

01/17/2007

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

RIGHT NUMBER: 27-4020

NAME AND ADDRESS: WM BART CONLIN INC
NEW YORK NEW YORK S MISSION
85-69 60TH DR
ELMHURST NY 11373-5547

SOURCE: GARDINER SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1956

POINT OF

DIVERSION: T07S R42E S23 NENW Within CARIBOU County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	05/01 11/01	0.020 CFS

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R42E S22 NENE

DOMESTIC in CARIBOU County

T07S R42E S22 NENE

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 50 cattle

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

RIGHT NUMBER: 27-4020

NAME AND ADDRESS:

WM BART CONLIN INC
250 EAST THIRD NORTH
SODA SPRINGS ID 83276

SOURCE:

Source:
GARDINER SPRING

Tributary:
SINKS

QUANTITY: 0.160 CFS

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1956

POINT OF DIVERSION:

T07S R42E S23 SENENW
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use:	Period of use:	Quantity:
IRRIGATION	06/01 09/01	0.160 CFS
STOCKWATER	01/01 12/31	0.020 CFS ~~2.63 AFY~~
DOMESTIC	05/01 11/01	0.020 CFS ~~0.60 AFY~~

Domestic use is for 1 home.

PLACE OF USE:

IRRIGATION within CARIBOU County
T07S R42E S22 NENE 10.0

STOCKWATER within CARIBOU County
T07S R42E S22 NENE

DOMESTIC within CARIBOU County
T07S R42E S22 NENE

10 ACRES TOTAL

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

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 domestic use and stockwater use is not a determination of historical beneficial use.

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 50 cattle.

27-4020

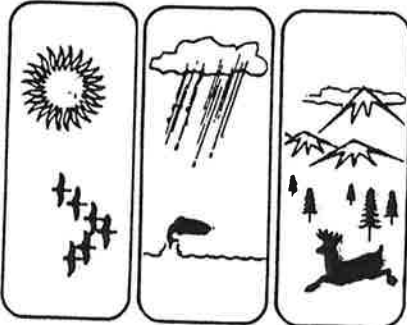
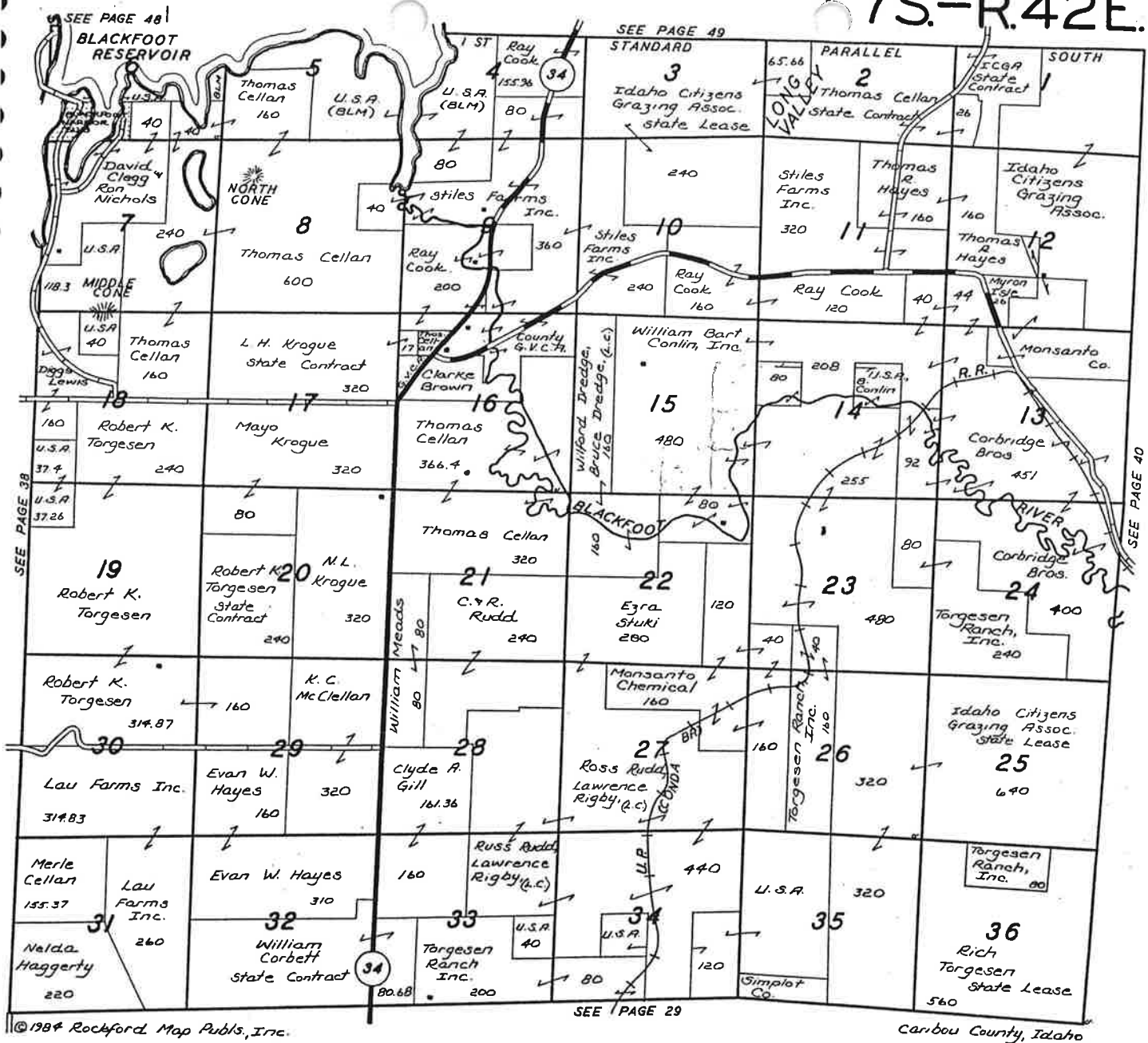


-  27-4020.shp
-  Quarter-Quarter Lines
-  Recommendation POD

1987 NAPP Photography
Created by: Cbird
12-20-2006

0.2 0 0.2 0.4 Miles

A horizontal scale bar with four segments, corresponding to the distances 0.2, 0, 0.2, and 0.4 miles.



DRAVO-SODA SPRINGS

GENERAL CONTRACTORS FOR
HEAVY CONSTRUCTION AND MINING

Clean Air, Clean Water, The Good Land...
Idaho Was Blessed With All Three From The Beginning.
We're Doing Our Part To See That It Stays That Way.
GARY CRAIG — PROJECT MANAGER

PHONE: 547-4332

SODA SPRINGS, IDAHO



Idaho Department of Water Resources

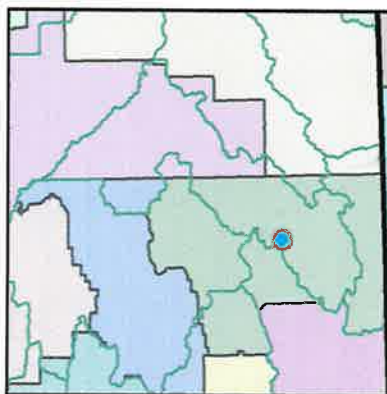
SRBA Recommendation:

27-4020

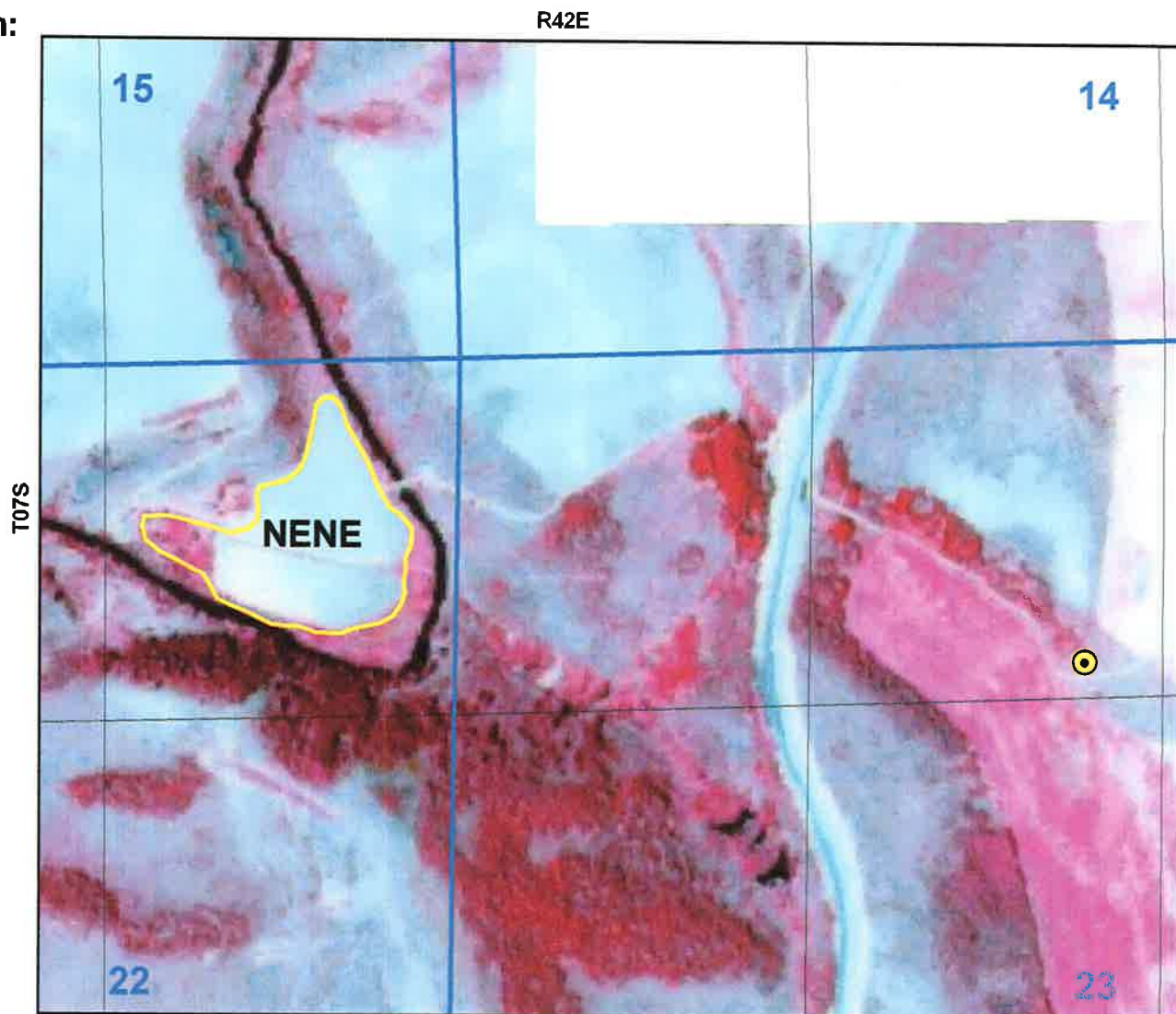
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Caribou County
IDWR Basin 27



0 0.3 0.6 Miles

Prepared by C. Bird
On Friday, February 22, 2008
1987/88 Aerial Photography



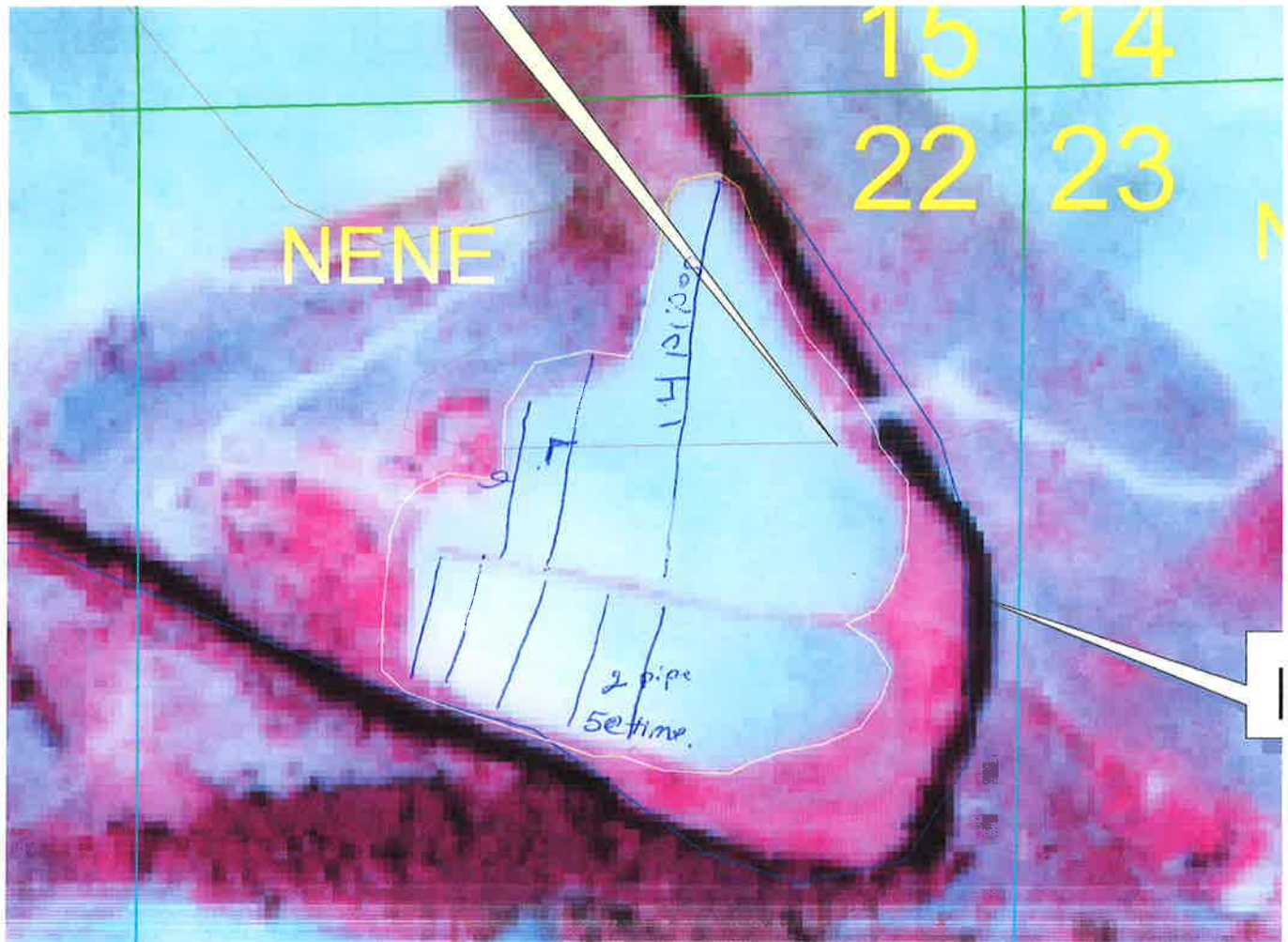
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-4020



5e 2 pipe @
1e 14 pipes

IRRIGATED ACRES

LEGEND

- © Point of Diversion
- Place of Use

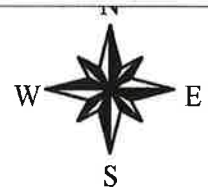
- Townships
- Sections
- Quarter-Quarters

SCANNED

MAR 28 2006

Place of Use: T7S, R42E:
(part of) Sec. 22, NENE.

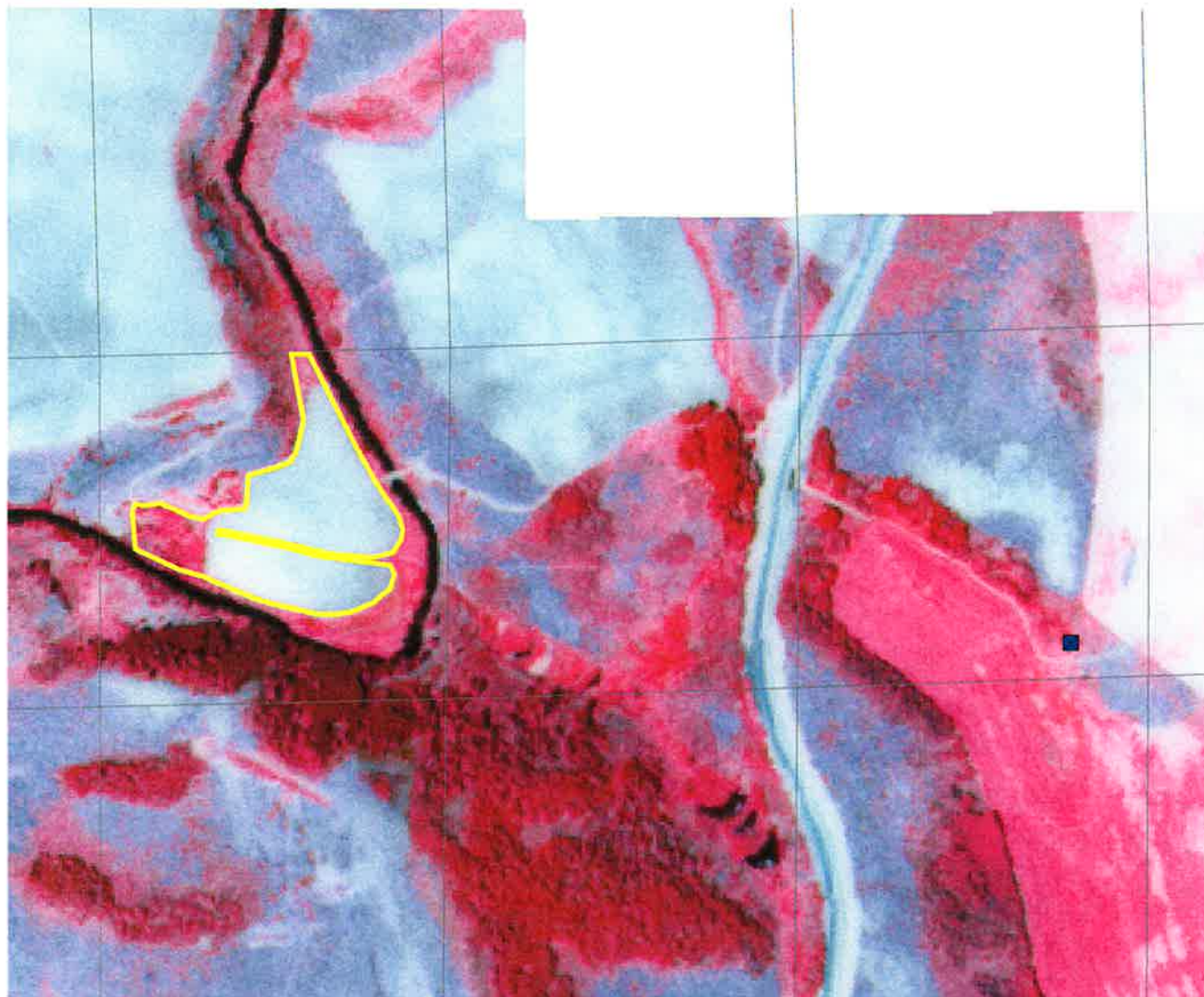
Point(s) of Diversion: T7S, R42E:
Sec. 23, SENENW.



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: May 2005

PROFILED

27-4020



-  27-4020.shp
-  Quarter-Quarter Lines
-  Recommendation POD

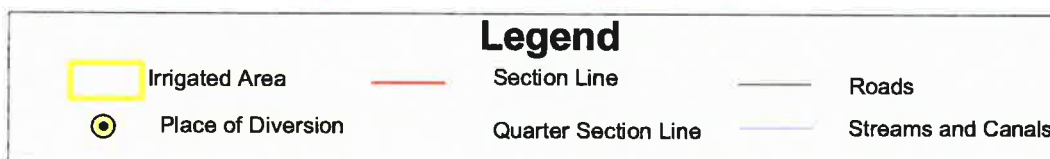
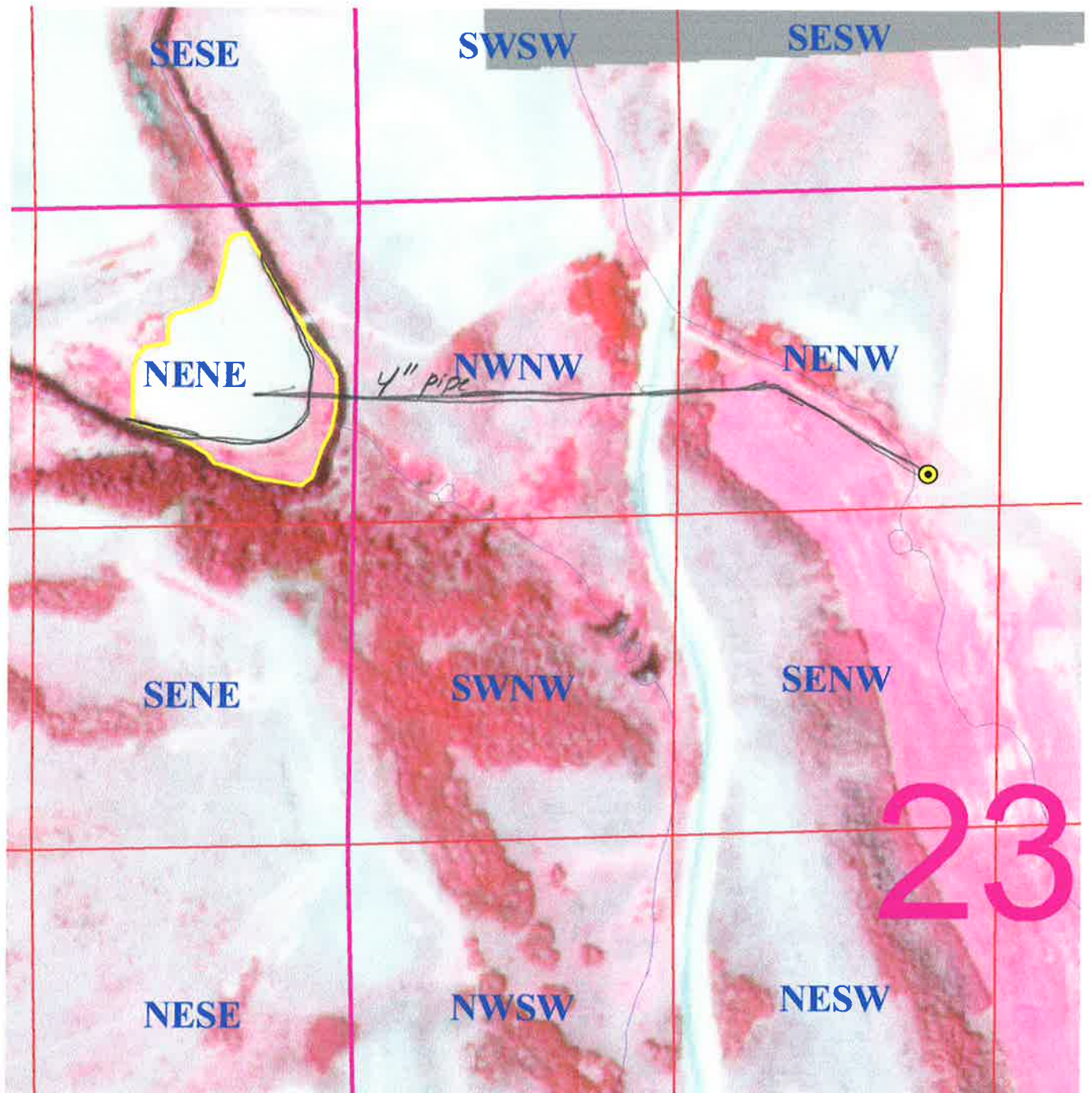
1987 NAPP Photography
Created by: Cbird
12-20-2006

0.2 0 0.2 0.4 Miles

A scale bar with four segments, corresponding to the distances 0.2, 0, 0.2, and 0.4 miles.

Water Right Claim Number 27-04020
Township , 7S42E

12/04/2000



4/08

*already changed
by the courts*

For Office Use Only
Updated by _____
Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): A27-04020

[] Name(s): WM. BART CONLIN INC
WM. BART CONLIN

[] Old Mailing Address: New York New York South Mission
P.O. Box 753 85-69 60th Drive
Soda Springs, ID 83276 Elmhurst, NY 11373-5547

[] New Mailing Address: 250 EAST Third North
SODA Springs, Idaho 83276

Telephone Number: (208) 547 - 4258
Email: wmbartconlin@yahoo.com

[] Signature(s) of Owner(s) W Bart Conlin
President

(Include your title if on behalf of company or organization)
Date: 11-20-08

Send a signed original to your closest regional office:

IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

RECEIVED

NOV 21 2008

Department of Water Resources
Eastern Region

SCANNED
DEC 01 2008

BartConlin

LD05
No. 05
LOG NAME :BART2
START :06-18 17:05
END :06-18 17:15
INTERVAL :00:01:00

06-18 17:05:00
+1.719E+0 ft/s
+7.434E+1 gal/min
+TOTAL 0000000 gal
NORMAL

06-18 17:06:00
+1.733E+0 ft/s
+7.494E+1 gal/min
+TOTAL 0000000 gal
NORMAL

06-18 17:07:00
+1.718E+0 ft/s
+7.427E+1 gal/min
+TOTAL 0000000 gal
NORMAL

06-18 17:08:00
+1.716E+0 ft/s
+7.418E+1 gal/min
+TOTAL 0000000 gal
NORMAL

AVERAGE GPM: 74.43

$$74 \text{ gpm} * 0.00442 = .327 \frac{\text{ac-ft}}{\text{day}}$$

$$.327 \frac{\text{ac-ft}}{\text{day}} * \frac{12 \text{ days}}{1 \text{ yr}} = 3.92 \frac{\text{ac-ft}}{\text{yr}}$$

$$74 \text{ gpm} = 0.16 \text{ cfs}$$



**SHOSHONE-BANNOCK TRIBES
WATER RESOURCES DEPARTMENT**

P.O. BOX 306
FORT HALL, ID 83203

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Ernie Carlsen	Spence Ward
Cindy Bird	
COMPANY:	DATE:
IDWR	4/10/2007
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(208) 525-7177	1
(208) 547-3939	
PHONE NUMBER:	SENDER'S TELEPHONE NUMBER:
(208) 525-7161	(208) 239-4581
(208) 527-3993	

RE:

Request for Preparations of S5 for Water Right

NOTES/COMMENTS:

The Shoshone-Bannock Tribes and William Bart Conlin have reached agreement on water right no. 27-4020. We request you prepare a SF5 for the water right as shown. Should you have any questions give Spence Ward a call at the number listed above.

Water Right No. 27-4020

Irrigation Volume:

$$10 \text{ acres} \times \frac{3.1 \text{ acre-foot/year}}{\text{acre}} \Rightarrow 31.0 \text{ AFY}$$

Stockwater Volume:

$$200 \text{ cows/calf} \times \frac{20 \text{ gallons/day}}{\text{cow/calf}} \times 214 \text{ days} \times \frac{1 \text{ acre-ft}}{325,850 \text{ gallons}} \Rightarrow 2.63 \text{ AFY}$$

Received Time Apr 10 8:19AM

A

B



U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
JOHN R. MC GUIRE, CHIEF

CARIBOU NATIONAL FOREST
(IDAHO FALLS, SODA SPRINGS AND MONTPELIER RANGER DISTRICTS)
IDAHO
BOISE MERIDIAN

1973

Scale $\frac{1}{4}$ " = 1 Mile

LEGEND

National Forest Boundary

State Boundary Line

County Boundary Line

Interstate Highway

U.S. Highway

State Highway

 Forest Route
Prefix numbers are not shown

Telephone Line

Forest Supervisor Headquarters

District Ranger Station

Forest Service Station

Mine, Quarry or Gravel Pit

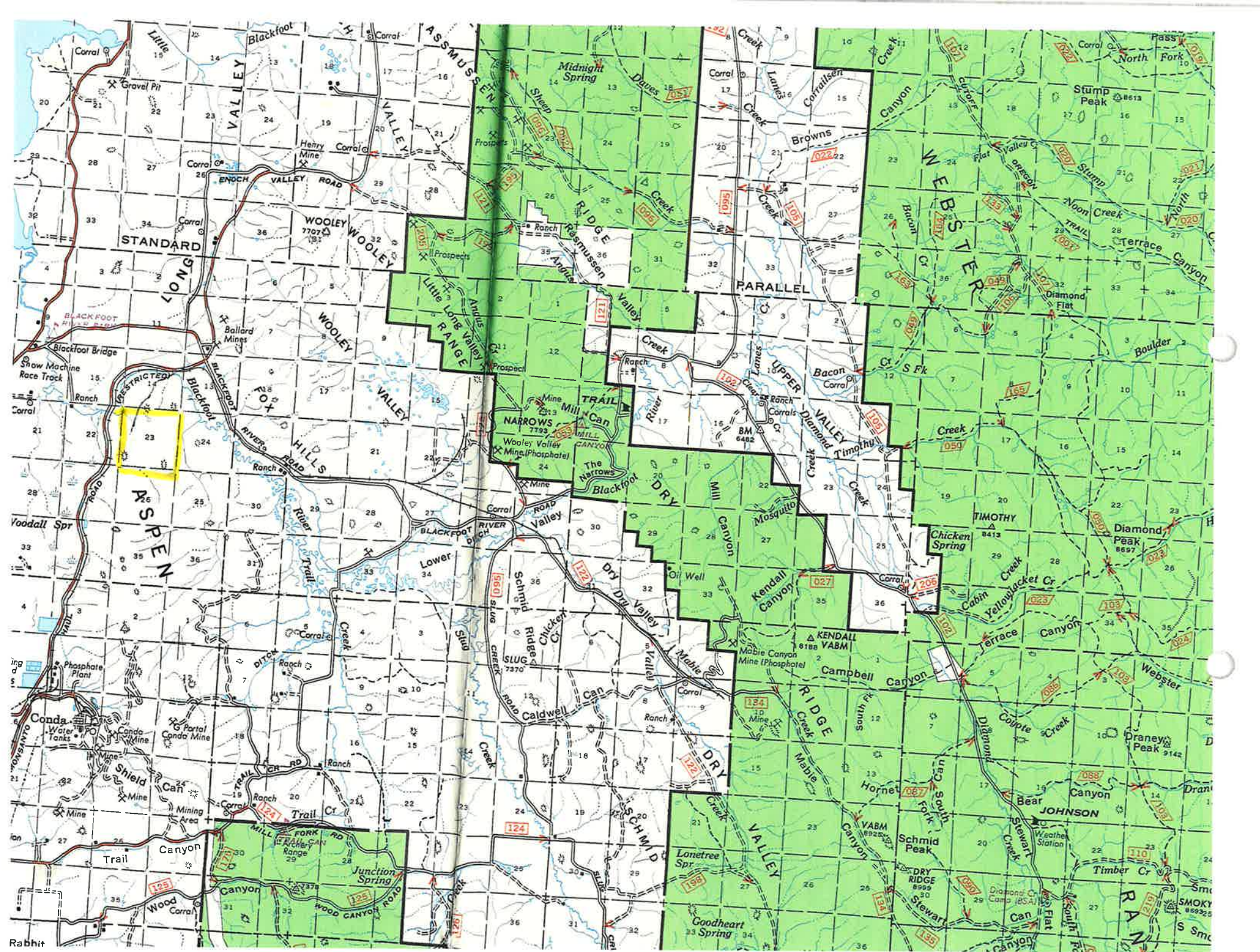
Recreation Site

Recreation Site, Other than Forest Service

43°
45'37'
30"

1

2



7'
3"

T. 15 S.

T. 16 S.

2°
0'

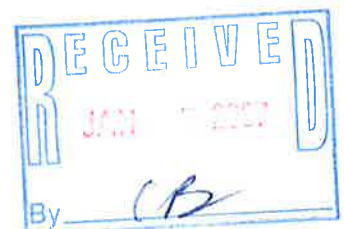
FOREST SERVICE MAP CLASS C
Compiled at Regional Office, Ogden, Utah, 1971, from U. S. Forest
Service planimetric series and U. S. Geological Survey topographic
quadrangles. Map content is current as of June 1971.

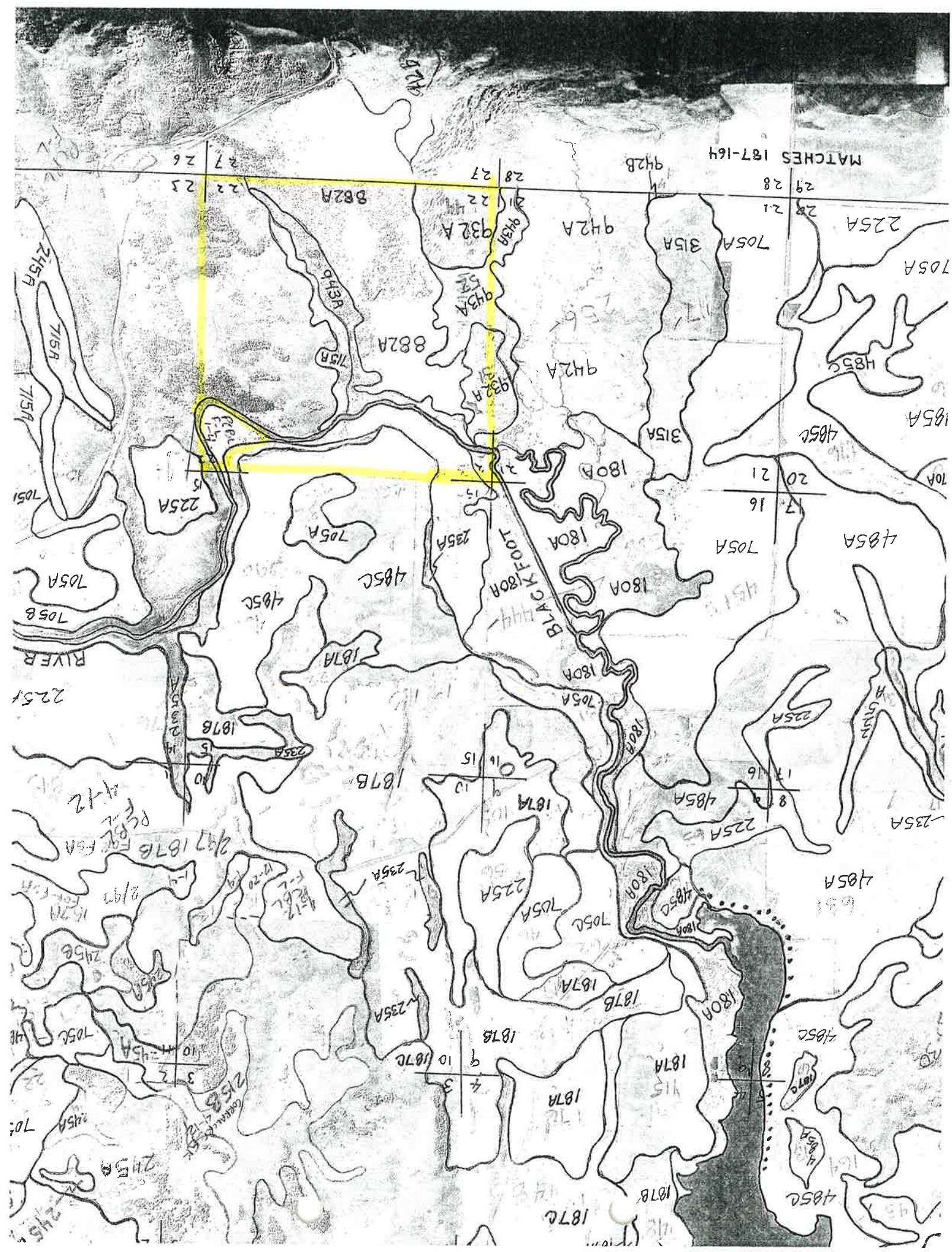
111°4

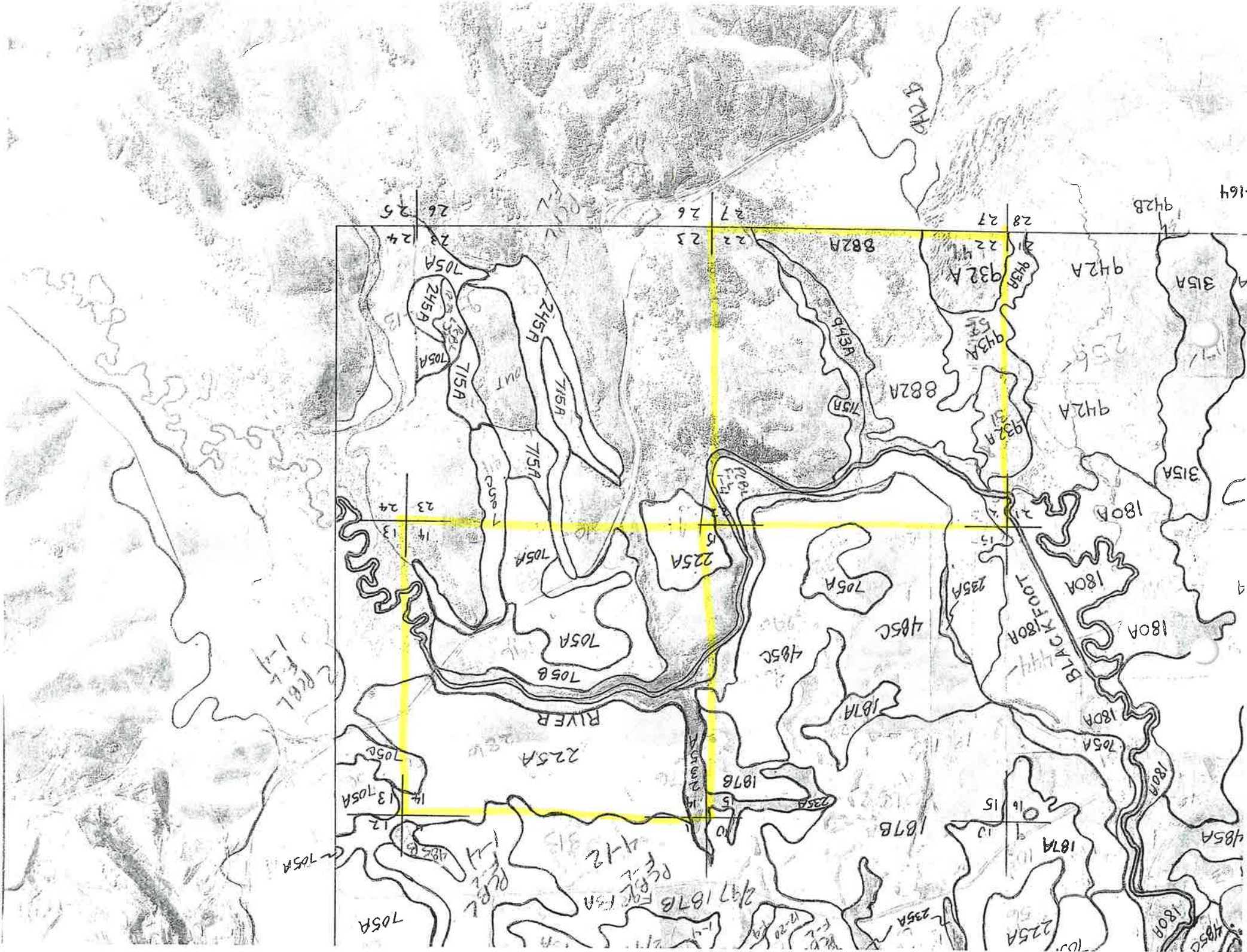
A

B

Bart Conlin







180A--CHUBBFLAT SILT LOAM, 0 TO 1 PERCENT SLOPES

Map Unit Setting

Landscape: ---

Elevation: 6,100 to 6,700 feet

Mean annual precipitation: 16 to 20 inches

Frost-free period: 50 to 65 days

Component Description

Chubbflat and similar soils

Composition: 90 percent

Geomorphic description:

None assigned

Slope: 0 to 1 percent

Elevation: 6,100 to 6,700 feet

Effective annual precipitation: 16 to 20 inches

Frost-free period: 50 to 65 days

Depth to Restrictive Feature:

None noted

Drainage Class: Somewhat poorly drained

Parent Material:

None assigned

Flooding: Rare

Water Table: Present

Available water capacity: Mainly 10.8 inches

Typical profile:

H1--0 to 2 inches;

H2--2 to 15 inches;

H3--15 to 25 inches;

H4--25 to 40 inches;

H5--40 to 60 inches;



HEL
36.5
//

HEL
1.5

Notes

1/5/07 Sent ~~over~~ address update to Jen for processing.

called NRCs in Caribou Co to see if they could provide us with information to verify volume need, historically used. So we can try and settle before he leaves on his mission for 2 years. Leaving 1-22-07.

Jeannette Walfley 232-1922
Elsie Jaton 239-4580

1/11/07 Roy Brown 547-4355. will be turning water on

Barley - 1 time (12 hr. set)
12 days. 3.92 AFY

last.
2-3 yrs. Alfalfa - 1 time (24 hr. sets)
24 days. 7.84 ac-ft/yr

$$74 \text{ gpm} \times .00442 \frac{\text{ac-ft}}{\text{day}} \times \frac{12 \text{ day}}{\text{yr.}} = 3.92 \text{ AF/yr.}$$

$$74 \text{ gpm} \times .00442 \frac{\text{ac-ft}}{\text{day}} \times \frac{24 \text{ day}}{1 \text{ yr.}} = 7.84 \text{ ac-ft/yr.}$$

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Water Right Number(s): 27-4020

Previous Mailing Address: Box 753

Soda Springs, ID 83276

New Mailing Address: _____

Elder Bart & Sister Ruby Conlin
New York New York South Mission
85-69 60th Dr

Elmhurst, NY 11373-5547

Phone 718-672-2031, cell 208-221-4958

~~or~~ 208-221-4959

Telephone Number: () _____

Signature of all Claimant(s):

Wm Bart Conlin

Please print your name below your signature.

Wm Bart Conlin@yahoo.com

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177

Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701

27-4020

WM. BART CONLIN INC.

9/27/06 C. Buid. accompanied by Bart Conlin



GPS tag
A0015828

IMG1483

Photo number

Photo Rename

9/27/06

Date

3:39

Time

AM

PM

LOOKING WESTERLY AT SPRING BOX FOR IRRIGATION OF BART CONLIN
INC.

Source Gardner Spring.

POP. NE NW Sec. 23. T7S, R42E.

4" pipe comes out of the Spring box

System is gravity flow.

burred pipe.

GPS Filename. 274020 9/27/06 15:01 Tag Applied to
concrete.

g:\basin 27\photos\Bart Conlin Inc\27-4020-pool.

27-4020

WM. BART CONLIN INC.



IMG1484		9/27/06	3:42	AM
Photo number	Photo Rename	Date	Time	PM

LOOKING EASTERLY AT SPRING BOX. 2- 4 INCH OVERFLOW PIPES THAT
COME OUT OF THE SPRING BOX AND FLOW BACK INTO THE SPRING.
SPRING ALSO FLOWS AROUND THE OVERFLOW PIPES AND RUNS INTO THE
SPRING. YOU COULD SEE WHERE DEER HAD BEEN BEDDING DOWN NEXT
TO THE SPRING.

G:/BASIN 27/ PHOTOS/BART CONLIN INC/27-4020_1484_SPG

27-4020

WM. BART CONLIN INC.



<u>IMG1485</u>		<u>9/27/06</u>	<u>4:37</u>	AM
Photo number	Photo Rename	Date	Time	PM

LOOKING NORTHWESTLY AT POU. THE TALL GRASS IN THE CENTER IS WHERE THE BURIED MAINLINE IS. 3 INCH ALUM HANDLINES HOOK TO RISER TO IRRIGATE IN A NORTH/SOUTH DIRECTION. AS WELL AS PICKS UP A PIECE IN THE WESTERLY CORNER OF THE PROPERTY. STANDING ON THE EAST END OF THE PROPERTY LOOKING OVER THE BLACKFOOT RIVER. (LOWER PORTION OF THIS PHOTO). MAINLINE HAS 14 RISERS, USES 3/16 NOZZLES. MR. CONLIN RUNS 2 PIPES @ A TIME.

G:/BASIN 27/ PHOTOS/BART CONLIN INC/27-4020_1485_POU

27-4020

WM. BART CONLIN INC.



<u>IMG1486</u>		<u>9/27/06</u>	<u>4:37</u>	<u>AM</u>
Photo number	Photo Rename	Date	Time	PM

LOOKING NORTHWESTLY AT POU. THE ROAD FROM THE POD RUNS
AROUND THE MOUNTAIN. THERE IS A WOODEN BRIDGE OVER THE
BLACKFOOT RIVER AT THE EASTERN END OF THE POU.

Pou shape created at eastern. 12/20/06. Placed on
AE00 / PC common / basin 23-27 / 27-4020.

G:/BASIN 27/ PHOTOS/BART CONLIN INC/27-4020_1486_POU

27-4020

WM. BART CONLIN INC.



<u>IMG1487</u>		<u>9/27/06</u>	<u>4:38</u>	<u>AM</u>
Photo number	Photo Rename	Date	Time	PM

LOOKING IN AN EASTERLY DIRECTION AT THE EASTERN MOST CORNER OF
THE POU. THE BLACKFOOT RIVER IS AT THE EASTERN END OF THE POU IN
THE FOREGROUND OF THIS PHOTO. THIS PHOTO WAS TAKEN FROM THE
ROAD, SOUTH OF THE BLACKFOOT RIVER.

G:/BASIN 27/ PHOTOS/BART CONLIN INC/27-4020 _1487 _POU

Contacts Data Entry Form

Owner Type Full Name Address City State Zip Phone

Current Owner Wm. Bart Conlin Inc.

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: Bart Conlin Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: 9/27/06 Time: 2pm

Directions to Property (If different from above) and/or update owner information:

12/20/06
AE DO / PC common / basin 23-27 / 27-4020.

Reviewer: _____

Date: _____

Contacts Data Entry Form

Point of Diversion and Source Data Entry Form

Claim Number: 29-4020

Water Right Point of Diversion: T____ R____ Sec.____ County:____

Source:____ Tributary:____

Claimed Point of Diversion: T____ R____ Sec.____ County:____

Source:____ Tributary:____

Recommended Point of Diversion: T____ R____ Sec.____ County:____

Source: Spring Tributary: Blackfoot River.☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
					<u>Caribou.</u>	<u>Spring</u>
GPS Coordinates: <u>N 42° 48.282'</u>					<u>W 111° 30.943</u>	
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? NONE

Document how the POD and Source were verified and/or Pump and Motor data:

Gravity system, 4" pipe.
IS:04 9/27/06
GPS filename: 274020

GPS tag A0015828 tag applied to concrete.

Transfers Changing POD NOReviewer: CBDate: 9/27/06

Point of Diversion and Source Data Entry Form

Purpose of Use Data Entry Form

Claim Number: _____

_____ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation	_____	_____	10	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Document how the Purpose of Use was verified:

3" alum. pipe -
3/16" Nozzle - 2 pipe.
14 risers.
runs 2@ time.
1 = head pipe.

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____



22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS

Photo 1. Looking north at spring box.

Photo 2. Looking east at 2 overflow pipes.
3.8pm. From spring. Water was also coming around
the overflow pipes.

Notes

9/22/06 Bart Conlin came in.

The POD is located in the ~~NENE~~ of sec. 23.

POU is in NENE of section 22.

I used my Haestad program to run some numbers. $40'/1750' = 0.02 \text{ ft/ft.}$ and $80'/720' = 0.11 \text{ ft/ft.}$

4" Steel pipe

The section with the 0.02 ft/ft slope estimated at 0.28 cfs, which would substantiate the claimed diversion rate of. 0.26 cfs.

- Created POU shape. g drive/basin/27 folders
- GPS. POD.
- Photo's of system.

10/2/06 Bart stopped by the office with a June, 1971 forest service map that shows the spring as sinks.

10/10/06 deadline to amend directors report 10/27/06 CB email-

Create Version 2 - priority task - Basics.

- summary sheet mark it active.

- Comparison report. Recommendation Comparison report (Send to Ray)

Worksheet
Worksheet for Circular Channel

Project Description	
Worksheet	Circular Channel
Flow Element	Circular Channel
Method	Manning's Formu
Solve For	Discharge

Input Data	
Mannings Coeff	0.013
Slope	0.020000 ft/ft
Depth	0.33 ft
Diameter	4 in

Results	
Discharge	0.28 cfs
Flow Area	0.1 ft ²
Wetted Perime	0.98 ft
Top Width	0.07 ft
Critical Depth	0.29 ft
Percent Full	99.0 %
Critical Slope	0.019620 ft/ft
Velocity	3.22 ft/s
Velocity Head	0.16 ft
Specific Energ	0.49 ft
Froude Numbe	0.50
Maximum Disc	0.29 cfs
Discharge Full	0.27 cfs
Slope Full	0.021714 ft/ft
Flow Type	Subcritical

9/22/06 Estimate
of flow. CB

Worksheet

Worksheet for Circular Channel

Project Description

Worksheet	Circular Channel
Flow Element	Circular Channel
Method	Manning's Formu
Solve For	Discharge

Input Data

Mannings Coeffic	0.013
Slope	110000 ft/ft
Depth	0.33 ft
Diameter	4 in

Results

Discharge	0.66 cfs
Flow Area	0.1 ft ²
Wetted Perime	0.98 ft
Top Width	0.07 ft
Critical Depth	0.33 ft
Percent Full	99.0 %
Critical Slope	0.112284 ft/ft
Velocity	7.55 ft/s
Velocity Head	0.89 ft
Specific Energ	1.22 ft
Froude Numbe	1.16
Maximum Disc	0.68 cfs
Discharge Full	0.63 cfs
Slope Full	0.119425 ft/ft
Flow Type	Supercritical

Notes

5/8/05 The 1964 imagery shows a sm. piece to the north as irrigated, and the other piece as farmed.

The 1974 orthoquad doesn't show irrigation. The 1987/88 Napp photo graphy doesn't show irrigation. The 1992 clearly shows more cultivation but still NO irrigation.

2002 isn't as clear.

Recommending: domestic / stock,
NO irrigation.

~~see~~ recommend as noted CB

NO layout Needed
print NOF'

JC
5/11/05

9/11/06 4" pipe that comes out of a spring box. Gravity flow.

9/18/06 10 AM field exam with Bart Conlin.

PROFILED

SCANNED

MAR 28 2006

Notes

- 1) 8/4/03. Claimed Purpose of use added stockwater? when? water tanks?
- 2) SRBA claim matches the statutory claim.
3. Evidence of priority: moved to 5-1-1956 based on evidence submitted.
4. Verify the spelling of the source ON TOPO MAP
Topo's name is "Spring"
5. Diversion rate. $\frac{2.50 \text{ cfs}}{10 \text{ ac}} = .25 \text{ cfs/ac.}$ to high
why so high?
6. Verify POD -
7. verify POU. / match statutory claim, 1987 imagery doesn't show a lot of irrigation.
8. Domestic? includes stock - reduce Domestic to 0.02 cfs (continuous use)

Field

RECEIVED

JUL 28 2006

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase 27-4020
(insert water right number)

STANDARD FORM 1
Late OBJECTION

COPY

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wm. Bart Conlin Inc.
Address: P.O. Box 753
Soda Springs, ID 83276
Daytime Phone: 517-4258

Name & Address of Attorney, if any:

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

Name: Wm. Bart Conlin Inc.
Address: P.O. Box 753
Soda Springs, ID 83276

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: Include water for irrigation.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Irrigation should be included for 10 acres.
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: should include irrigation

11. I object because:

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

E. REASONS SUPPORTING OBJECTION(S): see attached.

F.

VERIFICATION (Must be Completed)

State of Idaho)
County of Bannock)ss.

William BART Conlin , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

Wm Bart Conlin
† (Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 26th day of July, 2006.

Cindy L. Briel
Notary Public for IDWR.
Residing at: Lava Hot Springs
My Commission Expires: May 1, 2007

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

G.

I certify that on 7-26-2006, 199 , I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: William Bart Conlin Inc.
Address: Box 753
Soda Springs, ID 83276

3. Copies to:

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

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

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

JEANETTE WOLFLEY
202 N. ARTHUR
POCATELLO, ID 83204

Wm Bart Conlin
Signature of Objector or attorney
mailing on Objector's behalf

WM. BART CONLIN, INC.

P.O. Box 753
Soda Springs, ID 83276
(208) 547-4258

July 26, 2006

To Whom It May Concern:

I apologize for this late filing of an objection to the preliminary recommendation by the Idaho Dept of Water Resources (IDWR). The reason the objection is late is because of my lack of knowledge on water right claims. The only water right that I am familiar with is the small water right that is located on my farm on the Upper Blackfoot River. I was not aware of the difference between an irrigation claim, domestic claim, or stock water claim.

When I met with Cindy Bird of the IDWR Soda Springs Office to file the paperwork for this claim, we discussed the use of the water from a spring approximately one-half mile away from the Upper Blackfoot River. The water runs approximately one-fourth of a mile and then sinks back into the ground. It *does not* ever run into the Upper Blackfoot River.

When I received the IDWR recommendation for my water right claim, I did not notice that it did not include my claim to irrigate the 10 acres that has been irrigated for approximately 50 years by either me or my father. I did not become aware that it was not included until I attended the initial hearing of the Snake River Basin Adjudication Court held in Blackfoot Idaho on July 25, 2006.

After the meeting, I immediately went to the IDWR office in Soda Springs and spoke to Cindy Bird as to why the irrigation claim was not included in the IDWR recommendation. She looked through her files and stated that on reviewing maps of a few different years, it did not appear that the ten acres had been irrigated. She stated that she thought that I would notice that it was not in the recommendation and would come and clear it up with her. Unfortunately, because of my lack of knowledge about the different kinds of water rights, I thought that a water right was a water right and didn't pick up that the irrigation had not been recommended.

I helped my father put the pipeline in for the use of this water in late 1955 and have personal knowledge that the ten acres have been irrigated almost every year since then. There was a year or two or three that it was not irrigated because of drought conditions and the spring did not have enough water to irrigate the ten acres. This

particular land has a very short growing season, and my practice has been to irrigate it in late June or early July, usually once over. I found that if I irrigated it more often that it would slow the maturation of the grain and it would freeze with the usual late-August or early-September frost.

When Cindy Bird looked at these pictures that were taken in the fall, the harvest was over and the ground was dry, so it would not appear on the computerized maps or images that it was irrigated ground. She also may have looked at a map on years when there was a drought and there was not water available. There was at least one or two years when we had lots of rainfall, and the moisture was sufficient for the needs of the grain, and so I did not irrigate it at all those years. The normal practice, however, was to irrigate it once over each year, which would provide a good grain crop on this ten acres.

I use 12 sprinkler pipes with sprinkler heads with 1/4" nozzles to irrigate this land and it would normally take me about two weeks to go over the land. Normally this was done in the latter part of June or the first part of July. At no time would I irrigate prior to June 1 or after August 31. I'm sure that I would use less than 5.3 acre/ft of water per acre on the land and would not anticipate any more than that in the future, as I am not intending to change my irrigation practices.

I would be happy to meet with anyone who would like to ascertain that the spring water sinks and never reaches the Blackfoot River, or who would like to examine my gravity flow sprinkler system.

I would appreciate your kind consideration on this matter, as we have been using this water for domestic, stock water, and irrigation purposes for over 50 years, and it is very important to us.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Wm. Bart Conlin".

Wm. Bart Conlin

WBC:mc

Contacts Data Entry Form

Owner Type _____ **Full Name** Wm. Bart Conlin Inc. **Address** P.O. Box 753, **City** Soda Springs, ID **State** ID **Zip** 83276

Current Owner _____ **Name connector:** and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears slightly aged or off-white. There is no handwriting or other markings on the page.

Reviewer: CB

Date: 5/9/05

Priority Date Data Entry FormClaim Number: 27-4020

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: May 1, 1956 Recommended Basis: B.U.☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

FSA document from late 1955 designing the
system for Colins. Moving the date to following
litigation (1956 NOT 1955).

Reviewer: CBDate: 8/4/03

Priority Date**Claim No.** _____

1. Should this water use have been included in a later court decree of the water rights from this source? Yes () No (X)
If Yes, go to 2
If No, go to 4
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes () No ()
If Yes, go to 3a
If No, go to 4
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes () No ()
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes () No ()
If Yes, go to 11
If No, go to 4
4. Is the basis of claim a decree or license? Yes () No (X)
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes () No ()
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
6. Did the Claimant claim the decreed or licensed Priority Date? Yes () No ()
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
7. Is the basis of claim a Permit or Application? Yes () No (X)
If Yes, go to 10e
If No, go to 8
8. Is the basis of claim a posted notice? Yes () No (X)
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes () No (X)
If Yes, go to 11
If No, go to 12
- 10e. Will the license be issued prior to filing the Director's Report? Yes () No ()
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit. Add Condition Code A01 to the Recommendation, go to 15
11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes () No ()
If Yes, go to 12
If No, disallow with condition P01.
12. Does the claim file contain sufficient evidence of Priority Date? Yes (X) No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
13. Has additional evidence of priority date been submitted? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
14. Can any portion of the claim be recommended as a valid water right? Yes () No ()
If Yes, go to 15
If No, disallow with condition P01.
15. Is the basis of claim coded correctly? Yes (X) No ()
If Yes, go to 16
If No, Enter the appropriate basis of claim. B.U.
16. Is a Priority Date remark and/or condition required? Yes () No (X)
If Yes, Enter the appropriate basis of claim. Priority Date review is complete
If No, Priority Date review is complete.

Point of Diversion and Source Data Entry Form

Claim Number: A27-04020

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

☒ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

Transfers Changing POD NoReviewer: CBDate: 5/9/05

Point of Diversion

Claim No. 27 - 4020

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes () No (X)
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes () No (X)
3. Has the License been issued?
If Yes, go to 5
If No, recommend the POD as shown on the Permit. Go to 10
Yes () No ()
4. Does the parent right have a POD?
If Yes, go to 5
If No, go to 6
Yes () No ()
5. Can the claimed POD be verified using the water right file?
If Yes, recommend the POD as shown in the water right file. Go to 10
If No, go to 6
Yes () No ()
6. Is there evidence that there has been a change in the POD?
If Yes, go to 7
If No, go to 9
Yes () No (X)
7. Can the change be verified as an accomplished transfer?
If Yes, add condition C03, go to 9
If No, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to 8
Yes () No ()
8. Was a transfer filed?
If Yes, recommend the POD as shown on the approved transfer. Go to 10
If No, go to 9
Yes () No ()
9. Does the file contain all of the necessary information to verify the POD?
If Yes, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to 10
If No, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to 10
Yes (X) No ()
10. Is a POD remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. POD review is complete
If No, POD review is complete.
Yes () No (X)

Source

Claim No. 27-4020

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes () No (☒)
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes () No (☒)
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Source as shown on the Permit. Go to 11
Yes () No ()
4. Does the parent right have a Source?
If Yes, go to 5
If No, go to 7
Yes () No ()
5. Can the claimed Source be verified using the water right file?
If Yes, recommend the Source as shown in the water right file. Go to 11
If No, go to 7
Yes () No ()
6. Is the basis of claim a Posted Notice?
If Yes, consult the attorney assigned to the basin. Go to 7
If No, go to 7
Yes () No (☒)
7. Is there evidence that there has been a change in the Source?
If Yes, go to 8
If No, go to 10
Yes () No (☒)
8. Can the change be verified as an accomplished transfer?
If Yes, add condition C02, go to 10
If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9
Yes () No ()
9. Did the claimant file a transfer?
If Yes, recommend the Source as shown in the transfer. Go to 11
If No, go to 10
Yes () No ()
10. Does the file contain all of the necessary information to verify the Source?
If Yes, recommend the Source as it existed on 11-19-1987. Go to 11
If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11
Yes (☒) No ()
11. Is a Source remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Source review is complete.
If No, Source review is complete.
Yes () No (☒)

Place Of Use Data Entry Form

Claim Number: A27-04020☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
7S	42E	22	NE	NE	Caribou	—	—	Stock.
"	"	"	"	"	"			Domestic.

Total Acres

Document how the POU was verified:

Stock / domestic only.
 Spring flows continuous.
 1974 Aithoguel doesn't show irrigation, 1987 + 1992
 also doesn't show irrigation.

Transfers Changing POU noReviewer: CBDate: 5/9/05

Place of Use

Claim No. 27 - 4020

1. Is the basis of claim a Decree or License?

If Yes, go to 2a

If No, go to 2b

Yes ☐ No ☒

2a. Is a POU required?

If Yes, go to 5

If No, go to 14

Yes ☐ No ☐

2b. Is a POU required?

If Yes, go to 3

If No, go to 14

Yes ☒ No ☒

3. Is the basis of claim a Permit or Application?

If Yes, go to 4

If No, go to 7

Yes ☐ No ☒

4. Has the License been issued?

If Yes, go to 6

If No, recommend the POU as shown on the Permit. Go to 14

Yes ☐ No ☐

5. Does the parent right have a POU?

If Yes, go to 6

If No, go to 7

Yes ☐ No ☐

6. Can the claimed POU be verified using the water right file?

If Yes, recommend the POU as shown in the water right file. Go to 14

If No, go to 7

Yes ☐ No ☐

7. Is there evidence that there has been a change in the POU?

If Yes, go to 8

If No, go to 13

Yes ☐ No ☒

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C05, go to 13

If No, go to 9

Yes ☐ No ☐

9. Does the change include an enlargement of the POU?

If Yes, describe the evidence that supports that there has been an enlargement in the POU. Go to 10

If No, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to 12

Yes ☐ No ☐

10. Was an enlargement claim filed?

If Yes, go to 13

If No, notify claimant that an enlargement claim is necessary. Go to 11

Yes ☐ No ☐

11. Did the claimant file an enlargement claim?

If Yes, go to 13

If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes ☐ No ☐

12. Was a transfer filed?

If Yes, recommend the POU as shown on the approved transfer. Go to 14

If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes ☐ No ☐

13. Does the file contain all of the necessary information to verify the POU?

If Yes, go to 14

If No, collect the necessary information. Conduct field exam if necessary. Go to 14

Yes ☒ No ☐

14. Is a POU remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POU review is complete.

If No, POU review is complete.

Yes ☐ No ☒

Purpose of Use Data Entry Form

Claim Number: 27-4020☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Stock		50	50	
Domestic	1			

Document how the Purpose of Use was verified:

Statutory claim. purpose of use was domestic and irrigation of 10 acres. Is the Stock water diverted to tanks?

Transfers Changing Purpose of Use _____

Reviewer: CBDate: 5/9/05

Purpose of Use

Claim No. 27-4020

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes () No (X)
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes () No (X)
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13
Yes () No ()
4. Does the parent right have a Purpose of Use?
If Yes, go to 5
If No, go to 6
Yes () No ()
5. Can the claimed Purpose of Use be verified using the water right file?
If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13
If No, go to 6
Yes () No ()
6. Is there evidence that there has been a change in the Purpose of Use?
If Yes, go to 7
If No, go to 11
Yes () No (X)
7. Can the change be verified as an accomplished transfer?
If Yes, add condition C04, go to 11
If No, go to 8
Yes () No ()
8. Does the change include an enlargement of the Purpose of Use?
If Yes, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to 9
If No, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to 12
Yes () No ()
9. Was an enlargement claim filed?
If Yes, go to 11
If No, Notify claimant that an enlargement claim is necessary. Go to 10
Yes () No ()
10. Did the claimant file an enlargement claim?
If Yes, go to 11
If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13
Yes () No ()
11. Does the file contain all of the necessary information to verify the Water Use?
If Yes, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
Yes (X) No ()
12. Did the claimant file a transfer?
If Yes, recommend the Purpose(s) of Use shown on the approved transfer. Go to 13
If No, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to 13
Yes () No ()
13. Is a Purpose of Use remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.
If No, purpose of Use review is complete.
Yes () No (X)

Period of Use and Quantity Data Entry Form

Claim Number: A27-04020☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Domestic	5/1	11/1	0.02	
Stock	1/1	12/31	0.02	

Overall Diversion Rate 0.02 Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: CBDate: 5/9/05

Period of Use

Claim No. _____

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes () No (☒)
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes () No (☒)
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Period of Use as shown on the Permit. Go to 18
Yes () No ()
4. Does the parent right have a Period of Use?
If Yes, go to 5
If No, go to 6
Yes () No ()
5. Can the claimed Period of Use be verified using the water right file?
If Yes, go to 14
If No, go to 6
Yes () No ()
6. Is there evidence that there has been a change in the Period of Use?
If Yes, go to 7
If No, go to 12
Yes () No (☒)
7. Does the change include an enlargement in the Period of Use?
If Yes, go to 9
If No, go to 8
Yes () No ()
8. Can the change be recommended as an accomplished transfer?
If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12
If No, notify claimant that a transfer is necessary. Go to 11
Yes () No ()
9. Was an enlargement claim filed?
If Yes, go to 12
If No, notify claimant that an enlargement claim is necessary. Go to 10
Yes () No ()
10. Did the claimant file an enlargement claim?
If Yes, go to 12
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
Yes () No ()
11. Was a transfer filed?
If Yes, go to 14
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
Yes () No ()
12. Does the file contain all of the necessary information to verify the Period of Use?
If Yes, go to 13
If No, collect the necessary information. Conduct field exam if necessary. Go to 13
Yes (☒) No ()
13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined?
If Yes, go to 14
If No, go to 15
Yes () No (☒)
14. Is irrigation claimed as a purpose of use?
If Yes, go to 16
If No, recommend the Period of Use of the parent right. Go to 18
Yes () No ()
15. Is irrigation claimed as a purpose of use?
If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18
If No, the Period of Use is usually recommended as claimed. Go to 18
Yes (☒) No (☒)
16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
If Yes, go to 17
If No, recommend the Period of Use of the parent right. Go to 18
Yes () No ()
17. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use?
If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18
If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18
Yes () No ()
18. Is a Period of Use remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Period of Use review is complete.
Yes () No (☒)

Quantity

Claim No. 27-14020

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes () No (X)
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes () No (X)
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Quantity shown on the Permit. Go to 11
Yes () No ()
4. Does the parent right have a diversion rate and/or volume?
If Yes, go to 5
If No, go to 7
Yes () No ()
5. Can the claimed diversion rate and/or volume be verified using the water right file?
If Yes, go to 8
If No, go to 7
Yes () No ()
6. Is the basis of claim a posted notice?
If Yes, consult the attorney assigned to the Basin. Go to 7
If No, go to 7
Yes () No (X)
7. Is a flow measurement required?
If Yes, attach all related measurement documents. Describe the flow measurement that was made. Go to 9
If No, describe why a flow measurement is not required. Go to 9
Yes () No (X)
8. Does the parent right have an annual diversion volume limit?
If Yes, go to 10
If No, go to 9
Yes () No ()
9. Is the source Ground Water and does the purpose of use require a diversion volume limit?
If Yes, go to 10
If No, go to 11
Yes () No (X)
10. Is irrigation a purpose of use?
If Yes, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
Yes () No ()
11. Has a diversion volume limit for this water use been established by a decree, license or transfer?
If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, go to 12
Yes () No (X)
12. Is a Quantity remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Quantity review is complete.
If No, quantity review is complete.
Yes (X) No ()

Summary

Claim No. _____

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice?

If Yes, go to 2
If No, go to 3

Yes () No (X)

2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4
If No, status will be set as Active. Go to 5

Yes () No ()

3. Is the water being used for all of the purposes claimed and to the extent claimed?

If Yes, status will be set as Active. Go to 5
If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4

Yes () No (X)

4. Is any portion of the claim being recommended?

If Yes, status will be set as Active. Go to 5
If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5

Yes (X) No ()

5. Is an additional remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Go to 6
If No, go to 6

Yes (X) No ()

6. Would you like to view the recommended right?

If Yes, go to 7
If No, the review is incomplete. The recommendation must be viewed to complete the review.

Yes (X) No ()

7. Is this a "split" or "combined" right?

If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 8
If No, go to 8

Yes () No (X)

8. Do you have documents you would like to attach or link to the file?

If Yes, go to PowerDOCS and profile the documents. Go to 9
If No, go to 9

Yes () No (X)

9. Would you like to set the verification date?

If Yes, the review is complete.
If No, the review is incomplete. The recommendation must be verified to complete the review.

Yes (X) No ()

Claim No.: 27-4020.

Summary Data Entry Form

Remarks and Conditions (Include Type, Category and Code if applicable):

C18- Gen Cond.

N13 Qty Cond.

N11 Gen Cond.

Split or Combined Right Analysis:

None

Attached Field Notes or Other Documents:

Claim No.:

27-4020

Reviewer

CP

Date

5/9/05

5/5/03.

4" pipe - gravity feed.

Normally, he can run 10 sprinkler heads.
drought years 5 sprinkler heads.

See map for adjustment on POU.

- Soil Conservation helped put the pipeline in 1954.
Designed 8-1-1955 → priority to 1956.
- Tax records.
- Copy warranty deed for dad. 12/28/1953.
- soil information for more than 0.02 cfs.

Bill Gohlke

Aug. 26, 1955

A location survey was made for a gravity sprinkler system. The line was started at a selected point near the Blackfoot River and was run on a bearing of $S 84^{\circ} E$, assuming a declination of about $17\frac{1}{2}^{\circ} E$.

The total fall was 145.4 ft. The length was approx. 2700 ft. Assuming a density of flow = 70 gpm, then friction loss = $0.17 \text{ #B per } 4" \text{ steel pipe, using } K_5 = .40$. Total friction loss = $.17 \times 2.31 \times 27 = 10.6 \text{ FT}$. The pressure at the end of the gravity line, where sprinkling would start is - $\frac{145.4 - 10.6}{2.31} = \frac{134.8}{2.31} = 58 \text{ #/sq"}$

When the pipe comes out of the spring, it is necessary to run it on a grade for several hundred feet. The grade selected was $0.4' / 100'$.



AKB

①

Bill Corlin - Gravity pressure main,
Soda Springs, Idaho

Problem: Design anchor block for vertical
bend in steel pipe line.

Given:

Pipe size - 4" 14 ga. welded steel.

head on pipe at anchor - 14.5 ft.

Angle of upper leg to horizontal - $6^{\circ}20'$

Angle lower leg to horizontal - $0^{\circ}30'$

$Q = 70 \text{ gpm} = 0.156 \text{ cfs.}$

Length upper leg - 400'

Length lower leg - 100'

Reference: pages 343 & 344 Handbook welded steel pipe

Solution:

Assume pipe held rigidly at anchors, supported in shallow trench, which will permit pipe to move, and at least one expansion joint between anchors.

Determine thrust produced by upper leg:

First factor $L \sin x = 400 \sin 6^{\circ}20' = 400 \times 0.11 = 44 < 50$
disregard.

Second factor $H = 145 < 275$ so disregard.

Third factor $\frac{D^2}{D^4 H} = \frac{0.156^2}{(4)^4 145} = \frac{.024}{37,120}$

$= .000000646 < .000035$ so disregard.

$\therefore$ axial thrust $= 0.36 D^2 H$
 $= 0.36 \times (4)^2 \times 145 = 835 \#$

3

Determine thrust by tension leg

$$L \sin x = 100 \sin 30' = 100 \times 0.5 = 50 < 50 \text{ dangerous}$$

$$\therefore \text{upper leg} = \text{lower leg} = 835 \#$$

Determine resultant



$$R = \sqrt{F_1^2 + F_2^2 + 2 F_1 F_2 \cos \angle}$$

$$\angle = 180 - (60.20' + 30') = 173.80'$$

$$\text{Since } \angle > 90' \text{ use } \cos \angle \text{ is } -$$

$$R = \sqrt{835^2 + 835^2 + 2 \times 835 \times 835 \times 0.993}$$

$$R = \sqrt{8350} = 92 \#$$

The two forces are almost opposite and therefore almost cancel out. This small force indicates that an anchor block is not needed. However, experience indicates the line will pull apart unless a block is used. Check pipe alignment and temp. changes.

Sliding pipe

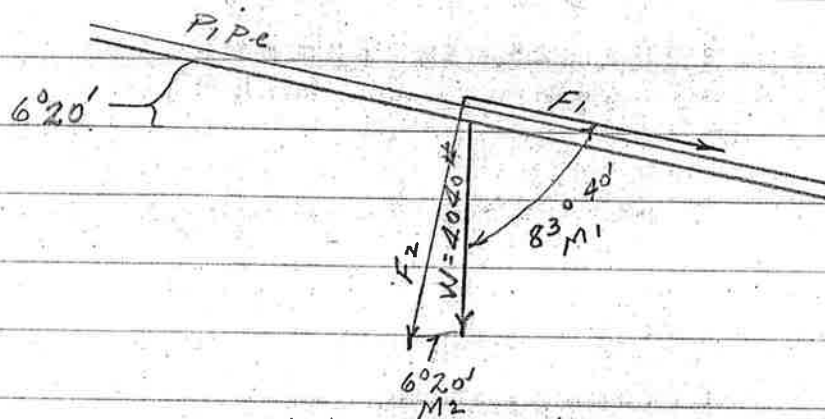
$$\text{weight of pipe} = 3.21 \text{ \#/ft}$$

$$\text{weight of water} = .785 \times .333^2 \times 62.4 = 6.93 \text{ \#/ft}$$

$$\text{Total weight} = 3.21 + 6.93 = 10.1 \text{ \#/ft}$$

$$\text{weight upper bay} = 400 \times 10.1 = 4040 \text{ \#}$$

$$\text{Coefficient of friction} = 0.50 \text{ approx.}$$



Sketch - No scale

$$F_1 = R \sin M_2 = 4040 \sin 6^\circ 20' = 4040 \times .110 = 444 \text{ \#}$$

$$\text{resistance to sliding} = 4040 \times .50 = 2020 \text{ \#} > 444 \text{ \#}$$

In order to slide the coefficient of friction must drop to 0.10, which it could not do in a trench. ~~Could~~

C372

5

∴ pipe must pull apart and creep either because expansion coupler does not work, or because temperature thrust exceeds resistance to pipe sliding.

Design anchor block to stand $\frac{1}{2}$ thrust or pull due to temp change.

Total stress or thrust = $EC + TA$

(Page 42 "Elements of str. design" by Baker, and page 78 "Formulae for stress & strain" by Rank)

$$E = 30,000,000$$

$$CT = \text{Coefficient of steel expansion} = .0000065$$

$T =$ Temp. change. Assume 30° each way, and design uniform block to with stand either 30° thrust or 30° pull, or a total of 60° .

$$A = \text{X-sectional Area of pipe} = \pi(R^2 - R_0^2)$$

$$R^2 - R_0^2 = 4$$

$$R_0 = 2 - .0747 = 1.925$$

$$R_0^2 = 1.925^2 = 3.70$$

$$A = 3.1416 (4 - 3.70) = 3.1416 \times .30 = 0.943$$

$$P = 30,000,000 \times .0000065 \times 30 \times 0.943$$

$$= 195 \times 28.30 = 5530$$

Assume uniform section with $\frac{1}{2}$ of thrust or pull transmitted to anchor, and $\frac{1}{2}$ to dresser coupler.

Design $P = \frac{1}{2} \times 5530 = 2765 \#$

None To Coupler

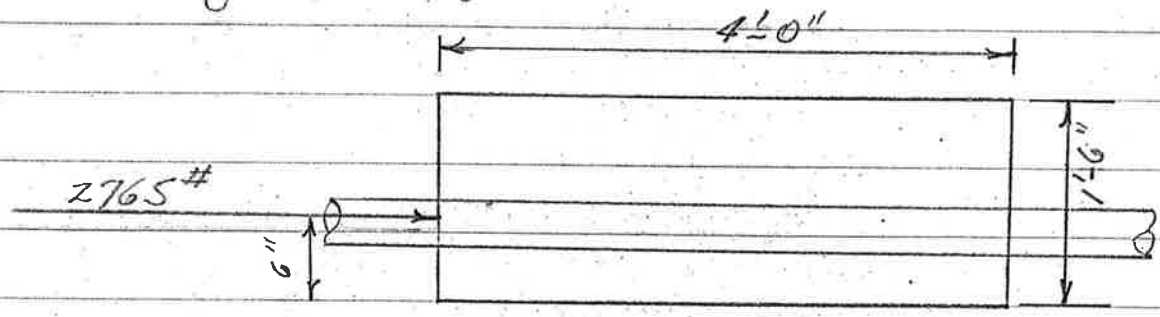
Possible failure of anchor

- (a) Tendency to Overturn
- (b) Slide
- (c) Crush toe
- (d) Shear
- (e) Pipe slip through block

See page 342 welded steel pipe line also page 252 Fig 63

Assume section

height = 1.5 ft.
width = 3.0 ft.
length = 4.0 ft.



Side view - sketch

⑦

Moment of thrust about Toe = $2765 \times 0.5 = 1400'$

Weight of anchor = $1.5 \times 3 \times 4 \times 150 = 2700'$

Moment of anchor weight = $2700 \times 2 = 5400'$

Moment of resultant = $5400 - 1400 = 4000'$

Distance from toe to where resultant cuts base = $\frac{4000'}{2700} = 1.48'$

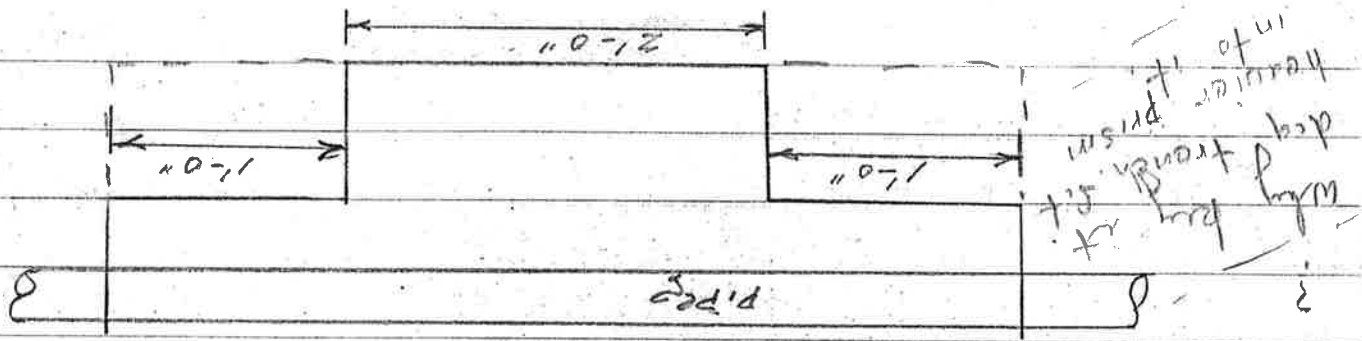
Distance to middle 3rd = $\frac{4.0}{3} = 1.33 < 1.48$ O.K.

Sliding
Force tending to slide = $2765'$

Coef. of friction of masonry on moist clay = 0.33

Weight of str. = $2700'$
Force resisting slide = $2700 \times .33 = 890' < 2765'$

It will be necessary to key base as:



Crush toe

$$\text{pressure at toe} = S_1 = \frac{RV}{d} \left(1 + \frac{6e}{d}\right)$$

$$RV = 2700 \# \quad d = 4.0' \quad e = \frac{4}{2} - 1.48 = 2 - 1.48 = 0.52$$

$$S_1 = \frac{2700}{4} \left(1 + \frac{6 \times 0.52}{4}\right) = 675 \times 1.78 = 1200 \#/\text{ft}'$$

which is much less than allow. $2000 \#/\text{ft}'$ for soft clay.

Shear

$$\text{Force causing shear} = 2765 \#$$

$$\text{Area resisting shear} = 3 \times 4 = 12 \text{ ft}^2 = 12 \times 12 = 144 \text{ ft}^2$$

$$\text{shearing unit stress} = \frac{2765}{144} = 19 \#/\text{ft}^2$$

which is much less than $60 \#/\text{ft}^2$ allowed for $2000 \#$ non-reinforced concrete.

⑨

Open Shipping Through Block

Actual Allow = $\frac{\text{Total Allow}}{V} = \frac{0}{V}$

pipe should be cleaned of tar to "detector" bond required.

$V = 2765$

$O = \pi d L = 3.1416 \times 4 \times 48 = 604$

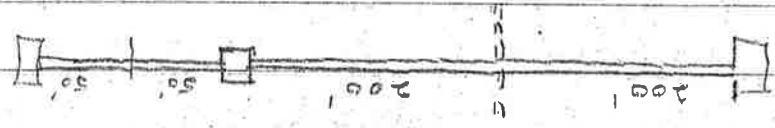
$N = \frac{2765}{4.6 \text{ #/ft}} = 604$

This is much less than 90 #/ft allowed for plain bare with endarmet hook.

12/13/55
HJB

Looks OK to me

In computing expansion if 1/2 the length of the coupler is allowed then



-6+3.11

Expansion = $200 \times 1.7 \times .000065 \times (52+40) = 2400 \times 92 \times .000065 = 145$ (over)

The expansion was computed for temperature changes of 92 deg F. 52 above (Temp water) to 40 below (minimum in blockfoot area) This is true if pipe is exposed or improperly buried.

Under any snow cover buried pipe will seldom get much colder than 132° F in the trench no warmer than + 80° - so expansion in 200' would be

$$E = f \times L \times C E = 48 \times 200 \times 12 \times .0000065 = 0.75"$$

Under these conditions maximum expansion would be 1" for 260' or 1.12" for 300'. So spacers could be 500 to 600 feet apart with anchors at ends and midway between expansion joints. If water is running in pipe continuously no expansion will take place if water is of uniform temperature.

RIGHT OF WAY DEED

KNOW ALL MEN BY THESE PRESENTS, that William Conlin and Ada J. Conlin, husband and wife, and Roy J. Dygert, also known as R. J. Dygert, and Eva I. Dygert, husband and wife, of the County of Caribou, State of Idaho, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, lawful money of the United States of America, and other valuable consideration, to them in hand paid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto Monsanto Chemical Company, a Corporation, as and for a right of way for a haulage road, the following described parcel of land, situated in the County of Caribou, State of Idaho, to-wit:

Commencing at a point in a fence, which is North 1821 feet and East 3960 feet from the southwest corner of section 14, Township 7 South, Range 42 East of the Boise Meridian; thence south $62^{\circ}32'$ west 1883.47 feet to the P.S. of a curve Left; thence 679.16 feet on an $8^{\circ}00'$ curve with 200 foot spirals on each end to the P.T. of the curve; thence south $24^{\circ}18'$ west 932.30 feet to the P.S. of a curve Left; thence 600.00 feet on a $4^{\circ}00'$ curve with 200 foot spirals on each end to the P.T. of the curve; thence south $8^{\circ}18'$ west 250.87 feet to the P.S. of a curve Left; thence 568.96 feet on an $8^{\circ}21'$ curve with 200 foot spirals on each end to the P.T. of the curve; thence south $22^{\circ}31'$ East 264.79 feet to the P.S. of a curve Right; thence 610.05 feet on a $7^{\circ}23'$ curve with 200 foot spirals on each end to the P.T. of the curve; thence south $7^{\circ}45'30''$ west 490.44 feet to the P.S. of a curve left; thence 880.50 feet on a $3^{\circ}00'$ curve with a 200 foot spiral on the northerly end to a point, in a fence, which is south 3960 feet and East 1369.4 feet from the southwest corner of Section 14, Township 7 South, Range 42 East of the Boise Meridian.

The right-of-way is a parcel of land extending 50 feet on each side of the above described centerline for a linear distance of 4600.54 feet except that portion starting at a point on the centerline, which is North 530 feet and East 1749 feet from the southwest corner of section 14, Township 7 South, Range 42 East of the Boise Meridian; and following the centerline a linear distance of 2500 feet to a point on the centerline which is south 1830 feet and East 1297 feet from the southwest corner of section 14, Township 7 South, Range 42 East of the Boise Meridian; where the right-of-way is a parcel of land extending 75 feet on each side of the above described centerline. The total linear distance through this property is 7160.54 feet and right-of-way contains 19.31 acres.

Monsanto Chemical Company, a corporation, shall erect and maintain a lawful barbed wire fence on each side of the tract of ~~land~~ ^{land} and ~~during~~ ^{after} construction and thereafter. Said fence will consist of 26 inches of wire netting and 2 strands of barbed wire.

Monsanto Chemical Company, a corporation, will install a 17 foot by 17 foot square clearance underpass under said haulage road in the Northeast one-quarter of the Northwest one-quarter (NE 1/4 NW 1/4) of section 23, Township 7 South, Range 42 E.B.M. Also a 24 inch diameter culvert for grantors' water main. Also an equipment crossing over the haulage road; also a dirt access road paralleling the haulage road in section 14 and 23, T 7 S, R42 E.B.M.

TO HAVE AND TO HOLD, the above mentioned and described premises unto Monsanto Chemical Company, a corporation, for the purpose of a haulage road, so long as the same may be needed for such purposes; that the above described property will revert to the abutting land owner if and when this road is abandoned; that Monsanto Chemical Company, a corporation, alone shall determine when it has abandoned said road and said road shall not be deemed abandoned until Monsanto Chemical Company, a corporation, shall notify William Conlin and Ada J. Conlin, husband and wife, and Roy J. Dygert, also known as R. J. Dygert, and Eva I. Dygert, husband and wife, of their successors in interest, in writing of its abandonment of said road.

WITNESS the hands and seals of the grantors herein, this 11th day of September, 1958.

William Conlin

STATE OF IDAHO)
COUNTY OF CARIBOU)

On this 11th day of Sept., 1958, before me, the undersigned, a Notary Public, in and for said county and state, personally appeared William Conlin and Ada J. Conlin, husband and wife, of Soda Springs, County of Caribou, State of Idaho, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my of-

TO HAVE AND TO HOLD, the above mentioned and described premises unto Monsanto Chemical Company, a Corporation, for the purpose of a haulage road, so long as the same may be needed for such purposes; that the above described property will revert to the abutting land owner if and when this road is abandoned; that Monsanto Chemical Company, a Corporation, alone shall determine when it has abandoned said road and said road shall not be deemed abandoned until Monsanto Chemical Company, a Corporation, shall notify William Conlin and Ada J. Conlin, husband and wife, and Roy J. Dygert, also known as R. J. Dygert, and Eva L. Dygert, husband and wife, of their successors in interest, in writing of its abandonment of said road.

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On this 11th day of Sept., 1958, before me, the undersigned, a Notary Public, in and for said county and state, personally appeared William Conlin and Ada J. Conlin, husband and wife, of Soda Springs, County of Caribou, State of Idaho, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

(seal)
Commission Expires: 4-10-61

[Signature]
Notary Public
Residence: Soda Springs, Idaho

OPTION CONTRACT

For and in consideration of Seventeen Hundred Forty-Six and 90/100 Dollars (\$1746.90), paid to Roy J. Dygert, also known as William Conlin and Ada J Conlin R.J. Dygert, and Eva I. Dygert, his wife, FIRST PARTIES, by Monsanto Chemical Company, a Delaware Corporation, SECOND PARTY, receipt of which is hereby acknowledged, FIRST PARTIES hereby grant SECOND PARTY the following rights:

FIRST:

The right for SECOND PARTY, its agents and contractors to enter upon and conduct all surveys and explorations necessary to locate a private highway over and across the land located in Caribou County, Idaho, described as follows:

In T7S, R 42 E, Boise Meridian:
W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 14;
NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 23.

SECOND:

The exclusive option for SECOND PARTY to purchase a strip of land (a part of the above-described land) on either side of the centerline location set forth below described as follows:

Commencing at a point (A), on a fence line which is north 1860 feet and east 3960 feet from the SW corner of Sec. 14, T7S, R42E, B.M.; thence south westerly 80 feet on a 3°00' curve Rt. to a point (B) which is the P.T. of said curve; thence S 66° 16' W 1,460.77 feet to a point (C) which is the P.C. of a curve; thence 839.00 feet on a 5°00' curve Lt. to a point (D) which is the P.T. of said curve; thence S 24° 19' W 1,069.27 feet to a point (E) which is the P.C. of a curve; thence 805.00 feet on a 2°00' curve Lt. to a point (F) which is the P.T. of said curve; thence S 8° 13' W 142.83 feet to a point (G) which is the P.C. of a curve; thence 560.00 feet on a 5°30' curve Lt. to a point (H) which is the P.T. of said curve; thence S 22° 35' E 267.88 feet to a point (I) which is the P.C. of a curve; thence 605.83 feet on a 5°00' curve Rt. to a point (J) which is the P.T. of said curve; thence S 7° 42'30" W 893.66 feet to a point (K) which is the P.C. of a curve; thence 482 feet on a 3°30' curve Lt. to a point (L), on the curve and a fence line, which is south 3,960 feet and east 1,290 feet from the SW corner of Sec. 14, T7S, R42E, B.M.

defects in the title of which they are given written notice.

- C) The sale shall be closed at the offices of the Caribou County Abstract Company, Soda Springs, Idaho, thirty (30) days after the date the option is exercised or on such prior date as the parties may agree. At such closing the general warranty deed and possession shall be delivered to SECOND PARTY and that portion of the purchase price called for by paragraph A paid to FIRST PARTIES.

THIRD:

In the event SECOND PARTY exercises its option, the SECOND PARTY shall erect a lawful wire fence along the property line of the above described strips of land before construction of the haulage road is begun. Said fence will consist of 26" of wire netting and 2 strands of barbed wire. SECOND PARTY, hereby agrees that they will maintain and keep the fence in good repair after its completion. SECOND PARTY agrees to install a suitable ^{equipment w/c} ~~equipped~~ under-pass at approximately where SECOND PARTIES' road intersects the existing road between FIRST PARTIES' house and East field; said under-pass to be 17' wide and 17' high, square clearance. SECOND PARTY agrees to provide an ^{equipment w/c} ~~equipped~~ crossing ^{over w/c} ~~under~~ SECOND PARTIES road at approximately the NW corner of the SW one quarter of the SE one-quarter of Section 14, township 7S, Range 42, East of the Boise Meridian. SECOND PARTY agrees to install a 24" diameter culvert enclosing FIRST PARTIES water line where water line passes, or will pass under SECOND PARTIES road. SECOND PARTY agrees to build at or before the time of construction of its haulage road a dirt access road like the FIRST PARTIES existing dirt road, which will parallel and be on the West side of the FIRST PARTIES haulage road in Section

subject to the condition that the property will revert to the
abutting land owner if and when this road is ~~abandoned~~^{abandoned}; that
the SECOND PARTY alone shall determine when it has ~~abandoned~~^{abandoned}
said road and said road shall not be deemed ~~abandoned~~^{abandoned} until
the SECOND PARTY shall notify the FIRST PARTY or the succes-
sors in interest, in writing of its abandonment of said road.

In the event SECOND PARTY does not exercise the option to
purchase, granted it under this contract within the time limit
specified, FIRST PARTY shall be entitled to retain the amount
received for above by FIRST PARTIES free and clear of any claims
by SECOND PARTY.

This agreement shall be and is binding upon the heirs,
administrators, executors, successors and assignees of all
parties hereto.

IN WITNESS WHEREOF, this Option Contract has been executed
as of this 9th day of June, 1958.

SECOND PARTY

MONSANTO CHEMICAL COMPANY

BY: Wallace P. Dumbals
TITLE: Production Superintendent

FIRST PARTIES

William Conlin
Ada J. Conlin
R. J. Dygent
Eva J. Dygent

CROPLAND

DRY CROPLAND

<u>Conservation Cropping System</u>	<u>Fields 1-4</u>	<u>623 Acres</u>
-------------------------------------	-------------------	------------------

Fields 1-4 are cropped on a 2 year rotation consisting of 1 year grain and 1 year fallow.

IRRIGATED CROPLAND

<u>Hayland Renovation</u>	<u>Fields 5, 11-13</u>	<u>49 Acres</u>
---------------------------	------------------------	-----------------

The above field will be in hay until production decreases. Then 1 year of grain will be grown to prepare a good seedbed.

<u>Crop Residue Use</u>	<u>Fields 1-5 & 11-13</u>	<u>672 Acres</u>
-------------------------	-------------------------------	------------------

All crop residues will be incorporated into the soil.

FARM IRRIGATION SYSTEM

The water for field 5 originates from a spring in field 8. The water for fields 11-13 originates in the northeast corner of field 2.

<u>Sprinkler Irrigation System</u>	<u>Fields 5, 11-13</u>	<u>2 No.</u>
------------------------------------	------------------------	--------------

A gravity sprinkler has been installed in field No. 5. Fields 11-13 are also sprinkler irrigated.

<u>Irrigation Water Management</u>	<u>Fields 5 & 11-13</u>	<u>49 Acres</u>
------------------------------------	-----------------------------	-----------------

The above fields will be irrigated when the available moisture in the root zone is reduced to approximately 50% of field capacity.

PASTURE LAND

<u>Pasture Planting</u>	<u>Field 8</u>	<u>130 Acres</u>
-------------------------	----------------	------------------

130 acres in field 8 was seeded to Brome and Alfalfa this spring.

<u>Proper Pasture Use</u>	<u>Field 8</u>	<u>130 Acres</u>
---------------------------	----------------	------------------

The pasture will be grazed so as to maintain good plant vigor.

RANGELAND

<u>Range Seeding</u>	<u>Field 6</u>	<u>87 Acres</u>
----------------------	----------------	-----------------



Prepared

SOIL and CAPABILITY MAP

UNITED STATES DEPARTMENT of AGRICULTURE

SOIL CONSERVATION SERVICE

cooperating with

Caribou S.C.D.

S.C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER

OPERATOR William Conlin

Caribou

COUNTY

Idaho
STATE

FARM NO. 7

DATE 8-1-56

SCALE

ACRES 1280

APPROXIMATE

PHOTO NO. 10 F - III

R 42-E

10/11
15/14

T
7
S

2M4
7E-1

III e 1

VII

40M4
45F-2

2M4
10D-1

III e 1

IV e 4

VII

2M4
21E-1

IV e 4

II c 1

II c 1

2M4
2B-1

III e 1

VI

40M4
28E-1

VI

40M4
25E-1

VI

40M4
28E-1

N

Bill Conlin
Soda Springs

June, 1964
1338 Acres

INTRODUCTION

This farm is divided into two units. One is located just south of Soda Springs and the other unit is located on the Blackfoot River. This is a diversified operation consisting of a farm flock and grain.

LAND RESOURCES

The attached soil and capability maps show the type of soil, percent of slope and degree of erosion present on your land. These factors have been considered in determining the land capability classes which are denoted by colors on the map. Also a brief description of each soil map legend is included in this plan.

CONSERVATION PLAN

<u>Field No.</u>	<u>Land Use</u>	<u>Acres</u>
Misc.		15
1	Dry Cropland	145
2	Dry Cropland	165
3	Dry Cropland	105
4	Dry Cropland	208
5	Irrigated Cropland	10
6	Rangeland	123
7	Rangeland	154
8	Rangeland	318
9	Rangeland	42
10	Pasture	15
11	Irrigated Cropland	14
12	Irrigated Cropland	15
13	Irrigated Cropland	10
	Total	1324

Misc.	15
Irrigated Cropland	49
Dry Cropland	623
Rangeland	637
	<u>1324</u>

SOIL DESCRIPTIONS

Bill Conlin

Soil
Slope and erosion = Capability

Class I soil is the very best soil with Class VIII soil being the worst. Class I to IV soil can be cultivated and Class V to VIII are used for range and wildlife. There are four subclasses to each class. They are e-erosion, w-wetness, s-soil condition and c-climatic condition. E has the severest limitation and C the least. The most ideal soil would be Class I with no hazards.

Class IIIel (Red)

This unit includes medium textured soils having 4 to 8 percent slopes and loamy or silty clay subsoils. They have a useable root zone of more than 36" deep, and a water-holding capacity of approximately 2.1 inches per foot of depth. These soils have a permeability of 1.5 to 2.5 inches of water per hour. The soils in this unit have a 110 day growing season.

2M4
6C-1

2M4
7C-1

2M4
10D-1

IIcl (Yellow)

This soil is over 36 inches deep and has a medium textured surface soil. This soil has a water-holding capacity of 2.1 inches per foot of soil. The permeability ranges from .80 to 2.5 inches per hour. The soils in this unit have a 110 day growing season. The slope ranges from 0 to 2 percent.

2M4
2B-1

Class IVw37 (Blue)

This unit includes moderately fine textured soils with slopes of 0 to 4 percent. These soils have a useable root zone over 36 inches deep and a water-holding capacity of approximately 2.3 inches per foot of depth. They have a high organic matter content. The soils in this group have a water problem in the spring.

2M42
3B-1-W2

LAND CAPABILITY CLASSES

LAND SUITED FOR CULTIVATION

CLASS I

Best land for cultivated use. Deep soil, nearly level, little or no erosion, adapted to a wide variety of crops. No special difficulties in farming.

CLASS II

Good land for cultivation. Gentle slopes, usually moderately deep soil, or other minor problems. Frequently requires some moderate degree of protection from erosion or improvement of the drainage.

CLASS III

Moderately good land for cultivation. Usually gentle slopes but somewhat steeper than those in Class II; commonly shallow soils or with moderate to severe erosion. Some level land with poor drainage and with alkali in places. Needs special protection from erosion, waterlogging, or other hazards.

CLASS IV

Fairly good land. Suitable for occasional cultivation, usually not more than 1 year in 6. Best suited for hay or pasture, or for orchards and vineyards if protected by cover crops. Some Class IV land can be used for seasonal or other special crops under very careful management.

LAND NOT SUITED FOR CULTIVATION

CLASS V

Very well suited for grazing or forestry depending on climatic conditions. Has little or no physical limitation for such use and requires only good range or woodland management.

CLASS VI

Well suited for grazing or forestry. Characterized by steep slopes, susceptibility to erosion, shallow soils, alkali or other unfavorable conditions and requires more careful management than Class V land. Safely used for orchards or vineyards under permanent cover.

CLASS VII

Fairly well suited for grazing or forestry. Has major hazards or limitations such as: very steep slopes, shallow or droughty soils, excessive erosion, or severe alkali conditions. Requires very careful management.

CLASS VIII

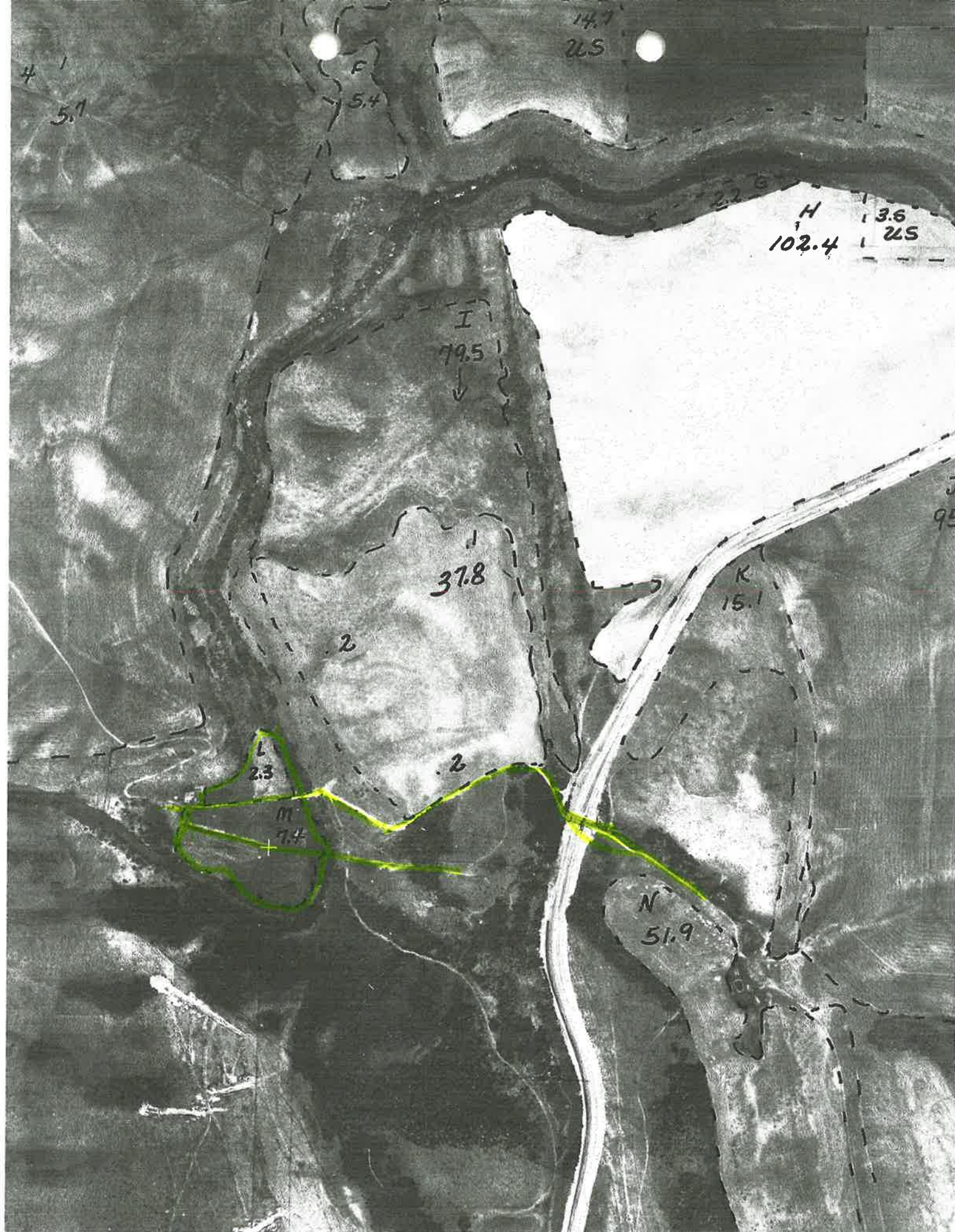
Land not suited for cultivation, grazing, or forestry, but may be used for wildlife, recreation, or as a source of water supply.

LAND CAPABILITY SUBCLASSES

- e: Shows water erosion hazard as the most serious problem. Slope is the main type; or stream overflow damage.
- w: Shows wetness of soil as the most serious continuing problem. May be caused by high water table, seepage, ponding.
- s: Shows that some characteristic of the soil itself is the most serious problem. Such features are: shallow effective depth, heavy or coarse texture, stoniness, plant nutrient deficiencies.
- c: Shows that the most serious problem is the climate. Such conditions are: frost pockets, short growing seasons, excessive rainfall.

Often two or more limitations apply equally to an area. Where this is so, the first factor on the list is shown as the governing one.

- IIc1** This soil is over 36 inches deep with a medium textured surface soil, usually a silt loam. This is underlain by a slightly heavier subsoil. The subsoil will not take water as readily as the surface soil. The slopes vary from 0 - 4 percent.
- IIe2 This soil is over 36 inches deep with a medium textured surface soil, usually a silt loam. This is underlain by a slightly heavier subsoil. The subsoil will not take water as readily as the surface soil. The slopes vary from 4 - 15 percent.
- IVe4 This soil is over 36 inches deep with a medium textured surface soil. This is underlain by a slightly heavier subsoil. The subsoil will not take water as readily as the surface soil. The slope varies from 15 - 30 percent.
- VI These soils are over 10 inches deep. They occur on slopes from 0 - 30 percent.
- VII These soils are over 10 inches deep. They occur on slopes from 30 - 60 percent.



6602 132

CB 5/5/03

7-18-70

1 2 1
3
2 2

1.4

2

1

Warranty Deed

THIS INDENTURE, Made this 15th day of June,
in the year of our Lord One Thousand Nine Hundred and 1915, between Ray J. Dygert,
sometimes known as R. J. Dygert, and Eda I. Dygert, his wife
of Boise Springs, County of Caribou, State of Idaho
the part 1st of the first part, and William Conlin

of Boise Springs, County of Caribou, State of Idaho
the part 2nd of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of
One hundred fifty-five thousand (155,000) DOLLARS,
lawful money of the United States of America, to us in hand paid by the said part 2nd of the second part, the receipt
whereof is hereby acknowledged

, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part 2nd
of the second part, and to their heirs and assigns forever: All that certain lot,
piece or parcel of land situate, lying and being in the County of Caribou State of Idaho, bounded
and more particularly described as follows, to-wit:
The West half of the North West quarter, the West half of the South West
quarter and the West half of Section 15; the North half of the North
West quarter of Section 22; all of Section 23 and the South half
of the South West quarter and the East half of the North West quarter;
and the South West quarter and the West half of the South West quarter
and that portion of the South half of the South West quarter of the
North West quarter, lying South of the center line of the Blackfoot
River in section 16 all in township 7 south of Range 42 East of
the Boise meridian in Idaho containing 1275 acres more or less.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and
the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident
unto the said part 2nd of the second part, and to his heirs and assigns forever. And the said parties of the
first part, and the said premises in the quiet and peaceable possession of the said part 2nd of the second part
his heirs and assigns against the said part 1st of the first part, and their heirs and against all and every
person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said part 1st of the first part have hereunto set their hands and seals
the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Ray J. Dygert [Seal]
Eda I. Dygert [Seal]
Eda I. Dygert [Seal]
[Seal]

TO: County FSA Office

I, William BALT CONLIN authorize any personnel of the Idaho Department of Water Resources full access to any and all aerial photos (maps) of ground that I own or lease.

Wm Balt Conlin

Name

5-5-2003

Date

Department of the Treasury



District Director

Internal Revenue Service

Date:

March 15, 1973

In reply refer to:

L-154, Code 422

- Estate of William F. Conlin
% Ada J. Conlin, Executrix
179 East 2nd South
Soda Springs, Idaho 83276

Estate of: William F. Conlin
Date of Death: October 15, 1971

ESTATE TAX CLOSING LETTER

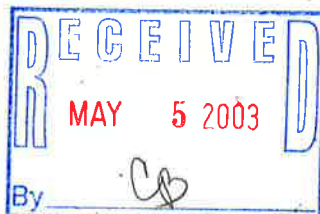
(This is not a bill for tax due)

The computation at the bottom of this letter shows the Internal Revenue Service's determination of the Federal estate tax liability for the estate named above. You should keep a copy of this letter as a permanent record, since your attorney may need it to close the probate proceedings for the estate. It, together with proof of payment, is evidence that the Federal estate tax liability for the estate has been settled.

Sincerely yours,

District Director

Gross estate tax.....	\$	3,805.31
Less credits allowed:		
State death taxes.....	\$	_____
Federal gift tax.....	_____	
Tax on prior transfers.....	_____	
Foreign death taxes.....	_____	
Total credits.....	\$	3,805.31
Net estate tax.....	\$	_____
Penalties, if any.....	\$	_____



Estate of: **William F. Conlin****SCHEDULE F—Other Miscellaneous Property**

(For jointly owned property which must be disclosed on Schedule E, see Instructions for Schedule E.)

	Yes	No
1 Did the decedent, at the time of his death, own any interest in a copartnership or unincorporated business? If "Yes," state business name and address.		
William F. Conlin Farm - See items 3 and 4 Schedule A and Farm Machinery below	X	
2 Did the decedent, at the time of his death, own any articles or collections having either artistic or intrinsic value, such as jewelry, furs, paintings, antiques, rare books, coins or stamps? If "Yes," full details must be submitted under this schedule.		X
3 Was there any insurance which the decedent owned on the life of another which is not included in the return as a part of the gross estate? If "Yes," full details must be submitted under this schedule.		X
4 Has the decedent's estate, his spouse, or any other person, received (or will receive) any bonus or award as a result of the decedent's employment or his death? If "Yes," full details must be submitted under this schedule.		X
5 Did the decedent at the time of his death have a safe deposit box? If "Yes," state location, and if held in joint names of himself and another, state name and relationship of joint depositor. Idaho First National Bank Ada J. Conlin - wife Soda Springs, Idaho	X	
If any of the contents of the safe deposit box are omitted from the schedules in this return, explain fully why omitted. Miscellaneous papers of no value		
6 Did the decedent, at the time of his death, own any other miscellaneous property not reportable under any other schedule?	X	

Item number	Description	Alternate valuation date	Alternate value	Value at date of death
1	1969 Plymouth Fury III automobile		\$	\$ 1,500.00
2	1964 Plymouth Belvedere automobile			200.00
3	1966 International Pickup			750.00
4	1 Massey F 1130 tractor and loader			8,000.00
5	1 Massey F 410 combine			8,000.00
6	1/2 mile 4" sprinkler pipe			400.00
7	400 feet 6" sprinkler aluminum mainline			200.00
8	1 Electric motor for sprinkler system			400.00
9	1 Chain saw			50.00
10	1 Concrete headgate			100.00
11	1 Concrete spring box			100.00
12	3 Metal grainaries			750.00
13	1 Large Metal Grainary			8,500.00
14	Water line from spring			1,000.00
15	6 gas tanks			150.00
16	Fences 6 1/8 miles			1,500.00
17	Hand tools			400.00
18	Welding Equipment			100.00
19	5 Heavy Harrows			100.00
20	5 Light Harrows			100.00
21	1 Spring tooth harrow			25.00
22	2 Diggers			400.00
23	2 Drills			2,500.00
24	2 Bottom John Deere moldboard plow			450.00
	Total from Continuation Schedule			29,308.24
	Less community one half of above			(32,491.62)
TOTAL (Also enter under the Recapitulation, page 3.)				\$ 32,491.62

(If more space is needed, insert additional sheets of same size)



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Wm. Bart Conlin Inc.
P.O. Box 753
Soda Springs, Idaho 83276

April 23, 2003

Re: Evidence of Priority

Claim No.(s) A27-04020

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 27. The Notice(s) of Claim identified with the number shown above, has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have enclosed the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible.

.....
The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by May 23, 2003, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

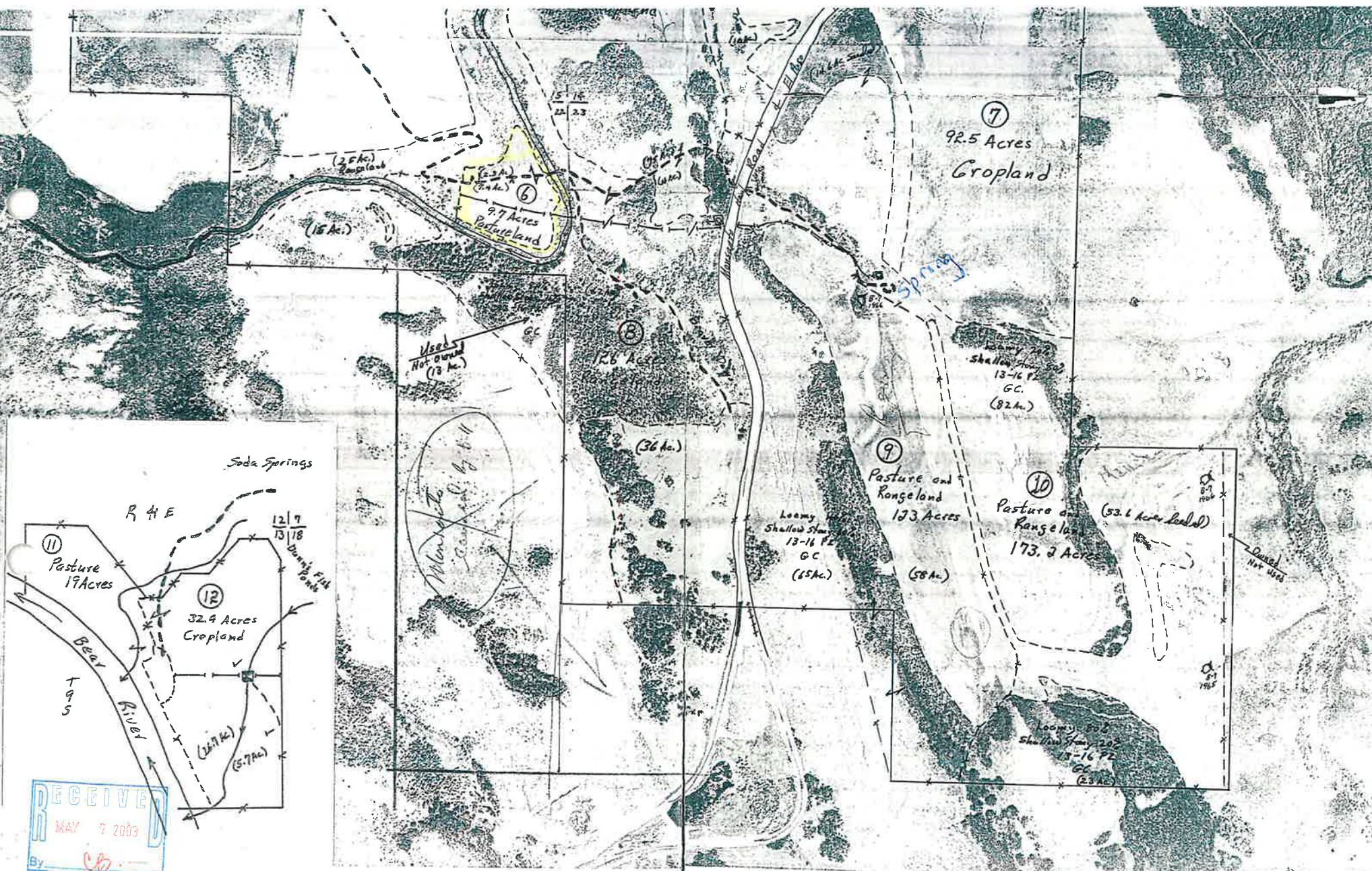
Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Adjudication Claim Report

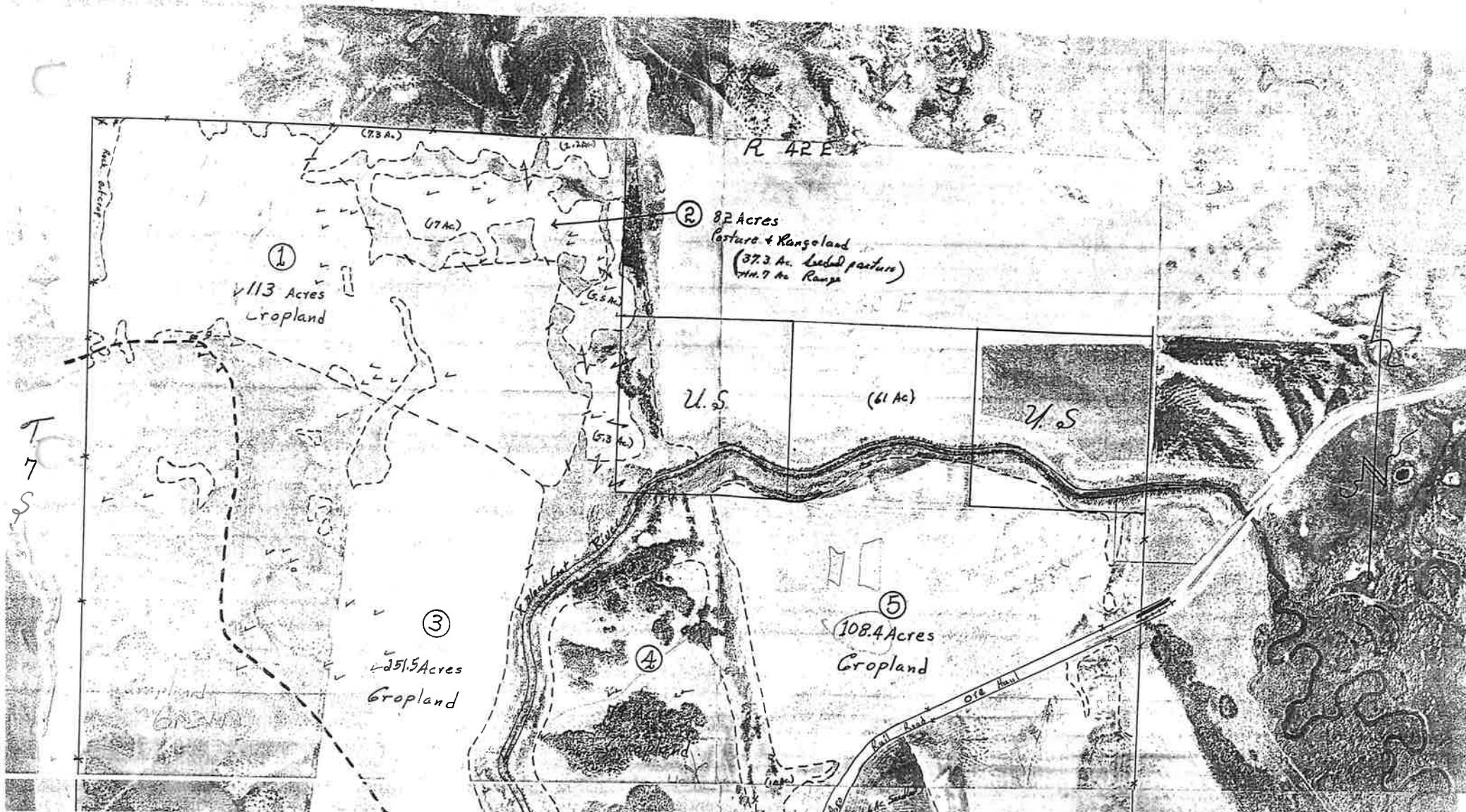
4/28/03 Mon. 4:38pm. Bart Conlin left a message on the cell phone. Re: Evidence of priority. Doesn't feel he needs to provide evidence because the spring sinks and doesn't reach the river. 547-4258.

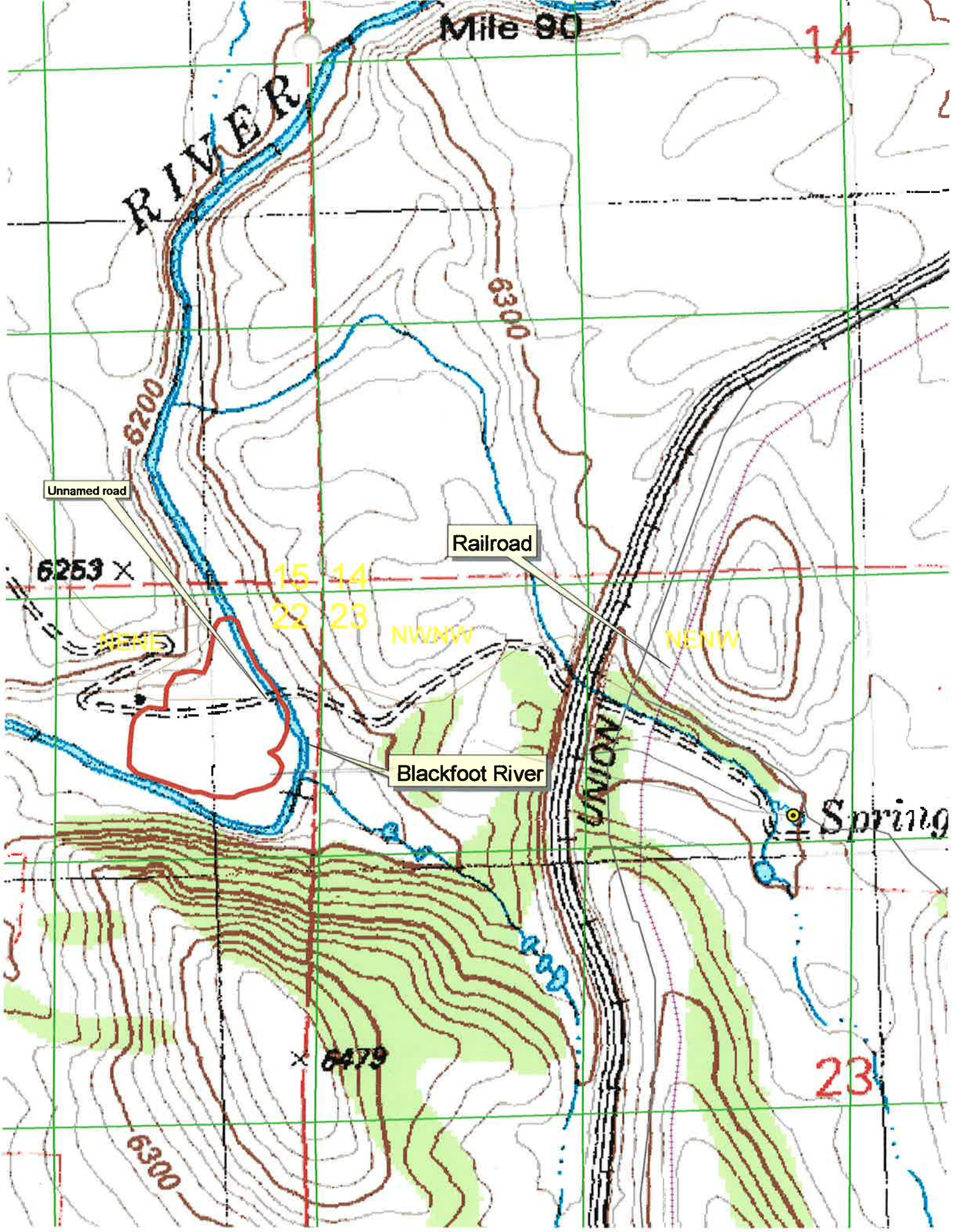
4/29/03 10:45am called back on left a message that he does need to provide evidence for the purpose claimed and the evidence picture explains what evidence is acceptable.



Prepared by UNITED STATES DEPARTMENT of AGRICULTURE * SOIL CONSERVATION SERVICE
 cooperating with
 Caribou Soil and Water Conservation District
 William (Bill) Conlin
 Caribou Idaho
 FARM NO. DATE 12-6-1968
 SCALE 8" = 1 mile ACRES 1340
 PHOTO NO. CXP-100-222

500
115
2310
14
135
225





Mile 90

14

RIVER

6300

6200

Unnamed road

Railroad

6253 X

15 14
22 23

SENE

NWNW

NENW

Blackfoot River

Union

Spring

X 6479

23

6300

2002 Imagery

Unnamed road

Railroad

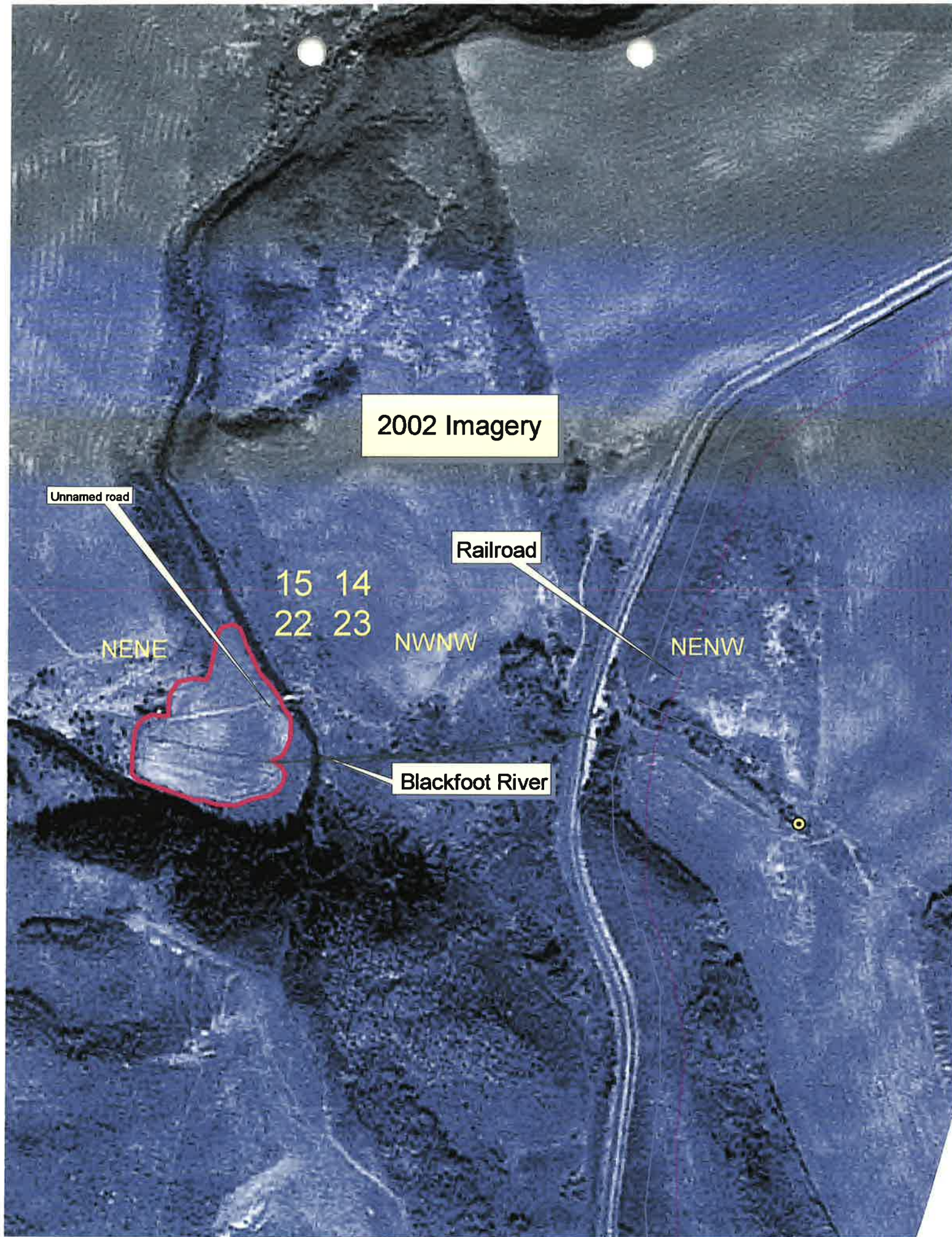
NENE

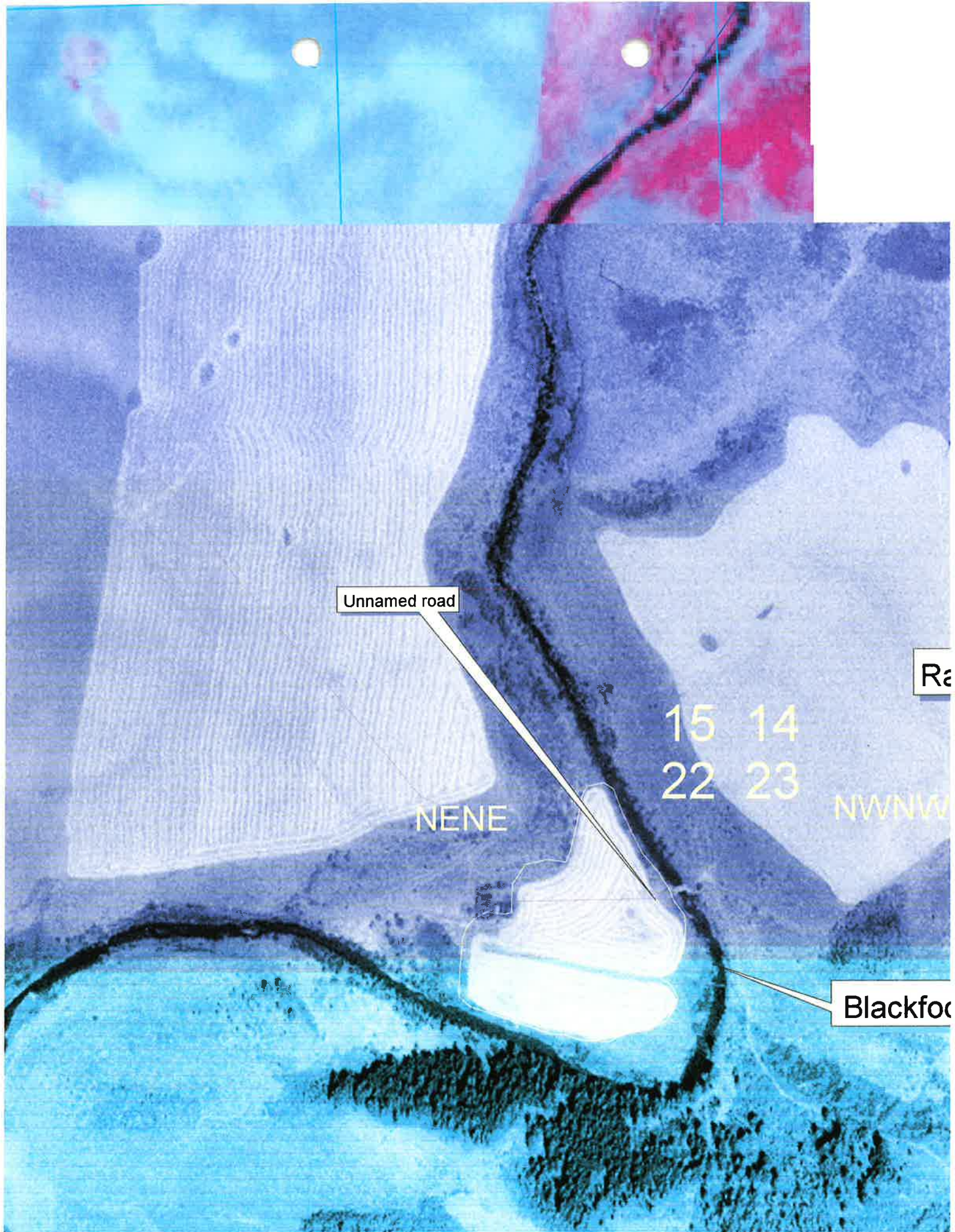
15 14
22 23

NWWNW

NENW

Blackfoot River





1992 imagery.

Unnamed road

1964

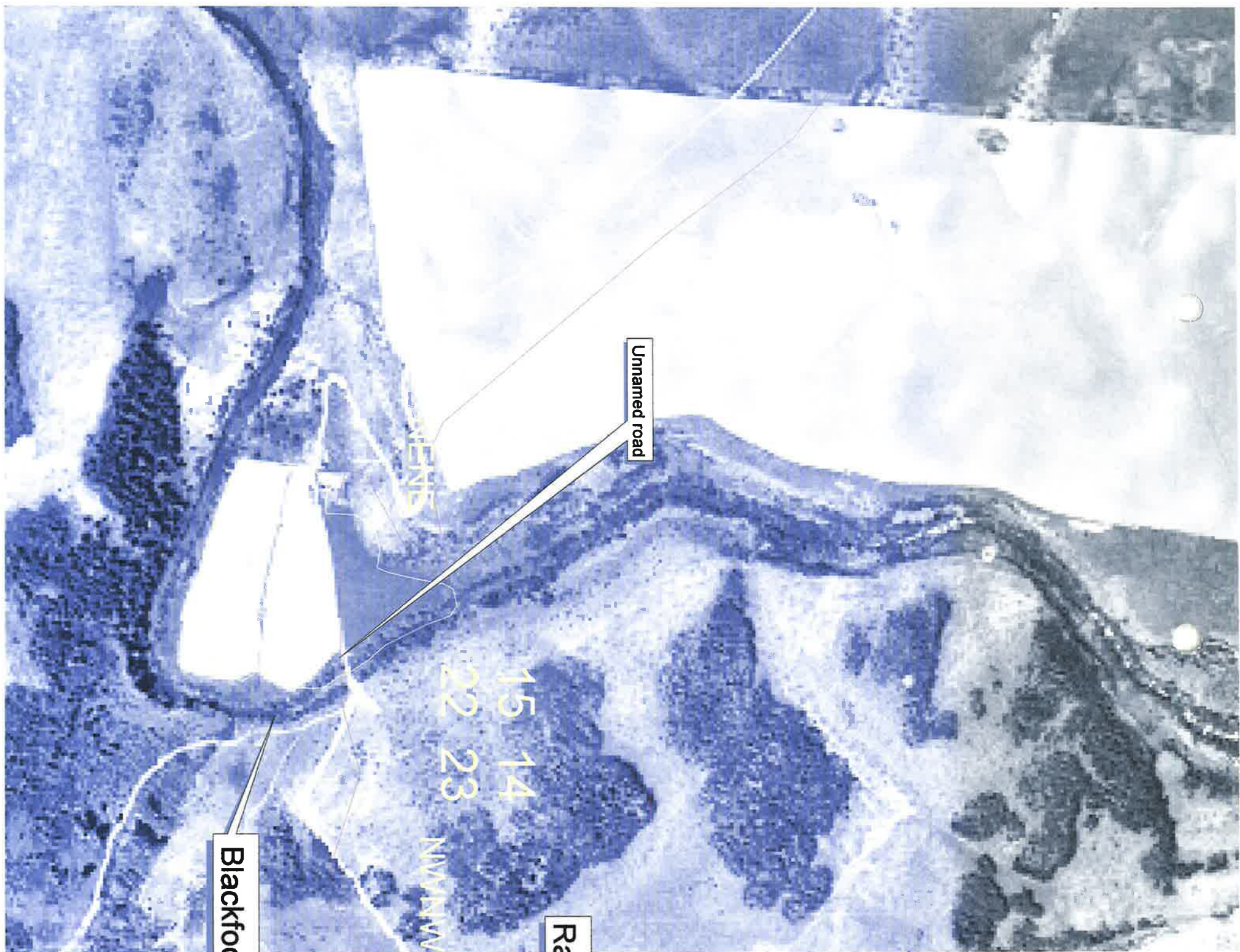
15 14
22 23

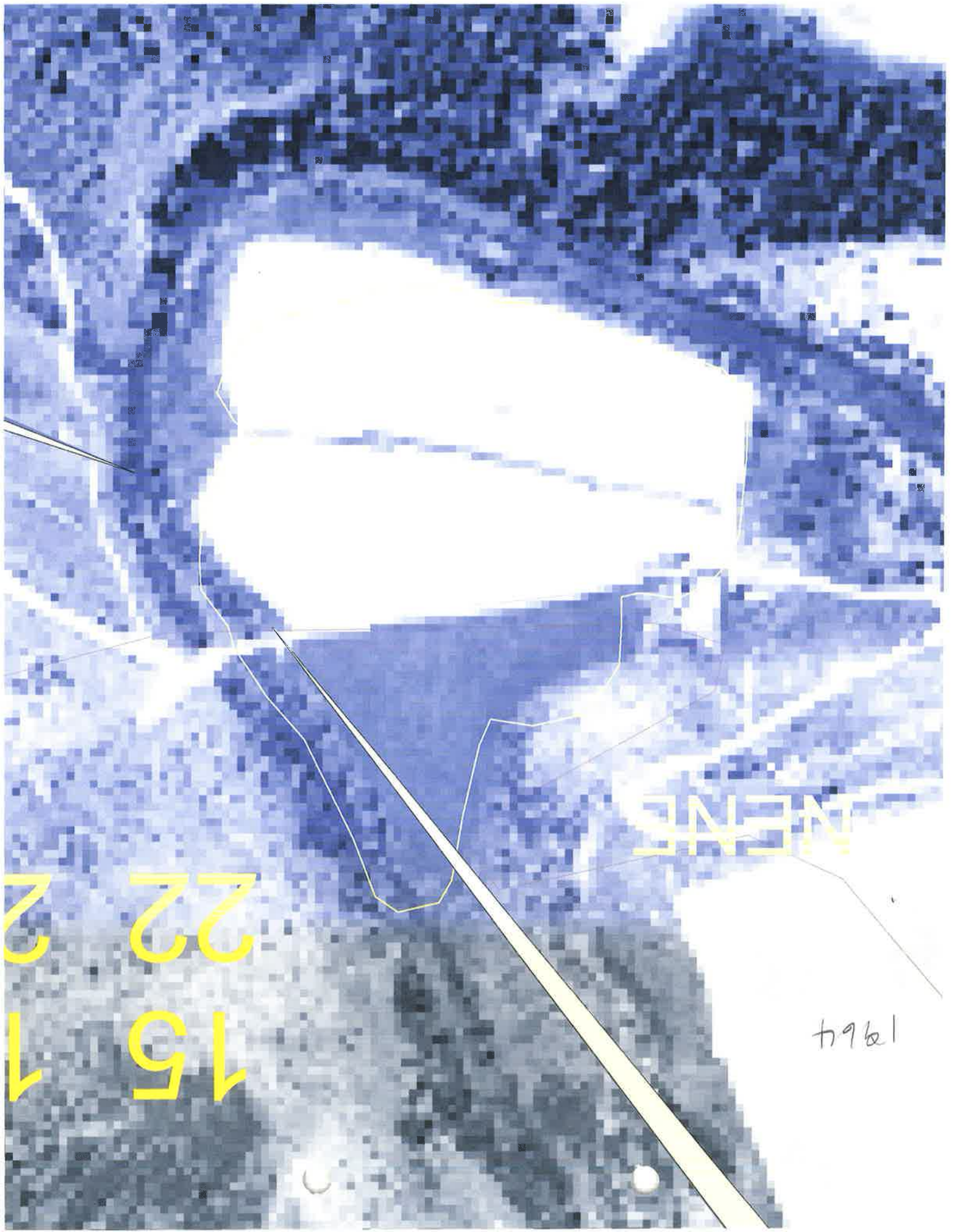
NW1/4

Re

Blackfoot

1964 imagery



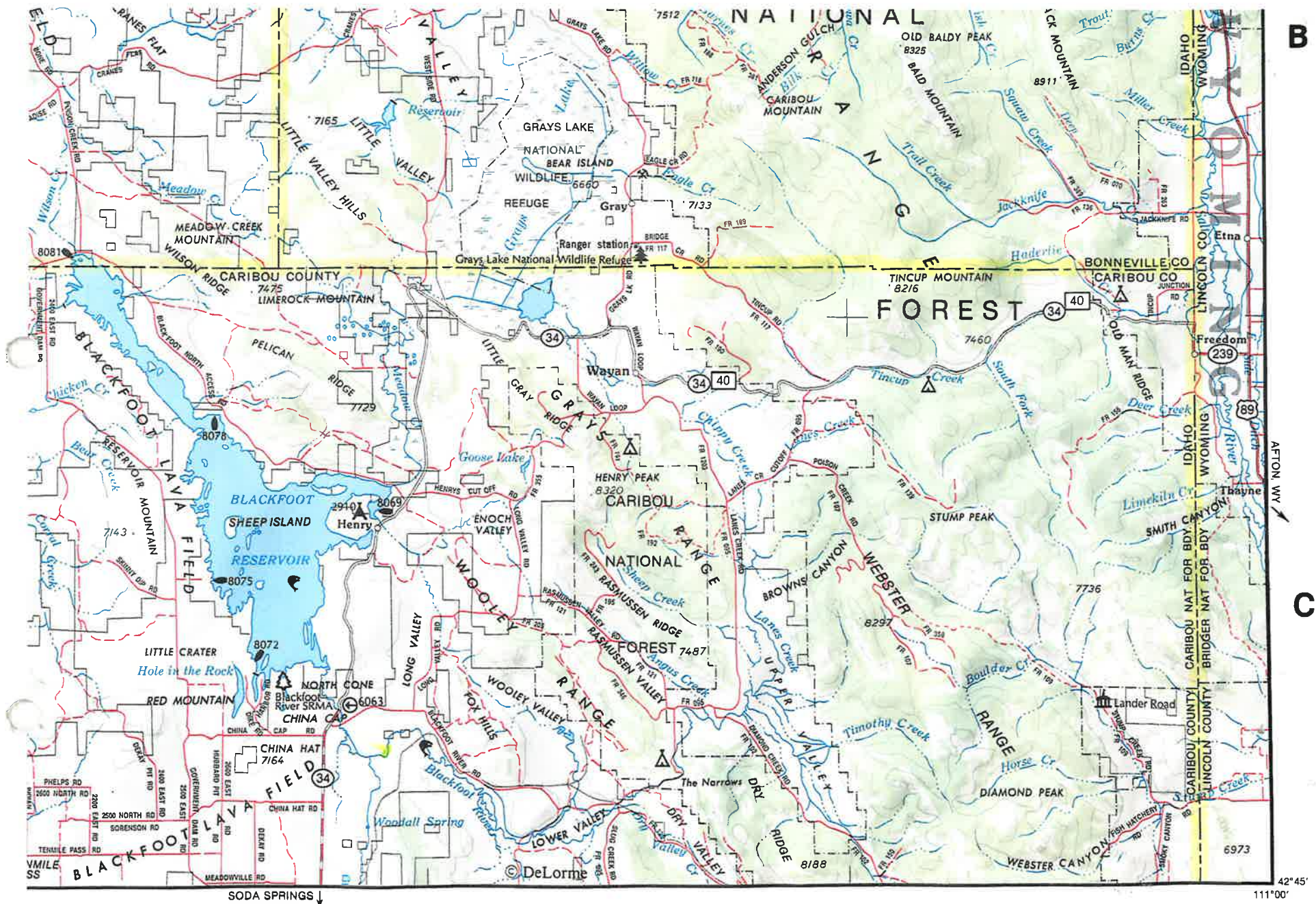


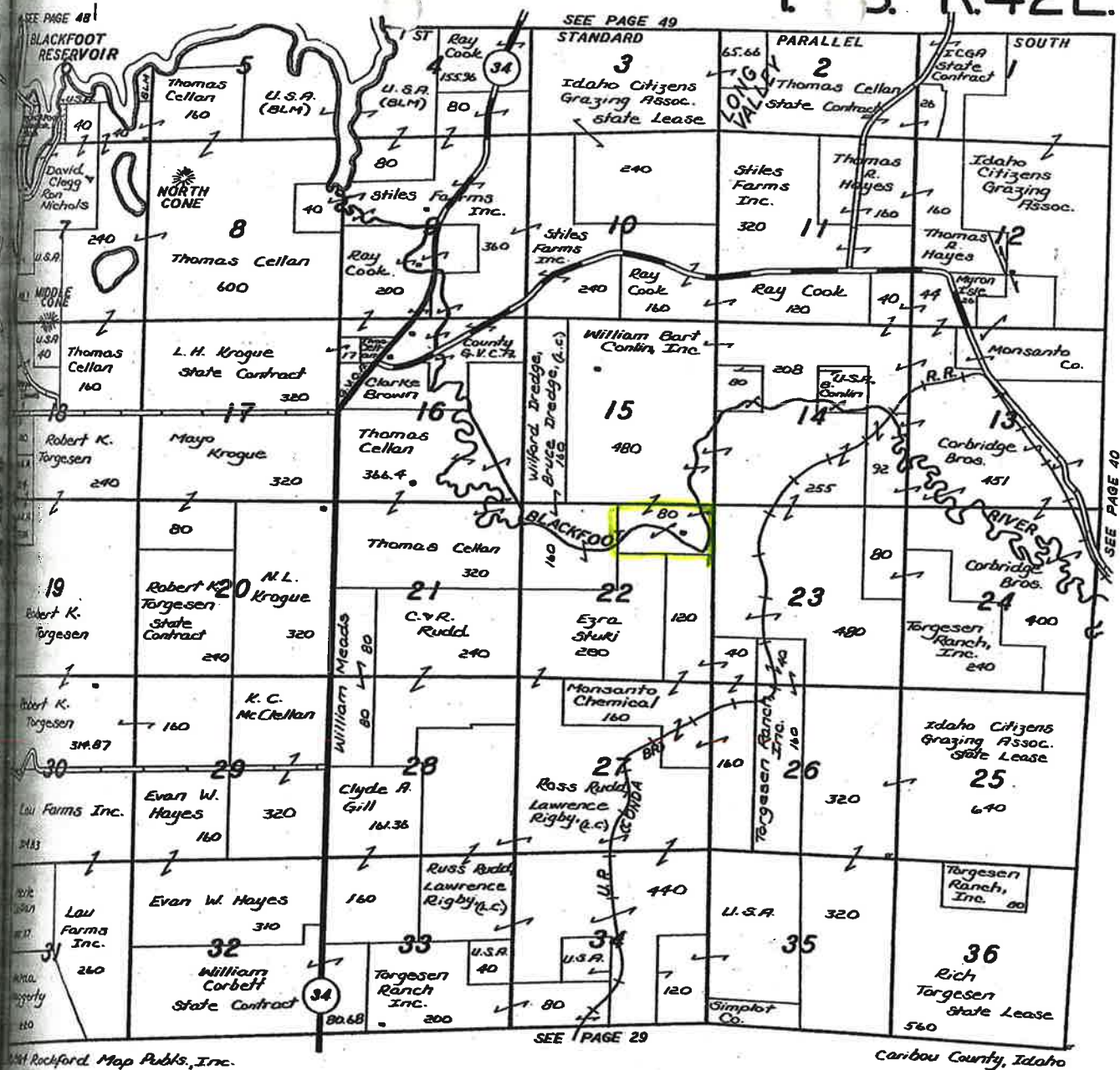
NENTS

15 22 2

1964

This is a black and white aerial photograph of a desert landscape, likely in the Grand Canyon region. The image shows a winding road, several small settlements or camps, and a large, irregularly shaped area outlined in black. The terrain is rugged and hilly, with some areas appearing to be covered in vegetation or scrub. The photograph is oriented horizontally, with the road running from the top left towards the bottom right. The black outline is located in the lower right quadrant of the image.





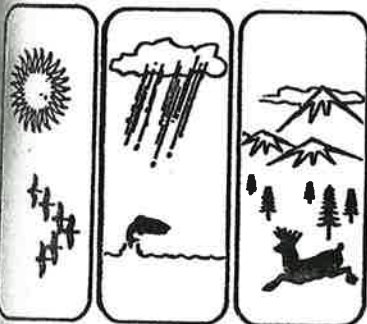
DRAVO-SODA SPRINGS

GENERAL CONTRACTORS FOR
HEAVY CONSTRUCTION AND MINING

Clean Air, Clean Water, The Good Land...
Idaho Was Blessed With All Three From The Beginning.
We're Doing Our Part To See That It Stays That Way.
GARY CRAIG — PROJECT MANAGER

PHONE: 547-4332

SODA SPRINGS, IDAHO



JUL 16 2001

Log for claim 27-04020

Spatial Dynamics LTD

12/4/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s42e	22	NENE	10	12	
Totals:			10	12	

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM BART CONLIN INC BOX 753 SODA SPRINGS ID 83276 (208) 547-4258	05/01/1955	IRRIGATION STOCKWATER DOMESTIC	06-01 09-01 01-01 12-31 05-01 11-01	2.500 CFS 0.020 CFS 0.040 CFS	
TOTAL DIVERSION:					2.540 CFS	
CONSUMPTIVE USE:						25.00 AFA

Water Source: GARDNER SPRING

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T07S R42E S23

NENW

CARIBOU County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		SUM
07S	42E	22	:	10	:	:	:	:	:	:	:	:	:	:	:	10.0
TOTAL ACRES															10.0	

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		
07S	42E	22	:	S	:	:	:	:	:	:	:	:	:	:	:	

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		
07S	42E	22	:	D	:	:	:	:	:	:	:	:	:	:	:	

POU County: CARIBOU

Non-Irrigation Uses: S/50 RANGE D/1 HOUSE.

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 27

Field Inspection Flag:

Presumption Flag:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Wm. Bart Conlin Inc.

(Name of Claimant)

P. O. Box 753, Soda Springs, ID 83276

(Mailing Address)

(Zip Code)

Telephone No. 547-4258

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 5/01/1955

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Gardiner Spring tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	
Quantity	<u>2.5 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>6/1</u>	To <u>9/1</u>
Quantity	<u>.04 cfs</u>	Use <u>domestic</u>	Period of Use From <u>5/1</u>	To <u>11/1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 2.54 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE ¼ NW ¼, Sec. 23 Twp. 7S Rge. 42E B.M., County of Caribou

Additional points of diversion: none

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Boxed in spring, gravity flow, 4" pipeline approx. ½ mile long.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	42E	22	10																10

No. of acres 10

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
domestic

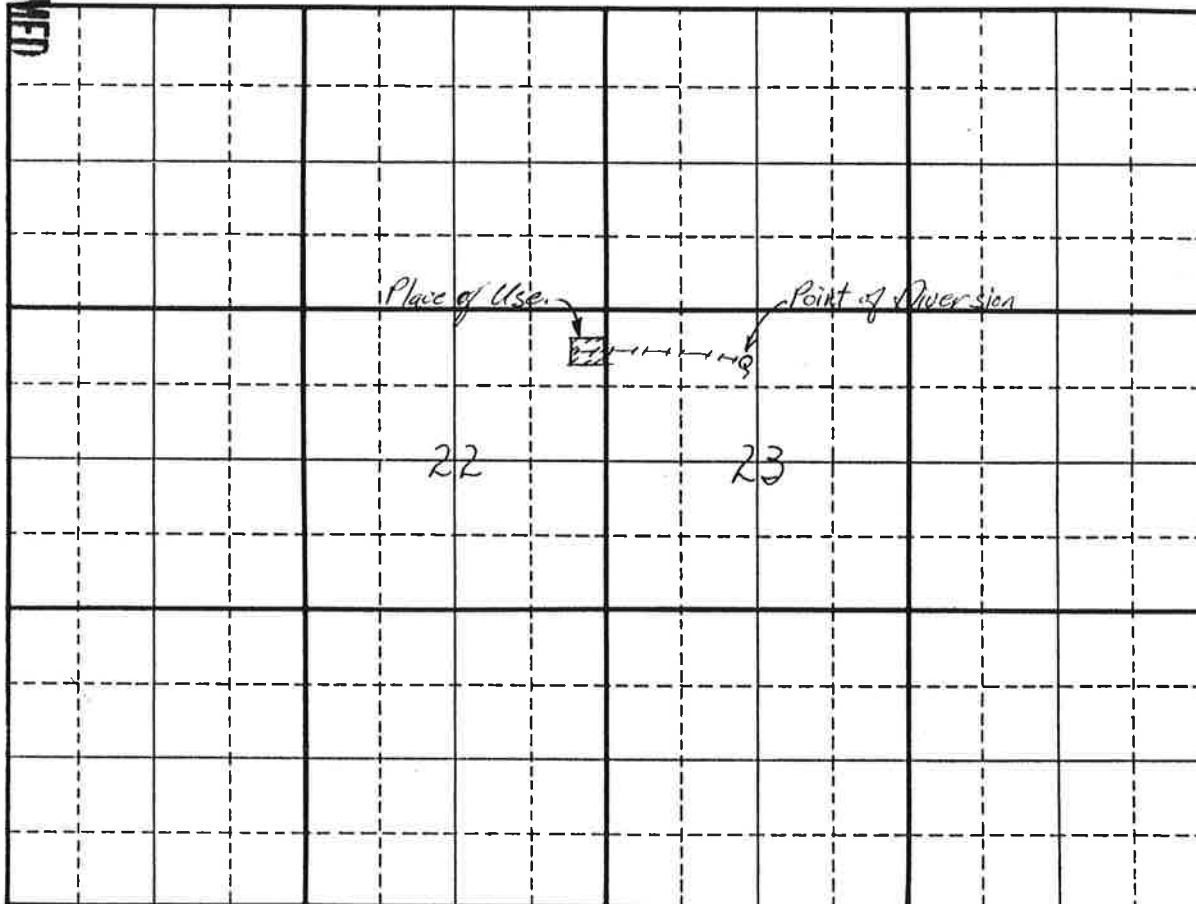
NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:
Wm. Bart Conlin, Inc. a family corporation.

MICROFILMED

MICROFILMED

- (8) Remarks This water has been used by my family since 1955. To the best of my knowledge, no claim has ever been filed on this water because it never leaves the farm or enters into any stream. The water when not used for irrigation purposes flows approx. 1/4 mile from the spring and then seeps back into the ground.



Scale: 2 Inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Caribou) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 22 day of January, 1980.

Wm. Bart Conlin Inc.
by Wm. Bart Conlin, President
(Claimant)

Notary Public

Residing at Soda Springs, Caribou Co., Idaho

My commission expires lifetime

FOR DEPARTMENT USE ONLY

Received by KW

Date 1/24/80

Exception filed by:

Forwarded to

Date

Prelim. check by ARK

Date

claimant by:

\$20.00 fee received by

Date n/a

Published in

Dates

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Wm. BART CONLIN INC.
(Name of Claimant)

P.O. Box 753, Soda Springs, IDAHO 83276
(Mailing Address) (Zip Code) Telephone No. 547-4258

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) Approx 1955

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

GARDNER SPRING tributary to

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Estimated Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>2.5 CFS</u>		Use <u>IRRIGATION</u>		Period of Use From <u>June</u>	To <u>September</u>
Quantity <u>.04 CFS</u>		Use <u>DOMESTIC</u>		Period of Use From <u>MAY</u>	To <u>November</u>
Quantity <u> </u>		Use <u> </u>		Period of Use From <u> </u>	To <u> </u>
Quantity <u> </u>		Use <u> </u>		Period of Use From <u> </u>	To <u> </u>
Quantity <u> </u>		Use <u> </u>		Period of Use From <u> </u>	To <u> </u>

- (4) 2.54 CFS TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 NW 1/4, Sec. 23 Twp. 7S. Rge. 42E B.M., County of CARIBOU
Additional points of diversion: NONE

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Boxed in Spring, Gravity Flow, 4" pipeline approx 1/2 mile long

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
75	42E	22	10																10

No. of acres 10

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

DOMESTIC

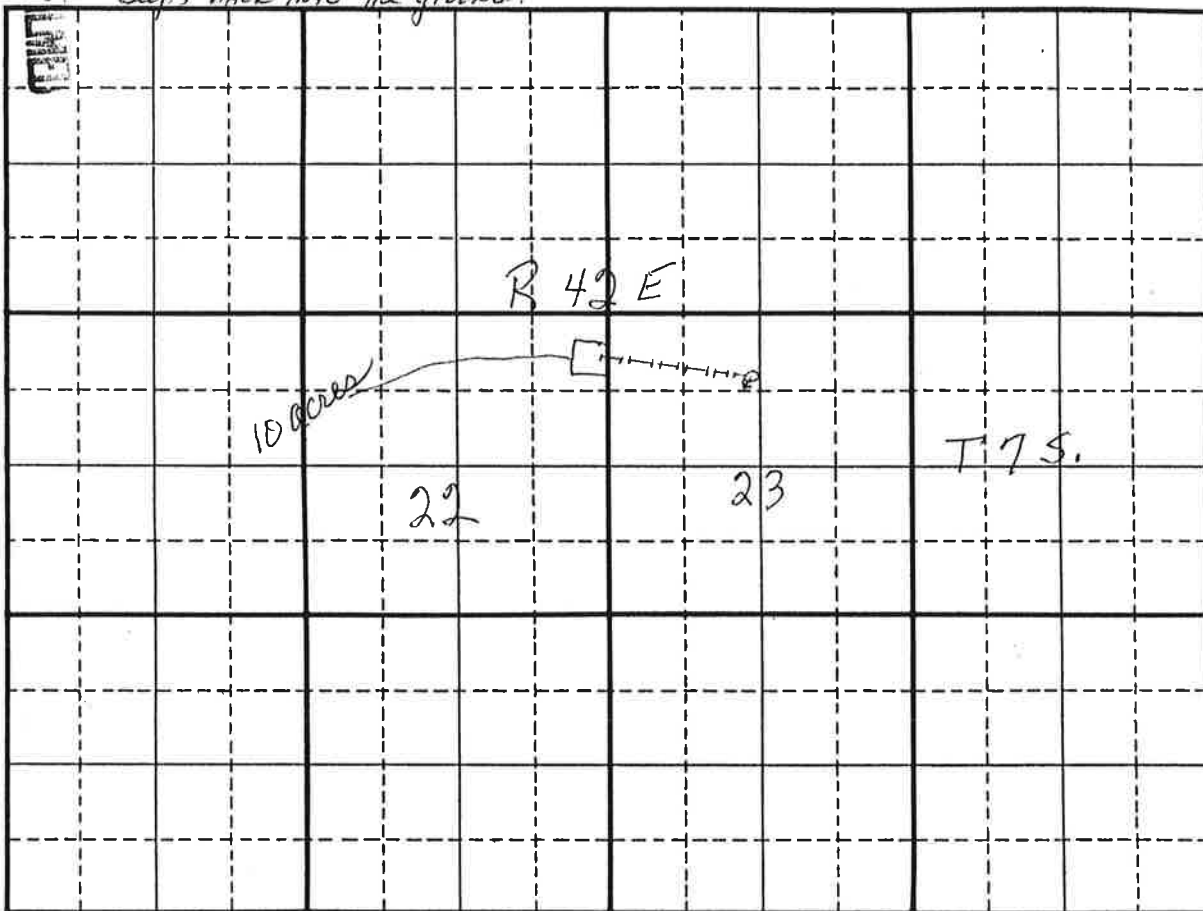
NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

Wm. BART CONLIN, INC. A Family Corporation

CONTINUED

- (8) Remarks This water has been used by my family since 1955. To the best of my knowledge NO CLAIM has ever been filed on this water because it never leaves the farm or enters into any stream. The water when not used for irrigation purposes flows approx 1/4 mile from the spring and then seeps back into the ground.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Caribou) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Wm Bart Conlin Inc
by Wm Bart Conlin, President
(Claimant)

Sworn to before me this 6th day of December, 1979.

John L. Rhodes
Notary Public
Residing at Soda Springs, Idaho

My commission expires 5-13-80

FOR DEPARTMENT USE ONLY

Received by KW Date 12/12/79 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____ claimant by: _____
\$20.00 fee received by KW Date 20. #15447
Published in Caribou County Sun
Dates 12/27/79 & 1/03/80

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

RECEIVED

JAN 08 2007

Water Right Number(s):

27-4020

Department of Water Resources
Eastern Region

Previous Mailing Address:

Box 753

Soda Springs, ID 83276

COPY

New Mailing Address:

Elder Bart & Sister Ruby Conlin
New York New York South Mission
85-69 60th Dr
Elmhurst, NY 11373-5547
Phone 718-672-2031, cell 208-221-4958

or 208-221-4959

Telephone Number:

()

Signature of all Claimant(s):

Bart Conlin

Please print your name below your signature.

conlin@conlin@yahoo.com

Please mail or FAX this completed form to the office nearest you:

Adjudication Bureau
Idaho Dept. of Water Resources
1910 Northwest Blvd., Ste. 210
Coeur d'Alene, ID 83814-2615
Ph. 208/769-1450 or
FAX 208/769-1454

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/525-7161 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/736-3033 or
FAX 208/525-7177

Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, Id 83720-0098
Ph 208/287-4800
FAX 208/287-6701

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

)

Water Rights: 27-4020

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Other: Data entry error
- ☐ Substitution of Party
- ☐ I.C. § 42-222 transfer

- | | |
|---|--|
| ☐ point of diversion | ☐ place of use |
| ☐ period of use | ☐ nature of use |
| ☐ split of water right | ☐ change in ownership |

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: Oct 6, 06

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 6, 2006, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:

Wm Bart Conlin Inc
Box 753
Soda Springs ID 83276

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

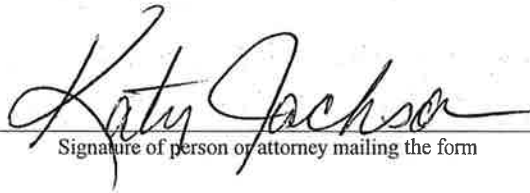
Each party in the subcase, or attorney of record

5. One copy each to:

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

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

10/04/2006

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

RIGHT NUMBER: 27-4020

NAME AND ADDRESS: WM BART CONLIN INC
BOX 753
SODA SPRINGS ID 83276

SOURCE: GARDINER SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1956

POINT OF

DIVERSION: T07S R42E S23 NENW Within CARIBOU County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	05/01 11/01	0.020 CFS

PLACE OF USE: STOCKWATER Within CARIBOU County

T07S R42E S22 NENE

DOMESTIC Within CARIBOU County

T07S R42E S22 NENE

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 50 cattle



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

January 19, 2007

WM BART CONLIN INC
NEW YORK NEW YORK S MISSION
85-69 60TH DR
ELMHURST NY 11373-5547

RE: Notice of Change of Address for 27-4020 and Notice of
Completed Administrative Proceeding (NCAP)

Dear Mr. & Mrs. Conlin:

On January 8, 2007, the Idaho Department of Water Resources (IDWR) received a change of address for the above referenced water right(s). Based on this change, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

CERTIFICATE OF MAILING

I certify that on January 19, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
WM BART CONLIN INC
NEW YORK NEW YORK S MISSION
85-69 60TH DR
ELMHURST NY 11373-5547

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

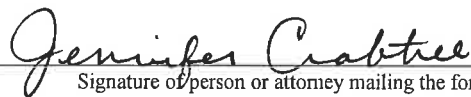
Each party in the subcase, or attorney of record
JEANNETTE WOLFLEY
202 N ARTHUR
POCATELLO ID 83204

5. One copy each to:

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

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

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

Water Rights: 27-4020

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

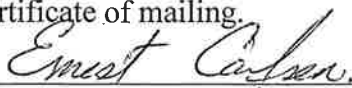
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Other: Data entry error
- ☐ Substitution of Party
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

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: Sept. 18, 2006



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on September 29, 2006, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:

W.M. Bart Conlin Inc
Box 753
Soda Springs ID 83276

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

Each party in the subcase, or attorney of record

5. One copy each to:

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

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

09/19/2006

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

RIGHT NUMBER: 27-4020

NAME AND ADDRESS: W M BART CONLIN INC
BOX 753
SODA SPRINGS ID 83276

SOURCE: GARDINER SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1956

POINT OF

DIVERSION: T07S R42E S23 NENW Within CARIBOU County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	05/01 11/01	0.020 CFS

PLACE OF USE: STOCKWATER Within CARIBOU County

T07S R42E S22 NENE

DOMESTIC Within CARIBOU County

T07S R42E S22 NENE

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 50 cattle

William Bart Conlin
New York New York South Mission
85-69 60th Dr.
New York, NY 11373-5547
Telephone: (208) 221-4959

RECEIVED
JAN 15 2008
Department of Water Resources
Eastern Region

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

In re SRBA

Case No. 39576

Subcase No. 27-04020

**MOTION FOR SUMMARY
JUDGMENT**

COMES NOW William Bart Conlin, pro se, pursuant to Rule 56(b) of the Idaho Rules of Civil Procedure, and respectfully moves that this court grant summary judgment dismissing this subcase from the instant litigation on the basis that the water right in question is based on a 50-plus year history of consistent and uninterrupted use of water from a spring that never reaches, touches, enters, or impacts the Blackfoot River or water used or claimed by the Bannock-Shoshone tribes. In the alternative, I respectfully move that the Shoshone-Bannock tribes and I be permitted to reach a final settlement agreement involving my water right and to end my further participation in this litigation.

The factual basis supporting this motion is set forth in the accompanying *Affidavit of Wm. Bart Conlin in Support of Motion for Summary Judgment*.

ARGUMENT

This motion should be granted because this water right is improperly included in this litigation. This water and its use does not impact the Shoshone-Bannock Indians or the

Blackfoot River and as such, is not the proper subject of this litigation. By personal inspection by the IDWR and/or its agents and employees, the spring in question rises from the surface approximately one half mile away from the Blackfoot River, runs for approximately one quarter mile, and sinks back into the ground. The water never reaches, enters or impacts the Blackfoot River, nor, for that matter, does it enter, reach or impact any other creek, stream, or body of water. My use of this water does not decrease the water available to any other person or entity. Therefore, any claim regarding the need to determine the “actual diverted volume” in regards to this spring is irrelevant to this litigation because no water is diverted from the Blackfoot River. The only water diverted for domestic, stock, and irrigation purposes is spring water unrelated to the subject matter of the litigation; any other volume regulations regarding this water should not be decided in this proceeding.

Alternatively, if the court finds that this water is properly the subject of this litigation, the court should find that since the real parties, the Shoshone-Bannock tribes and I, are fairly close to agreeing on the irrigation volume, we may discuss settlement possibilities and have the ability to reach a settlement agreement outside of this litigation. In other words, if the Shoshone-Bannock tribes in fact have a right to enter into an agreement regarding the restriction of my spring water volume usage, (despite the fact that this water never enters or reaches the Blackfoot River), we are likely to reach a final agreement on terms acceptable to us both if we were permitted to do so. In that event, no further IDWR volume testing addressing all water rights in the Snake River basin, including mine, should be required prior to my being permitted to work out a final settlement directly with the Shoshone-Bannock tribes.

Furthermore, I understand that the next step proposed by the IDWR is to conduct a study to define “actual diverted volumes.” First, as previously mentioned, my water use is not

“diverted” from the Blackfoot River. My spring does not enter any other creek, stream, or body of water from which I “divert” water. My use of the spring does not decrease the water available for use by any other person or entity. Even so, the IDWR has already conducted volume testing on this spring in the summer of 2007. Historically speaking, the testing was conducted in a low-volume water year; however, obtaining a perfectly accurate volume is probably not possible, and would, presumably, require waiting for an unpredictable event to occur—the happenstance of a heavy snow year—to measure volume in a high-volume year to provide an appropriate average. This is unreasonable; such a delay is neither necessary nor proper especially since the results will not have any impact on the volume of water available for use by any other person or entity.

WHEREFORE, I respectfully ask the court to grant this motion dismissing me and my water right from this case or, in the alternative, permitting me to reach and finalize a settlement agreement directly with the Bannock-Shoshone Tribes.

DATED this 11 day of January, 2008.



William Bart Conlin

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was mailed, first-class, postage prepaid, on the 11 day of January, 2008, to the following:

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

2. One copy to the party who filed the objection at the following address:
Shoshone-Bannock Tribes US Mail
Jeanette Wolfley
202 N. Arthur
Pocatello, ID 83204

3. Copies to: IDWR Document Depository US Mail
P. O. Box 83720
Boise, ID 83720-0098

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

David Barber, Deputy Attorney General US Mail
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

State of Idaho, IDWR US Mail
Cindy Bird
P. O. Box 935
Soda Springs, ID 83276

Adjudication Bureau US Mail
Idaho Dept of Water Resources
900 N. Skyline, Ste A
Idaho Falls, ID 83401-3653



Wm. Bart Conlin

William Bart Conlin
New York New York South Mission
8569 60th Dr.
Elmhurst, NY 11373-5547
Telephone: (208) 221-4959

RECEIVED
JAN 15 2008
Department of Water Resources
Boise, Idaho

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

In re SRBA

Case No. 39576

)
) Subcase No. 27-04020
)

) **AFFIDAVIT OF WM. BART CONLIN**
) **IN SUPPORT OF MOTION FOR**
) **SUMMARY JUDGMENT**
)

STATE OF NEW YORK)

) ss.

COUNTY OF QUEENS)

William Bart Conlin, being first duly sworn upon oath, deposes and states as follows:

1. I am over 18 years of age and have first-hand knowledge of the facts set forth herein, to which I am fully competent to testify.
2. I am the president of Wm. Bart Conlin, Inc., which is the owner of the water right in subcase no. 27-04020 listed above.
3. I am temporarily residing in New York as a missionary for The Church of Jesus Christ of Latter-day Saints. My missionary service is complete in December 2008, and thereafter I will return to my residence at 250 E. Third N., Soda Springs, Idaho 83276.
4. As a young boy in the fall of 1955, I helped my father install a pipeline from a small spring (known as Gardner Spring) located in the NE ¼ of the NW ¼ of

Section 23, Twp 07S Rge 42 E B.M. to the NE ¼ of Section 22, Twp 07S Rge 42 E B.M. A copy of this map and a map of the spring are attached as Exhibit A.

5. The pipeline we installed is approximately ½ mile long. The pipeline produced a gravity flow water system that irrigated 10 acres of farmland and provided domestic water for a small cabin in addition to providing stock water for livestock we had on the farm.
6. The elevation of the spring is higher than the elevation of the 10 acres and cabin where the water was used; the natural geography provided a very effective gravity flow water system.
7. I remember asking my father why we didn't use the water out of the Blackfoot River which was immediately adjacent to the 10 acres. He told me that the water in the river belonged to the Fort Hall Indian Tribes and that we could not use it. He also told me that we could use the water from Gardner Spring because after the water comes to the ground surface, it then flows for approximately ¼ of a mile and then sinks back into the ground and never reaches or enters the Blackfoot River.
8. Furthermore, the water not only never reaches or enters the Blackfoot River, it never leaves the property nor does it ever enter into any other stream, creek, or body of water.
9. Every year since 1955 either my father or I have used this water.
10. We installed a spring box to keep the water clean and a valve to enable us to turn the gravity flow system on every spring and off every fall.

11. The valve to the pipeline is usually opened in April or May (depending on the snow pack) and shut off in late October of each year.
12. Most years the irrigation use of this water began in late June or early July and usually ended by the middle of August each year. This is because of the high altitude of the farmland property. The late snow pack and the spring rains usually provided enough moisture for crops to grow on the 10 acres until around the beginning of July. By the mid to end of August, we are finished irrigating.
13. The domestic water and stock water were and are used from April through October of each year.
14. The spring, though small, usually produced enough water to irrigate the 10 acres and to provide for our domestic and stock water needs. On extremely dry years when the snow pack was small, there was an occasional year when there wasn't enough water to irrigate the 10 acres. There was, however, always enough water to meet our domestic and stock water needs.
15. This water has been used yearly in this manner every year since 1955 by our family. We feel we have used the water prudently over the last 50-plus years and have not deprived any other person or entity of any water that was available to them. If we were not using this water it would not increase the water available for use by anyone else.
16. My father never filed a claim for the use of the water because the spring was on our property and because it sunk back into the ground and never entered the Blackfoot River. A few years later, I was advised to file a claim on the water even though it never entered the Blackfoot River. At the time I felt it was

unnecessary but did file the claim with the help of Ruell Moss, who was an employee with the USDA Soil Conservation Service.

17. In the past few years, Cindy Bird of the Idaho Department of Water Resources (IDWR) has helped me as I have tried to protect my water right.
18. Cindy Bird has made on-site inspections of the spring and has a log that can verify that water from the spring sinks into the ground and never reaches the Blackfoot River.
19. I do not believe I should be a party to this litigation because my water does not reach, enter, or impact the Blackfoot River at any time, nor does it enter any other creek, stream, or body of water. My use, or non-use, of this spring does not increase or decrease the water available to any other person or entity.
20. Cindy Bird from the IDWR has also made an on-site inspection of my water system and has tested the water pressure (albeit in a low-water year) for purposes of calculating my volume of water use. She has recently informed me over the telephone that according to her calculation, I use 39 acre feet per year for irrigation purposes.
21. She gathered this information as part of her responsibilities as a specialist for the IDWR. I also provided her with copies of maps showing the location of the property and the spring, as well as documents that show that the pipeline was constructed in 1955.
22. In connection with this litigation, the IDWR proposed a notice of water right claim that did not include my irrigation use of this water. Unfortunately, I did not understand the implication of their failure to specifically designate my irrigation

use; therefore I objected on July 27, 2006. A copy of this documentation is attached as Exhibit B.

23. On February 21, 2007, I received a letter from Spence Ward, Deputy Tribal Water Engineer, proposing a settlement of my water right claim, which I was favorably disposed to accept, except that it did not include the irrigation of 10 acres of farmland. I contacted Spence Ward, who made an approximate calculation of the volume the Tribes would accept. This calculation was 31 acre feet per year for irrigation purposes; stock water use was calculated at 2.63 acre feet per year, and domestic use is calculated at 0.02 cubic feet per second. I am quite confident that the proposed domestic and stock water volumes are in line with what I have historically used and are sufficient for my needs. I also believe that it is likely that if necessary, the Tribes and I could reach an agreement on the irrigation volume, as 31 and 39 acre feet per year are fairly close. A copy of the correspondence between myself and Spence Ward is attached as Exhibit C.
24. On May 4, 2007, I received a letter from the Department of Water Resources objecting to my proposed settlement with the Tribes because of a lack of information regarding "actual diverted volumes." A copy of this letter is attached as Exhibit D.
25. It is my understanding that Cindy Bird from the IDWR went to my farm in the summer of 2007 to take pressure tests so she could determine the amount of water I have used over the years. (See my December 18, 2007 letter to Jeanette Wolfley). As I previously mentioned, Cindy recently informed me that she estimates my irrigation water volume use as 39 acre feet per year

26. Although 2007 was a low water year and the measurements Cindy took may not perfectly estimate my historic use, the tests are probably relatively accurate for the purposes of resolving my claim. It is impractical and inconvenient to wait to resolve this matter until a year with heavy snow fall so that a volume measurement can be taken the following summer in a high water year.
27. Furthermore, it does not seem that the tribes should have the right to control my water volume use since my water never enters or reaches the Blackfoot River or any other body of water, creek, or stream. If they have that right, the tribes and I should be permitted to reach an agreement on irrigation volume and settle the claim regarding my water right outside of any further litigation.

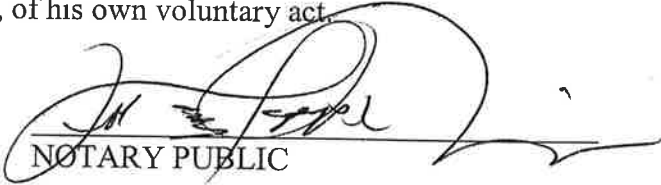
Further this affiant sayeth naught.

DATED this 11th day of January, 2008.



William Bart Conlin, President
Wm. Bart Conlin, Inc.

On the 11 day of Jan, 2008, personally appeared before me, William Bart Conlin, whose identity has been proven on the basis of satisfactory evidence, being first duly sworn, acknowledges that he executed the foregoing instrument, for the purposes stated therein, of his own voluntary act.



NOTARY PUBLIC

FRANZ POPPE
Notary Public - State of New York
NO. 01PO4693438
Qualified in Queens County
My Commission Expires 1/31/2011

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was mailed, first-class, postage prepaid, on the 11 day of January, 2008, to the following:

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

2. One copy to the party who filed the objection at the following address:
Shoshone-Bannock Tribes US Mail
Jeanette Wolfley
202 N. Arthur
Pocatello, ID 83204

3. Copies to: IDWR Document Depository US Mail
P. O. Box 83720
Boise, ID 83720-0098

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

David Barber, Deputy Attorney General US Mail
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

State of Idaho, IDWR US Mail
Cindy Bird
P. O. Box 935
Soda Springs, ID 83276

Adjudication Bureau US Mail
Idaho Dept of Water Resources
900 N. Skyline, Ste A
Idaho Falls, ID 83401-3653



Wm. Bart Conlin

EXHIBIT A

EXHIBIT B

2006 SEP -7 PM 3: 44
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	)	ORDER GRANTING MOTION TO
	)	FILE LATE OBJECTION AND
Case No. 39576	)	SETTING DEADLINE
	)	
	)	SUBCASE NO.: 27-04020

I. PROCEDURAL BACKGROUND

An *Objection* was filed on July 27, 2006 by William Bart Conlin, Inc. The SRBA District court treated the *Objection* as a *Motion to File Late Objection*. The *Motion* seeks to amend the notice of claim for this water right by increasing the acreage. A hearing was held on the *Motion* on September 6, 2006.

II. STANDARD OF REVIEW

The SRBA Administrative Orders do not provide a standard to be applied for filing late objections. However, the court's administrative rules set forth that *Motions to File a Late Notice of Claim* are to be reviewed under the criteria of I.R.C.P. 55(c) and 60(b). *SRBA Administrative Order 1 (AO1) § 4 (d)(2)(d)*.

According to case law and the Rules of Civil Procedure, a court applies the criteria of I.R.C.P. 55(c) when determining whether to allow the filing of a late answer. *Motions for Late Objection* have been reviewed in the SRBA under the same criteria of Rule 55(c). The proponent of a *Motion for Late Objection*, like a party seeking to file an untimely answer, must show both "good cause" for untimeliness and the existence of a "meritorious position." I.R.C.P. 55(c).

The SRBA has recently affirmed the legal standard of what must be shown to satisfy "good cause" and "meritorious position." The legal standard for "good cause" for untimeliness of an

objection is determined under the standard for setting aside the entry of a default under I.R.C.P. 55(c). The "good cause" standard under Rule 55(c) is more lenient than the standard under Rule 60(b). The I.R.C.P. 55(c) standard takes into account the following factors:

- 1) whether the default was willful;
- 2) whether setting aside the judgment would prejudice the opponent; and
- 3) whether a meritorious position has been presented.

Order on Motion to Set Aside Partial Decrees and File Late Objections (A.L. Cattle) (Jan. 31, 2001).

In support of the *Motion*, Mr. Conlin explained that he did not originally realize that the irrigation component of his claim had not been recommended. When he learned at the Initial Hearing that his irrigation use was not recommended, he immediately sought the filing of a late objection. The lateness of the objection was therefore, not willful. In addition, Mr. Conlin explained that he has irrigated the 10 acres in question since about 1955. Therefore a meritorious position on the irrigation claim has been alleged. No parties to the SRBA opposed the *Motion*, and there is no showing prejudice would result from allowing the late objection.

III. FINDINGS

Mr. Conlin failed to file a timely *Objection* to the *Director's Report* because he did not understand the different uses of this water right. There was no opposition to the *Motion*. Therefore, the *Motion to File Late Objection* is **granted**. The *Objection* will be filed with the court dated September 6, 2006.

IT IS ORDERED that the following deadline shall govern further proceedings:

October 27, 2006

5:00 pm

Deadline to file Response to Objection

DATED September 7, 2006.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTION AND SETTING DEADLINE was mailed on September 07, 2006, with sufficient first-class postage to the following:

SHOSHONE-BANNOCK TRIBES

Represented by:

JEANETTE WOLFLEY

SPECIAL COUNSEL

SHOSHONE-BANNOCK TRIBE

202 N ARTHUR

POCATELLO, ID 83202

Phone: 208-232-1922

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449

WILLIAM BART CONLIN INC

PO BOX 753

SODA SPRINGS, ID 83276

Phone: 208-547-4258

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

EXHIBIT C



Shoshone-Bannock Tribes

TRIBAL WATER RESOURCES DEPARTMENT

P.O. Box 306
Fort Hall, Idaho 83203

Phone: 208-239-4583
Fax: 208-239-4592

February 21, 2007

William Bart Conlin Inc.
New York New York S Mission
85-69 60TH Drive
Elmhurst, NY 11373-5547

Dear Water Claimant:

As you know the Shoshone-Bannock Tribes have objected to water rights claims where a volumetric limit was not placed on your water right as recommended in the State of Idaho's Director's report. The Snake River Basin Adjudication Court has scheduled all water right objections for trial in November 2007. Your water right is one of those right(s).

The Tribes would like to settle your stockwater claim(s) and propose to settle stockwater claim(s) using the following formula:

$$\text{number of stock} \times \frac{\text{## gallons/day}}{\text{head}} \times \text{period use (days)} \times \frac{1 \text{ acre-ft}}{\text{# gallons}} \Rightarrow \text{volume (AFY)}$$

We have settled numerous claims using this formula. If you are willing to consider settling, we need the following information from you: 1) type of stock (e.g. cattle, cow-calf pairs, sheep, horses, elk); 2) number of stock; and 3) actual period of use. We will generally use the period of use as listed on the recommended water right, however the State of Idaho will require the actual period of use to come up with a more realistic number. For example, if your water right has a period of use for 365 days a year and your cattle only use this water right 6 months of the year then a period of use of 6 months would be used to calculate the volume.

If you wish to settle Tribal objections to your stockwater claims please fill out the attached form and place it in the enclosed self-addressed stamped envelope. We will calculate your water claim using this formula, and then contact you. Should you have additional questions or need further clarification of this letter, please feel free to call me at (208) 239-4581. Thank you for your consideration of our proposal.

Sincerely,

Spence Ward
Deputy Tribal Water Engineer

March 16, 2007

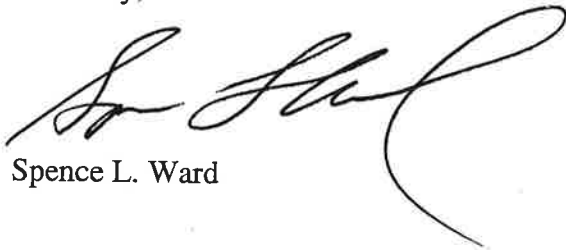
Dear Mr. Conlin,

The stock water volume was reached from the information you provided on the stock water calculation sheet. The 214 days would be from May 1 through the end of November as you indicated.

The irrigation of 10 acres has not been added to the water right as of today. The paralegal, Gail Martin and I checked the IDWR site and no amendment had been made by IDWR. I was reading through your file and remember talking with you and Cindy Bird about the 10 acres you irrigate. The irrigation volume calculated on the bottom of the water right enclosed is what the Tribes would suggest if and when the 10 acres of irrigable land was added to your water right.

Let me know if these volumes are acceptable to you. Good luck on your mission, and hope all is well.

Sincerely,

A handwritten signature in black ink, appearing to read 'Spence L. Ward', with a large, sweeping flourish extending from the end of the signature.

Spence L. Ward

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

RIGHT NUMBER: 27-4020

NAME AND ADDRESS: WILLIAM BART CONLIN INC
BOX 753
SODA SPRINGS ID 83276

SOURCE: GARDINER SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1956

POINT OF
DIVERSION: T07S R42E S23 NENW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	05/01 11/01	0.020 CFS

2.63 AFY

PLACE OF USE: STOCKWATER Within CARIBOU County

T07S R42E S22 NENE

DOMESTIC Within CARIBOU County

T07S R42E S22 NENE

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 50 cattle

$$\text{STOCKWATER: } \left(200 \text{ COW/CALF} \right) \left(\frac{20 \text{ GAL/DAY}}{\text{COW/CALF}} \right) \left(214 \text{ DAYS} \right) \left(\frac{1 \text{ AC-FT}}{325,850 \text{ GAL}} \right) = \underline{\underline{2.63 \text{ AFY}}}$$

$$\text{IRRIGATION: } \left(3.1 \frac{\text{AC-FT}}{\text{AC}} \right) \left(10 \text{ AC} \right) = \underline{\underline{31 \text{ AFY}}}$$

EXHIBIT D



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 W Center Street, Soda Springs, Idaho 83276-1575

Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 4, 2007

Bart Conlin
8569 60th Dr.
Elmhurst, N.Y 11373

REF: SRBA Rights 27-4020

Subject: Basin 27 Objections to Irrigation Use

Dear Claimants:

This letter concerns the objection filed by the Shoshone-Bannock Tribes and/or the Bureau of Indian Affairs (collectively referred to as "the Tribal Objectors") to your water right in the Snake River Basin Adjudication (SRBA) and the concurrence of the Idaho Department of Water Resources (IDWR) in a proposed settlement agreement to resolve the objection.

It is IDWR's understanding that you have agreed to settle the volume objection made by the Tribal Objectors to your water right by including a specific total annual volume limit on your irrigation water right. Recently, the Tribal Objectors requested that IDWR concur in the settlement agreement. IDWR is reluctant to concur in such settlements because of a lack of information regarding actual diverted volumes in Basin 27. If a volume limit is to be included in a water right, IDWR wants to make sure that the volume limit is as accurate as possible. To this end, IDWR is currently in the process of implementing a study intended to provide a basis for determining diverted volumes in Basin 27. Still, IDWR realizes that that some water users might have information that would provide actual diverted volumes for their water rights, thus eliminating the need to wait for completion of the study. As such, IDWR is requesting any information you have to support historical diversion amounts for your water right. If you have any such information, please send it to the address listed above.

If you have any questions please feel free to contact me at 547-3993.

Respectfully,

A handwritten signature in cursive script that reads "Cindy E. Bird".

Cindy E. Bird
Adjudication Bureau

CC: BIA, U.S. Dept. Of Justice
Jeanette Wolfley, Shoshone-Bannock Tribes
State Of Idaho, David Barber
Andrea Courtney, Deputy Attorney General

EXHIBIT E

December 18, 2007

Jeanette Wolfley
Attorney at Law
202 North Arthur
Pocatello, ID 83204

I am enclosing my answers to the Discovery requests that were recently mailed to me.

I am also enclosing a letter with attached documents from the Shoshone Bannock Tribes Water Resources Department proposing a possible settlement. I am very interested in the proposed attachment.

I am also enclosing a copy of an order granting motion to file late objection and setting deadline that I received from Brigitte Bilyeu, Special Master.

I am also enclosing a letter from Cindy Bird regarding the volume objection on my irrigation water right.

I was told by Cindy Bird of the Idaho Dept of Water Resources that the Department had not granted my irrigation claim because there was no volume measure. It was my understanding that Cindy went out to my farm in the summer of 2007 to take some pressure tests so she could determine the amount of water I have used over the years. Unfortunately 2007 was a low water year so I am not sure if the measurement she took will accurately reflect the correct volume. I have not been told of the results of her tests.

I am anxious to settle this as soon as possible in a fair and equitable way for everyone involved. I would appreciate the support of the Idaho Department of Water Resources, the Shoshone-Bannock Tribes and the Special Master of the SRBA District Court in getting this resolved.

Although this is a small amount of water which never enters the Blackfoot River, it is nevertheless important to me and my family. We feel we have used the water prudently over the last 50-plus years and have not deprived any other person or entity of any water that was available to them. If we were not using this water it would not increase the water for anyone else. We would like to continue to use the water as we have in the past.

Should you have any questions or if I have not properly responded to any question or procedure, please contact me.



Wm. Bart Conlin
8569 60th Drive
Elmhurst, NY 11373
718-672-2031



**SHOSHONE-BANNOCK TRIBES
WATER RESOURCES DEPARTMENT**

P. O. BOX 306
FORT HALL, ID 83203

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Ernie Carlsen	Spence Ward
Cindy Bird	
COMPANY:	DATE:
IDWR	4/10/2007
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(208) 525-7177	1
(208) 547-3939	
PHONE NUMBER:	SENDER'S TELEPHONE NUMBER:
(208) 525-7161	(208) 239-4581
(208) 527-3993	
RE:	
Request for Preparations of S5 for Water Right	

NOTES/COMMENTS:

The Shoshone-Bannock Tribes and William Bart Conlin have reached agreement on water right no. 27-4020. We request you prepare a SF5 for the water right as shown. Should you have any questions give Spence Ward a call at the number listed above.

Water Right No. 27-4020

Irrigation Volume:

$$10 \text{ acres} \times \frac{3.1 \text{ acre-foot / year}}{\text{acre}} \Rightarrow 31.0 \text{ AFY}$$

Stockwater Volume:

$$200 \text{ cows / calf} \times \frac{20 \text{ gallons / day}}{\text{cow / calf}} \times 214 \text{ days} \times \frac{1 \text{ acre-foot}}{325,850 \text{ gallons}} \Rightarrow 2.63 \text{ AFY}$$



SCANNED
OCT 29 2007

Received Time Apr. 10. 8:19AM

William Bart Conlin
New York New York South Mission
8569 60th Dr.
Elmhurst, NY 11373-5547
Telephone: (208) 221-4959
wmbartconlin@yahoo.com

RECEIVED

MAR 10 2008

Department of Water Resources
Eastern Region

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

In re SRBA

Case No. 39576

)
)
) Subcase No. 27-04020

)
) **AFFIDAVIT OF WM. BART CONLIN**
) **IN SUPPORT OF MOTION FOR**
) **SUMMARY JUDGMENT**
)

STATE OF NEW YORK)

COUNTY OF QUEENS)

) ss.

William Bart Conlin, being first duly sworn upon oath, deposes and states as follows:

1. I am over 18 years of age and have first-hand knowledge of the facts set forth herein, to which I am fully competent to testify.
2. I am the president of Wm. Bart Conlin, Inc., which is the owner of the water right in subcase no. 27-04020 listed above.
3. I am temporarily residing in New York as a missionary for The Church of Jesus Christ of Latter-day Saints. My missionary service is complete in December 2008, and thereafter I will return to my residence at 250 E. 3rd N., Soda Springs, Idaho 83276. My temporary daytime telephone number is 718-672-2031.
4. The affidavit of Matthew C. Carney in support of Shoshone-Bannock Tribe's opposition to Bart Conlin's Motion for Summary Judgment was not timely filed

in accordance with Special Master Bilyeu's set time period. As the affidavit was not timely filed, any information included should be disregarded in the Motion for Summary Judgment.

5. The affidavit was prepared by Matthew C. Carney, a registered Professional Engineer in the State of Colorado. Mr. Carney prepared his affidavit from information taken off a topographical map and a groundwater table map. It is apparent that Mr. Carney has not been on the location of the spring nor has he seen where the water from the spring sinks back into the ground. He appears to be making his professional judgment solely on the basis of maps and without any physical observation or physical testing on his part.

If Mr. Carney had actually seen the property and observed the situation, he would have seen as my Father did over 50 years ago that the water does not flow into the Blackfoot River but sinks into the ground. The fact that the water does not flow into the Blackfoot River allowed my Father to originally set up the water irrigation system.

As stated in earlier oral testimony before Special Master Bilyeu, representatives of the Shoshone-Bannock Tribe came and inspected the water sinking into the ground 25 to 30 years ago. At that time, when they determined that the water did indeed sink into the ground and did not flow into the Blackfoot River, they did not protest our use of the water.

6. The U. S. Geological Service 7.5 minute quadrangle topographic map China Hat, Idaho (1981) showing the location of the Gardner Spring and a perennial stream flowing from the spring to the Blackfoot River is incorrect. I have personally

been associated with this spring and the little stream that flows from it since my parents bought the farm in 1954 when I was 12 years old. I know from personal observation that during those 50-plus years that the stream has never reached the Blackfoot River. In all those 50-plus years it has followed the same course and flowed approximately $\frac{1}{4}$ miles and sunk back into the ground. The stream sinks into the ground about $\frac{1}{4}$ miles from the Blackfoot River and has for the last 50-plus years. The map is incorrect, at least for the last 50 years, and it appears that the errors of previous maps have been perpetrated.

Cindy Bird from the Idaho Department of Water Resources has physically inspected the stream and could testify that it does indeed sink into the ground. All the members of my family and several of my friends who are familiar with the area could also testify that the stream does not and has not for the last 50-plus years reached the river. A physical inspection makes this an easily verifiable fact.

7. Mr. Carney further tries, without any physical observation or proof, to imply that the groundwater is connected to the Blackfoot River and therefore must be discharging into the Blackfoot River. The map he looked at shows the groundwater table to be approximately the same elevation as the Blackfoot River Channel. It may be easy to sit at a desk in Colorado and look at a map and state where the water flows in Caribou County Idaho, but without his physically inspecting the site and tracing the water, there is really no physical evidence for his conclusion. Mr. Carney has not met the burden of proof to prove his theory.

8. The fact that the water sinks back into the ground and becomes part of the groundwater some $\frac{1}{4}$ of a mile from the Blackfoot River is certainly not proof that I am diverting any water from the Blackfoot River.
9. There are numerous springs and streams that do flow into the upper Blackfoot River, but Mr. Carney has failed to physically show that Gardner Spring is one of them.
10. Since Mr. Carney's affidavit was filed late and since he has no physical proof that the water flows into the river, his affidavit should not be considered valid and should be disregarded in the consideration of the Motion of Summary Judgment.

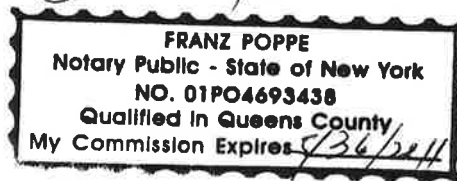
DATED this 6th day of March, 2008.

Wm Bart Conlin

William Bart Conlin, President
Wm. Bart Conlin, Inc.

On the 6 day of March, 2008, personally appeared before me, William Bart Conlin, whose identity has been proven on the basis of satisfactory evidence, being first duly sworn, acknowledges that he executed the foregoing instrument, for the purposes stated therein, of his own voluntary act.

Franz Poppe
NOTARY PUBLIC



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was mailed, first-class, postage prepaid, on the 6th day of March, 2008, to the following:

1. Original to: Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707
Facsimile No.: (208) 736-2121
US Mail
Faxed
2. One copy to the party who filed the objection at the following address:
Shoshone-Bannock Tribes
Jeanette Wolfley
202 N. Arthur
Pocatello, ID 83204
US Mail
3. Copies to: IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098
US Mail
4. IDWR
Garriek Baxter
P O Box 83720
Boise, ID 83720-0098
US Mail
5. United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
US Mail
6. David Barber, Deputy Attorney General
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449
US Mail
- Adjudication Bureau
Idaho Dept of Water Resources
900 N. Skyline, Ste A
Idaho Falls, ID 83401-3653
US Mail



William Bart Conlin

Wm. Bart Conlin, President

Wm. Bart Conlin, Inc.
P. O. Box 753
Soda Springs, Idaho 83276

Temporary Address:
Wm. Bart Conlin
8569 60th Dr.
Elmhurst, NY 11373
Phone: 718-672-2031
FAX: 718-672-2237
wmbartconlin@yahoo.com

Water Claimant Subcase 17-04020

The following answers to Discovery Requests from the Shoshone-Bannock Tribes are made to the best of my ability and knowledge. At the present time, I am serving as a full-time voluntary missionary for the Church of Jesus Christ of Latter-day Saints. My wife and I are serving in the NY New York South Mission, 85-69 60th Drive, Elmhurst, NY 11373 until December 2008.

As I am away from home and do not have access to all the pertinent files, I will respond to the best of my ability with what information I do have available.

Also, I am not an attorney and lack knowledge of proper form and procedure. I realize I have the opportunity to hire an attorney, but due to the time constraints and the difficulty of communication, I choose to do the best I can. If there are errors in form and procedure, I would respectfully request that my good intention to comply be recognized and my answers be accepted.

DISCOVERY REQUESTS AND ANSWERS

Request for Admission No. 1: Please admit that you do not divert water from any river, stream, creek or spring in the upper portions of the Blackfoot River Basin.

Answer for Admission No. 1: I deny admission No. 1 as I do divert water from a spring in the upper portion of the Blackfoot River Basin.

Interrogatory No. 1: If you Deny Request for Admission No. 1, please State the Basis for your Denial and Describe your Claim.

Answer for Interrogatory No. 1:

In the fall of 1955 as a young boy I helped my father install a pipeline from a small spring (Gardner Spring) located in the NE ¼ of the NW ¼ of Section 23, Twp 07S Rge 42 E B.M. to the NE 1/4 of Section 22, Twp 07S Rge 42 E B.M.



The pipeline is approximately ½ mile long and provided a gravity flow water system that irrigated 10 acres and provided domestic water for a small cabin and also stock water for livestock we had on the farm. I remember asking my father why we didn't use the water out of the Blackfoot River which was immediately adjacent to the 10 acres. He informed me that the water in the river belonged to the Fort Hall Indian Tribes and that we could not use it. He also told me that we could use the water from the Gardner Spring because after the water comes to the ground surface, it then flows for approximately ¼ of a mile and then sinks back into the ground and never reaches or enters the Blackfoot River.

Every year since 1955 either my father or I have used this water. We installed a spring box to keep the water clean and a valve where we could turn it on every spring and off every fall. There is a natural fall from the spring to the 10 acres so the water system has worked very well as a gravity flow system.

The spring, though small, usually produced enough water to irrigate the 10 acres and to provide for our domestic and stockwater needs. On extremely dry years when the snowpack was small, there was an occasional year when there wasn't enough water to irrigate the 10 acres. There was, however, always enough water to meet our domestic and stockwater needs.

My father never filed a claim for the use of the water as the spring was on our property and because it sunk back into the ground and never entered the Blackfoot River. A few years later I was advised to file a claim on the water even though it never entered the Blackfoot River. At the time I felt it was unnecessary but did file the claim with the help of Ruell Moss, who was an employee with the USDA Soil Conservation Service.

Interrogatory No. 2: Please Identify each Person who has information that relates to your Contention that is the subject of Interrogatory No. 1.

Answer Interrogatory No. 2: Cindy E. Bird, IDWR,
Soda Springs, ID 83276
208-547-3993

Douglas E. Hogan,
289 N. 3rd E.
Soda Springs, ID 83276
208-547-4310

Orval C. Beus
2845 Wood Canyon Rd.
Soda Springs, ID 83276
208-547-4415

Jack L. Brown
150 N. Main St.
Soda Springs, ID 83276
208-547-4355

In addition to the above, my Wife and Nine (9) Children are aware of the facts stated in Interrogatory No. 1.

Request for Admission No. 2: Please admit that your water right has not been previously decreed by a court.

Admission No. 2 Answer. I admit that my water right has not been previously decreed by a court.

Interrogatory No. 3: If you Deny Request for Admission No. 2, please State the Basis for your Denial and Describe the Court decree and water use described in the water decree.

Answer: N/A

Interrogatory No. 4: Please Identify each Person who has information that relates to your Contentions that is the subject of Interrogatory No. 3.

Answer: N/A

Request for Admission No. 3: Please admit that your water right was not previously listed in the Stevens Decree?

Admission No. 3 Answer: I admit my water right was not previously listed in the Stevens Decree.

Interrogatory No. 5: If you Deny Request for Admission No. 3, please State the Basis for your Denial and Describe the Stevens Decree and water use described in the Stevens Decree.

Answer: N/A

Interrogatory No. 6: Please Identify each Person who has information that Relates to your Contentions that is the subject of Interrogatory No. 5.

Answer: N/A

Request for Admission No. 4: Please admit that water from a river, stream, creek or spring in the upper portions of the Blackfoot River Basin, which you may divert, is not available for use past July 1 of each year.

Answer for Admission No. 4: I deny that the water from the spring is not available for use past July 1 of each year.

Interrogatory No. 7: If you Deny Request for Admission No. 4, please State the Basis for your Denial and Describe the availability of water in the river, stream, creek or spring for the past 10 years.

Answer for Interrogatory No. 7: Water from this spring has been diverted and used every year since 1955 until the present. The valve to the pipeline is usually opened in April or May (depending on the snow pack) and shut off in late October of each year. Most years the irrigation would begin in late June or early July and usually end by the middle of August each year. The domestic water and stockwater would be used from April to October of each year.

Interrogatory No. 8: Please Identify each Person who has information that Relates to your Contentions that is the subject Interrogatory No. 7.

Answer for Interrogatory No. 8:

Cindy E. Bird, IDWR,
Soda Springs, Idaho
208-547-3993

Douglas E. Hogan,
289 N. 3rd E.
Soda Springs, ID 83276
208-547-4310

Orval C. Beus
2845 Wood Canyon Rd.
Soda Springs, ID 83276
208-547-4415

Jack L. Brown
150 N. Main St.
Soda Springs, ID 83276
208-547-4355

Request for Admission No. 5: Please admit that the period of use of your potential water right should terminate on July 1 of each year.

Answer for Admission No. 5: I deny that the period of use should terminate on July 1 of each year.

Interrogatory No. 9: If you Deny Request for Admission No. 5, please State the Basis for your Denial and Describe your Contention concerning the period of use of your potential water right.

Answer for Interrogatory No. 9: This water has been used yearly every year since 1955 by our family. Also, this water comes from a spring which only runs approximately ¼ mile from the spring and then sinks back into the ground. It never leaves the property nor does it ever enter into the Blackfoot River or any other stream, creek or body of water, so it is not available for any other use. If it was not used as we have used it for over 50 years, it would not have been used wisely.

Due to the high altitude of the property, usually there is no need for irrigation until late June or early July of each year. The late snow pack and the spring rains usually provide enough moisture until around the 1st of July. Although the stockwater and domestic water is used from April through October, most of the irrigation usually occurs in July and August.

INTERROGATORIES

Interrogatory No. 10: Please State the Basis for your Contention for water right relating to your use.

Answer to Interrogatory No. 10: As stated previously, this water has been used by my family since 1955.

Interrogatory No. 11: Please Describe, over the past 20 years, the earliest date in a season that water has been diverted for use by you.

Answer to Interrogatory No. 11: I believe the earliest the water has been turned into the pipeline in the last 20 years would be April 16. Usually it is not turned into the pipeline until May, but there were some dry years with little snow, so we turned the water on earlier.

Interrogatory No. 12: Please Describe, over the past 20 years, the latest date in a season that water has been diverted for use by you.

Answer to Interrogatory No. 12: I believe the latest date that the pipeline was turned on would be around May 4 in the last 20 years.

Interrogatory No. 13: Please Describe, over the past 20 years, in an average or typical year, what date did you begin diverting water.

Answer to Interrogatory No. 14: The average or typical year turn-on date of the pipeline would be April 28.

Interrogatory No. 15: Please Describe, over the past 20 years, the earliest date in a season that you stopped, ended or ceased diverting water.

Answer to Interrogatory No. 15: The earliest date in the season that I shut off the water in the pipeline would be October 1.

Interrogatory No. 16: Please Describe, over the past 20 years, the latest date in a season that you stopped, ended or ceased diverting water.

Answer to Interrogatory No. 16: The latest date in the season that I shut off the water in the pipeline would be October 31.

Interrogatory No. 17: Please Describe, over the past 20 years, in an average, or typical year, what date did you stop, end or cease diverting water.

Answer to Interrogatory No. 17: The average date in the season I would turn the water off in the pipeline would be October 15.

Interrogatory No. 18: Please Describe, over the past 20 years, the factors which control the date in a season on which you begin diverting water.

Answer to Interrogatory No. 18: The number one factor to determine the date of the turn on of the pipeline is the weather. On a dry year with little snow, it gets turned on earlier. On a wet year with lots of snow it gets turned on later.

Interrogatory No. 19: Please Describe, over the past 20 years, the factors which control the date in a season on which you stop, end or cease diverting water.

Answer to Interrogatory No. 19: The number one factor to determine the date of the turn off of the pipeline is the weather. When the weather is warm and dry, the pipeline turn off date is later. When the weather is cold and wet, the pipeline turn off date is earlier.

Interrogatory No. 20: Please Describe if your water use practices have changed during the past 20 years regarding when the water use begins or ends.

Answer to Interrogatory No. 20. The turn on or turn off dates of the pipeline have not changed in the last 20 years.

Interrogatory No. 21: Please Identify each Person who participated in or furnished information for the preparation of all or any portion of your responses to these Discovery Requests.

Answer to Interrogatory No. 21. I contacted Cindy Bird of the Soda Springs Idaho Department of Water Resources office by telephone. She advised me to answer all the questions to the best of my ability. My wife, Ruby Conlin, typed this paper with the answers.

Interrogatory No. 22: If you intend to use testimony by deposition or affidavit or any Expert Witness in support of a motion for summary judgment, in This Case, please Identify each Person whom you expect to call as an Expert Witness, state the subject matter on which the expert is expected to testify, state the substance of opinions to which the expert is expected to testify, and state the underlying facts and data upon which the expert opinions are based.

Answer to Interrogatory No. 22: Cindy Bird of the Idaho Dept of Water Resources has helped me-over the past few years in trying to protect my water right. She has made on-site inspections of my water system and has tested the water pressure (albeit in a low water year). She can verify that the water from the spring sinks into the ground and never reaches the Blackfoot River. She took tests on the pressure of the water in the pipeline (albeit in a low water year) and I would assume could calculate the volume of water that I used for irrigation. She gathered this information as part of her responsibilities as a specialist for the Idaho Department of Water Resources.

Douglas Hogan, Orval Beus, and Jack L. Brown could all testify of the use of the water in prior years and the fact that the water from the spring never enters into the Blackfoot River. They have been good friends of mine for many years and are all familiar with the spring and the water system we have used for the last 50+ years.

Interrogatory No. 23: If you intend to use testimony by deposition or affidavit of any Person other than an Expert Witness in support of a motion for summary judgment, in This Case, please identify each Person who you expect to use, state the subject matter on which the Person is expected to testify, state the substance of the matters to which the Person is expected to testify, and Describe the facts and data to which the Person is expected to testify.

Answer to Interrogatory No. 23: I do not intend to use any other person's testimony on this case.

REQUESTS FOR PRODUCTION

Request for Production No. 1: Please Produce all Relevant Document that you assert support or Relate to your Contention that is the subject of Interrogatory Nos. 1 and 2.

Answer to Request for Production No. 1: I am including copies of maps showing the location of the property and the spring in question. Cindy Bird has other documents in her office that show that the pipeline was constructed in 1955. She also has her logs of her on-site visits to the property to verify that the water from the spring never reaches the river and to verify the water pressure. I do not have copies of these documents in my possession, but should this go to trial, I would like to use that information.

Request for Production No. 2: Please Produce all Relevant Documents that you assert support or Relate to your Contention that is the subject of Interrogatory Nos. 3 and 4.

Answer to Production No. 2: There are no documents for Production No. 2

Request for Production No. 3: Please Produce all Relevant Documents that you assert support or Relate to your Contention that is the subject of Interrogatory Nos. 5 and 6.

Answer for Request for Production No. 3. There are no documents for Production No. 3.

Request for Production No. 4: Please Produce all Relevant Documents that you assert support or Relate to your Contention that is the subject of Interrogatory Nos. 7 and 8.

Answer to Request for Production No. 4: There are no documents for Production No. 4.

Request for Production No. 5: Please Produce all Relevant Documents that you assert support or Relate to your Contention that is the subject of Interrogatory No. 9.

Answer for Request for Production No. 5: There are no documents for Production No. 5.

Request for Production No. 6: Please Produce all Relevant Documents that you assert support or Relate to your Contention that is the subject of Interrogatory No. 10.

Answer for Request for Production No. 6: The only documents that relate to the use of the water from 1955 are not in my possession at this time, but Cindy Bird has some limited information to verify the existence of the pipeline in the late 1950's.

Request for Production No. 7: Please Produce copies of any relevant Documents that You have provided to any Person in conjunction with his or her anticipated testimony in This Case.

Answer for Request for Production No. 7: The only documents that I am aware of that might be used in this case are the documents I provided to Cindy Bird to verify the use of the water right from 1955 on.

Request for Production No. 8: Please Produce copies of any relevant Documents that You have provided to any Person in conjunction with his or her anticipated testimony in This Case.

Answer to Request for Production No. 8: There are no documents that I have received from any person in conjunction with his or her anticipated testimony in this case.

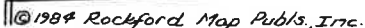
Request for Production No. 9: Please Produce a copy of the Stevens Decree if you base your water claim on this decree.

Answer to Request for Production No. 9. I do not base my water claim on a Stevens Decree so there are no documents.

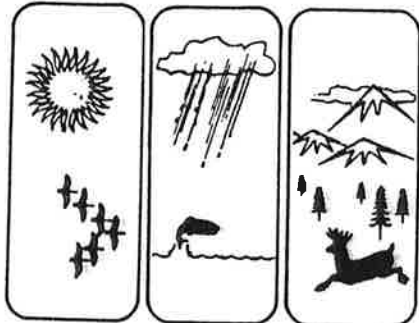
Request for Production No. 10: Please provide a privilege log that identifies, in accordance with Instruction D of these Document Requests, each Document that was requested herein to be Produced, but which you have declined to Produce on the basis of a claim of privilege or other legal protection.

Answer to Request for Production No. 10. There are no documents that I have declined to produce on the basis of claim of privilege or other legal protection.

*Wm Bart Conlin, President
Wm Bart Conlin Inc.
P.O. Box 753
Soda Springs, Id 83276
12-21-2007*



SODA SPRINGS, IDAHO



27-4020



27-4020.shp

Quarter-Quarter Lines
Recommendation POD

1987 NAPP Photography
Created by: Cbird
12-20-2006

0.2 0 0.2 0.4 Miles

A scale bar showing distances in miles. It is marked with 0.2, 0, 0.2, and 0.4 miles.

December 18, 2007

Jeanette Wolfley
Attorney at Law
202 North Arthur
Pocatello, ID 83204

I am enclosing my answers to the Discovery requests that were recently mailed to me.

I am also enclosing a letter with attached documents from the Shoshone Bannock Tribes Water Resources Department proposing a possible settlement. I am very interested in the proposed attachment.

I am also enclosing a copy of an order granting motion to file late objection and setting deadline that I received from Brigitte Bilyeu, Special Master.

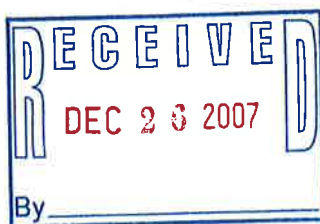
I am also enclosing a letter from Cindy Bird regarding the volume objection on my irrigation water right.

I was told by Cindy Bird of the Idaho Dept of Water Resources that the Department had not granted my irrigation claim because there was no volume measure. It was my understanding that Cindy went out to my farm in the summer of 2007 to take some pressure tests so she could determine the amount of water I have used over the years. Unfortunately 2007 was a low water year so I am not sure if the measurement she took will accurately reflect the correct volume. I have not been told of the results of her tests.

I am anxious to settle this as soon as possible in a fair and equitable way for everyone involved. I would appreciate the support of the Idaho Department of Water Resources, the Shoshone-Bannock Tribes and the Special Master of the SRBA District Court in getting this resolved.

Although this is a small amount of water which never enters the Blackfoot River, it is nevertheless important to me and my family. We feel we have used the water prudently over the last 50-plus years and have not deprived any other person or entity of any water that was available to them. If we were not using this water it would not increase the water for anyone else. We would like to continue to use the water as we have in the past.

Should you have any questions or if I have not properly responded to any question or procedure, please contact me.



Wm. Bart Conlin
8569 60th Drive
Elmhurst, NY 11373
718-672-2031

Wm Bart Conlin
12-21-2007

Copies to:

State of Idaho, Idaho Department of Water Resources
Cindy Bird
15 West Center Street
Soda Springs, ID 83276

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

Director of Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

Adjudication Bureau
Idaho Dept of Water Resources
900 N. Skyline, Ste A
Idaho Falls, ID 83402-3653



Shoshone-Bannock Tribes

TRIBAL WATER RESOURCES DEPARTMENT

P.O. Box 306
Fort Hall, Idaho 83203

Phone: 208-239-4583
Fax: 208-239-4592

February 21, 2007

William Bart Conlin Inc.
New York New York S Mission
85-69 60TH Drive
Elmhurst, NY 11373-5547

Dear Water Claimant:

As you know the Shoshone-Bannock Tribes have objected to water rights claims where a volumetric limit was not placed on your water right as recommended in the State of Idaho's Director's report. The Snake River Basin Adjudication Court has scheduled all water right objections for trial in November 2007. Your water right is one of those right(s).

The Tribes would like to settle your stockwater claim(s) and propose to settle stockwater claim(s) using the following formula:

$$\text{number of stock} \times \frac{\text{\#\# gallons/day}}{\text{head}} \times \text{period use (days)} \times \frac{1 \text{ acre-ft}}{\text{\# gallons}} \Rightarrow \text{volume (AFY)}$$

We have settled numerous claims using this formula. If you are willing to consider settling, we need the following information from you: 1) type of stock (e.g. cattle, cow-calf pairs, sheep, horses, elk); 2) number of stock; and 3) actual period of use. We will generally use the period of use as listed on the recommended water right, however the State of Idaho will require the actual period of use to come up with a more realistic number. For example, if your water right has a period of use for 365 days a year and your cattle only use this water right 6 months of the year then a period of use of 6 months would be used to calculate the volume.

If you wish to settle Tribal objections to your stockwater claims please fill out the attached form and place it in the enclosed self-addressed stamped envelope. We will calculate your water claim using this formula, and then contact you. Should you have additional questions or need further clarification of this letter, please feel free to call me at (208) 239-4581. Thank you for your consideration of our proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Spence Ward".

Spence Ward
Deputy Tribal Water Engineer

March 16, 2007

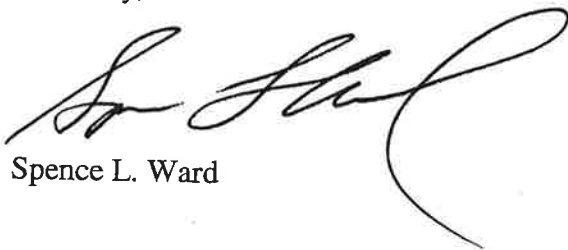
Dear Mr. Conlin,

The stock water volume was reached from the information you provided on the stock water calculation sheet. The 214 days would be from May 1 through the end of November as you indicated.

The irrigation of 10 acres has not been added to the water right as of today. The paralegal, Gail Martin and I checked the IDWR site and no amendment had been made by IDWR. I was reading through your file and remember talking with you and Cindy Bird about the 10 acres you irrigate. The irrigation volume calculated on the bottom of the water right enclosed is what the Tribes would suggest if and when the 10 acres of irrigable land was added to your water right.

Let me know if these volumes are acceptable to you. Good luck on your mission, and hope all is well.

Sincerely,

A handwritten signature in black ink, appearing to read 'Spence L. Ward', with a large, sweeping flourish extending from the end of the signature.

Spence L. Ward

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

RIGHT NUMBER: 27-4020

NAME AND ADDRESS: WILLIAM BART CONLIN INC
BOX 753
SODA SPRINGS ID 83276

SOURCE: GARDINER SPRING

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1956

POINT OF DIVERSION: T07S R42E S23 NENW Within CARIBOU County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	05/01 11/01	0.020 CFS

2.63 AFY

PLACE OF USE: STOCKWATER Within CARIBOU County

T07S R42E S22 NENE

DOMESTIC Within CARIBOU County

T07S R42E S22 NENE

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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 50 cattle

$$\text{STOCKWATER: } \left(200 \text{ cow/calf} \right) \left(\frac{20 \text{ GAL/DAY}}{\text{cow/calf}} \right) \left(214 \text{ DAYS} \right) \left(\frac{1 \text{ AC-FT}}{325,850 \text{ GAL}} \right) = \underline{\underline{2.63 \text{ AFY}}}$$

$$\text{IRRIGATION: } \left(3.1 \frac{\text{AC-FT}}{\text{AC}} \right) \left(10 \text{ AC} \right) = \underline{\underline{31 \text{ AFY}}}$$

2006 SEP -7 PM 3: 44

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

) ORDER GRANTING MOTION TO
) FILE LATE OBJECTION AND
) SETTING DEADLINE

) SUBCASE NO.: 27-04020
)

I. PROCEDURAL BACKGROUND

An *Objection* was filed on July 27, 2006 by William Bart Conlin, Inc. The SRBA District court treated the *Objection* as a *Motion to File Late Objection*. The *Motion* seeks to amend the notice of claim for this water right by increasing the acreage. A hearing was held on the *Motion* on September 6, 2006.

II. STANDARD OF REVIEW

The SRBA Administrative Orders do not provide a standard to be applied for filing late objections. However, the court's administrative rules set forth that *Motions to File a Late Notice of Claim* are to be reviewed under the criteria of I.R.C.P. 55(c) and 60(b). *SRBA Administrative Order 1 (AO1) § 4 (d)(2)(d)*.

According to case law and the Rules of Civil Procedure, a court applies the criteria of I.R.C.P. 55(c) when determining whether to allow the filing of a late answer. *Motions for Late Objection* have been reviewed in the SRBA under the same criteria of Rule 55(c). The proponent of a *Motion for Late Objection*, like a party seeking to file an untimely answer, must show both "good cause" for untimeliness and the existence of a "meritorious position." I.R.C.P. 55(c).

The SRBA has recently affirmed the legal standard of what must be shown to satisfy "good cause" and "meritorious position." The legal standard for "good cause" for untimeliness of an

objection is determined under the standard for setting aside the entry of a default under I.R.C.P. 55(c). The "good cause" standard under Rule 55(c) is more lenient than the standard under Rule 60(b). The I.R.C.P. 55(c) standard takes into account the following factors:

- 1) whether the default was willful;
- 2) whether setting aside the judgment would prejudice the opponent; and
- 3) whether a meritorious position has been presented.

Order on Motion to Set Aside Partial Decrees and File Late Objections (A.L. Cattle) (Jan. 31, 2001).

In support of the *Motion*, Mr. Conlin explained that he did not originally realize that the irrigation component of his claim had not been recommended. When he learned at the Initial Hearing that his irrigation use was not recommended, he immediately sought the filing of a late objection. The lateness of the objection was therefore, not willful. In addition, Mr. Conlin explained that he has irrigated the 10 acres in question since about 1955. Therefore a meritorious position on the irrigation claim has been alleged. No parties to the SRBA opposed the *Motion*, and there is no showing prejudice would result from allowing the late objection.

III. FINDINGS

Mr. Conlin failed to file a timely *Objection* to the *Director's Report* because he did not understand the different uses of this water right. There was no opposition to the *Motion*. Therefore, the *Motion to File Late Objection* is **granted**. The *Objection* will be filed with the court dated September 6, 2006.

IT IS ORDERED that the following deadline shall govern further proceedings:

October 27, 2006

5:00 pm

Deadline to file Response to Objection

DATED September 7, 2006.


BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE OBJECTION AND SETTING DEADLINE was mailed on September 07, 2006, with sufficient first-class postage to the following:

SHOSHONE-BANNOCK TRIBES

Represented by:

JEANETTE WOLFLEY

SPECIAL COUNSEL

SHOSHONE-BANNOCK TRIBE

202 N ARTHUR

POCATELLO, ID 83202

Phone: 208-232-1922

STATE OF IDAHO

Represented by:

NATURAL RESOURCES DIV CHIEF

STATE OF IDAHO

ATTORNEY GENERAL'S OFFICE

PO BOX 44449

BOISE, ID 83711-4449

WILLIAM BART CONLIN INC

PO BOX 753

SODA SPRINGS, ID 83276

Phone: 208-547-4258

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 W Center Street, Soda Springs, Idaho 83276-1575

Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 4, 2007

Bart Conlin
8569 60th Dr.
Elmhurst, N.Y 11373

REF: SRBA Rights 27-4020

Subject: Basin 27 Objections to Irrigation Use

Dear Claimants:

This letter concerns the objection filed by the Shoshone-Bannock Tribes and/or the Bureau of Indian Affairs (collectively referred to as "the Tribal Objectors") to your water right in the Snake River Basin Adjudication (SRBA) and the concurrence of the Idaho Department of Water Resources (IDWR) in a proposed settlement agreement to resolve the objection.

It is IDWR's understanding that you have agreed to settle the volume objection made by the Tribal Objectors to your water right by including a specific total annual volume limit on your irrigation water right. Recently, the Tribal Objectors requested that IDWR concur in the settlement agreement. IDWR is reluctant to concur in such settlements because of a lack of information regarding actual diverted volumes in Basin 27. If a volume limit is to be included in a water right, IDWR wants to make sure that the volume limit is as accurate as possible. To this end, IDWR is currently in the process of implementing a study intended to provide a basis for determining diverted volumes in Basin 27. Still, IDWR realizes that that some water users might have information that would provide actual diverted volumes for their water rights, thus eliminating the need to wait for completion of the study. As such, IDWR is requesting any information you have to support historical diversion amounts for your water right. If you have any such information, please send it to the address listed above.

If you have any questions please feel free to contact me at 547-3993.

Respectfully,

A handwritten signature in cursive script that reads "Cindy E. Bird".

Cindy E. Bird
Adjudication Bureau

CC: BIA, U.S. Dept. Of Justice
Jeanette Wolfley, Shoshone-Bannock Tribes
State Of Idaho, David Barber
Andrea Courtney, Deputy Attorney General



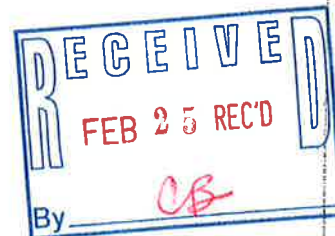
STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

February 25, 2008

William Bart Conlin
New York New York S Mission
85-69 60th Drive
New York, NY 11373-5547

David J. Barber
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

Jeanette Wolfley
Special Counsel
Shoshone-Bannock Tribes
202 N. Arthur
Pocatello, ID 83202



RE: SRBA Subcase No 27-4020 (William Bart Conlin, Inc.)

Dear Parties:

On July 27, 2006, Claimant William Bart Conlin, Inc. ("Conlin") filed a motion for late objection in this subcase. The late objection concerned the fact that the Director's Report filed by the Idaho Department of Water Resources ("IDWR") did not contain a recommendation for irrigation use. A hearing on the late objection was held on September 6, 2006, and on September 7, 2006, Special Master Bilyeu issued an order granting the late objection.

IDWR concurs with Conlin's late objection; an irrigation component should have been recommended for this water right. Because Conlin properly claimed an irrigation use in its *Notice of Claim to a Water Right*, no amended claim is needed. In an effort to ensure that the elements of water right no. 27-4020 are properly before the SRBA Court, however, and especially in light of the pending summary judgment motion and upcoming hearing, IDWR is filing the attached *Amended Director's Report* to accurately describe this water right. IDWR will present this issue to Special Master Bilyeu at the beginning of the hearing on summary judgment.

If you should have any questions or comments, please feel free to contact me at (208) 287-4810.

Sincerely,

Andrea L. Courtney
Deputy Attorney General, IDWR

Enclosure

cc: Cindy Bird

AMENDED DIRECTOR'S REPORT

Subcase No. 27-4020

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

**Prepared by the Idaho Department of Water Resources
David R. Tuthill, Jr., Director
Donald V. Shaff, Adjudication Bureau Chief**

February 25, 2008

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources ("IDWR").

DISCUSSION

Pursuant to the February 21, 2008, telephone conversation between Special Master Bilyeu and Andrea Courtney, Deputy Attorney General on behalf of IDWR, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase (see attached print-out). This Amended Director's Report is being filed in advance of the Hearing on Summary Judgment set for February 27, 2008, so that all elements of water right no. 27-4020 are before the Court at that time.


DONALD V. SHAFF
Adjudication Bureau Chief

02/22/2008

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 27-4020

NAME AND ADDRESS: WM BART CONLIN INC
NEW YORK NEW YORK S MISSION
85-69 60TH DR
ELMHURST NY 11373-5547

SOURCE: GARDINER SPRING

TRIBUTARY: SINKS

QUANTITY: 0 160 CFS

PRIORITY DATE: 05/01/1956

POINT OF DIVERSION:

107S R42E S23 SENENW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS 2.63 AFY
DOMESTIC	05/01 11/01	0.020 CFS 0.60 AFY
IRRIGATION	06/01 09/01	0.160 CFS

PLACE OF USE: IRRIGATION in CARIBOU County

T07S R42E S22 NENE 10.00

STOCKWATER in CARIBOU County

107S R42E S22 NENE

DOMESTIC in CARIBOU County

107S R42E S22 NENE

10 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 the domestic and stockwater portion of this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 50 cattle.

Amended Director's Report - Water Right No. 27-4020

CERTIFICATE OF SERVICE

I certify that on FEBRUARY 25, 2008, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, 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

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

2. Copies to:

SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N. ARTHUR
POCATELLO, ID 83202

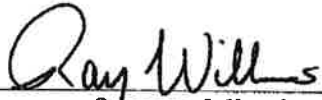
STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

W M BART CONLIN INC
NEW YORK NEW YORK S MISSION
85-69 60TH DR.
NEW YORK, NY 11373-5547

WILLIAM BART CONLIN, INC.
P.O. BOX 753
SODA SPRINGS, ID 83276

CARIBOU COUNTY COURTHOUSE
P.O. BOX 775
SODA SPRINGS, ID 83276

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person delivering form

JUL 16 2001

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: A27-04020
Date Received: 1/22/1990
Receipt No: ~~10005560~~
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WM. BART CONLIN INC.
Address: PO BOX 753
SODA SPRINGS, ID 83276 208-547-4258

2. Date of Priority: MAY 01, 1955

3. Source: GARDNER SPRING Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	42E	23	NE	NW			CARIBOU

5. Description of diverting works:
SPRING AND PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	06/01	09/01	2.500		
DOMESTIC	05/01	11/01	0.040		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 25.0 Acre Feet per Annum.

9. Non-irrigation uses:
S/50 RANGE D/1 HOUSE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	42E	22	NE	NE		IRR	10.0

A27-04020

Page 1

Date: 01/22/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	42E	22	NE	NE		DOMES	
			NE	NE		STOCK ?	

Section Acres 10 0

Total Acres 10 0

11. Place of use in counties: CARIBOU ✓

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

13. Other Water Rights Used:
NONE ✓

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM —

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Wm Bart Conlin
Signature of Authorized Agent
President, Wm Bart Conlin Inc.
Title and Organization

1-22-90
Date

State of Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of January 19 90

Anthony S. Olenchak
Notary Public

Seal

Residing at Shabo Falls
My Commission Expires 9/12/1994

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SRV 6