mr. Lemmon stopped by the office around
4:45 p.m. on 12/21 wanting copies of his adjudication
files. He agreed I would make the copies and just
mail them to him.

3. RESPONSE TO INQUIRY:

I offered to make the copies and
mail them to him.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

Jeanie Robertson 12/21/91
Jeanie Robertson

36-00022, 36-00023, 36-15156

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R PROOF



CVR

MAPS

PHOTOS

MISC

MICROFILMED

JAN 20 1993

Water Right Number R36-00023

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
BIG SPRING WATER USERS ASSN1 - PO BOX 218
2 -
3 -
City- HAGERMAN
Phone - 208-837-4806

State- ID Zip- 83332

+ - - Priority Date - - + + - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1911 17 SOUTHERN I - DISALLOWED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BIG SPRING BILLINGSLEY CREEK+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 14E 18 SW NW 2 (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 5.000
43 - DOMESTIC 01/01 12/31 5.000
19 - FISH PROPAGATION 01/01 12/31 5.000
04 - STOCKWATER 01/01 12/31 5.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
5.000 1806.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 13 SW SW 40.0 01 IRRIGATION (47) GOODING
07S 13E 13 SE SW 40.0 01 IRRIGATION (47) GOODING
07S 13E 13 NW SE 40.0 01 IRRIGATION (47) GOODING
07S 13E 13 SW SE 40.0 01 IRRIGATION (47) GOODING
07S 13E 13 SE SE 40.0 01 IRRIGATION (47) GOODING
07S 13E 14 SE SE 40.0 01 IRRIGATION (47) GOODING
07S 13E 23 NE NE 40.0 01 IRRIGATION (47) GOODING
07S 13E 23 NW NE 40.0 01 IRRIGATION (47) GOODING
07S 13E 23 SE NE 15.0 01 IRRIGATION (47) GOODING
07S 13E 24 NE NE 16.0 01 IRRIGATION (47) GOODING
07S 13E 24 NW NE 20.0 01 IRRIGATION (47) GOODING
07S 13E 24 SW NE 20.0 01 IRRIGATION (47) GOODING
07S 13E 24 SE NE 20.0 01 IRRIGATION (47) GOODING
07S 13E 24 NE NW 40.0 01 IRRIGATION (47) GOODING
07S 13E 24 NW NW 40.0 01 IRRIGATION (47) GOODING
07S 13E 24 SW NW 40.0 01 IRRIGATION (47) GOODING
07S 13E 24 SE NW 40.0 01 IRRIGATION (47) GOODING
07S 13E 24 NE SW 40.0 01 IRRIGATION (47) GOODINGMICROFILMED
JAN 20 1993

Water right number - R36-00023

Prefix Translation: RESEARCH

+	Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County	+
	07S	13E	24	NE SE		20.0	01	IRRIGATION	(47) GOODING	
	07S	13E	24	NW SE		20.0	01	IRRIGATION	(47) GOODING	
	07S	13E	24	SW SE		40.0	01	IRRIGATION	(47) GOODING	
	07S	13E	24	SE SE		40.0	01	IRRIGATION	(47) GOODING	
	07S	14E	19	NE SW		2.0	01	IRRIGATION	(47) GOODING	
	07S	14E	19	NW SW		2.0	01	IRRIGATION	(47) GOODING	
	07S	14E	19	SW SW		2.0	01	IRRIGATION	(47) GOODING	
	07S	13E	23	NE SE			04	STOCKWATER	(47) GOODING	
	07S	13E	23	NW SE			04	STOCKWATER	(47) GOODING	
	07S	13E	23	NW SE			10	COMMERCIAL	(47) GOODING	
	07S	13E	13	NE SW			19	FISH PROPAGATION	(47) GOODING	
	07S	13E	13	SW SW			19	FISH PROPAGATION	(47) GOODING	
	07S	13E	24	SE NW			19	FISH PROPAGATION	(47) GOODING	
	07S	13E	24	NE SW			19	FISH PROPAGATION	(47) GOODING	
	07S	13E	24	NE SE			19	FISH PROPAGATION	(47) GOODING	
	07S	13E	24	SE SE			19	FISH PROPAGATION	(47) GOODING	
	07S	13E	13	NE SW			43	DOMESTIC	(47) GOODING	
	07S	13E	13	NE SE			43	DOMESTIC	(47) GOODING	
	07S	13E	13	NW SE			43	DOMESTIC	(47) GOODING	
	07S	13E	14	SW NE			43	DOMESTIC	(47) GOODING	
	07S	13E	14	SE NW			43	DOMESTIC	(47) GOODING	
	07S	13E	14	NE SW			43	DOMESTIC	(47) GOODING	
	07S	13E	14	NW SE			43	DOMESTIC	(47) GOODING	
	07S	13E	14	SW SE			43	DOMESTIC	(47) GOODING	
	07S	13E	23	SW NE			43	DOMESTIC	(47) GOODING	
	07S	13E	23	SE NE			43	DOMESTIC	(47) GOODING	
	07S	13E	23	SE NE			43	DOMESTIC	(47) GOODING	
	07S	13E	23	NE NW			43	DOMESTIC	(47) GOODING	
	07S	13E	23	SE NW			43	DOMESTIC	(47) GOODING	
	07S	13E	24	SW SW			43	DOMESTIC	(47) GOODING	
	07S	13E	24	SW SE			43	DOMESTIC	(47) GOODING	

Total Acres: 737.0

+ - - Diversion Means - VIA DURFEE-SECOR TUNNEL

+ - - Non-Irrigation Use - DOM, 370 HOMES; FISH, 4 SETS PONDS; STOCKWATER, 1000 RANGE CATTLE

+ - - Other Rights for Same Use - USES ALSO SUPPLIED WATER FROM OTHER SOURCES (SEE REMARKS)

+ - - - - - Remarks - - - - -
FORFEITED/ABANDONED.

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

A3600022
A3600023MICROFILMED
JAN 20 1993

Water right number - R36-00023

Prefix Translation: RESEARCH

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

P04 - FORFEITED/ABANDONED: This is included for a claim based on a
- decree or license that is PROPOSED to be disallowed on the basis
- that the water right no longer exists because forfeiture of the
- right by nonuse was confirmed and a defense to forfeiture was not
- confirmed, or because abandonment of the right was confirmed.

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

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

+ - Decree Date - +
00/00/0000

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

Date: 10/23/1992 User Id: THORNTON Subject: COPIED FROM REMARKS
THIS CLAIM IS AN AMENDMENT OF A36-15166. A36-15166 CLAIMED A COMBINED 36-00022 AND 36-00023. THIS AMENDMENT SPLITS OUT
36-00023 AND 36-00022 IS BEING CLAIMED SEPARATELY.

Date: 10/23/1992 User Id: THORNTON Subject: BASIS OF RECOMMENDATION
THIS CLAIM HAS BEEN DISALLOWED BASED ON FORFEITURE/ABANDONMENT DUE TO NO BENEFICIAL USE FOUND FOR THIS DIVERSION RATE.
SEE ALSO FILES FOR 36-00022. ORIGINALLY FILED AS A COMBINED RT. WITH 36-00022, CLAIMANT THEM SPLIT OUT THE RIGHTS AND CLAIMED
THEM SEPARATELY. REVIEW OF THE BIG SPRINGS WATER USERS RTS FOUND BENEFICIAL USE OF 11.24 CFS, WHICH WAS COVERED UNDER THE EARLIER
RIGHT, 36-00022.

+ - - Audit Fields - - +
10/23/92 THORNTON

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/22/1988	Last Amended Date	- 10/21/1992	Temporary Right	- P
		Receipt Number	- S001603	Water District	- 36A
		POU Ownership Flag	- N	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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JAN 20 1993

MEMORANDUM TO FILES

A36-00022

A36-00023

A36-15166

FROM: HELEN HARRINGTON-THORNTON

DATE: OCTOBER 23, 1992

RE: RECOMMENDATIONS AND RELATIONSHIPS

Big Springs Water Users Assn. originally filed a claim for combined decreed rights 36-00022 and 36-00023 under one claim, identified as A36-15166.

On 10/21/1992, representatives decided they wanted to file separate claims for each decreed right. Since the original filing claimed the later priority, they "amended" the original filing from A36-15166 to A36-00023. They then filed a new claim for A36-00022.

Based on the total review of the Big Springs claims, IDWR has found beneficial use of 11.24 cfs. IDWR did not find any beneficial use of water in excess of A36-00022 diversion rate.

A36-00022	claimed 12.9 cfs	recommended 11.24
A36-00023	claimed 5.0 cfs	disallowed.

Therefore, although A36-15166 was amended to become A36-00023, all the review work filed under A36-15166 is applicable to A36-00022.

In addition to the separating of the decreed rights, claimant also added additional acres in the S1/2SE1/4, S24 and NWSE, S13 which had been omitted from the previous filing. Also added was domestic uses in SENE, NESE, S23 and commerical and stockwater in NWSE, S23.

Based on knowledge of examiner, the irrigation in S13 was not added, nor was commercial or stock water which comes from the Buckeye according to the landowner (Knight). Irrigation in S24 was changed to reflect the added acres found in S1/2S1/4 as well as the recommendation was changed to reflect the total acres found in the E1/2, S24. This change was made in order to accurately describe the acres on which Big Springs water is applied.

The final recommendation was also changed to include domestic uses which were supported by the claimant by newly supplied lists and map.

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JAN 20 1993

4-27-89

Bureau of Water Resources

Re. Notice of Claim to
Water Right 36.0022 & 36.0023
Receipt # 5001603

Please check the computer
print out with the filling I
made and signed.

If any questions contact
me. phone 837-4806.

Jeff Lemmon

Big Spring Water Users Assn.

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OCT 11 1994

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JAN 20 1993