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: **A36-00077D**
Date Received: 9/16/1988
Receipt No: X777777
Received By: _____

See A36-00077C original papers.

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: BRADLEY GISLER 208-837-6396
   Address: 755E 2800S
   HAGERMAN ID 83332
   AND
   Name: LINDA GAY GISLER 208-837-6396
   Address: 755E 2800S
   HAGERMAN ID 83332

2. Date of Priority: MAR 30, 1884

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

4. Point of Diversion:

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

5. Description of diverting works:
   VIA BELL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.860		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   STOCKWATER, 150 RANGE CATTLE

MICROFILMED
OCT 12 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	13E	21	NE	SE		STOCK	
			NE	SE	6	IRR	15.0
						Section Acres	15.0
		22	NE	SW		IRR	20.6
			NE	SW		STOCK	
			NW	SW		IRR	27.0
			NW	SW		STOCK	
						Section Acres	47.6
						Total Acres	62.6

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS AMOUNT OF WATER IS NEEDED ON THE PROPERTY FOR SEVERAL REASONS: (1) WITH THE LENGTH OF THE BELL DITCH, THERE IS A LOT OF LOSS FROM EVAPORATION AND SEEPAGE FROM THE DIRT DITCH ITSELF. (2) THE PROPERTY THAT IS IRRIGATED IS VERY SANDY IN NATURE. (3) THE DITCH PASSES OVER LAVA FLOWS AND THERE ARE SINK HOLES THAT CANNOT BE FILLED, WHICH ALSO CAUSE LOSS IN WATER. REDIVERSION ON THE BELL DITCH AT SWNWSE, SEC. 22, T7S. R13E.
|
THIS CLAIM HAS BEEN RENUMBERED TO BETTER DESCRIBE THE DECREED BASIS OF CLAIM AS RIGHT 36-00077. CLAIM ORIGINALLY FILED AS A36-00021A.
****
CHANGE OF OWNERSHIP BRADLEY GISLER SELLING 6.34 ACRES .14 CFS TO ALBERT L. & CORALIE M. ADKISON.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

MICROFILMED
OCT 12 1994

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____ _____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 12 1994

Form 42-1409(7)

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
AUG 15 1994
Department of Water Resources
Southern Region Office

DATE OF CLOSING: 8/10/94

LEGAL DESCRIPTION OF PROPERTY: Township 7S Range 13EBM
Section 22, NE 1/4 of SW 1/4 of N/A, Govt. Lot _____, BM
Lot _____, Block, _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[x] **Water Right Number(s) Assigned by IDWR:** Part of A36-00077C

[x] **Name and Address of Former Owner/Claimant(s)(Seller):** * Robert B. Gisler
755 East 2800 South
Hagerman, ID 83332

9/20/94 8:35am- verified by phone call to Mrs. Gisler - Robert B. aka Bradley. jg

[x] **New Owner/Claimant (Purchaser):** Albert L. Adkison and Coralie M. Adkison

[x] **New Mailing Address:** 71700 Tunis Road
Rancho Mirage, CA 82270

[x] **New Telephone Number:** (619) 346 - 1906

[x] **Does the change in ownership result in a splitting of the water right owned/claimed?** XX yes ___ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
0.14 cfs or 7 shares of water from Bell Ditch *to irrigate 6.34 acres located in the NE¼SW¼ of Section 22, Township 7 South, Range 13 East of the Boise Meridian, Gooding County, State of Idaho. See attached plat and legal description.*

[x] **Attach proof of ownership, describe proof attached:** copy of recorded Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[x] **Signature of New Owner/Claimant(s)** Albert L. Adkison Date 8-2-94
Coralie M. Adkison Date 8/2/94

[x] **Signature of Former Owner/Claimant(s):** Robert B. Gisler Date 8-3-94
Linda Kay Gisler Date 8-3-94

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 9/21/94 **By:** JC
Further Action Needed:

Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: 9/21/94 **By:** JC
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED
OCT 12 1994

Form 42-1409(7)

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
AUG 15 1994
Department of Water Resources
Southern Region Office

DATE OF CLOSING: 8/10/94

LEGAL DESCRIPTION OF PROPERTY: Township 7S Range 13EBM
Section 22, NE 1/4 of SW 1/4 of N/A, Govt. Lot _____, BM
Lot _____, Block, _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[X] Water Right Number(s) Assigned by IDWR: Part of A36-00077C

[X] Name and Address of Former Owner/Claimant(s)(Seller): * Robert B. Gisler
755 East 2800 South
Hagerman, ID 83332

9/20/94 8:35am- verified by phone call to Mrs. Gisler - Robert B. aka Bradley. jg

[X] New Owner/Claimant (Purchaser): Albert L. Adkison and Coralie M. Adkison

[X] New Mailing Address: 71700 Tunis Road
Rancho Mirage, CA 82270

[X] New Telephone Number: (619) 346 - 1906

[X] Does the change in ownership result in a splitting of the water right owned/claimed? XX yes ___ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
0.14 cfs or 7 shares of water from Bell Ditch to irrigate 6.34 acres located in the NE¼SW¼ of Section 22, Township 7 South, Range 13 East of the Boise Meridian, Gooding County, State of Idaho. See attached plat and legal description.

[X] Attach proof of ownership, describe proof attached: copy of recorded Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[X] Signature of New Owner/Claimant(s) Albert L. Adkison Date 8-2-94
Coralie M. Adkison Date 8/2/94

[X] Signature of Former Owner/Claimant(s): Robert B. Gisler Date 8-3-94
Linda Kay Gisler Date 8-3-94

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 9/21/94 **By:** JC
Further Action Needed:

Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: 9/21/94 **By:** JC
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED
OCT 12 1994

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

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

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

CIVIL CASE NUMBER: 39356
Ident. Number A36-00021A
Date Received
Receipt Number S002259
QS

COPY
FOR YOUR FILES
DO NOT RETURN

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) BRADLEY GISLER Phone (208) 837-6396

   Mailing Address 794 E 2800 S, Route #1, Hagerman, Idaho Zip 83332

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

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

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

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

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. From the diversion of the Bell Ditch on the bank of Billingsley Creek, the water flows in a Southwesterly direction approximately 3½ miles via the Bell Ditch to the subject property. Once the water is on the property, the land is irrigated by the use of flood irrigation and a sprinkler system.

MICROFILMED
OCT 12 1994

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

		(both dates are inclusive)			(cfs)		(acre feet)
For	Irrigation	purposes from	Mar. 15	to Nov. 15	amount 4.0	or	
For	Stockwater	purposes from	Jan. 1	to Dec. 31	amount 0.05	or	
For		purposes from		to	amount	or	
For		purposes from		to	amount	or	

7. Total quantity claimed (a) 4.0 (cfs) and/or (b) 276 (acre feet)

8. Total consumptive use claimed is 207 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) At times, there are 100 to 150 head of calves on the property.

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7 S	13 E	21													Lot6 S-15				15
7 S	13 E	22									S-27	S-27							54

Total number of acres irrigated 69 acres

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

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

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

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

Last Name GISLER, BRADLEY Ident No.

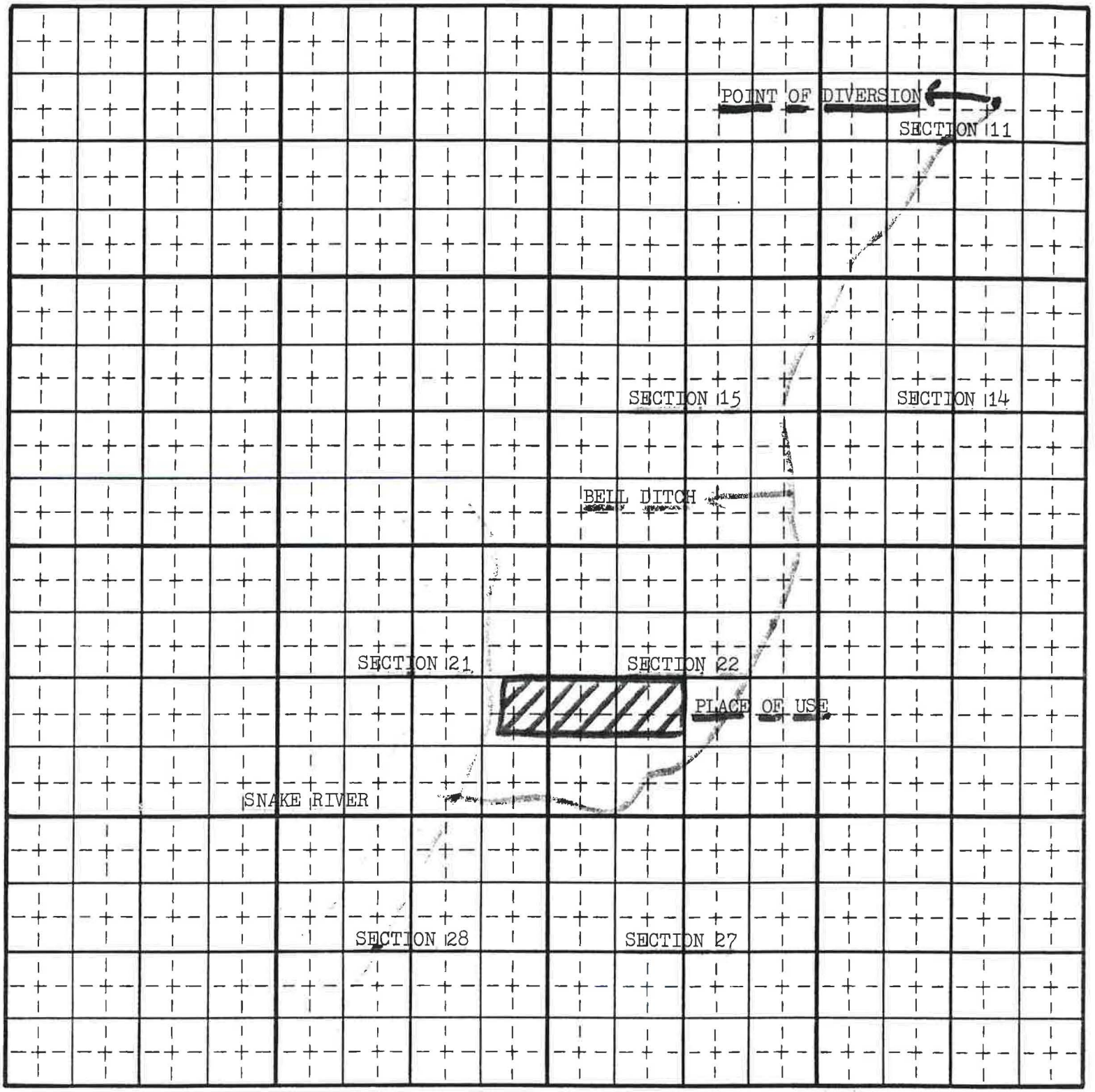
Copies: White - State, Yellow - Claimant

MICROFILMED
OCT 12 1994

Map of Project: show clearly the po[illegible]f diversion, place of use, section number, to[illegible]nship, and range number.

Scale: 2 inches equals 1 mile

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN



MICROFILMED
JAN 2[illegible]
MICROFILMED
OCT 12 1994

Last Name GISLER, BRADLEY Ident No. _____

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 Part of 36-0021

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

Plaintiff vs Defendant New International Mortgage Bank vs Idaho Power Company

16. Signature (s)

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

Number of attachments One (1)

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

Signature of Claimant (s) X [signature] Date 7/29/88

_____ Date _____

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

of _____ Organization, that I have signed the foregoing

document in the space below as _____ Title of _____ Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
) SS.
County of Gooding)

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

SEAL

Notary Public [signature]

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

MICROFILMED
JAN 2 1989

Last Name GISLER, BRADLEY Ident. Number _____

Copies White-State Yellow-Claimant

MICROFILMED
OCT 12 1994

corner of the SE¼ of the NW¼ of Sec. 6, Twp. 7 S. R. 14 E. B. M. The diversion point of the Main Ditch is 4 Rods West from said corner above the residence described below.

The E½ of the SE¼ and the E½ of the SW¼ and the SE¼ of the SE¼ of Sec. 36, Twp. 6 S. R. 13 E. B. M.; Lots 1, 2, 3 and 4 and the S½ of the NE¼ of Sec. 1, Twp. 7 S. R. 13 E. B. M. and Lots 3, 4, and 6 of Sec. 6, Twp. 7 S. R. 14 E. B. M.

J. C. SPRINGFIELD	10.9	Spring	March 8, 1902	Featherby Spring;
and ALETA A. SPRINGFIELD	3	Spring	April 4, 1913	Featherby Spring;
and MARY McCARTY	12	Spring	Dec. 9, 1916	Featherby Spring;
	20	Billingsley Creek	April 11, 1917	Curran Ditch;

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

The S½ Sec. 23; N½NW¼, SE¼NW¼, ~~NE¼SW¼~~ W½NE¼, W½SE¼, SE¼SE¼, E½SW¼, and SW¼SW¼, Sec. 25; NE¼, E½W½, SE¼NW¼, N½SE¼, SE¼SE¼, NE¼SW¼, Sec. 35, and the NW¼SW¼, Sec. 36, all in Township 7 South, Range 13 E. B. M.

BELL, HARLAN	2.16	Billingsley Creek	Sept. 13, 1884	Buckeye Ditch; Pipe Ditch
	.5	Riley Creek	Oct. 1, 1908	referred to in paragraph 7 of the Findings.

Lots 15, in the S½ of the SE¼ of the NE¼ and Lots 27 and 37 in the N½ of the NW¼ of the SW¼, in Sec. 27, Twp. 7 S. R. 13 E. B. M., the same being Acreage Tracts shown on the map or plat of Buckeye Ranch on file in the office of the Recorder of Gooding County, Idaho.

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

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

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

PRIOR ORIGINAL
MICROFILMED OCT 12 1994

AJ5811NP
SELECTION FILE: HHT-NOA-BROWN

IDAHO DEPARTMENT OF WATER RESOURCES
SELECTION FILE CONTENTS

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

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

TOTAL RECORDS IN SELECTION FILE: 116

MICROFILMED
OCT 12 1994

RECEIVED
FEB 10 1993
Department of Water Resources

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

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

* * * * * * * * * * *

In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System	Case No. 39576
The State of Idaho, ex rel. R. Keith Higginson in his official capacity as director of the Idaho Department of Water Resources, Petitioner, vs. United States; State of Idaho; and all claimants to the use of water from the Snake River Basin Water System, Respondents.	**NOTICE OF APPEARANCE**

* * * * * * * * * * *

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

LAW OFFICES HN&L Chartered
Hepworth, Nungester, & Lezamiz

MICROFILMED
OCT 12 1994

Users, Inc. and its individual members:

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

MICROFILMED
OCT 12 1994

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

MICROFILMED
OCT 12 1994

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

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

DATED This 9 day of February, 1993.

HEPWORTH, NUNGESTER & LEZAMIZ

By _____
PATRICK D. BROWN
Attorneys for Respondents

CERTIFICATE OF MAILING

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

MICROFILMED
OCT 12 1994

February, 1993, to:

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

Clive Strong
Chief Natural Resources Division
Office of Attorney General
Statehouse
Room 210
Boise, Idaho 83720

David Shaw
Adjudications Bureau Chief
Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

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

Patrick D. Brown

MICROFILMED
OCT 12 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

MICROFILMED
OCT 12 1994

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)

MICROFILMED
OCT 12 1994

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

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

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

MICROFILMED
OCT 12 1994

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

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

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

Sincerely,

Jodi I. Schultz

JODI I. SCHULTZ
Legal Assistant
Idaho Department of Water Resources

cc: IDWR Southern Region

MICROFILMED
OCT 12 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: **A36-00077C**
Date Received: 9/16/1988
Receipt No: S002259
Received By: DE. SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRADLEY GISLER 208-837-6396
   Address: 794 E. 2800 S.
   RT. 1
   HAGERMAN ID 83332

2. Date of Priority: MAR 30, 1884

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

4. Point of Diversion:

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

5. Description of diverting works:
   VIA BELL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.000		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 207.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   STOCKWATER, 150 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
07S	13E	21	NE	SE		STOCK	
			NE	SE	6	IRR	15.0

MICROFILMED
JAN 2 1 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
						Section Acres	15.0
		22	NE	SW		IRR	27.0
			NE	SW		STOCK	
			NW	SW		IRR	27.0
			NW	SW		STOCK	
						Section Acres	54.0
						Total Acres	69.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS AMOUNT OF WATER IS NEEDED ON THE PROPERTY FOR SEVERAL REASONS: (1) WITH THE LENGTH OF THE BELL DITCH, THERE IS A LOT OF LOSS FROM EVAPORATION AND SEEPAGE FROM THE DIRT DITCH ITSELF. (2) THE PROPERTY THAT IS IRRIGATED IS VERY SANDY IN NATURE. (3) THE DITCH PASSES OVER LAVA FLOWS AND THERE ARE SINK HOLES THAT CANNOT BE FILLED, WHICH ALSO CAUSE LOSS IN WATER. REDIVERSION ON THE BELL DITCH AT SWNWSE, SEC. 22, T7S. R13E.
|
THIS CLAIM HAS BEEN RENUMBERED TO BETTER DESCRIBE THE DECREED BASIS OF CLAIM AS RIGHT 36-00077. CLAIM ORIGINALLY FILED AS A36-00021A.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

MICROFILMED
JAN 21 1993

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____ _____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
JAN 21 1993

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

RENUMBERED A36-00077C
Ident. Number: **A36-00021A**
Date Received:
Receipt No: S002259
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRADLEY GISLER 208-837-6396
   Address: 794 E. 2800 S., RT. 1
   HAGERMAN, ID 83332

2. Date of Priority: MAR 30, 1884

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

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.000		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 207.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   S/150 HEAD OF CATTLE/CALVES

10. Place of Use:

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

MICROFILMED
JAN 21 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	13E	21	NE	SE	6	IRR	15.0
					Section Acres		15.0
		22	NE	SW		IRR	27.0
			NE	SW		STOCK	
			NW	SW		IRR	27.0
			NW	SW		STOCK	
					Section Acres		54.0
					Total Acres		69.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

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

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

MICROFILMED
JAN 2 1 1993

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
JAN 2 1 1993

9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Gisler CLAIM IDENT. NO. A36-00021A

DATE RECEIVED 7. CK # 3180 AMOUNT $ 481. partial

5002259

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

Claim checked by: RAT

Comments:

MICROFILMED
JAN 21 1993

04/02/2002

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-77D

NAME AND ADDRESS: BRADLEY GISLER
RT 1
755 E 2800 S
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.34 CFS

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

PRIORITY DATE: 03/30/1884

POINT OF DIVERSION:

T07S R13E S11 NWSENE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	02/15 11/30	0.050 CFS
	12/01 02/14	0.240 CFS
IRRIGATION	02/15 11/30	2.340 CFS

PLACE OF USE:

STOCKWATER Within GOODING County

T07S R13E S21 Lot 6	NESE		T07S R13E S22	NESW	
T07S R13E S22	NWSW				

IRRIGATION Within GOODING County

T07S R13E S21 Lot 6	NESE	14.0	T07S R13E S22	NESW	14.0
T07S R13E S22	NWSW	33.0			

61 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH BELL DITCH.
STOCKWATER, 150 RANGE CATTLE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-77D V1

WATER RIGHT NUMBER: 36-77D V1

Owner Type	Name and Address
Attorney	PATRICK D BROWN HEPWORTH LEZAMIZ & HOHNHORST 133 SHOSHONE ST N PO BOX 389 TWIN FALLS, ID 833030389 (208)734-7510
Current Owner	BRADLEY GISLER RT 1 755 E 2800 S HAGERMAN, ID 83332 (208)837-6396

Priority Date: 03/30/1884 ✓

Basis: Decreed

Status: Active

Source	Tributary
BILLINGSLEY CREEK ✓	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
STOCKWATER	2/15 to 11/30	0.050 CFS ✓	
IRRIGATION ✓	2/15 to 11/30	2.340 CFS ✓	
* STOCKWATER	12-1 to 2-14	.24	
	Total Diversion:	2.340 CFS ✓	

Location of Point(s) of Diversion

BILLINGSLEY CREEK NW1/4SE1/4NE1/4 Sec. 11, Twp 07S, Rge 13E, B.M.

GOODING County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 13E 21													14.0 L 6				14.0
07S 13E 22									14.0	33.0							47.0

Total Acres: 61

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY. ✓

update 4/2/02 DH

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-77D V1

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

Remarks:

1. Explanatory WATER IS DELIVERED THROUGH BELL DITCH. STOCKWATER, 150 RANGE CATTLE C-1P

Comments:

1. JGIVENS 9/21/1994 OWNERSHIP CHANGE
Comment: CHANGE OF OWNERSHIP RECEIVED 8/15/94 BRADLEY GISLER SELLING TO ALBERT L. & CORALIE M. ADKISON 6.34 ACRES IN THE NESW. AGENT IN REVIEWING, DISALLOWED THAT AREA. CREATED R36-00077E BUT WILL BE CODED I FOR DISALLOWED.

2. SCLELLAN 10/23/1997 COPIED FROM REMARKS
Comment: WATER IS DELIVERED THROUGH BELL DITCH. 0.19 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT. STOCKWATER, 150 RANGE CATTLE

3. VHANCOCK 7/27/1999 SOU
Comment: CORRECTED STOCK CODE, SOU

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: RECEIVED - RECOMMENDATION CHANGED
State or Federal:
Owner Name Connector: 0
Water District Number: 36A
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: AND

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

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR

Water Right 36-00077D

2000 JUN 30 PM 12:23

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BRADLEY GISLER
LINDA GAY GISLER
755 E 2800 S
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.34 CFS

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

PRIORITY DATE: 03/30/1884

POINT OF DIVERSION: T07S R13E S11 NWSENE Within Gooding County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	02-15 TO 11-30	2.34 CFS
Stockwater	02-15 TO 11-30	0.05 CFS
Stockwater	12-01 TO 02-14	0.24 CFS

PLACE OF USE: Irrigation Within Gooding County
T07S R13E S21 LOT 06 (NESE)14.0
S22 NESW 14.0 NWSW 33.0
61.0 Acres Total

Has no pow for Stock

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

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

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

RULE 54(b) CERTIFICATE

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

B Wood

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

4-14 SOUTHERN

RECEIVED
APR 15 1998
Department of Water Resources
Adjudication Bureau

RECEIVED
APR 17 1998
Department of Water Resource
Southern Region

1998 APR 14 PM 12:09
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	)	Subcase No. 36-00029B, 36-00077D and 36-00086C.
Case No. 39576	)	**ORDER SCHEDULING CHALLENGE PROCEEDINGS AND ORDER DISMISSING CHALLENGE**

On March 31, 1998, North Snake Groundwater District filed a *Notice of Challenge* in the above subcases. A *Challenge* in the Snake River Basin Adjudication is properly filed after a *Motion to Alter or Amend* a final ***Special Master's Report and Recommendation*** has been denied. ***AO1*** § 13(c). The three subcases *Challenged* by North Snake Groundwater District are not postured identically. Subcases 36-00077D and 36-00086C have had a final ***Special Master's Report and Recommendation*** filed and these subcases are ripe for a *Challenge* under ***AO1*** § 13(c). The Special Master has allowed for further objection and response in subcase 36-00029B. ***Notice Allowing For Further Objection and Response Period*** (March 17, 1998). An interlocutory appeal is the only means by which the Presiding Judge may review a Special Master's decision prior to a final ***Special Master's Report and Recommendation.*** Therefore, the *Challenge* filed by North Snake Ground Water to Subcase 36-00029B is DISMISSED.

The *Challenge* to Subcases 36-00077D and 36-00086C shall adhere to the following schedule:

5/5/98	**5:00 pm**	Reporter's Transcript Due
5/26/98	**5:00 pm**	Simultaneous Opening Briefs Due
6/9/98	**5:00 pm**	Rebuttal Briefs Due
6/17/98	**1:30 pm**	Hearing

Briefs shall be limited to 25 pages and shall be served on all parties to the subcases and the party filing the *Notice of Challenge*. Only those parties filing briefs will be allowed oral argument and each party will be limited to 30 minutes for oral argument.

IT IS SO ORDERED

DATED April 14, 1998

DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00077D

RB 11-14-97

NAME AND ADDRESS: BRADLEY GISLER
RT 1
~~794 E 2800 S~~
755 E 2800 S
~~RT 1~~
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.34 CFS
~~1.13 CFS~~

~~THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY USED FOR: STOCKWATER, 150 RANGE CATTLE~~

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

PRIORITY DATE: 03/30/1884

POINT OF DIVERSION: T07S R13E S11 NWSENE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	2.34 CFS
	~~03/15 11/15~~	~~1.13 CFS~~
STOCKWATER	Irrigation Season	0.05 CFS
STOCKWATER	Non-Irrigation Season	0.24 CFS
~~STOCKWATER~~	~~03/15 11/15~~	~~0.05 CFS~~
~~STOCKWATER~~	~~11/16 03/14~~	~~0.24 CFS~~

PLACE OF USE: IRRIGATION Within GOODING County

T07S R13E S21 Lot 6 (NESE)14
~~Lot 6 (NESE)15~~
S22 NESW 14 NWSW 33
~~NESW 6~~ ~~NWSW 27~~

61 ACRES TOTAL
~~48 ACRES TOTAL~~

Place of use for STOCKWATER is same as IRRIGATION

36-00077D (CONT.)

Place of use for STOCKWATER is same as IRRIGATION

STOCKWATER		WITHIN GOODING COUNTY	
T07S R13E	S21	NESE	
	S22	NESW	NWSW

STOCKWATER		WITHIN GOODING COUNTY	
T07S R13E	S21	NESE	
	S22	NESW	NWSW

CONSUMPTIVE USE: 144/0 AFY

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
WATER IS DELIVERED THROUGH BELL DITCH/
0/19 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT/

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
WATER IS DELIVERED THROUGH BELL DITCH.
STOCKWATER, 150 RANGE CATTLE

RECEIVED
JAN 0 2 1998
Department of Water Resources
Southern Region

OCT 2 1 1997
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA)
)
Case No. 39576)
)

SUBCASE(S) 36-00077C 36-00077D

SPECIAL MASTER'S REPORT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the claim and his *Report* contained a recommendation of the elements of this water right.

- ☐ There were no objections to this claim; however, this claim is used in combination with another claim which is the subject of an objection.
- ☒ All objections to this claim were resolved by stipulation of the parties at hearing or with a *Standard Form 5*. All parties to the subcase and IDWR have signed the *Standard Form 5*.
- ☐ All objections to this claim were resolved at trial. The court made oral findings of fact and conclusions of law at the trial and they are incorporated herein reference.

Therefore, based on the file and record herein, IT IS RECOMMENDED that this claim be **decreed** with the elements as set forth in the attached ***Special Master's Recommendation for Partial Decree.***

DATED: 10-21-97

Special Master
Snake River Basin Adjudication

Water right 36-00077C was split into 77D and 77E. Right 36-00077C should be disallowed.

RECEIVED
JAN 02 1998
Department of Water Resources
Southern Region

OCT 21 1997
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA)
)
Case No. 39576)
)

SUBCASE(S): 36-00077D

NOTICE OF ISSUANCE and SERVICE

Special Master FRITZ X. HAEMMERLE issued a ***SPECIAL MASTER'S REPORT AND RECOMMENDATION*** for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 9.

The documents were served only on parties to the subcase and IDWR. They were not served on the Presiding Judge. Parties to this subcase may file a *Motion to Alter or Amend* with the Special Master, but must do so within 14 days of the date of the ***SPECIAL MASTER'S REPORT AND RECOMMENDATION.***

I certify that a true and correct copy of the ***SPECIAL MASTER'S REPORT AND RECOMMENDATION*** were hand delivered to the following:

Representative of IDWR:

John Marshall

Bradley Gisler
Claimant/Attorney

Claimant/Attorney

Representative of U.S. Dept. of Justice

Party/Attorney

Party/Attorney

DATED 10-21-97.

Debbie Lash
Deputy Clerk

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

In Re SRBA)
)
) **Subcase(s)** 00072D
)
Case 39576) **STANDARD FORM 5**
)

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

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

The parties and IDWR agree and stipulate that the element of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date: 10/21/97

IDWR Concurrence

Claimant

Objector

Claimant/Attorney

Objector/Attorney

Claimant/Attorney

Objector/Attoney

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00077D

NAME AND ADDRESS: BRADLEY GISLER
RT 1
~~79% E 2800 S~~
755 ~~794~~ E 2800 S
~~RT 1~~
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.34 ~~1.15~~ CFS

~~THE QUANTITY FOR NON/IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY USED FOR/ STOCKWATER/ 130 RANGE CATTLE~~

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

PRIORITY DATE: 03/30/1884

POINT OF DIVERSION: T07S R13E S11 NWSENE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE		QUANTITY	
IRRIGATION	Irrigation Season		2.34 ~~1.15~~	CFS
	~~03/15~~	~~11/15~~		
STOCKWATER	03-15	11-15	0.05	CFS
STOCKWATER	11-16	03-14	0.24	CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S21 Lot 6 (NESE) ~~15~~ 14
S22 NESW ~~6~~ 14 NWSW ~~27~~ 33
61 ~~48~~ ACRES TOTAL

STOCKWATER Within GOODING County
T07S R13E S21 NESE
S22 NESW NWSW

STOCKWATER Within GOODING County
SAME AS OTHER USE

CONSUMPTIVE USE: ~~1.1~~/0 AFY

RECOMMENDATION
OCT 21 1997
SPECIAL MASTER

36-00077D (CONT.)

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

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

WATER IS DELIVERED THROUGH BELL DITCH/
0/19 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT/

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH BELL DITCH.

~~0.19 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.~~

STOCKWATER, 150 RANGE CATTLE

COPY

97 OCT 30 PM 2:48

DISTRICT COURT-SRBA

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

In Re SRBA	)	**NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDINGS**
Case No. 39576	)	
	)	**SUB CASE NO. 36-00077C**

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? [X]Yes []No

FROM: Claimant/Seller(s):
Name and Address of Claimant/Seller(s):
Bradley Gisler
794 E 2800 S
Hagerman ID 83332
Phone: 837-6396

TO: Claimant/Purchaser(s):
Name and Address of Claimant/Purchaser(s):
Bradley Gisler
Linda Gay Gisler
755 E 2800 S
Hagerman ID 83332
Phone: 837-6396

Albert Adkison
Coralie M Adkison
71700 Tunis Rd
Rancho Mirage CA 92270
Phone: (619) 346-1906

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

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

DATED: 10/23/97

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 10-30, 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
   253 Third Avenue North
   PO Box 2707
   Twin Falls ID 83303-2707

2. One Copy to:
   Claimant/Seller for Substitution of Party or attorney of record:
   Bradley Gisler
   755 E 2800 S
   Hagerman ID 83332

3. One Copy to:
   Claimant/Purchaser for Substitution of Party or attorney of record:
   Bradley Gisler
   Linda Gay Gisler
   755 E 2800 S
   Hagerman ID 83332

   Albert L Adkison
   Coralie M Adkison
   71700 Tunis RD
   Rancho Mirago CA 92270

4. One Copy to:
   Each party in the subcase or attorney of record:

5. One Copy 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

RIGHT NUMBER: 36-00077C

SPLIT RIGHT: SEE RIGHT NOS. 36-00077D AND 36-00077E.

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00077D

NAME & ADDRESS: BRADLEY GISLER
755 E 2800 S
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.34 CFS

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

PRIORITY DATE: 03/30/1884

POINT OF DIVERSION: T07S R13E S11 NWSENE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	2.34 CFS
STOCKWATER	03-15 11-15	0.05 CFS
STOCKWATER	11-16 03-14	0.24 CFS

PLACE OF USE:

IRRIGATION Within GOODING County
T07S R13E S21 Lot 6 (NESE)14
S22 NESW 14 NWSW 33
61 ACRES TOTAL

STOCKWATER Within GOODING County
T07S R13E S21 Lot 6 (NESE)
S22 NESW NWSW

STOCKWATER
SAME AS OTHER USE

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00077D (CONT)

EXPLANATORY MATERIAL: (CONT)
WATER IS DELIVERED THROUGH BELL DITCH.
STOCKWATER, 150 RANGE CATTLE

W.R. NUMBER	NAME & ADDRESS	CLAIM DISPOSITION	REASON
36-00077E	ADKISON, ALBERT L ADKISON, CORALIE M 71700 TUNIS RD RANCHO MIRAGE CA 82270	DISALLOWED	NO BENEFICIAL USE FOUND.

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

October 31, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ALBERT L ADKISON
CORALIE M ADKISON
71700 TUNIS RD
RANCHO MIRAGE CA 92270

RE: SRBA Claim(s) 36-00077C

Dear Claimant:

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

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

Sincerely,

Trish Fawcett

Trish Fawcett
Technical Records Specialist

/tf

cc: Bradley and Linda Gay Gisler

COPY

OCT 30 PM 2:48

DISTRICT COURT-SRBA

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

In Re SRBA	)	**NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDINGS**
Case No. 39576	)	
	)	**SUB CASE NO. 36-00077C**

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? [X]Yes []No

FROM: Claimant/Seller(s):
Name and Address of Claimant/Seller(s):
Bradley Gisler
794 E 2800 S
Hagerman ID 83332
Phone: 837-6396

TO: Claimant/Purchaser(s):
Name and Address of Claimant/Purchaser(s):
Bradley Gisler
Linda Gay Gisler
755 E 2800 S
Hagerman ID 83332
Phone: 837-6396

Albert Adkison
Coralie M Adkison
71700 Tunis Rd
Rancho Mirage CA 92270
Phone: (619) 346-1906

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

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

DATED: 10/23/97

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 10-30, 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
   253 Third Avenue North
   PO Box 2707
   Twin Falls ID 83303-2707

2. One Copy to:
   Claimant/Seller for Substitution of Party or attorney of record:
   Bradley Gisler
   755 E 2800 S
   Hagerman ID 83332

3. One Copy to:
   Claimant/Purchaser for Substitution of Party or attorney of record:
   Bradley Gisler
   Linda Gay Gisler
   755 E 2800 S
   Hagerman ID 83332

   Albert L Adkison
   Coralie M Adkison
   71700 Tunis RD
   Rancho Mirago CA 92270

4. One Copy to:
   Each party in the subcase or attorney of record:

5. One Copy 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

RIGHT NUMBER: 36-00077C

SPLIT RIGHT: SEE RIGHT NOS. 36-00077D AND 36-00077E.

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00077D

NAME & ADDRESS: BRADLEY GISLER
755 E 2800 S
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.34 CFS

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

PRIORITY DATE: 03/30/1884

POINT OF DIVERSION: T07S R13E S11 NWSENE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	2.34 CFS
STOCKWATER	03-15 11-15	0.05 CFS
STOCKWATER	11-16 03-14	0.24 CFS

PLACE OF USE:

IRRIGATION Within GOODING County
T07S R13E S21 Lot 6 (NESE)14
S22 NESW 14 NWSW 33
61 ACRES TOTAL

STOCKWATER Within GOODING County
T07S R13E S21 Lot 6 (NESE)
S22 NESW NWSW

STOCKWATER
SAME AS OTHER USE

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00077D (CONT)

EXPLANATORY MATERIAL: (CONT)
WATER IS DELIVERED THROUGH BELL DITCH.
STOCKWATER, 150 RANGE CATTLE

W.R. NUMBER	NAME & ADDRESS	CLAIM DISPOSITION	REASON
36-00077E	ADKISON, ALBERT L ADKISON, CORALIE M 71700 TUNIS RD RANCHO MIRAGE CA 82270	DISALLOWED	NO BENEFICIAL USE FOUND.

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

October 31, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ALBERT L ADKISON
CORALIE M ADKISON
71700 TUNIS RD
RANCHO MIRAGE CA 92270

RE: SRBA Claim(s) 36-00077C

Dear Claimant:

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

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

Sincerely,

Trish Fawcett

Trish Fawcett
Technical Records Specialist

/tf

cc: Bradley and Linda Gay Gisler

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 11-14-97

TO: Doug Jones **FROM:** Becky Harvey

DOCUMENT DESCRIPTION: Info. re: 34-00077C & D.

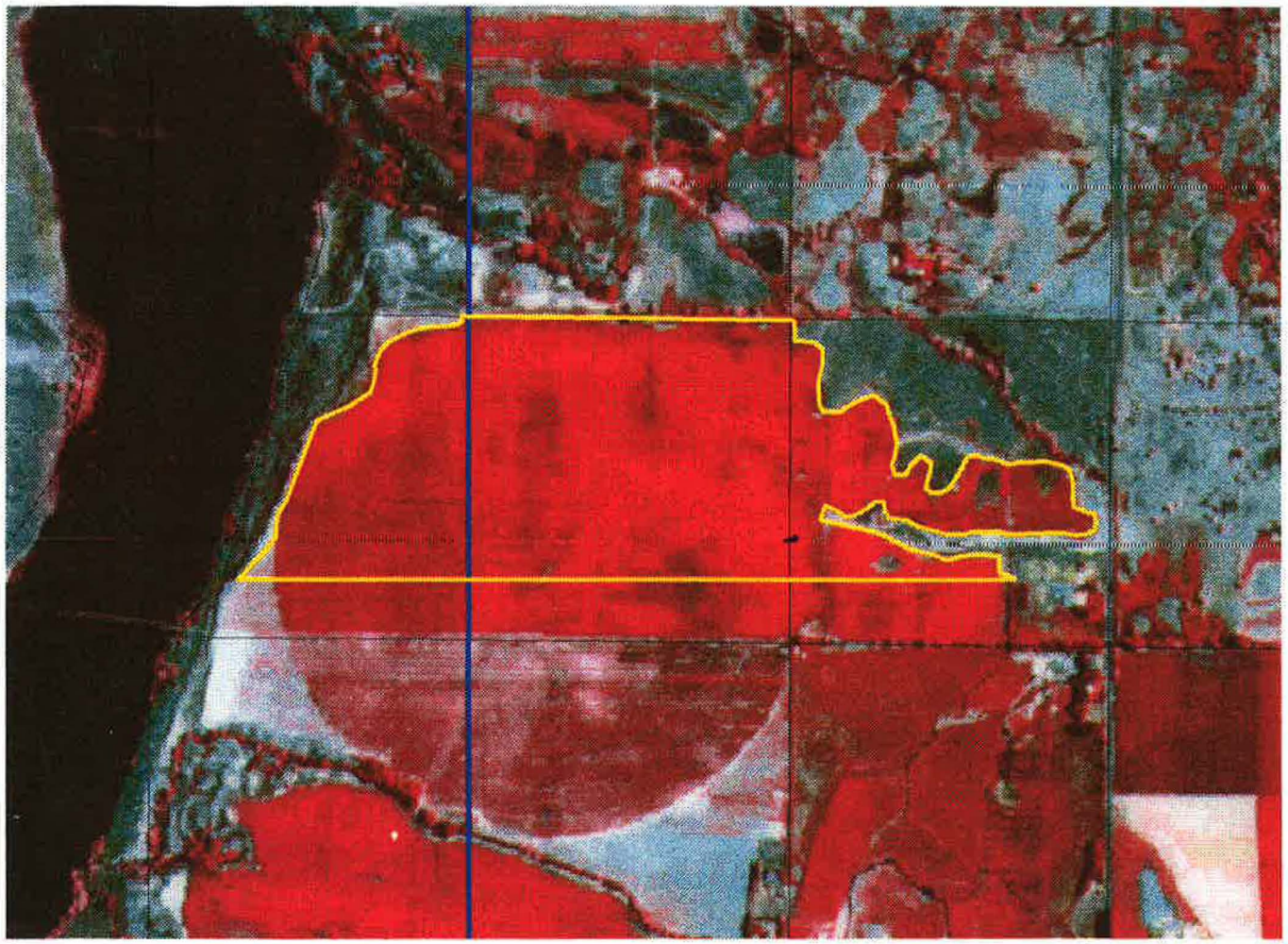
COVER SHEET + 5 **PAGES**

CONTACT: Bec - 327-7881 **IF YOU DO NOT RECEIVE ALL THE PAGES**

THANK YOU!

IDAHO DEPARTMENT OF WATER RESOURCES

36-00077D



660 0 660 Feet

TNS 7S, RNG 13E
SEC 21 & 22

N
W E
S

⊙ Recommended Point of Diversion

Recommended Place of use

Section lines

Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 1997
BY STEVE CLELLAND

SUBCASE NO. 36-00077C

	CLAIM * (7/29/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Bradley Gisler **	N/A	Bradley Gisler	Bradley Gisler
BASIS OF CLAIM	Decree		Decree	
SOURCE	Billingsley Creek		Billingsley Creek	
QUANTITY	4.0 cfs		1.15 cfs	XX requests as decreed and or beneficially used "whichever is greater"
PRIORITY DATE	3/30/1884		3/30/1884	
PURPOSE OF USE	Irrigation Stockwater		Irrigation Stockwater	
PERIOD OF USE	Irr.: 3/15 - 11/15 S.W.: 1/1 - 12/31		Irr.: 3/15 - 11/15 S.W.: 3/15 - 11/15 S.W.: 11/16 - 3/14	XX year round
POINT OF DIVERSION	T07S R13E S11 T07S R13E S22		T07S R13E S11	
PLACE OF USE	T07S R13E S21 T07S R13E S22 69.0 acres		T07S R13E S21 T07S R13E S22 48.0 acres	XX requests 60 acres
remarks	"This amount of water is needed on the property for several reasons: (1) with the length of the Bell Ditch, there is a lot of loss from evaporation and seepage from the dirt ditch itself. (2) The property that is irrigated is very sandy in nature. (3) The ditch passes over lava flows and there are sink holes that cannot be filled, which also cause loss in water."		"Right includes accomplished change in place of use pursuant to Idaho Code 42-1416A. Water is delivered through Bell Ditch. 0.19 cfs ofthis right is limited to use for conveyance losses in delivery of this right."	XX strike all remarks except "water is delivered through Bell Ditch."

*** originally claimed as number: A36-00021A.** Re-numbered in March of 1992 since correct basis for claim was a portion of decreed right no. 36-00077.

** Change of Ownership/Split filed on 9/21/94 - Robert Gisler to Albert & Coralie Adkison. Sold 0.14 cfs (7 shares) from Bell Ditch for 6.34 acres located in S22 (NESW 1/4 1/4) in T07S R13E (water right no. 36-00077E - disallowed.- unobjected to right).

CLAIM NUMBERS 36-00077C _____ _____ _____

DATE 10-3-97

AGENT KKC

TRANSFER NUMBER _____

OBJECTION FILED _____

TOTAL ACRES FROM RECOMMENDATION 48

GEOGRAPHIC INFO SYSTEM ~~48.6~~ 49

RIGHT NO	TNS	RNG	SEC	NE NE	NE NW	NE SW	NE SE	NW NE	NW NW	NW SW	NW SE	SW NE	SW NW	SW SW	SW SE	SE NE	SE NW	SE SW	SE SE	
RECOM	7S	13E	21													15				13
GIS																9.9				9.9
																+4				
RECOM	7S	13E	22									6	27							33
GIS												11.4	27.3							38.7
												+3	+5							
RECOM																				
GIS																				
RECOM																				
GIS																				

UPDATED

POLYGON # UPDATED

POLYGON CREATED ON 604 ( ) _____

B36-DBPOU.DBF 10-3-97 00077D assigned ## ATTRIBUTES OF B36-POU.SHP 520 10-3

B36-DBPOD.DBF " " 4 ATTRIBUTES OF B36-POD.SHP 455

System is Bell Ditch

36-00077C is split into

D. (same P/U as C)

E (Recom for disallowal)

add 12 Ac in Re shape @ Center of Pivot TOTAL = 61 Ac

Revised acres in Settlement as shown. SEC 10/21/97

S. 21 NESE 14, S. 22 NESW 14, NWSW 33

* NOTE: added acres were also recommended in another claim - 36-00021

P/U CONFLICT yes ( ) no (X)

P/D CONFLICT yes ( ) no (X)

READY FOR DECREE yes (X) no ( )

SENT FOR DECREE yes (X) no ( )

IDAHO DEPARTMENT OF WATER RESOURCES

36-00077D
BRADLEY GISLER



660 0 660 1320 1980 2640 Feet

acre difference is apparent in GIS, acres as shown ?

6	8	6

TNS 7S, RNG 13E,
SEC 21, NE1/4SE1/4 &
SEC 22, N1/2SW1/4

N
W E
S

measure acres to see if -0021 needs revised

⊙ Recommended Point of Diversion

Recommended Place of use

Section lines

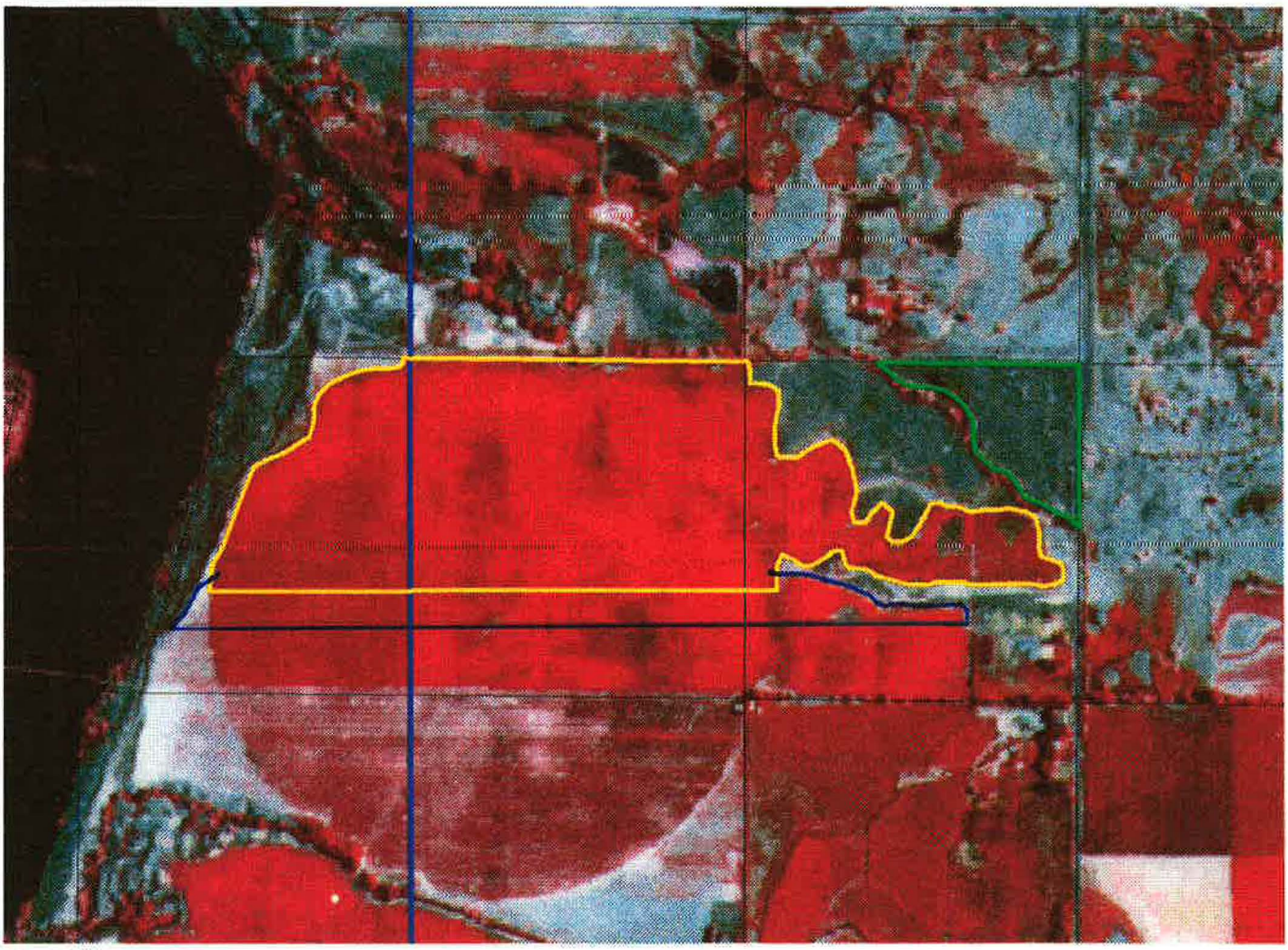
Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 21, 1997
BY KELLY K CHRISTENSEN

NO OBJ FILED

IDAHO DEPARTMENT OF WATER RESOURCES

36-00077D
BRADLEY GISLER



660 0 660 1320 1980 2640 Feet

TNS 7S, RNG 13E,
SEC 21, NE1/4SE1/4 &
SEC 22, N1/2SW1/4



⊙ Recommended Point of Diversion

Recommended Place of use

Section lines

Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 21, 1997
BY KELLY K CHRISTENSEN

HAGERMAN

Surface Irrigation Diversion Rate Analysis Sheet

WR#'s 36-00077 D

SOIL	SOIL AC.	% ROW	ROW AC.	FIR ROW	CFS ROW	% FOR.	FOR. AC.	FIR FOR.	CFS FOR.
JSK	12.03	100	12.03	0.038	0.457				
JSK	2.43	100	2.43	0.038	0.092				
DEB	19.74	100	19.74	0.032	0.632				
DEB	3.85	100	3.85	0.032	0.123				
KOB	13.80	100	13.80	0.037	0.511				
KOB	3.00	100	3.00	0.037	0.111				
KOA	3.07	100	3.07	0.036	0.111				
KOA	2.22	100	2.22	0.036	0.080				
TOTALS	60.14								

REC. FIR 2.15 * CFS = SUM 2.117 CFS X 61.0 REC. AC.

60.14 GIS AC.

DATE 10/21/97

INIT. JP

*ADD CONVEYANCE LOSS (IF APPLICABLE) FOR TOTAL IRRIGATION DIVERSION REQUIREMENT

DIVERSION CAPACITY OR LIC./DEC. AMOUNT MAY LIMIT

IDAHO DEPARTMENT OF WATER RESOURCES
SURFACE IRRIGATION ANALYSIS WORKSHEET

WATER RIGHT NOS. 000776

The following information is submitted to the Idaho Department of Water Resources to allow it to form an opinion regarding the amount of water needed to irrigate my fields using a surface water irrigation system.

My fields were historically irrigated using a surface water system: X **Yes** ___ **No**

My typical cropping pattern, based upon the percentage of my total acreage, is as follows:

FORAGE/GRAIN/OTHER (hay, pasture, grain, mint) [illegible] %

ROW CROPS (beans, potatoes, sugar beets, corn) [illegible] %

My total acreage is 61 **acres.**

Signature of Claimant _____ Date _____

Signature of Claimant _____ Date _____

Signature of IDWR agent _____ Date 10/21/97

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED
OCT 12 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

21-SEPT-1994

ALBERT L & CORALIE ADKISON
71700 TUNIS RD
RANCHO MIRAGE CA 82270

RE: SPLITTING OF ADJUDICATION CLAIM A36-00077C (BRADLEY GISLER)

Dear Mr. & Mrs. Adkison:

Pursuant to the notification that you have purchased a portion of the property listed as the place of use for original claim A36-00077C, our office has split the original claim as you requested with your portion being numbered A36-00077E. However, as the recommendation for the original claim has already been filed with the SRBA Court and does not recommend water for your portion of the land, your newly identified portion of the recommendation numbered R36-00077E is drafted as being disallowed. Please note that the original claimant, Mr. Gisler, was represented by attorney Patrick Brown and the original recommendation was objected to by Mr. Gisler thru Mr. Brown. Please note that unless you remove Mr. Brown as attorney we will keep him on our record for your claim and will send all correspondance to him regarding your claim.

Your draft recommendation will be held in our office pending direction from the SRBA Court as to the procedure they wish to use concerning splitting of recommendations. Please note that the court presently has stopped or stayed action of such matters but may be addressed these matters in the future.

If you have questions please feel free to contact our office.

Sincerely,

Judy Givens
Technical Records Specialist

Enclosures: Proof Report of original SRBA Claim A36-00077C
Proof Report of A36-00077E
Proof Report of R36-00077E
c.c. Patrick Brown, Attorney
c.c. Robert B. Gisler

MICROFILMED
OCT 12 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

22-SEPT-1994

ROBERT B & LINDA GAY GISLER
755E 2800S
HAGERMAN ID 83332

RE: SPLITTING OF ADJUDICATION CLAIM A36-00077C (Bradley Gisler)

Dear Mr. & Mrs. Gisler:

Pursuant to the notification that you have sold a portion of the property listed as the place of use for original claim A36-00077C, our office has split the original claim as you requested with your portion being renumbered A36-00077D.

Your draft recommendation will be held in our office pending direction from the SRBA Court as to the procedure they wish to use concerning splitting of recommendations. Please note that the court presently has stopped or stayed action of such matters but may be addressed these matters in the future.

If you have questions please feel free to contact our office.

Sincerely,

Judy Givens
Technical Records Specialist

Enclosures: Proof Report of original SRBA Claim A36-00077C
Proof Report of A36-00077D
Proof Report of R36-00077D

c.c. Patrick Brown, Attorney

MICROFILMED
OCT 12 1994

AJ0749NP
No. A36-00077D

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/20/94
PAGE: 1

MICROFILMED
OCT 12 1994

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	BRADLEY GISLER	03/30/1884	IRRIGATION	03-15	11-15	3.86 CFS	
C	LINDA GAY GISLER		STOCKWATER	01-01	12-31	0.05 CFS	
	755E 2800S						
	HAGERMAN ID 83332				TOTAL DIVERSION:	3.86 CFS	
	(208) 837-6396						

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

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

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
07S	13E	21													06-15				15.0
07S	13E	22									20	27							47.6
																		TOTAL ACRES	62.6

Place of use Legal Description for: STOCKWATER

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

POU County: GOODING

Non-Irrigation Uses: STOCKWATER, 150 RANGE CATTLE

Other Rights: NONE

Remarks: THIS AMOUNT OF WATER IS NEEDED ON THE PROPERTY FOR SEVERAL REASONS: (1) WITH THE LENGTH OF THE BELL DITCH, THERE IS A LOT OF LOSS FROM EVAPORATION AND SEEPAGE FROM THE DIRT DITCH ITSELF. (2) THE PROPERTY THAT IS IRRIGATED IS VERY SANDY IN NATURE. (3) THE DITCH PASSES OVER LAVA FLOWS AND THERE ARE SINK HOLES THAT CANNOT BE FILLED, WHICH ALSO CAUSE LOSS IN WATER. REDIVERSION ON THE BELL DITCH AT SWNWSE, SEC. 22, T7S. R13E.

THIS CLAIM HAS BEEN RENUMBERED TO BETTER DESCRIBE THE DECREED BASIS OF CLAIM AS RIGHT 36-00077. CLAIM ORIGINALLY FILED AS A36-00021A.

****

CHANGE OF OWNERSHIP BRADLEY GISLER SELLING 6.34 ACRES .14 CFS TO ALBERT L. & CORALIE M. ADKISON.

MICROFILMED
OCT 12 1994

Dates:	Exam Made Date:		Verified Date:
Misc:	Water District Number:	36A	Field Inspection Flag:
			Presumption Flag:

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED
OCT 12 1994

MICROFILMED
OCT 12

Water Right Number - R36-00077D Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** A - ATTORNEY ***		
BROWN	PATRICK D	1 - HEPWORTH NUNGESTER LEZAMIZ 2 - 133 SHOSHONE ST N 3 - PO BOX 389 City- TWIN FALLS State- ID Zip- 833030389 Phone - 208-734-7510
*** C - CURRENT OWNER ***		
GISLER	BRADLEY	1 - 794 E 2800 S 2 - 3 - RT 1 City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-6396

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

Source	Tributary
BILLINGSLEY CREEK	SNAKE RIVER

Point of Diversion

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

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/15	11/15	1.150	
04	STOCKWATER	03/15	11/15	0.050	
04	STOCKWATER	11/16	03/14	0.240	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
1.150		144.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	21	NE SE	6	15.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NE SW		6.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NW SW		27.0	01	IRRIGATION	(47) GOODING
07S	13E	21	NE SE			04	STOCKWATER	(47) GOODING
07S	13E	22	NE SW			04	STOCKWATER	(47) GOODING
07S	13E	22	NW SW			04	STOCKWATER	(47) GOODING

Total Acres: 48.0

Diversion Means - VIA BELL DITCH, PIVOT, SPRINKLERS, WHEEL LINES.

Non-Irrigation Use - STOCKWATER, 150 RANGE CATTLE

MICROFILMED
OCT 12 1994

Water right number - R36-00077D   Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - NONE

+ - Remarks - +

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

+ - Old Water Right Numbers - +

3600077

+ - Conditions of Approval - +

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

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

+ -Comments- +

Date: 09/21/1994 User Id: JGIVENS Subject: OWNERSHIP CHANGE

CHANGE OF OWNERSHIP RECEIVED 8/15/94 BRADLEY GISLER SELLING TO ALBERT L. & CORALIE M. ADKISON 6.34 ACRES IN THE NESW. AGENT IN REVIEWING, DISALLOWED THAT AREA. CREATED R36-00077E BUT WILL BE CODED I FOR DISALLOWED.

+ - - Audit Fields - - +

09/21/94 JGIVENS

+ - Adjudication Rights Dates and Flags Area - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- C
				Notice of Error Flag	- C

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

25-Aug-1994 14:26

ALBERT L ADKISON
71700 TUNIS RD
RANCHO MIRAGE CA 92270

RE: CHANGE OF OWNERSHIP ON 36-00077C - BRADLEY GISLER

Dear Mr. Adkison:

This letter is in reference to the Change of Ownership form received in this office Aug 15, 1994. Thank you for submitting the form to us.

You listed 0.14 cfs or 7 shares of water from Bell Ditch to be claimed by you, the new owner. I will need for you to list in that same paragraph, the number of acres and the legal description. Your Exhibit A, lists the Section 22, a parcel of land located in the NE1/4SW1/4. In looking at your claim filed in 3/19/92, it shows 27.0 acres in that legal, perhaps this is the information you need to list in the same area with the 0.14 cfs.

Yours truly,

Judy Givens
Technical Records Specialist

/jg

Return of: New Property Owner
Notice of Change of Water Right Ownership
Warranty Deed, Exhibit A attached

MICROFILMED
OCT 12 1994

ALBERT L. ADKISON
71700 TUNIS ROAD
RANCHO MIRAGE, CALIFORNIA 92270

TWIN FALLS, ID 833
PM
12 AUG
1994



AUG 15 1994
Department of Water Resources
Southern Region Office

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE STREET EAST
TWIN FALLS, IDAHO 83301

MICROFILMED
OCT 12 1994

Form 42-1409(7)

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
AUG 15 1994
Department of Water Resources
Southern Region Office

DATE OF CLOSING: 8/10/94

LEGAL DESCRIPTION OF PROPERTY: Township 7S Range 13EBM
Section 22, NE 1/4 of SW 1/4 of N/A, Govt. Lot _____, BM
Lot _____, Block, _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[x] **Water Right Number(s) Assigned by IDWR:** Part of A36-00077C

[x] **Name and Address of Former Owner/Claimant(s)(Seller):** * Robert B. Gisler
755 East 2800 South
Hagerman, ID 83332

9/20/94 8:35am- verified by phone call to Mrs. Gisler - Robert B. aka Bradley. jg

[x] **New Owner/Claimant (Purchaser):** Albert L. Adkison and Coralie M. Adkison

[x] **New Mailing Address:** 71700 Tunis Road
Rancho Mirage, CA 82270

[x] **New Telephone Number:** (619) 346 - 1906

[x] **Does the change in ownership result in a splitting of the water right owned/claimed?** XX yes ___ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
0.14 cfs or 7 shares of water from Bell Ditch to irrigate 6.34 acres located in the NE¼SW¼ of Section 22, Township 7 South, Range 13 East of the Boise Meridian, Gooding County, State of Idaho. See attached plat and legal description.

[x] **Attach proof of ownership, describe proof attached:** copy of recorded Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[x] **Signature of New Owner/Claimant(s)** Albert L. Adkison Date 8-2-94
Coralie M. Adkison Date 8/2/94

[x] **Signature of Former Owner/Claimant(s):** Robert B. Gisler Date 8-3-94
Linda Kay Gisler Date 8-3-94

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry Date: 9/21/94 **By:** JC
Further Action Needed:

Further Action Taken Date: **By:**
Final Review and Data-Entry Date: 9/21/94 **By:** JC
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED
OCT 12 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

25-Aug-1994 14:26

ALBERT L ADKISON
71700 TUNIS RD
RANCHO MIRAGE CA 92270

RE: CHANGE OF OWNERSHIP ON 36-00077C - BRADLEY GISLER

Dear Mr. Adkison:

This letter is in reference to the Change of Ownership form received in this office Aug 15, 1994. Thank you for submitting the form to us.

You listed 0.14 cfs or 7 shares of water from Bell Ditch to be claimed by you, the new owner. I will need for you to list in that same paragraph, the number of acres and the legal description. Your Exhibit A, lists the Section 22, a parcel of land located in the NE1/4SW1/4. In looking at your claim filed in 3/19/92, it shows 27.0 acres in that legal, perhaps this is the information you need to list in the same area with the 0.14 cfs.

Yours truly,

Judy

Judy Givens
Technical Records Specialist

/jg

Return of: New Property Owner
Notice of Change of Water Right Ownership
Warranty Deed, Exhibit A attached

See added attachments

MICROFILMED
OCT 12 1994

G-003064|E-002271

RECEIVED

AUG 15 1994

Department of Water Resources
Southern Region Office

WARRANTY DEED

For Value Received

ROBERT B. GISLER AND LINDA GAY GISLER, HUSBAND AND WIFE

the grantors, do hereby grant, bargain, sell and convey unto

ALBERT L. ADKISON AND CORALIE M. ADKISON, HUSBAND AND WIFE

the grantees, whose current address is

71700 Tunis Road, Rancho Mirage, CA 92270

the following described premises, in GOODING **County Idaho, to-wit:**

See EXHIBIT A attached hereto and made a part hereof.

AN EXPRESS CONSIDERATION HEREOF IS THAT PURCHASERS, HEIRS AND ASSIGNS COVENANT AND AGREE THAT NO SINGLE WIDE MOBILE HOMES ARE TO BE ALLOWED ON THE ABOVE DESCRIBED PROPERTY. THIS RESTRICTION IS TO RUN WITH THE LAND.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances except current year's taxes, levies and assessments, and except restrictions, reservations and easements of record, and easements visible upon the premises,

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: August 3, 1994

Robert B. Gisler

Linda Gay Gisler

STATE OF IDAHO, COUNTY OF GOODING

On this 3 day of August 19 94 before me, a notary public in and for said State, personally appeared

Robert B. Gisler and Linda Gay Gisler

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Shelli Rae Mason

Notary Public

Residing at Gooding, ID, Idaho

Comm. Expires ~~10-16-98~~ 6-24-99

SHELLI RAE MASON NOTARY PUBLIC STATE OF IDAHO

STATE OF IDAHO, COUNTY OF Gooding

I hereby certify that this instrument was filed for record at the request of FIRST AMERICAN TITLE

at 35 minutes past 1 o'clock P m., this 3 day of Aug 19 94, in my office, and duly recorded in Book of Deeds at page

JOHN A. MYERS

Ex-Officio Recorder

By Alberta Sotes Deputy.

Fees $ 6.00

Mail to:

158075

FIRST AMERICAN

First American Title Company of Idaho

FIRST AMERICAN

EXHIBIT A

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

Section 22: A parcel of land located in the NE1/4SW1/4, more particularly described as follows:

COMMENCING at the center Quarter corner of said Section 22;
Thence South 0° 17' 12" West along the East boundary of the Southwest Quarter of Section 22 for a distance of 30.0 feet to the TRUE POINT OF BEGINNING;
Thence South 89° 53' 51" West parallel with the North boundary of the Southwest Quarter for a distance of 809.25 feet;
Thence along the center of the irrigation lateral on the following courses:

South 55° 46' 34" East, 8.31 feet;
South 35° 47' 34" East, 59.31 feet;
South 51° 29' 00" East, 45.03 feet;
South 49° 25' 39" East, 52.61 feet;
South 60° 51' 47" East, 69.81 feet;
South 88° 09' 59" East, 36.02 feet;
South 78° 36' 01" East, 26.04 feet;
South 55° 53' 01" East, 20.57 feet;
South 46° 08' 35" East, 63.78 feet;
South 47° 54' 13" East, 62.09 feet;
South 16° 50' 36" East, 44.28 feet;
South 19° 58' 43" East, 35.81 feet;
South 37° 51' 43" East, 52.74 feet;
South 32° 18' 10" East, 56.52 feet;
South 45° 27' 09" East, 16.69 feet;
South 80° 40' 13" East, 37.42 feet;
South 69° 11' 11" East, 11.03 feet;
South 57° 51' 49" East, 22.48 feet;
South 70° 50' 52" East, 29.63 feet;
South 44° 01' 40" East, 14.61 feet;
South 28° 40' 40" East, 41.70 feet;
South 40° 57' 09" East, 38.67 feet;
South 64° 31' 31" East, 36.54 feet;
South 67° 47' 41" East, 90.87 feet;
South 52° 24' 20" East, 81.65 feet;
South 57° 29' 39" East, 31.41 feet to the intersection with the East boundary of the Southwest Quarter of Section 22;

Thence leaving the center of the irrigation lateral North 0° 17' 12" East along the East boundary of the Southwest Quarter for a distance of 656.00 feet to THE TRUE POINT OF BEGINNING.

MICROFILMED
OCT 12 1994

RTY SURVEY

4 SEC. 22, T. 7 S., R. 13 E., B.M.

JTY, IDAHO

MICROFILMED
OCT 12 1994

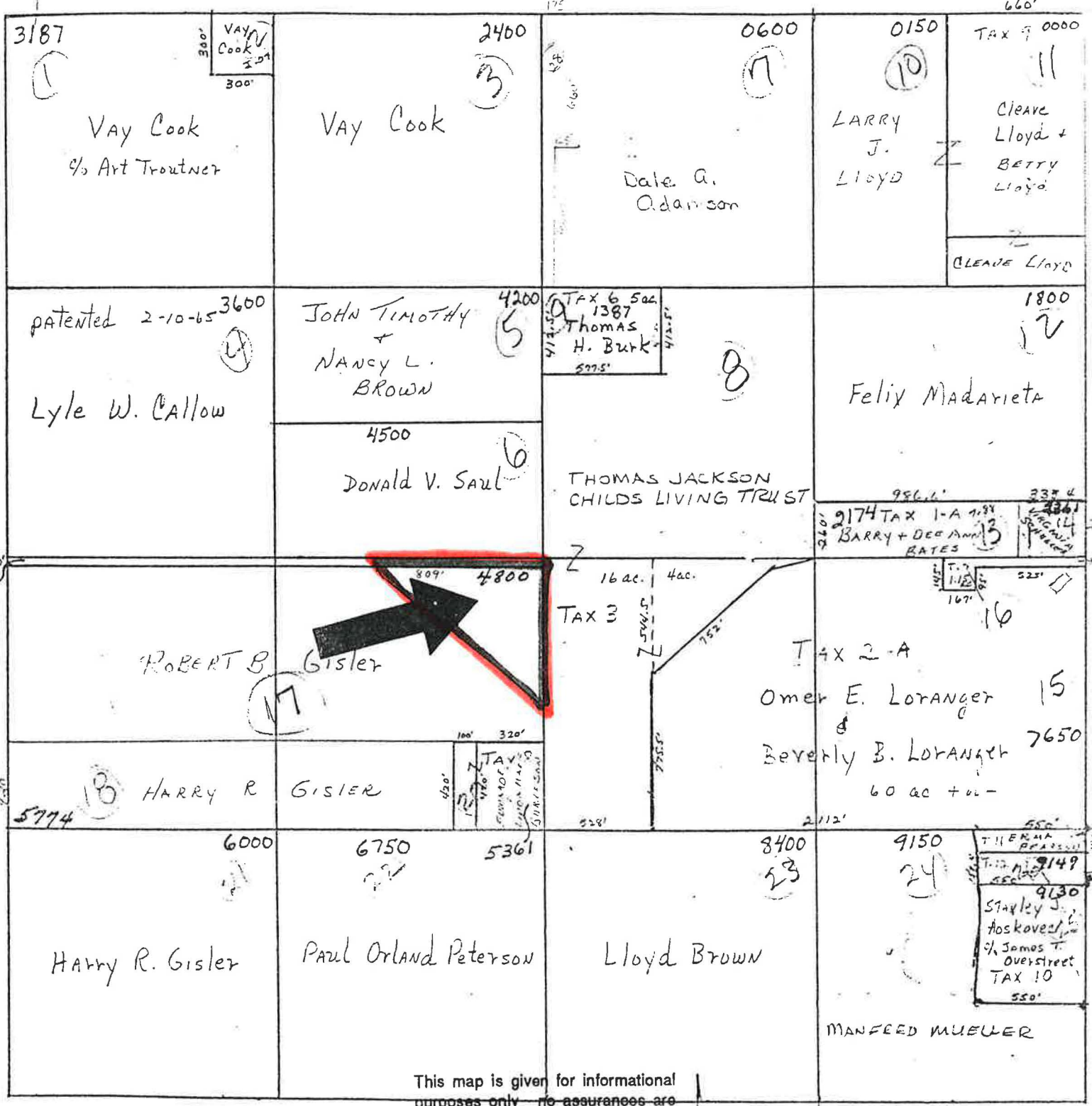
Hwy. 3

Sch. Dist 233

Cem: HAGERMAN Fire: HAGERMAN

Sec 22 Twp 7 Rng 13

07S 13E 22



This map is given for informational purposes only - no assurances are made as to the actual footages and boundaries reflected herein.

First American Title

MICROFILMED

OCT 12 1994

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00077C

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

September 26, 1994 4:09pm

NAME:
ALBERT L. ADKISON

RE:
A36-00077C CHANGE OF OWNER

HE CALLED TO ASK ABOUT THE PAPERWORK HE HAS BEEN RECEIVING ON THE ADJUDICATION. I EXPLAINED THE PROCESS WE PERFORM WHEN WE RECEIVE A CHANGE OF OWNERSHIP FORM AND HOW THE CLAIM HAD SPLIT. THE RECORD ON FILE WITH THE COURT HAS ALSO BEEN SPLIT AND HIS PORTION OF THE PROPERTY HAS BEEN RECOMMENDED WITHOUT WATER RIGHTS.

HE ASKED HOW THIS SRBA STARTED AND I TOLD HIM THE HISTORY. HE IS AWARE OF THE HWRO ASSN. AND PAT BROWN BUT IS NOT SURE WHAT HIS ROLE SHOULD BE. I OFFERED OUR ASSISTANCE WHEN NEEDED.

MICROFILMED
OCT 12 1994

Water Right Number - R36-00077C Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** A - ATTORNEY ***		
BROWN	PATRICK D	1 - HEPWORTH NUNGESTER LEZAMIZ 2 - 133 SHOSHONE ST N 3 - PO BOX 389 City- TWIN FALLS State- ID Zip- 833030389 Phone - 208-734-7510
*** C - CURRENT OWNER ***		
SPLIT RIGHT		1 - 2 - 3 - City- XXX State- ID Zip- 99999 Phone - 208-000-0000
*** O - ORIGINAL OWNER ***		
GISLER	BRADLEY	1 - 794 E 2800 S 2 - 3 - RT 1 City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-6396

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

Source	Tributary
BILLINGSLEY CREEK SPLIT RIGHT	SNAKE RIVER

Point of Diversion

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

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/15	11/15	1.150	
04	STOCKWATER	03/15	11/15	0.050	
04	STOCKWATER	11/16	03/14	0.240	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
1.150		144.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	21	NE SE	6	15.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NE SW		6.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NW SW		27.0	01	IRRIGATION	(47) GOODING
07S	13E	21	NE SE			04	STOCKWATER	(47) GOODING
07S	13E	22	NE SW			04	STOCKWATER	(47) GOODING
07S	13E	22	NW SW			04	STOCKWATER	(47) GOODING

MICROFILMED
OCT 12 1994

Water right number - R36-00077C Prefix Translation: RESEARCH

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County

Total Acres: 48.0

Diversion Means - VIA BELL DITCH, PIVOT, SPRINKLERS, WHEEL LINES.

Non-Irrigation Use - STOCKWATER, 150 RANGE CATTLE

Other Rights for Same Use - NONE

Remarks

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

Old Water Right Numbers

3600077

Conditions of Approval

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

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

Comments

Date: 09/21/1994 User Id: JGIVENS Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 8/15/94 BRADLEY GISLER ORIGINAL OWNER ALBERT L. ADKISON & CORALIE M. ADKISON NEW OWNERS. COPY OF WARRANTY DEED ATTACHED TO FORM AND ORIGINAL OWNER SIGNED FORM.

Audit Fields

09/21/94 JGIVENS

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- C
				Notice of Error Flag	- C

MICROFILMED
OCT 12 1994

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

Water Right Number - 36-00077C Prefix Translation: WATER RIGHT Old (D) Number -

Last Name	First Name	Address
*** A - ATTORNEY ***		
BROWN	PATRICK D	1 - HEPWORTH NUNGESTER LEZAMIZ 2 - 133 SHOSHONE ST N 3 - PO BOX 389 City- TWIN FALLS State- ID Zip- 833030389 Phone - 208-734-7510
*** C - CURRENT OWNER ***		
GISLER	BRADLEY	1 - 794 E 2800 S 2 - 3 - RT 1 City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-6396

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

Source	Tributary
BILLINGSLEY CREEK	SNAKE RIVER

Point of Diversion

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

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/15	11/15	1.150	
04	STOCKWATER	03/15	11/15	0.050	
04	STOCKWATER	11/16	03/14	0.240	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
1.150		144.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	21	NE SE	6	15.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NE SW		6.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NW SW		27.0	01	IRRIGATION	(47) GOODING
07S	13E	21	NE SE			04	STOCKWATER	(47) GOODING
07S	13E	22	NE SW			04	STOCKWATER	(47) GOODING
07S	13E	22	NW SW			04	STOCKWATER	(47) GOODING

Total Acres: 48.0

+ - - Diversion Means - VIA BELL DITCH, PIVOT, SPRINKLERS, WHEEL LINES.

+ - - Non-Irrigation Use - STOCKWATER, 150 RANGE CATTLE

MICROFILMED
OCT 12 1994

Water right number - 36-00077C   Prefix Translation: WATER RIGHT

+ - - Other Rights for Same Use - NONE

+ - - - Remarks - - - +

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

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

3600077

+ - - - Conditions of Approval - - - +

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

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

+ - - - Comments - - - +

Date: 09/28/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/25/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/6/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/14/1992 User Id: WORSTELL Subject: NOTICE OF ERROR RECORD
PERIOD OF USE CHANGED TO 3/15 TO 11/15
Date: 10/21/1992 User Id: CHRISTEN Subject: CHANGE IN CLAIM 10-21-92
CHANGED SEASON OF USE FOR STOCKWATER TO AGREE WITH IRR SEASON.KKC
Date: 02/19/1993 User Id: SCHULTZ Subject: ADDED NEW ATTORNEY
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ 2/10/93.
CLAIM VERIFIED 10/21/92. DID NOT REVERIFY CLAIM.

+ - - Audit Fields - - +

00/00/00

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

Court Report Filing	- 11/02/1992	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 04/29/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 09/10/1993	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002259	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- C
				Notice of Error Flag	- C

MICROFILMED
OCT 12 1994

Water Right Number - A36-00077C Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

Last Name	First Name	Address
*** A - ATTORNEY ***		
BROWN	PATRICK D	1 - HEPWORTH NUNGESTER LEZAMIZ 2 - 133 SHOSHONE ST N 3 - PO BOX 389 City- TWIN FALLS State- ID Zip- 833030389 Phone - 208-734-7510
*** C - CURRENT OWNER ***		
ADKISON	ALBERT L	1 - 71700 TUNIS RD 2 - 3 - City- RANCHO MIRAGE State- CA Zip- 82270 Phone - 619-346-1906
ADKISON	CORALIE M	1 - 71700 TUNIS RD 2 - 3 - City- RANCO MIRAGE State- CA Zip- 82270 Phone - 619-346-1906
SPLIT RIGHT		1 - 2 - 3 - City- XXXXX State- ID Zip- 999999 Phone - 208-000-0000
*** O - ORIGINAL OWNER ***		
BELL	MRS EM	1 - 2 - 3 - City- X State- ID Zip- 0 Phone - 208-000-0000
GISLER	BRADLEY	1 - 794 E 2800 S 2 - 3 - RT. 1 City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-6396
BELL	LEO	1 - 2 - 3 - City- X State- ID Zip- 0 Phone - 208-000-0000
BELL	GLENN	1 - 2 - 3 - City- X State- ID Zip- 0 Phone - 208-000-0000

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

Source	Tributary
BILLINGSLEY CREEK SPLIT RIGHT	SNAKE RIVER

MICROFILMED
OCT 12 1994

Water right number - A36-00077C Prefix Translation: ADJUDICATION CLAIM

Point of Diversion

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

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/15	11/15	4.000	
04	STOCKWATER	01/01	12/31	0.050	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
4.000		207.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	21	NE SE	6	15.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NE SW		27.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NW SW		27.0	01	IRRIGATION	(47) GOODING
07S	13E	21	NE SE			04	STOCKWATER	(47) GOODING
07S	13E	22	NE SW			04	STOCKWATER	(47) GOODING
07S	13E	22	NW SW			04	STOCKWATER	(47) GOODING

Total Acres: 69.0

Diversion Means - VIA BELL DITCH

Non-Irrigation Use - STOCKWATER, 150 RANGE CATTLE

Other Rights for Same Use - NONE

Remarks

THIS AMOUNT OF WATER IS NEEDED ON THE PROPERTY FOR SEVERAL REASONS: (1) WITH THE LENGTH OF THE BELL DITCH, THERE IS A LOT OF LOSS FROM EVAPORATION AND SEEPAGE FROM THE DIRT DITCH ITSELF. (2) THE PROPERTY THAT IS IRRIGATED IS VERY SANDY IN NATURE. (3) THE DITCH PASSES OVER LAVA FLOWS AND THERE ARE SINK HOLES THAT CANNOT BE FILLED, WHICH ALSO CAUSE LOSS IN WATER. REDIVERSION ON THE BELL DITCH AT SWNWSE, SEC. 22, T7S. R13E.

THIS CLAIM HAS BEEN RENUMBERED TO BETTER DESCRIBE THE DECREED BASIS OF CLAIM AS RIGHT 36-00077. CLAIM ORIGINALLY FILED AS A36-00021A.

****

SPLIT RIGHT DUE TO CHANGE OF OWNERSHIP BETWEEN ROBERT B. (BRADLEY) GISLER AND ALBERT L. & CORALIE M. ADKISON.

MICROFILMED
OCT 12 1994

Water right number - A36-00077C   Prefix Translation: ADJUDICATION CLAIM

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

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

3600077

+ - - - Conditions of Approval - - - +

No Conditions of Approval found.

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

+ - - - -Comments- - - - +

No Comments Found

+ - - Audit Fields - - +

09/20/94 JGIVENS

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 09/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
OCT 12 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 the Rights to the Use of Water from the Snake River Basin Water System	Case No. 36-00077C -0001
The State of Idaho, ex rel. R. Keith Higginson in his official capacity as Director of the Idaho Department of Water Resources, Petitioner, vs. The United States; the State of Idaho; and all Claimants to the use of water from the Snake River Basin Water System, Respondents.	**RESPONSE TO OBJECTION**

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

MICROFILMED
OCT 12 1994

2. Person who filed objection:

Name: BRADLEY GISLER
Address: 794 E 2800 S ROUTE 1
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

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

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

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

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

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

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

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

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

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

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402); (3) the recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

In response to Statement of the Objection item 8, and all allegations of the objection regarding that item, IDWR responds as follows: The decree asserted by the claimant does not contain a period of use decreed for this water right. Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The irrigation season of use cannot exceed the period in which water may be beneficially used. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report.

In further response to this objection item, IDWR responds that it recommended this element of the water right as claimed. To the extent that by objecting to this item the claimant is seeking a longer irrigation season of use than claimed, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

(Over)

MICROFILMED
OCT 12 1994

In response to Statement of the Objection 9 and 9.a, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the place of use of the right. IDWR further responds that the claimant originally claimed 69 irrigated acres. The claimant in the objection now asserts that there are 60 irrigated acres.

In response to Statement of the Objection item 10 and all allegations of the objection regarding that item, IDWR responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2) Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. (3) Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use claimed and recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided for by Idaho Code Sec. 42-1401A(2). (5) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

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

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

In response to the sentence listed in Changes to the Director's Report, whereby the claimant attempts to "reserve the right to

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

	No. of Pages
Notice of Claim No. A36-00077C	5
IDWR's Response to Answer, Affirmative Defenses and Prayer For Relief of Claimant	4

(Over)

MICROFILMED
OCT 12 1994

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

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

Signature of person filing response

By: Nick Spencer
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 9th day of September, 1993.

Shelley Walter Keen
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: July 31, 1991

SHELLEY WALTER KEEN NOTARY PUBLIC STATE OF IDAHO

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

Mike Spencer
Signature of Respondent or attorney mailing on Respondent's behalf

MICROFILMED
OCT 12 1994

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

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

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

CIVIL CASE NUMBER: 39356
Ident. Number A36-00021A
Date Received 77C
Receipt Number 5002259
QP

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) BRADLEY GISLER Phone (208) 837-6396

   Mailing Address 794 E 2800 S, Route #1, Hagerman, Idaho Zip 83332

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

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

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

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

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

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

   ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
   _____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. From the diversion of the Bell Ditch on the bank of Billingsley Creek, the water flows in a Southwesterly direction approximately 3½ miles via the Bell Ditch to the subject property. Once the water is on the property, the land is irrigated by the use of flood irrigation and a sprinkler system.

MICROFILMED
JAN 21 1993
MICROFILMED
OCT 12 1994

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

		(both dates are inclusive)		(cfs)		(acre feet)
For Irrigation	purposes from Mar. 15	to Nov. 15	amount 4.0	or		
For Stockwater	purposes from Jan. 1	to Dec. 31	amount 0.05	or		
For	purposes from	to	amount	or		
For	purposes from	to	amount	or		

7. Total quantity claimed (a) 4.0 (cfs) and/or (b) 276 (acre feet)

8. Total consumptive use claimed is 207 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) At times, there are 100 to 150 head of calves on the property.

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7 S	13 E	21													Lot6 S-15				15
7 S	13 E	22									S-27	S-27							54

Total number of acres irrigated 69 acres

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

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

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

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

MICROFILMED
JAN 21 1993

Last Name GISLER, BRADLEY Ident No.

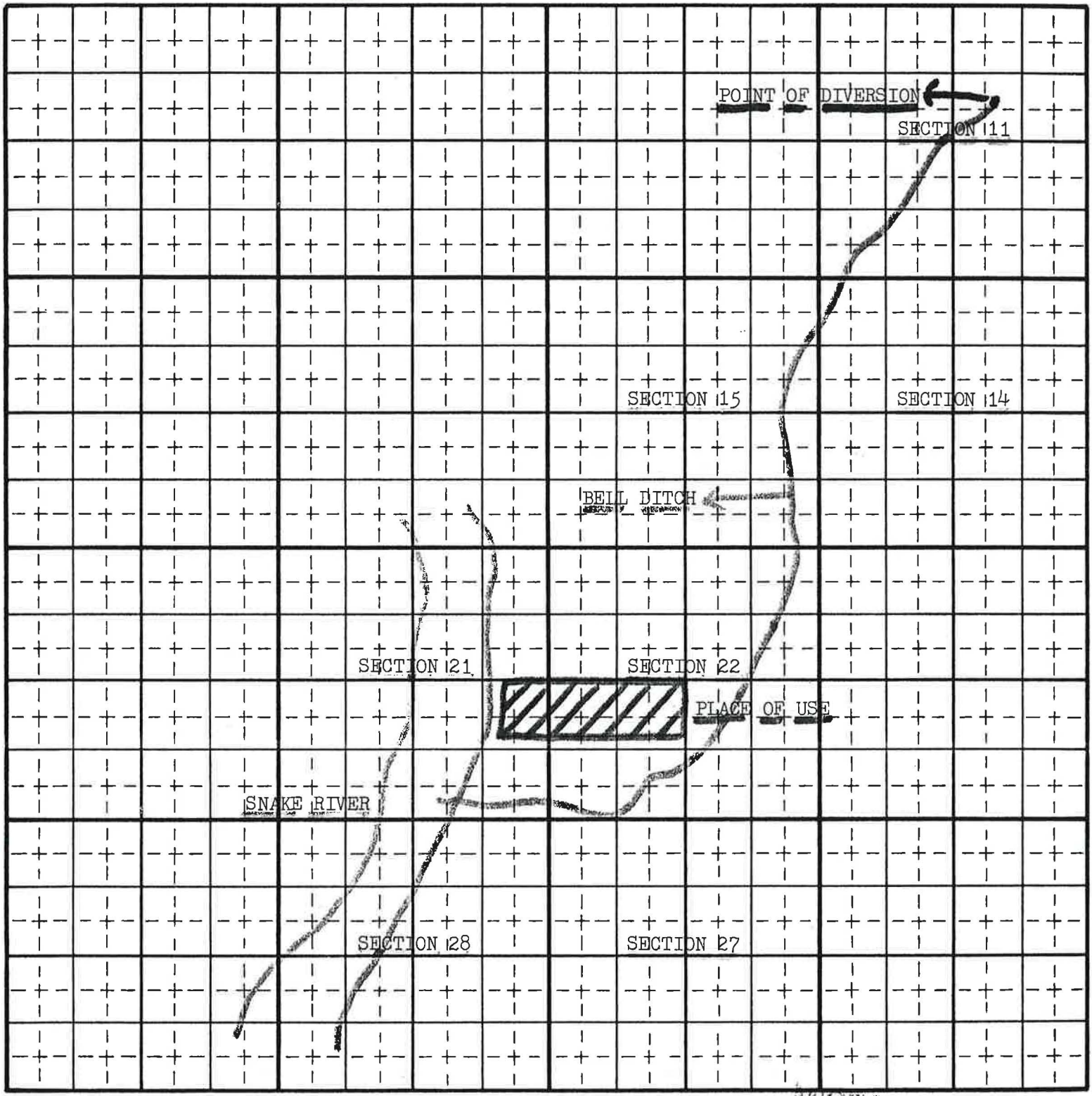
Copies: White -State, Yellow-Claimant

MICROFILMED
OCT 12 1994

Map of Project: show clearly the poi[illegible] diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN



MICROFILMED
JAN 21 1998
MICROFILMED
OCT 12 1994

Last Name GISLER, BRADLEY Ident No. _____

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 Part of 36-0021

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

Plaintiff vs Defendant New International Mortgage Bank vs Idaho Power Company

16. Signature (s)

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

Number of attachments One (1)

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

Signature of Claimant (s) X Bradley Gisler Date 7/29/88

_____ Date _____

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

of _____ , that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
) SS.
County of Gooding)

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

SEAL

Notary Public Clifton Tinsman

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

MICROFILMED
JAN 21 1993
MICROFILMED
OCT 12 1994

Last Name GISLER, BRADLEY Ident. Number _____

Copies White-State, Yellow-Claimant

corner of the SE¼ of the NW¼ of Sec. 6, Twp. 5 S. R. 14 E. B. M. The diversion point of the Medal Ditch is on Riley Creek about one-fourth mile above the residence on the land described below.)

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

15	J. C. BEDINGFIELD	10.9	Spring	March 8, 1902	Weatherby Spring;
16	and ALETA L. BEDINGFIELD	.1	Spring	April 4, 1913	Weatherby Spring;
17	and MARY McCARTY	12	Spring	Dec. 9, 1916	Weatherby Spring;
18		20	Billingsley Creek	April 1, 1917	Curran Ditch;

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

The SE¼ Sec. 23; N½NW¼, SE¼NW¼, ~~SW¼NW¼~~ W½NE¼, W½SE¼, SE¼SE¼, E½SW¼, and SW¼SW¼, Sec. 25, NE¼, E½W½, NE¼NW¼, N½SE¼, SE¼SE¼, NE¼SW¼, Sec. 35, and the NW¼SW¼, Sec. 36, all in Township 7 South, Range 13 E. B. M.

219	BELL, HARLAN	2.16	Billingsley Creek	Sept. 10, 1884	Buckeye Ditch; Pipe Ditch
220		.5	Riley Creek	Oct. 1, 1908	referred to in paragraph 7 of the Findings.

Lots 16, in the S½ of the SE¼ of the NW¼ and Lots 27 and 37 in the N½ of the NW¼ of the SW¼, in Sec. 27, Twp. 7 S. R. 13 E. B. M., the same being Acreage Tracts shown on the map or plat of Buckeye Ranch on file in the office of the Recorder of Gooding County, Idaho.

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

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

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

POOR ORIGINAL

MICROFILMED OCT 1 2 1984

IDWR'S RESPONSE TO ANSWER, AFFIRMATIVE DEFENSES AND PRAYER FOR RELIEF OF CLAIMANT

This portion of the response addresses the multi-page attachment to the objection (hereinafter "the attachment"), wherein the claimant admits or denies all sections of Parts I, II, and III of the director's report, asserts 27 affirmative defenses, and alleges a prayer for relief. The attachment contains the following sections, corresponding to the various sections of the director's report:

(1) I. GENERAL RESPONSE
(2) II. DESCRIPTIVE SUMMARY, (first unnumbered page of Part I of the director's report)
(3) III. TABLE OF CONTENTS (second and third unnumbered pages of Part I of the director's report)
(4) IV. 1. **INSTRUCTIONS FOR USING THIS REPORT PART I** (page 1 of Part I of the director's report)
(5) IV. 2. **SCOPE OF THE ADJUDICATION** (pages 1-3 of Part I of the director's report)
(6) IV. 3. **PURPOSE OF THIS REPORT PART I** (pages 3-4 of Part I of the director's report)
(7) V. 1. **BOUNDARIES OF BASIN** (pages 4-6 of Part I of the director's report)
(8) V. 2. **WATER SOURCES** (page 6 of Part I of the director's report)
(9) V. 3. **DEVELOPMENT OF WATER USE** (pages 6-9 of Part I of the director's report)
(10) VI. **GENERAL PROVISIONS 1-8 APPLY TO ALL WATER RIGHTS IN BASIN 36** (page 9 of Part I of the director's report)
(11) VI. General Provision **1. EFFECT OF ADJUDICATION** (page 9 of Part I of the director's report)
(12) VI. General Provision **2. GENERAL ADMINISTRATIVE PROVISIONS** (pages 9-10 of Part I of the director's report)
(13) VI. General Provision **3. CONJUNCTIVE ADMINISTRATION** (page 10 of Part I of the director's report)
(13) VI. General Provision **4. ADMINISTRATION OF GROUND WATER RIGHTS** (page 10 of Part I of the director's report)
(14) VI. General Provision **5. ADMINISTRATION OF BASIN 36 RELATIVE TO THE SNAKE RIVER** (page 10 of Part I of the director's report)
(15) VI. General Provision **6. ADMINISTRATION OF SMALL DOMESTIC AND STOCK WATER RIGHTS** (page 11 of Part I of the director's report)
(16) VI. General Provision **7. MEASURING DEVICES AND CONTROL**

MICROFILMED
OCT 12 1994

WORKS (page 11 of Part I of the director's report)

(17) VI. General Provision **8. FIRE FIGHTING PURPOSES** (page 11 of Part I of the director's report)

(18) VI. General Provision **9. CONSUMPTIVE USE** (page 12 of Part I of the director's report)

(19) VI. **GENERAL PROVISION 10 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE** (page 12 of Part I of the director's report)

(20) VI. General Provision **10. DOMESTIC USE** (page 12 of Part I of the director's report)

(21) VI. **GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE** (page 13 of Part I of the director's report)

(22) VI. General Provision **11. STOCK WATER USE** (page 13 of Part I of the director's report)

(23) VI. **GENERAL PROVISIONS 12-16 APPLY TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH IRRIGATION AS A PURPOSE OF USE** (page 13 of Part I of the director's report)

(24) VI. General Provision **12. IRRIGATION USE** (pages 13-14 of Part I of the director's report)

(25) VI. General Provision **13. DIVERSION VOLUME FOR IRRIGATION** (page 14 of Part I of the director's report)

(26) VI. General Provision **14. CONSUMPTIVE USE FOR IRRIGATION** (pages 14-15 of Part I of the director's report)

(27) VI. General Provision **15. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION** (page 15 of Part I of the director's report)

(28) VI. General Provision **16. DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE** (pages 15-16 of Part I of the director's report)

(30) VI. **17. INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS** (pages A-i through A-iii of Part I of the director's report)

(31) VI. **18. IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW** (pages A-1 through B-25 of Part I of the director's report)

(32) **DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36),** (DIRECTOR'S REPORT PART II)

(33) **DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36),** (DIRECTOR'S REPORT PART III)

The attachment also contains part VIII, **AFFIRMATIVE DEFENSES** (pp. 20 through 28) and a **PRAYER FOR RELIEF** (untitled, p. 28).

In response to each of the items enumerated above IDWR responds that pursuant to Section 4 a.(2)(c) of SRBA Administrative Order 1, Rules of Procedure, IDWR generally denies each and every allegation, if any, contained in each enumerated portion of the attachment. IDWR affirmatively responds that neither SRBA Administrative Order 1, Rules of Procedure, nor Title 42, Chapter 14, Idaho Code, make provision for IDWR to affirm, amplify, or otherwise respond to the claimant's admissions, or to deny the claimant's denials, and that IDWR therefore does not believe that it is required to do so. Title 42, Chapter 14, Idaho Code solely defines the content and scope of the director's report. It is to contain a description of the water system and is to provide a recommendation as to each water right claimed and as to those matters necessary for administration of those water rights. Therefore, the content and scope of the objection is limited to those same matters. The attachment to the present objection asserts or otherwise raises matters not directly addressing the elements of the water right as recommended, the description of the water system, or the general provisions. Rather, the attachment raises broad issues as to the constitutional, statutory and administrative efficacy of the entire adjudication process. All such issues should be raised by means of motions to designate basinwide issues and similar procedural vehicles specifically designed to provide for basinwide notice and participation. They should not be permitted to divert the focus of any individual subcase away from the issues directly connected to the elements of the water right and the administration thereof. Therefore, because the attachment to the present objection is not within the scope of the statutory purpose of an objection it should be stricken.

However, in the event that the court should determine that all or part of the attachment is properly within the scope of the objection, IDWR further responds as follows:

IDWR affirmatively responds that all statements within the director's report are properly included therein pursuant to Title 42, Chapter 14, Idaho Code, and in particular pursuant to Idaho Code §§ 42-1411 and 42-1412(8); and that the provisions of the Idaho Rules of Civil Procedure regarding pleadings are inapplicable to the extent that they are in conflict with the statutory requirements. Therefore IDWR denies all allegations directed at the contents of the director's report.

As to the enumerated portions of the attachment addressing the listings of recommended water rights, abstracts of federal reserved water right claims, or negotiated agreements, other than the individual recommendation that is the subject of this objection, IDWR responds that such claims or agreements are not brought before this court by this objection.

MICROFILMED
OCT 12 1994

Responding to the 27 affirmative defenses asserted in the attachment, IDWR generally denies each and every affirmative defense asserted. IDWR further responds that affirmative defense numbers 1, 2, 4, 5, 10, 11, 12, 18, and 22, asserting various violations of civil or constitutional rights, fail to comply with the requirements I.R.C.P. 9(b) providing that in all averments of violation of civil or constitutional rights the factual circumstances constituting such violation must be stated with particularity. Accordingly, IDWR asserts that those affirmative defenses should be stricken.

In response to that portion of the multi-page attachment to the objection wherein the claimant asserts a prayer for relief, IDWR responds as follows:

1. IDWR denies that the director's report asserts any claims against the claimant; rather, the director's report contains only the recommendation of the director as to how the claimant's water right should be decreed and administered.

2. IDWR denies that the claimant is entitled to have the water right decreed as claimed unless in the director's report the water right has been recommended as claimed.

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

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

5. IDWR denies that the claimant by this objection has raised any claims against IDWR entitling such claimant to any relief other than the eventual judicial determination and decree of the various elements of the claimant's water right, if any, and of those related matters necessary to describe and administer that water right.

RECEIVED
APR 30 1993
Department of Water Resources
Adjudication Bureau

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

In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System	Case No. A36-00077C (You must insert the water right number you are objecting to)
The State of Idaho, ex rel. R. Keith Higginson in his official capacity as Director of the Idaho Department of Water Resources, Petitioner, vs. The United States; the State of Idaho; and all Claimants to the use of water from the Snake River Basin Water System, Respondents.	**OBJECTION** 36-00077C -0001/ 93-04-0077

INSTRUCTIONS

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

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

(Over)

MICROFILMED
OCT 12 1994

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: Bradley Gisler

Address: 794 E 2800 S, Route 1

Hagerman, ID 83332

Briefly describe your interest in this water right:

Priority date 3/30/1884

Judicial decree 3/22/1932

New International Mortgage Bank v.

Idaho Power Co.

2. Owner of the water right:

Name: Bradley Gisler

Address: 794 E 2800 S, Route 1

Hagerman, ID 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

P.O. Box 389, Twin Falls, ID 83303

Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.

2. ☐ Source: I object to the source of water.

3. ☒ Quantity: I object to:

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

   b. ☐ the total quantity of water stored in acre-feet per year; or

   c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.

4. ☐ Priority Date: I object to the priority date.

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

6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.

7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.

8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.

9. ☒ Place of Use: I object to:

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

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

10. ☒ Consumptive Use: I object to the annual volume of consumptive use.

11. ☒ Remarks: I object to the "remarks" listed with the water right.

(Over)

MICROFILMED
OCT 12 1987

12. ☐ Water Right Recommendation: I object to:

a. ☐ this water right being recommended at all; or

b. ☐ this water right not being recommended.

13. ☐ Description of Reservation: I object to the legal description of the reservation.

14. ☒ Other: I object to: See attached

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

See page 7

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

Irrigation and stock water as decreed and/or beneficially used whichever is greater. 60 acres.

Strike remarks except "water is delivered through Bell Ditch."

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

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

See Hagerman Water Right Owners, Inc.'s

Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of Gooding

Bradley Gisler, 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.

Signature of person filing objection

By: _____
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 16th day of April, 1993.

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

(Over)

MICROFILMED
OCT 12 1994

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 20 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: Bradley Gisler

   Owner's address: 794 E 3800 S, Route 1

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

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

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

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

MICROFILMED
OCT 12 1994

Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

MICROFILMED
OCT 12 1994

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.

MICROFILMED
OCT 12 1994

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.

MICROFILMED
OCT 12 1994

2. GENERAL ADMINISTRATIVE PROVISIONS. (DRP-I at pages 9 - 10)

The objectors admit paragraphs a. and b.

3. CONJUNCTIVE ADMINISTRATION (DRP-I at page 10)

The objectors deny the conjunctive administration provisions based upon the objectors' lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments and because any averment expressed or implied is so indefinite that it prevents the objectors from fairly understanding what would be admitted or denied. Additionally, the objectors deny that the Department of Water Resources has any statutory or regulatory authority for the "conjunctive administration" as therein described.

4. ADMINISTRATION OF GROUND WATER RIGHTS (DRP-I at page 10)

The objectors deny the averments within this section.

5. ADMINISTRATION OF BASIN 36 RELATIVE TO THE SNAKE RIVER (DRP-I at page 10)

The objectors admit that the springs are hydrologically interconnected with the Snake River Aquifer, but deny all other averments based upon the objectors' lack of sufficient information or knowledge upon which to form a belief as to the averments herein. The objectors additionally deny any said averments expressed or implied because the averments are so indefinite and generalized as to prevent the objectors from fairly understanding what would be admitted or denied.

6. ADMINISTRATION OF SMALL DOMESTIC AND STOCK WATER RIGHTS (DRP-I at page 11)

The objectors admit that part of the first sentence of subparagraph a. to the effect that "small domestic and stock water rights from surface water are not subject to administration," but deny the balance of said sentence and said paragraph.

The objectors admit the first sentence of paragraph b., and deny the balance of that paragraph because the criteria set forth therein ("if the director determines that administration is necessary") is so ambiguous, indefinite and uncertain that it prevents the objectors from knowing what would be admitted or denied, and by further reason of the fact that no statutory or regulatory authority exists conferring such sweeping and unlimited authority upon the Director or the Department.

The objectors deny the averments in paragraph c. as the averments are inaccurate and because the objectors lack sufficient knowledge or information upon which to form a belief as to the truth of the matters averred.

7. MEASURING DEVICES AND CONTROL WORKS (DRP-I at page 11)

The objectors deny all averments contained herein as such averments are based upon an indeterminate subjective standards which are so ambiguous and indefinite as to prevent the objectors from fairly knowing what would be admitted or denied. Additionally, no statutory or regulatory authority exists conferring such sweeping and unlimited authority upon the Director or the Department as is alleged in this paragraph.

MICROFILMED
OCT 12 1994

8. FIRE FIGHTING PURPOSES (DRP-I at page 11)

The objectors admit that subparagraph a. and subparagraph b. are generally accurate statements of present law, but deny the averments are in any way relevant to defining the objectors' right.

9. CONSUMPTIVE USE (DRP-I at page 12)

The objectors lack sufficient knowledge or information upon which to form a belief as to the truth of any matter averred and, therefore, deny the same.

GENERAL PROVISION 10 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE (DRP-I at page 12)

The objectors deny that "General Provision 10" applies to all water rights in Basin 36 shown with domestic use as a purpose of use as the statements are so broad and attenuated from any matter relevant to the objectors' water rights, that the objectors are unable to fairly understand what would be explicitly admitted or denied and, therefore, deny the same.

10. DOMESTIC USE (DRP-I at page 12)

The objectors deny that the definition of "domestic use" contained in paragraphs a., b., and c. is consistent or in conformity with the definition of such term for purposes of the Idaho Constitution, or statutory definition contained in I.C. Section 42-111 as now, or as heretofore in effect at relevant times. The objectors further deny that the limitations set forth therein exist, are in force, or apply or serve in any way to limit objectors' rights.

GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE. (DRP-I at page 13)

The objectors deny that "General Provision 11" applies to all water rights in Basin 36 shown with stock water use as a purpose of use as the statements are so broad and attenuated from any matter relevant to the objectors' water right, that the objectors are unable to fairly understand what would be admitted or denied and, therefore, deny the same.

11. STOCK WATER USE (DRP-I at page 13)

The objectors deny the averments herein as beyond the scope and applicability of the definition as provided by Idaho law as now, or as heretofore in effect at relevant times. The objectors further deny that the limitations set forth therein limit the objectors' right or are relevant to the right.

GENERAL PROVISIONS 12 - 16 APPLY TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH IRRIGATION AS A PURPOSE OF USE (DRP-I at page 13)

The objectors deny that "General Provisions 12 - 16" apply to all water rights in Basin 36 shown with irrigation as a purpose of use as the statements are so broad and attenuated from any matter relevant to the objectors' water right that the objectors are unable to fairly understand what would be admitted or denied.

12. IRRIGATION USE. (DRP-I at pages 13 - 14)

The objectors deny all averments based upon the objectors' lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments and because

MICROFILMED
OCT 12 1994

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.

MICROFILMED
OCT 12 1994

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

MICROFILMED
OCT 12 1994

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

MICROFILMED
OCT 12 1994

AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

MICROFILMED
OCT 12 1994

AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

MICROFILMED
OCT 12 1994

AFFIRMATIVE DEFENSE NO. 22

The actions of the Legislature, or the Department and the Director to enact, adopt, implement or enforce statutes, regulations, rules or policies subsequent to November 19, 1987, and to apply or enforce the same for the purpose of, or with the effect of recommending, diminishing or altering objectors' water rights, constitute a violation of Amendment Fourteen, United States Constitution; Art. 1, Section 13, Idaho Constitution; the SRBA authorization legislation; and Idaho Code Sections 73-101 and 73-106.

AFFIRMATIVE DEFENSE NO. 23

These proceedings are subject to the requirements and provisions of Idaho Code Sections 12-117, 12-121, 12-123 and I.R.C.P. 11, and the provisions of the private attorney general doctrine, and other related doctrines, and the Department, Director and State of Idaho are obligated to objectors for the payment and reimbursement of any and all reasonable costs or attorney fees incurred herein.

AFFIRMATIVE DEFENSE NO. 24

The Director's Report asserts what amounts to be a taking of private property by power of eminent domain as governed by Idaho Code Section 7-701 et seq., and as such, venue is therefore improper.

AFFIRMATIVE DEFENSE NO. 25

The Department and the Director are equitably estopped from seeking any reduction in the quantity, quality or priority of

objectors' water rights by virtue of prior statements, representations and actions of the Department, Director or their agents, servants and employees.

AFFIRMATIVE DEFENSE NO. 26

The Department and the Director are barred by laches and the applicable statutes of limitation, including, but not limited to, Idaho Code Sections 5-202, 5-203, 5-204, 5-206, 5-207, 5-208, 5-215, 5-218, 5-219(2), 5-224 and/or 5-241.

AFFIRMATIVE DEFENSE NO. 27

Objectors hereby reserve the right to assert any further affirmative defenses not expressly stated herein, but which subsequently become apparent.

WHEREFORE, the objectors pray for judgment as follows:

1. That the State of Idaho take nothing by reason of its Directors' Report, and that this action, and any claims asserted against objectors, be dismissed.

2. That a decree be entered adjudicating the existence, validity, amount and priority of objectors' water rights in accordance with objectors' claims.

3. That to the extent the acts of the Department or Director constitute a taking of objectors' property for public use, that objectors be allowed and awarded just compensation therefor.

4. That the objectors be allowed all costs of suit and reasonable attorney fees incurred herein.

5. For such further relief to which the Court finds objectors justly entitled.

MICROFILMED
OCT 12 1994

(WATER\21530ANS)

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

22-Jan-1993

BRAD GISLER
794 E 2800 S RT 1
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00077C

Dear Mr. Gisler:

Please find enclosed the copies of documents you recently requested contained in the above referenced SRBA file(s) as of this date. Please note that copies of orthophoto quad maps or NAPP photography or aerial slides which may have been used in the review of your claim(s) have not been included since they are not easily reproduced. These items are however available for your review at our office. Please also note that in some situations some water rights may have other associated files which contain privileged information between IDWR staff and our legal council which has not been copied.

Please remit the following for the cost of the copies and postage:

$5.30

Sincerely,

Jeanie Robertson
Records Clerk

Encl:

MICROFILMED
OCT 12 1994

RECEIVED
JAN 15 1993
Department of Water Resources
Southern Region Office

January 13, 1993
(Date)

IDAHO DEPARTMENT OF WATER RESOURCES
222 SHOSHONE ST. EAST
TWIN FALLS, IDAHO 83301

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in my file as it relates to water right number A36-00077C.

Please advise me of any documents in my file which you are not releasing to me and why they are not being released.

Please bill me for the copy charge.

Sincerely,

(Name)

794 East 2800 South, Route #1
(Address)

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

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

MICROFILMED
OCT 12 1994

BRAD GISLER
794 EAST 2800 SOUTH, ROUTE #1
HAGERMAN, IDAHO 83332

TWIN FALLS, ID 833
PM
14 JAN
1993



MICROFILM
OCT 12

RECEIVED
JAN 15 1993
Department of Water Resources
Southern Region Office

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE STREET EAST
TWIN FALLS, IDAHO 83301

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



MICROFILMED
JAN 2 1 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

OCTOBER 14, 1992

BRADLEY GISLER
794 E 2800 S RT 1
HAGERMAN, ID 83332

RE: NOTICE OF ERROR FOR SEASON OF USE AND DIVERSION AMOUNTS
WATER RIGHT NO(S).: 36-00077C

DEAR MR. GISLER:

THIS LETTER IS IN RESPONSE TO THE NOTICE OF ERROR (NOE) YOU RECENTLY FILED WITH IDWR REGARDING THE DIRECTOR'S PROPOSED RECOMMENDATION OF THE CLAIM LISTED ABOVE. YOUR NOE QUESTIONS TWO POINTS; **1)** YOUR NOE INDICATES THAT YOU WOULD LIKE THE RECOMMENDATION TO SHOW A LONGER SEASON OF USE FOR IRRIGATION. AND **2)** THE BASIS FOR RECOMMENDATION OF AN AMOUNT THAT IS LESS THAN THE AMOUNT SHOWN IN A PREVIOUS DECREE.

1) THE DIRECTOR HAS APPROVED EXTENDING THE PERIOD OF USE FOR THE HAGERMAN VALLEY TO **3/15 TO 11/15.**

THE PROPOSED RECOMMENDATION IS BASED ON IRRIGATION SEASON OF USE STANDARDS ADOPTED BY THE DIRECTOR FOR THE VARIOUS REGIONS THROUGH THE STATE. THESE STANDARDS ARE BASED ON THE PERIOD OF THE YEAR IN WHICH THERE IS LESS THAN A 75% CHANCE OF A 24 DEGREE F. FROST.

IN ADDITION, SINCE THERE ARE SOME YEARS IN WHICH WATER CAN BE BENEFICIALLY USED FOR IRRIGATION OUTSIDE THE IRRIGATION SEASON, THE PROPOSED DIRECTOR'S REPORT INCLUDES A GENERAL PROVISION WHICH PROVIDES FOR IRRIGATION OUTSIDE THE IRRIGATION SEASON UNDER CERTAIN CONDITIONS. THE CONDITIONS ARE THAT THE WATER IS BENEFICIALLY USED, AS DETERMINED BY THE DIRECTOR; THAT ALL WATER RIGHTS WITH A PERIOD OF USE OUTSIDE THE IRRIGATION SEASON REGARDLESS OF PRIORITY, ARE SATISFIED; AND THAT THE USE DOES NOT CONFLICT WITH THE PUBLIC INTEREST AS DETERMINED BY THE DIRECTOR. THIS PROPOSED GENERAL PROVISION WILL BE INCLUDED IN THE DIRECTOR'S REPORT.

2) UNDER IDAHO LAW, A WATER RIGHT IS LIMITED TO THE AMOUNT OF WATER BENEFICIALLY USED FOR THE PURPOSES FOR WHICH THE WATER RIGHT WAS ESTABLISHED. THE AMOUNT OF WATER BENEFICIALLY USED IS LIMITED TO THE AMOUNT THAT IS ACTUALLY USED AND IS REASONABLY REQUIRED. FOR IRRIGATION PURPOSES, A REASONABLE AMOUNT IS THE

MICROFILMED
JAN 21 1993

AMOUNT REQUIRED USING IRRIGATION METHODS THAT ARE REASONABLY EFFICIENT UNDER CURRENT CIRCUMSTANCES. IF THE AMOUNT OF A WATER RIGHT SHOWN IN A DECREE IS GREATER THAN THE AMOUNT THAT IS BENEFICIALLY USED, THEN THE PORTION THAT IS NOT BENEFICIALLY USED IS FORFEITED.

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

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

SINCERELY,

Robert V. Hoerlein

SENIOR WATER AGENT

MICROFILMED
JAN 21 1993

AUG-24-1992

NOTICE OF ERROR FORM

RECEIVED
SEP 25 1992
Department of Water Resources

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

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

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

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

RECEIVED
OCT 01 1992
Department of Water Resources
Southern Region Office

1. Water right number: 36-00077C

2. Name: BRADLEY GISLER

   Address: 794 East 2800 South, Route #1, Hagerman, Idaho 83332

   Weekday Telephone Number: 208-837-6396

MICROFILMED
JAN 21 1993

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

3. Describe the portion of proposed recommendation with which you disagree:
   I disagree with the amount of water and the period of use recommended concerning my water right.

4. Describe the changes you wish to have made in the proposed recommendation:
   I wish to have the amount of water, 4.00 cfs, that was reported on the adjudication form and have the period of use from March 15th to November 15th of each year.

5. Describe why you disagree with the proposed recommendation:
   The amount of water needs to be increased because of the soil type, terrain and flexibility of methods of irrigation. The period of use needs to be extended because of the climate, growing season, crops grown & etc. of the Hagerman Valley area.

6. Date: September 23, 1992

SIGNATURE _____

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

MARCH 20, 1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

BRADLEY GISLER
794 E 2800 S
HAGERMAN ID 83332

RE: ADJUDICATION CLAIM A36-00021A/A36-00077C

DEAR MR. BRADLEY GISLER,

PLEASE FIND ENCLOSED A COPY OF YOUR ADJUDICATION CLAIM PREVIOUSLY NUMBERED A36-00021A. DURING REVIEW OF THIS CLAIM IT APPEARS THE CORRECT BASIS FOR YOUR CLAIM SHOULD BE A PORTION OF THE OLD DECREED WATER RIGHT 36-00077 AND NOT 36-00021 AS INITIALLY DESCRIBED, THEREFORE, **YOUR CLAIM HAS BEEN RE-NUMBERED A36-00077C** TO MORE ACCURATELY DESCRIBE YOUR WATER RIGHT. NO CHANGES HAVE BEEN MADE TO THE INFORMATION YOU SUPPLIED IN YOUR ORIGINAL CLAIM. PLEASE REFER TO THIS NUMBER IN ANY FUTURE CORRESPONDENCE.

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT ME AT OUR OFFICE.

SINCERELY,

STEVE CLELLAND
WATER AGENT, SR.

ENC:

MICROFILMED
JAN 21 1993

R PROOF ✓

CVR ✓

MAPS ✓

PHOTOS

MISC ✓

MICROFILMED
JAN 2 1 1993

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

Water Right Number - R36-00077C Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER *** GISLER	BRADLEY	1 - 794 E 2800 S 2 - 3 - RT 1 City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-6396

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

Source	Tributary
BILLINGSLEY CREEK	SNAKE RIVER

Point of Diversion

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

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	03/15	11/15	1.150	
04	STOCKWATER	04/01	10/31	0.050	
04	STOCKWATER	11/01	03/31	0.240	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
1.150		144.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	21	NE SE	6	15.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NE SW		6.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NW SW		27.0	01	IRRIGATION	(47) GOODING
07S	13E	21	NE SE			04	STOCKWATER	(47) GOODING
07S	13E	22	NE SW			04	STOCKWATER	(47) GOODING
07S	13E	22	NW SW			04	STOCKWATER	(47) GOODING

Total Acres: 48.0

+ - - Diversion Means - VIA BELL DITCH, PIVOT, SPRINKLERS, WHEEL LINES.

+ - - Non-Irrigation Use - STOCKWATER, 150 RANGE CATTLE

+ - - Other Rights for Same Use - NONE

Remarks

WATER IS DELIVERED THROUGH BELL DITCH.
0.19 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE

MICROFILMED
JAN 21 1993

Changed season of use for stockwater to agree with irr season.
KKC
10-21-92

MICROFILMED
JAN 21 1993

Water right number - R36-00077C Prefix Translation: RESEARCH

Remarks

LOSSES IN DELIVERY OF THIS RIGHT.

Old Water Right Numbers

3600077

Conditions of Approval

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

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

Comments

Date: 09/28/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/25/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/6/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/14/1992 User Id: WORSTELL Subject: NOTICE OF ERROR RECORD
PERIOD OF USE CHANGED TO 3/15 TO 11/15

Audit Fields

10/14/92 WORSTELL

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/14/1992	Old Judicial District	-
Claim Received Date	- 09/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002259	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- C
				Notice of Error Flag	- C

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

VERIFIED BY HHT & RVW 08/06/92 13:26:52

MICROFILMED
JAN 21 1993

Water Right Number - R36-00077C Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER *** GISLER	BRADLEY	1 - 794 E 2800 S 2 - 3 - RT 1 City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-6396

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

Source	Tributary
BILLINGSLEY CREEK	SNAKE RIVER

Point of Diversion

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

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	1.150	
04	STOCKWATER	04/01	10/31	0.050	
04	STOCKWATER	11/01	03/31	0.240	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
1.150		144.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	21	NE SE	6	15.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NE SW		6.0	01	IRRIGATION	(47) GOODING
07S	13E	22	NW SW		27.0	01	IRRIGATION	(47) GOODING
07S	13E	21	NE SE			04	STOCKWATER	(47) GOODING
07S	13E	22	NE SW			04	STOCKWATER	(47) GOODING
07S	13E	22	NW SW			04	STOCKWATER	(47) GOODING

Total Acres: 48.0

+ - - Diversion Means - VIA BELL DITCH, PIVOT, SPRINKLERS, WHEEL LINES.

+ - - Non-Irrigation Use - STOCKWATER, 150 RANGE CATTLE

+ - - Other Rights for Same Use - NONE

Remarks

WATER IS DELIVERED THROUGH BELL DITCH.
0.19 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE

Water right number - R36-00077C Prefix Translation: RESEARCH

Remarks

LOSSES IN DELIVERY OF THIS RIGHT.

Old Water Right Numbers

3600077

Conditions of Approval

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

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

Comments

No Comments Found

Audit Fields

08/06/92 WORSTELL

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/06/1992	Old Judicial District	-
Claim Received Date	- 09/16/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002259	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- C
				Notice of Error Flag	-

MICROFILMED
JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:26:13
06/28/90

QUICKLOOK INFORMATION

Renumbered A36-00077A
CLAIM NUMBER: A36-00021A

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			8-16-90	N		HHT 8/6/92	RB	
POINT OF DIV	Y		SU/HHT	Y	1,5			
SOURCE				N				
PLACE OF USE	Y			Y	1,4,5,6			
DIV. AMOUNT CFS/VOLUME	Y			Y	6 DECREE			
CONSUMPTIVE USE	-			Y				
PURPOSES	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS	Y			N				

MICROFILMED JAN 21 1993

"VERIFIED BY" CODES

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

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

GENERAL INFORMATION

CLAIM NUMBER: A36-00021A

MICROFILMED
JAN 21 1993

LAST: BELL FIRST: MRS. E.M.
ADDRESS:
CITY: X STATE: ID ZIP: 0
PHONE NUMBER: 208-000-0000

OWNER CODE: O

LAST: GISLER FIRST: BRADLEY
ADDRESS: 794 E. 2800 S.
RT. 1
CITY: HAGERMAN STATE: ID ZIP: 83332
PHONE NUMBER: 208-837-6396

OWNER CODE: C

LAST: BELL FIRST: LEO
ADDRESS:
CITY: X STATE: ID ZIP: O
PHONE NUMBER: 208-000-0000

OWNER CODE: O

LAST: BELL FIRST: GLENN
ADDRESS:
CITY: X STATE: ID ZIP: 0
PHONE NUMBER: 208-000-0000

OWNER CODE: O

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

CLAIM REMARKS: THIS AMOUNT OF WATER IS NEEDED ON THE PROPERTY FOR SEVERAL REASONS: (1) WITH THE LENGTH OF THE BELL DITCH, THERE IS A LOT OF LOSS FROM EVAPORATION AND SEEPAGE FROM THE DIRT DITCH ITSELF. (2) THE PROPERTY THAT IS IRRIGATED IS VERY SANDY IN NATURE. (3) THE DITCH PASSES OVER LAVA FLOWS AND THERE ARE SINK HOLES THAT CANNOT BE FILLED, WHICH ALSO CAUSE LOSS IN WATER. REDIVERSION ON THE BELL DITCH AT SWNWSE, SEC. 22, T7S. R13E.

FIELD EXAMINATION INFORMATION

CLAIM NUMBER: A36-00021A

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

DATE OF FIELD EXAM: 8/16/90 APPOINTMENT MADE: Y(___) N(X) TIME: 10:___ A(X) P(___)

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

RELATIONSHIP TO CLAIMANT: _____

MICROFILMED
JAN 2 1 1993

DIRECTIONS TO PROPERTY / REMARKS:

This WR is claimed separately but appears to be combined use (ie Pivot + wheellines)

2-19-92 Conversation w/ Cliff Jensen (who assisted Gisler in filing)

Cliff said this right is probably based on the decreed right 36-0077 instead of 36-0021 as claimed. I reviewed the initial map and info he brought and it does appear to be the logical choice.

PRIORITY DATE REVIEW PAGE

CLAIM NUMBER: A36-00021A

A. AJ CLAIM: # A36-00021A PRIORITY DATE: 03-30-1884 STAGE: D

B. WR RECORD: # 36-00021 PRIORITY DATE: 03-30-1884 STAGE: D

C. FIELD EXAM REQUIRED?

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

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

REMARKS:

MICROFILMED
JAN 21 1993

RECOMMENDED PRIORITY DATE:
03-30-1884

REVIEWED BY SG DATE 9-10-90

POINT OF DIVERSION REVIEW SHEET

CLAIM NUMBER: A36-00021A

MICROFILMED
JAN 21 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00021A	07S	13E	11	NE	SW	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-07565	NONE
A36-10543	
A36-00021B	
A36-00037A	

WR RECORDS IN SAME 40 ACRE TRACT

36-00006
36-00007
36-00036
36-00037
36-00066
36-00079
36-00080
36-00081
36-00097
36-00098
36-00099
36-00100
36-00101
36-00110
36-00111
36-00113B
36-00113D
36-00140
36-00141
36-00142
36-00143
36-00144
36-00145
36-00146
36-00147
36-00148
36-00150
36-00151
36-02082
36-07081
36-07172
36-07229
36-07233
36-07271
36-07565
36-07838

SOURCE: BILLINGSLEY CREEK TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

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

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

MICROFILMED
JAN 21 1993

36-00003	A36-00025 NONE
36-00005	A36-00087
36-00019	A36-07658
36-00024	A36-10409
36-00025	A36-00051D
36-00026	A36-10119
36-00027	A36-10120
36-00034	A36-10751
36-00035A	A36-10752
36-00035B	A36-10755
36-00039A	A36-10061
36-00039B	A36-00103B
36-00040	A36-00108A
36-00051	A36-00003G
36-00052	A36-00027
36-00064	A36-00039C
36-00065	A36-00090E
36-00067	A36-00051B
36-00071	A36-00076A
36-00076	A36-00089B
36-00077	A36-00089D
36-00082	A36-10283
36-00083	A36-10312
36-00085	A36-00090A
36-00087	A36-00003D
36-00088	A36-00090B
36-00089	A36-00090C
36-00090	A36-00090D
36-00091	A36-00090F
36-00094	A36-00108F
36-00095	A36-00125A
36-00096	A36-00026
36-00103	A36-00051C
36-00108	A36-00071A
36-00112A	A36-00089A
36-00112B	A36-00108C
36-00113B	A36-00108D
36-00113C	A36-00108E
36-00113D	A36-00108H
36-00125	A36-04008
36-04008	A36-04115
36-04115	A36-04261
36-04261	A36-00113B
36-07271	A36-10316
36-07658	A36-10588
36-07739	A36-00039J
36-07834	A36-00096A
36-07840	A36-00113F
36-07853	A36-00113G
36-07875	A36-10559
36-07957	A36-00048B
36-08058	A36-00048C
36-08319	A36-10223
36-08335	A36-00103A
	A36-00003B
	A36-00003C
	A36-00003E
	A36-00003F
	A36-00003J

MICROFILMED
JAN 21 1993

A36-00039G

SOURCE: BILLINGSLEY CREEK TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

REMARKS: BELL DITCH

MICROFILMED JAN 21 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
7S.	13E	11	NW	SE	NE		17

change claim

SOURCE: BILLINGSLEY CREEK TRIB: SNAKE RIVER

REVIEWED BY: Sel DATE: 9-10-90

VIA BELL DITCH.

PLACE OF USE REVIEW SHEET

CLAIM NUMBER: A36-00021A

A. ROOT WATER RIGHT NUMBERS: A36-00021A
A36-00021B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM. (A)	RECOMM. ACRES
07S	13E	21	NE	SE		GISLER , BRADLEY	A36-00021A /	- /			
						BIG BEND IRRIGATION & MINING C		36-02007 /			
07S	13E	21	NE	SE	6	GISLER , BRADLEY	A36-00021A /15.0	- /		15	15
						GISLER , HARRY R.	A36-00021B /10.0	- /			
						BELL , LEO		36-00021 /			
						BIG BEND IRRIGATION & MINING C		36-00133 /			
						BIG BEND IRRIGATION & MINING C		36-00192 /	B (10)		
07S	13E	22	NE	SW		GISLER , BRADLEY	A36-00021A /27.0	- /	12.0	6	6
						BIG BEND IRRIGATION & MINING	CA36-02007 / 4.0	36-02007 /			
						BIG BEND IRRIGATION & MINING	CA36-00192 / 4.0	36-00192 /			
						BURLESON , LINDA	A36-00077A / 5.0	- /			
						GISLER , HARRY R.	A36-00021B /(9)	- /			
						BIG BEND IRRIGATION & MINING	CA36-00133 / 4.0	36-00133 /			
						MARINER , F. C.		36-00077 /	B (9)		
07S	13E	22	NW	SW		GISLER , BRADLEY	A36-00021A /27.0	- /	40.0	27	27
						GISLER , HARRY R.	A36-00021B /13.0	- /			
						MARINER , F. C.		36-00077 /			
						BIG BEND IRRIGATION & MINING C		36-00133 /			
						BIG BEND IRRIGATION & MINING C		36-00192 /			
						BIG BEND IRRIGATION & MINING C		36-02007 /	B (13)		
07S	13E	22	NW	SW		GISLER , BRADLEY	A36-00021A /	- /	40.0		
						GISLER , HARRY R.	A36-00021B /13.0	- /			
						MARINER , F. C.		36-00077 /			
						BIG BEND IRRIGATION & MINING C		36-00133 /			
						BIG BEND IRRIGATION & MINING C		36-00192 /	STOCK		
						BIG BEND IRRIGATION & MINING C		36-02007 /			
07S	13E	22	NE	SW		GISLER , BRADLEY	A36-00021A /	- /	12.0		
						BIG BEND IRRIGATION & MINING	CA36-02007 / 4.0	36-02007 /			
						BIG BEND IRRIGATION & MINING	CA36-00192 / 4.0	36-00192 /			
						BURLESON , LINDA	A36-00077A / 5.0	- /			
						GISLER , HARRY R.	A36-00021B /	- /	STOCK		
						BIG BEND IRRIGATION & MINING	CA36-00133 / 4.0	36-00133 /			
						MARINER , F. C.		36-00077 /			
		TOTAL ACRES					A36-00021A	69.00	104.00	48	48

B (32)

NOTE:
Basis of claim appears to be more correctly identified as 36-00077

MICROFILMED JAN 21 1993

CLAIM NUMBER: A36-00021A

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

C. FIELD EXAM REQUIRED?

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

PRESUMPTION FLAG:

REMARKS:

NAPP PHOTO IS EXTREMELY ACCURATE SHOWING IRRIGATED ACRES
Planimeter measurement also used to obtain accurate 1/4-1/4 acreage.

MICROFILMED
JAN 21 1993

RECOMMENDATIONS:

TOTAL ACRES: 48.0

REVIEWED BY: Sce DATE: 9-10-90

CLAIM NUMBER: A36-00021A

A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00021A	IRRIGATION	FROM 03-15 TO 11-15	4.000 CFS
A36-00021A	STOCKWATER	FROM 01-01 TO 12-31	.050 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED		4.000 CFS

B. WR RECORDED USES:

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

MICROFILMED
JAN 21 1993

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(X) N(___)

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

REMARKS:

NO STOCK FOUND, NO FENCES OR CORRALS.

DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A36-00021A

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

AJ TOTAL CLAIMED DIVERSION RATE: 4.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 14.400 CFS

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

FLOW MEASUREMENT REQUIRED?

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

MICROFILMED JAN 2 1 1993

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00021A	BILLINGSLEY CREEK	GISLER , BRADLEY	4.000	0.057		
A36-00021B	BILLINGSLEY CREEK	GISLER , HARRY R.	10.400	0.049		
A36-00192	TUCKER SPRINGS, LOWER	BIG BEND IRRIGATION & MINING C	15.000	0.017	10859.70	12.35
A36-00077A	BILLINGSLEY CREEK	BURLESON , LINDA	0.100	0.020		
A36-00133	TUPPER SPRINGS, UPPER	BIG BEND IRRIGATION & MINING C	20.000	0.022	14479.60	16.47

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-00021A	STOCKWATER	GISLER , BRADLEY	FROM 01-01 TO 12-31	.050 CFS	
A36-00021B	STOCKWATER	GISLER , HARRY R.	FROM 01-01 TO 12-31	.090 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 48 x 0.02 CFS/ACRE = 0.96 CFS
(Taken from p/u review)

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

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

1b. CALCULATIONS

all POU in sprinkers, pivots or wheelline

Recommend .02cfs/ac.

48 ac x 0.02 = 0.96
Conveyance loss 0.19
1.15

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 207.0 AF/A

ACRES 48 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =

TOTAL CONSUMPTIVE USE 144 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 48 x DIVERSION VOL. AF/A FOR AREA 4.0 =

TOTAL DIVERSION VOLUME 192 AF/A

Non-irrigation seas.
0.05
C.L. + 0.19
0.24

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

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

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

MICROFILMED
JAN 21 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM	REC. PERIOD TO	REC. DIV RATE CFS DATABASE	REC. DIV RATE CFS EXAMINER		REC. DIV VOL. AF/A DATABASE	REC. DIV VOL. AF/A EXAMINER	REC. CONS. USE DATABASE	REC. CONS. USE EXAMINER
IRRIGATION	~~3-15~~	~~11-15~~	4-1 to 10-31	~~2.4~~	1.15		~~192~~		144
STOCK WATER	~~1-1~~	~~12-31~~	4-1 to 10-31 11-1 to 3/31	0.05 0.24			—		—
TOTAL FOR THIS RIGHT				~~2.4~~	1.15		~~192~~		144

REVIEWED BY: SCC DATE: 9-10-90

MICROFILMED JAN 2 1 1993

No Stock use Found. per field Exam

~~proportional rate of Original WR~~ ~~14.40 cfs~~ / 280 Ac. = ~~0.05 cfs/Ac.~~

Sprinklers/pivots/lines - .02 cfs/ac max x 48 acres = 0.96 cfs HHT

BASIS OF CLAIM REVIEW SHEET

CLAIM NUMBER: A36-00021A

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

legal Review (CIL) dc.

MICROFILMED JAN 21 1993

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00021

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

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-00021	A36-00021A	4.000	-		36-00021	14.400
A36-00021	A36-00021B	10.400	-		36-00021	14.400
	TOTAL CFS	14.400				14.400

DIVERSION RATE REVIEW

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

REMARKS:

See attached split review attached

AUTHENTICATION:

SIGNATURE: Steve Dell'O — DATE: 9-10-90

NAME OF FIELD EXAMINER: _____ TITLE: _____

(7-91)

REMARK AND CONDITION CODE WORKSHEET

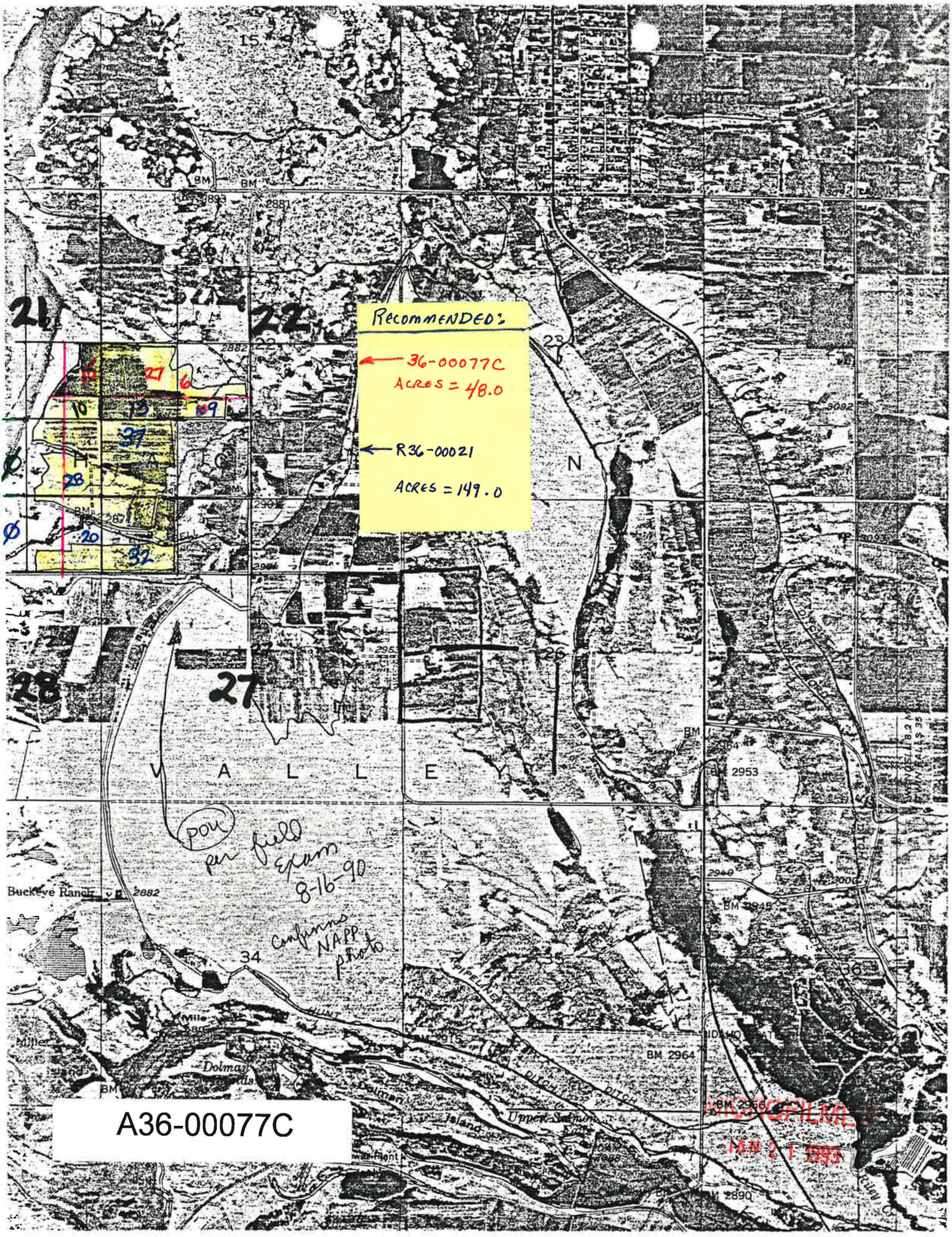
SYSTEM CLAIM NUMBERS R36 00077C

AGENT INITIALS HHT

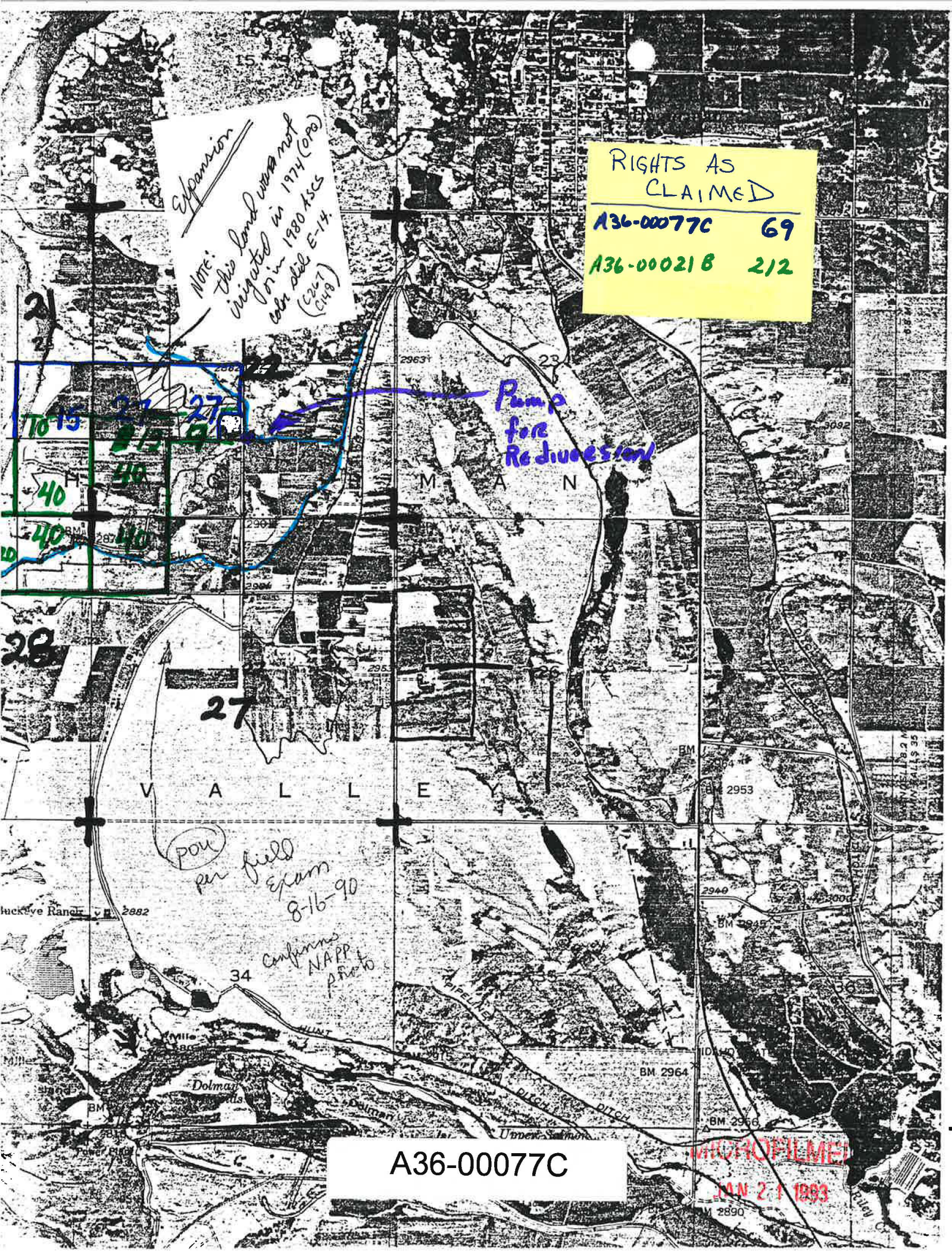
DATE 8/6/92

CLAIM NO. OR ENTRY ORDER	REMARK CODE	ENTRY DATA	CONDITION CODE	STAGE OR STATUS	PRESUMPTION CODE
	F01	Bell Ditch			
	D02	0.19			

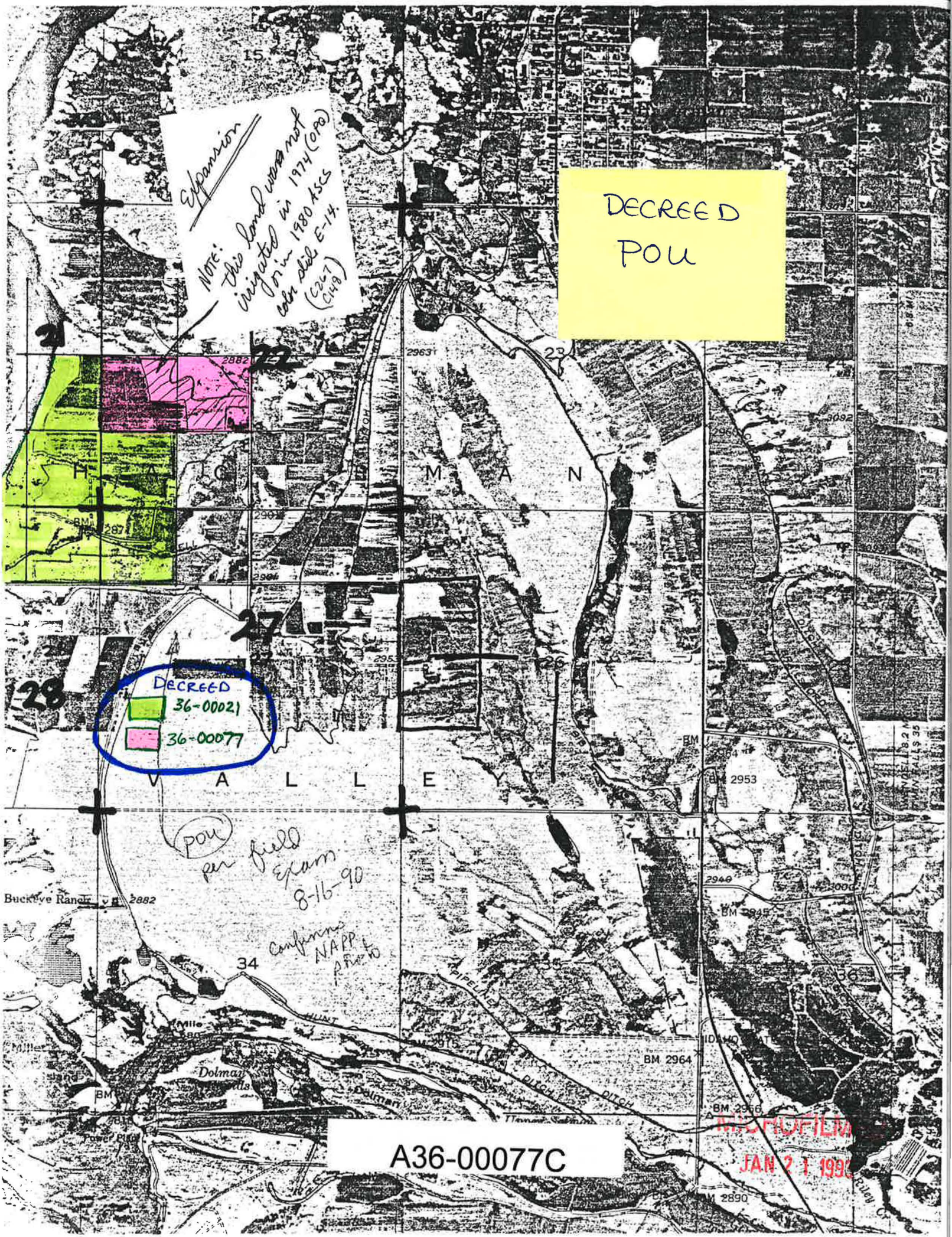
MICROFILMED
JAN 21 1993

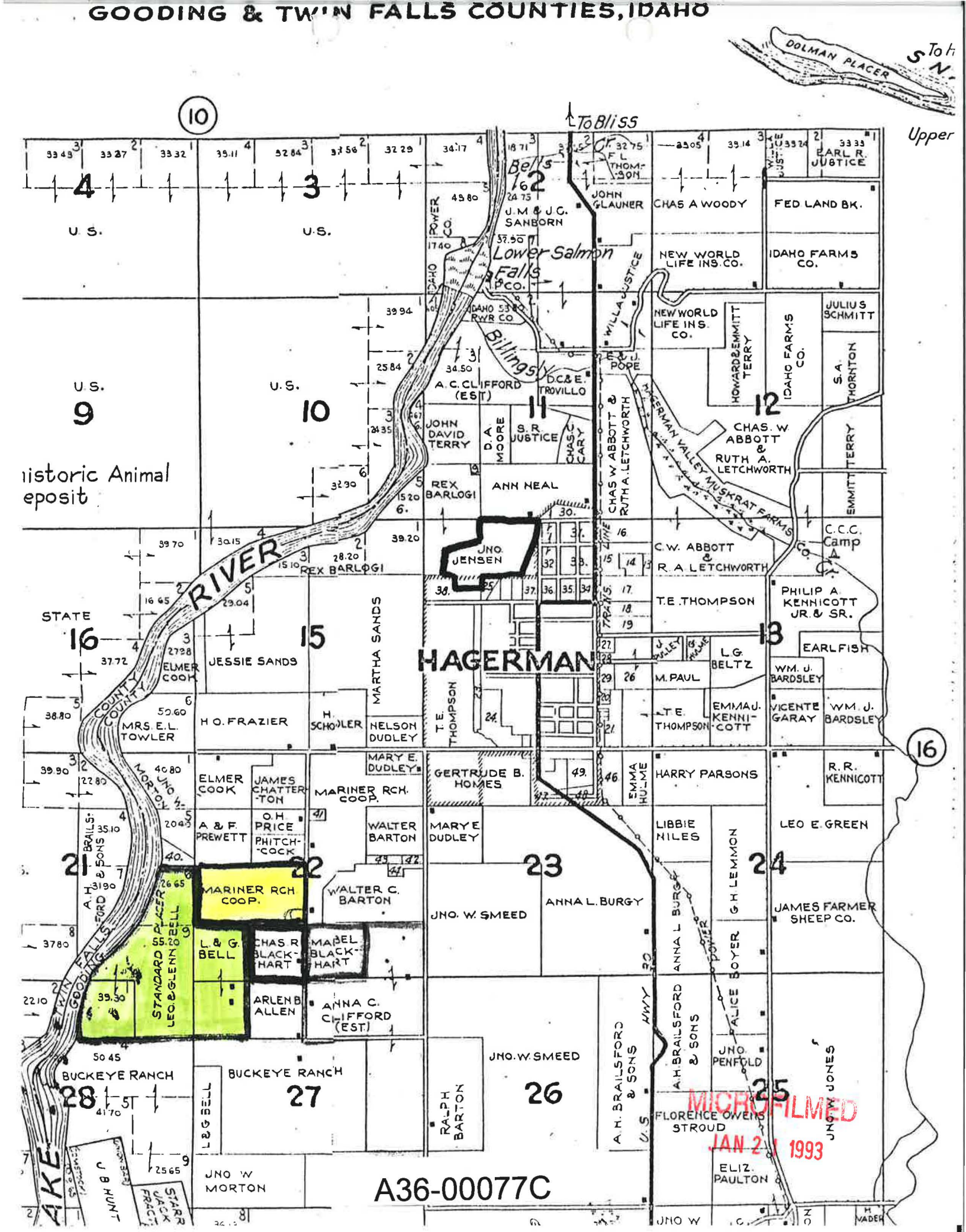

RECOMMENDED:
36-00077C
ACRES = 48.0
R36-00021
ACRES = 149.0
VALLEY
Buckeye Ranch
POU per field exam 8-16-90 confirms NAPP photo
A36-00077C
JAN 27 1993


Expansion
NOTE: this land was not irrigated in 1974 (OPO) or in 1980 ASCS aer. photo E-14. (C267 C148)
15
22
23
2882
2963
3092
2901
2904
2953
26
27
BM 2964
BM 2953
2940
3000
BM 2948
34
35
36
Buckeye Ranch
BM 2882
Miller
Dolman
Island
Upper Salmon Falls
Power Plant
BM 2915
BM 2964
BM 2956
BM 2890
PIPELINE
DITCH
HINT
1 Mile
(POU per field exam 8-16-90 confirms NAPP photo
V A L L E Y
M A N
SHEET 8.2 MINN FALLS 35
8.8 MI
MICROFILMED
JAN 2 1 1991
A36-00077C


Expansion
Note: this land was not irrigated in 1974 (ops) or in 1980 ASCS color slide E-14. (C267 C148)
RIGHTS AS CLAIMED
A36-00077C 69
A36-00021B 212
Pump for Reduction
T0 15
40
40
40
40
27
27
28
M A N
V A L L E Y
POU per field exam 8-16-90
confirms NAPP photo
34
Dolman
Upper Salmon
PIPELINE
DITCH
DITCH
BM 2964
BM 2953
BM 2956
BM 2945
BM 2890
2940
2963
2882
MICROFILMED
JAN 21 1993

A36-00077C


Expansion
NOTE: This land was not irrigated in 1974 (OPO) or in 1980 ASCS cdn slide E-14. (C267 C148)
DECREED
POU
DECREED
36-00021
36-00077
POU per field exam 8-16-90
Confirms NAPP photo
A36-00077C
MICROFILM
JAN 2 1 199
HAGEMAN
VALLEY
Buckeye Ranch
Dolman
PIPELINE
DITCH
BM 2964
BM 2953
BM 2945
BM 2890


GOODING & TWIN FALLS COUNTIES, IDAHO
DOLMAN PLACER
To Bliss
Upper
Historic Animal Deposit
RIVER
HAGERMAN
Lower Salmon Falls Co.
Billingsly
STATE
COUNTY
U. S.
JOHN GLAUNER
CHAS A WOODY
FED LAND BK.
NEW WORLD LIFE INS. CO.
IDAHO FARMS CO.
JULIUS SCHMITT
S.A. THORNTON
EMMIT TERRY
HOWARD & EMMITT TERRY
CHAS. W. ABBOTT & RUTH A. LETCHWORTH
A.C. CLIFFORD (EST)
D.C. & E. TROVILLO
JOHN DAVID TERRY
D.A. MOORE
S.R. JUSTICE
CHAS. CARY
REX BARLOGI
ANN NEAL
JNO. JENSEN
C.C.C. Camp A
C.W. ABBOTT & R.A. LETCHWORTH
T.E. THOMPSON
PHILIP A. KENNICOTT JR. & SR.
MARTHA SANDS
JESSIE SANDS
ELMER COOK
MRS. E.L. TOWLER
H.O. FRAZIER
H. SCHOOLER
NELSON DUDLEY
L.G. BELTZ
M. PAUL
EARL FISH
WM. J. BARDSLEY
VICENTE GARAY
EMMA J. KENNICOTT
MARY E. DUDLEY
GERTRUDE B. HOMES
HARRY PARSONS
R.R. KENNICOTT
JAMES CHATTERTON
MARINER RCH. COOP.
A & F. PREWETT
O.H. PRICE
PHITCHCOCK
WALTER BARTON
LIBBIE NILES
LEO E. GREEN
MARINER RCH COOP.
WALTER C. BARTON
JNO. W. SMEED
ANNA L. BURGY
GH LEMMON
JAMES FARMER SHEEP CO.
L & G. BELL
CHAS R. BLACKHART
MABEL BLACKHART
ARLEN B. ALLEN
ANNA C. CLIFFORD (EST)
A.H. BRAILSFORD & SONS
ALICE BOYER
JNO. PENFOLD
BUCKEYE RANCH
JNO. W. SMEED
RALPH BARTON
FLORENCE OWENS STROUD
ELIZ. PAULTON
JNO. W. MORTON
MICROFILMED
JAN 21 1993
A36-00077C

(7-92, 323)

DECREED RIGHT SPLIT ANALYSIS

PARENT RIGHT NO. 36-00077 3/30/1884 TOTAL DIVERSION RATE ~~4~~ 4.80 PREPARATION DATE 8/6/92 HHT

CLAIM PORTION	CLAIMED RATE	RECOMMENDED RATE	IS CLAIMED RATE EXCEEDED BY ANALYSIS	CONVEYANCE LOSS	DOES DIV RATE + C.L. EXCEED CALC. CLAIMED RATE	TOTAL RECOMMENDED DIV. RATE
A	0.10	0.06	N	(0.19) allowed 0.04	Y	0.10
B	0.70	0.54	N	(0.19) 0.16	Y	0.70
C	4.0	0.96	N	0.19	N	1.15
	4.80					1.95

MICROFILMED
JAN 2 1 1993

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

10. TWP	RNG	SEC	1/4	1/4	LOT	ACRES	USE	USE DESC.		COUNTY	COUNTY NAME	Planimeter
07S	13E	21	NE	SE	6	15/10	01	25 IRR	1	47	GOODING	20.0
07S	13E	21	SW	SE	9		01	0 IRR	2	47	GOODING	
07S	13E	21	SE	SE	9	40	01	28 IRR	3	47	GOODING	30.0
07S	13E	22	SW	SW		40	01	37 IRR	4	47	GOODING	37.0
07S	13E	27	NW	NW		40	01	32 IRR	5	47	GOODING	32.0
07S	13E	28	NE	NE		40	01	20 IRR	6	47	GOODING	20.0
07S	13E	28	NW	NE	1	20	01	0 IRR	7	47	GOODING	0
									7x40 = 280 Ac.			
		22	NE	SW		27/9		15				15.7
			NW	SW		27/13		40				40.0

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

per ~~21A~~-77C
per -21B

AS CLAIMED
69+22= 281

48.0
149.0
FIELD EXAM
197

DECREE
280 Ac.

9-10-90
SCC

PLANIMETER
194.7

proportional Rate: 0.05 cfs / Ac. = (14.4 cfs / 280 Ac)

RENUMBER

A36-00021 (A+B) (A36-00077C)

Split/overlap review

SCC 9-10-90

MICROFILMED
JAN 2 1 1993

Scc 8-3-92

CONVEYANCE LOSS - WORSTELL

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	5100	7.0	2.00	0.90	0.17	7.13	0.1265	0.02	10.90
2	11700	7.0	2.00	2.07	2.24	6.96	0.2973	0.95	9.83
3	2500	7.0	2.00	0.44	0.19	4.72	0.0937	0.10	5.52
4	900	7.0	2.00	0.16	1.55	4.53	0.0351	0.86	4.88
5	1100	7.0	2.00	0.19	2.98	2.98	0.0653	1.84	3.17
6				0.00		0.00	0.0000	0.00	0.00
7				0.00		0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	21300			3.77	7.13			3.77	

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

BELL DITCH

5 rts. @ 0.19 each

A36-00077A
B
C

MICROFILMED
JAN 21 1993