

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00039C

Date Received: 6/07/1988

Receipt No: S000359

Received By: AM

COPY
FOR YOUR FILES
DO NOT RETURN

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

1. Name: DICK J. VEENENDAAL 208-837-6670
Address: P.O. BOX 512
221 WILLOW LANE
HAGERMAN, ID 83332

AND/OR

Name: SIGRID E. VEENENDAAL 208-837-6670
Address: P.O. BOX 512
221 WILLOW LANE
HAGERMAN, ID 83332

2. Date of Priority: JAN 02, 1891

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

4. Point of Diversion:

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

5. Description of diverting works:
VIA BUCKEYE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.280		

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

8. Total consumptive use is 6.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A36-00039C

Page 1

Date: 06/07/88

MICROFILMED
OCT 11 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	11	NW SE		IRR	2.0
Section Acres						2.0
Total Acres						2.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS BASED ON A PORTION OF 36-0039A AND 36-0039B. THE PLACE OF USE IS LOTS 6 & 7 WILLOWBROOK SUBDIVISION, GOODING CO.

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

16. Signature(s)

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

Number of attachments: 3

For Individuals:

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

Signature of Claimant(s): *David E. Remondos* Date: 6-7-88
David E. Remondos Date: 6-7-88

State of Idaho)
County of Twin Falls) SS.

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

of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at *Gooding, ID*
My Commission Expires 10/16/1992

775-2135

Lower Salmon
Falls
Power Plant
Substation



-P/0

2-3158

CH

575

15

36

E4681

188

2963

28

23

Z

A

2

5.

WIC BROCHURE 3092

1911

Lot 6 in Block 2 of Willow Brook Subdivision

DEED OF RECONVEYANCE

Rick Bernsen, dba PIONEER TITLE COMPANY OF JEROME COUNTY, formerly Pioneer Title Company of Jerome County, an Idaho Corporation, as Trustee in the deed of trust executed by Dick Jerold Veenendaal and Sigrid E. Veenendaal, husband and wife

Volume _____ at page _____, Instrument No. 116344 recorded August 8, 1985 in _____ Mortgage records of Gooding County, Idaho, pursuant to the written request of the beneficiary, does hereby GRANT and RECONVEY unto the PARTIES ENTITLED THERETO,

Dick Jerold Veenendaal and Sigrid E. Veenendaal, husband and wife

without warranty, all the estate and interest derived to it by or through said Deed of Trust, in the lands therein described.

Dated: July 17, 1986

PIONEER TITLE COMPANY

PIONEER TITLE COMPANY
of Jerome County

By _____
Rick Bernsen, Owner/Manager

STATE OF IDAHO

COUNTY OF JEROME

ss.

On this 18th day of July in the year 1986, before me, a Notary Public, personally appeared Rick Bernsen, Manager/Owner of Pioneer Title Company of Jerome County, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Martina R. Sellars
Notary Public

MARTINA R. SELLARS
NOTARY PUBLIC
FOR THE STATE OF IDAHO
Residing: Jerome, Idaho

122435
STATE OF IDAHO, COUNTY OF BOYER
Filed for record at the request of Pioneer Title
20 min. past 10 o'clock A 23
of July 1986. Fee \$2.00
By Nileen K. Pratt Deputy

MICROFILMED
OCT 11 1994

POOR ORIGINAL

THIS DEED OF TRUST, Made this
BETWEEN

day of August

1985

Dick Jerold Veenendaal and Sigrid E. Veenendaal, husband and wife,

herein called GRANTOR

whose address is Route #1, Hagerman, Idaho 83332

Land Title and Escrow, Inc., an Idaho Corporation, herein called TRUSTEE, and

Jean B. Fletcher, a single person continuously since the death of her
husband on June 21, 1981

herein called BENEFICIARY.

WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE
IN TRUST, WITH POWER OF SALE, that property in the County of Gooding
State of Idaho, described as follows and containing not more than twenty acres:

Lot 7, Block 2, Willow Brook Subdivision, located in Section
11, Township 7 South, Range 13, East of the Boise Meridian,
according to the plat thereof on file in the office of the
Gooding County Recorder, Gooding County, Idaho.

Subject to those certain restrictive and protective covenants
dated August 13, 1979, and recorded with the office of the
Gooding County Recorder, State of Idaho, on the 13th day of
August, 1979, as Instrument No. 78288.

Together with the tenements, hereditaments, and appurtenances
thereunto belonging, including all water and ditch rights
appurtenant thereto, and including seven (7) shares of water
from the Buckeye Ditch Company for irrigation purposes.

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter give
to and conferred upon Beneficiary to collect and apply such rents, issues and profits.

For the Purpose of Securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by
Grantor in the sum of Fifty-five thousand Dollars, (\$ 55,000.00)

final payment due August 15, 1986

and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantor
herein, or any or either of them, with record owner of present interest, for any purpose, and of any notes, drafts or other instru-
ments representing such further loans, advances or expenditures, together with interest on all such sums at the rate there-
provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Ben-
eficiary, and provided further, that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing
security until paid for such advances together with interest thereon.

A. To protect the security of this Deed of Trust, Grantor agrees:

1. To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore
promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay
when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requir-
ing any alterations or improvements to be made thereon; not to commit or permit waste thereof, not to commit, suffer or permit
any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the
character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The
amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby a-
in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may
be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate
any act done pursuant to such notice.

3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Ben-
eficiary or Trustee and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum,
any such action or proceeding in which Beneficiary or Trustee may appear.

4. To pay, at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrance
charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees
and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured the Grantor
shall at the option, and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes, assessments, insur-
ance premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the pay-
ment by Beneficiary of any such items when due. Grantor's failure so to pay shall constitute a default under this trust.

5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions here-
with interest from date of expenditure at eight per cent per annum.

6. Should Grantor fail to make any payment or to do any act as herein provided, then Beneficiary or Trustee, but with
obligation so to do and without notice to or demand upon Grantor and without releasing Grantor from any obligation hereof, may
make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary
or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding pur-
porting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise
encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such
powers, or in enforcing this Deed of Trust by judicial foreclosure, pay necessary expenses, employ counsel and pay his reason-
able fees.

B. It is mutually agreed that:

1. Any award of damages in connection with any condemnation for public use or injury to said property or any part there-
is hereby assigned and shall be paid to Beneficiary who may apply or release such moneys received by him in the same man-
ner and with the same effect as above provided for disposition of proceeds of fire or other insurance.

2. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to re-
prompt payment when due of all other sums so secured or to declare default for failure so to pay.

3. At any time or from time to time, without liability therefor and without notice, upon written request of Beneficiary,
presentation of this Deed and said note for endorsement, and without affecting the personal liability of any person for payment
the indebtedness secured hereby, Trustee may: reconvey all or any part of said property; consent to the making of any map
plat thereof; join in granting any easement thereon; or join in any extension agreement or any agreement subordinating the
or charge hereof.

4. Upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this Deed
and said note to Trustee for cancellation and retention and upon payment of its fees, Trustee shall reconvey, without warra-
nt, the property then held hereunder. The recitals in any reconveyance executed under this deed of trust of any matters or facts
shall be conclusive proof of the truthfulness thereof. The grantee in such reconveyance may be described as "the person or per-
son legally entitled thereto."

5. As additional security, Grantor hereby gives to and confers upon Beneficiary the right, power and authority, during
continuance of these trusts, to collect the rents, issues and profits of said property, reserving unto Grantor the right, prior to
default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, to collect
retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time with
notice, either in person, by agent, or by a receiver to be appointed by a court, and without regard to the adequacy of any secu-
rity for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in his own name or
otherwise collect such rents, issues and profits, including those past due and unpaid and apply the same less costs and expen-
ses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Ben-
eficiary may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits
and application thereof as aforesaid, shall not cure or waive a default or notice of default hereunder or invalidate any act

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

TOTAL RECORDS IN SELECTION FILE: 116

MICROFILMED
OCT 11 1994

RECEIVED
FEB 10 1993
Department of Water Resources

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

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

* * * * *

10 In Re the General Adjudication)
11 of Rights to the Use of Water)
12 from the Snake River Basin)
13 Water System)

Case No. 39576

14 The State of Idaho, ex rel.
15 R. Keith Higginson in his
16 official capacity as director
17 of the Idaho Department of
18 Water Resources,

NOTICE OF APPEARANCE

19 Petitioner,

20 vs.

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

Respondents.

* * * * *

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



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 1

MICROFILMED
OCT 11 1994

1 Users, Inc. and its individual members:

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



Hepworth,
Nungester,
& Lezamiz

MICROFILMED
OCT 11 1994

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



Hepworth,
Nungester,
& Lezamiz

MICROFILMED
OCT 11 1994

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

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

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

14
 15 By Patrick D. Brown
 16 PATRICK D. BROWN
 Attorneys for Respondents

17
 18 CERTIFICATE OF MAILING

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



Hepworth,
 Nungester,
 & Lezamiz

MICROFILMED
OCT 11 1994

1 February, 1993, to:

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

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

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

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

12
13 
14 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

MICROFILMED
OCT 11 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

MICROFILMED
OCT 11 1994

The following is a list of claims that have been updated with the notice information, however, there is a discrepancy between IDWR records and the notice list (see third column).

Claimant's Name as listed on Notice of Appearance	As Claimed/ As Recommended	Claim No. or Claimant's Name in IDWR's Records
Anderson, Anita G.	A36-00050D/36-00050D	Andersen (name spelling is different)
Brailsford, Robert H.	A36-04260/36-04260	A36-04260B/36-04260B (claim was split--"B" suffix)
Brooks, Allen L. & Andree	A35-00060	A36-00060/36-00060 (Basin 36 instead of Basin 35)
Crandlemire, Roger C. & George C.	A36-00113J/36-00113J	Crandlemire, Roger C. (George C. not listed as claimant)
Gisler, Harry R.	A36-00021B/36-00021B	A36-00021/36-00021 (claim was renumbered)
Glauner, Frank L. & Joan	A36-00039E/36-00039E	Jean instead of Joan
Gustafson Family Trust/Gustafson, Ivan J. & Lucille co-trustees	A36-00011C/36-00033F	Gustafson, Ivan J. (not listed as a trust)
Johnson, Ira L. & Huguette M.	A36-07142/36-07142	Johnson, Ira L. (Huguette M. not listed as claimant)
Joint Hagerman School Dist. 233	A36-15463/36-15463	Original claim & IDWR records show school dist. as #3.
Jones, John W., Jr.	A36-00068/36-00068 A36-00069/36-00069 A36-07071/36-07071 A36-00070/36-00070	Jones, John W. Jr. & Deloris D. (Deloris D. is included as a claimant)

MICROFILMED
 OCT 11 1994

Mr. Patrick D. Brown
 March 1, 1993
 Page 3

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

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

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

MICROFILMED
OCT 11 1994

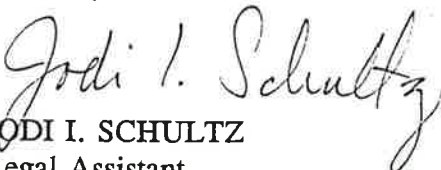
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

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

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

Sincerely,


JODI I. SCHULTZ
Legal Assistant
Idaho Department of Water Resources

cc: IDWR Southern Region

MICROFILMED
OCT 11 1994

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

In Re SRBA

Case No. 39576

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

Water Right 36-00039c

200 DEC 13 PM 3:45

TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS:

DICK J. VEENENDAAL
SIGRID E. VEENENDAAL
BOX 512, 221 WILLOW LANE
HAGERMAN, ID 83332

SOURCE:

BILLINGSLEY CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY:

0.28 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT IN EXCESS OF .08 CFS
IS SUBORDINATED TO ALL GROUNDWATER AND SURFACE WATER RIGHTS WITH
PRIORITY DATES OF APRIL 30, 1993 OR EARLIER.

PRIORITY DATE:

01/02/1891

POINT OF DIVERSION:

T07S R13E S11

SESENE

Within Gooding County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
02-15 TO 11-30

QUANTITY
0.28 CFS

PLACE OF USE:

Irrigation

T07S R13E S11

NWSE 2.0

2.0 Acres Total

Within Gooding County

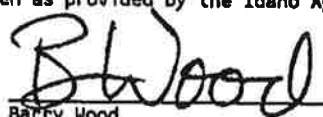
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE SUBORDINATED PORTIONS OF THIS WATER RIGHT SHALL NOT BE
ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE, OR
OTHERWISE RECOGNIZED IF IT WOULD CAUSE OR REQUIRE EITHER DIRECTLY
OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY
SURFACE WATER OR GROUNDWATER RIGHTS WITH PRIORITY DATES OF
APRIL 30, 1993 OR EARLIER. IF THE SUBORDINATED PORTIONS ARE
AVAILABLE AT BILLINGSLEY CREEK, THAT WATER SHALL BE AVAILABLE
FOR DIVERSION UNDER THIS 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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


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

770 DEC 13 PM 3:45

FILED
CLERK OF DISTRICT COURT
TWIN FALLS, 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

ORDER OF PARTIAL DECREE

For Water Right 36-00039C

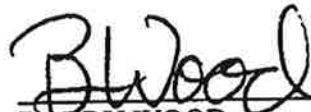
On February 3, 2000, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

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

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

Therefore, IT IS ORDERED that water right 36-00039C is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED Dec. 13, 2000.


BARRY WOOD

Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

Feb 02 00 11:12a

PATRICK D. BROWN

208 44-1970

P.8

RECEIVED
FEB 11 2000
Department of Water Resources
Southern Region

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

In Re SRBA

Case 39576

Subcase No.: 36-00039C

STANDARD FORM 5

STIPULATED ELEMENTS
OF A WATER RIGHT

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

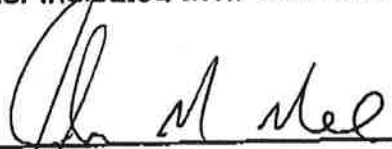
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described in the attached Amended Claim. This SF5 and settlement is expressly conditioned on the acceptance of its terms by the Court and the decree of the water right with the elements as described in this stipulation. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.


Patrick D. Brown

Attorney for Dick & Sigrid Veenendaal

Date


John Marshall

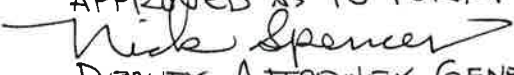
Attorney for Cranney Bros.

Date


IDWR Concurrence

Date

APPROVED AS TO FORM


DEPUTY ATTORNEY GENERAL
2-2-00

Feb 02 00 11:12a

PATRICK D. BROWN

208-444-1970

p. 9

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: 2-2-2000
PAGE: A-1

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

Right Number: 36-00039C

Name and Address: DICK J VEENENDAAL
SIGRID E VEENENDAAL
PO BOX 512
221 WILLOW LANE
HAGERMAN, ID 83332

Source: BILLINGSLEY CREEK Tributary: SNAKE RIVER

Quantity: .28 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT IN EXCESS
OF .08 CFS IS SUBORDINATED TO ALL GROUNDWATER AND
SURFACE WATER RIGHTS WITH PRIORITY DATES OF APRIL
30, 1993 OR EARLIER.

Priority Date: 01-02-1891

Diversion Point: T07S R13E S11 SESENE Within Gooding County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	02-15 TO 11-30	.28 CFS

Place of Use: Irrigation Within Gooding County
T07S R13E S11 NWSE 2
2 Acres Total

Other Provisions Necessary for Definition / Administration of this Water Right:

THE SUBORDINATED PORTIONS OF THIS WATER RIGHT
SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED,
ENFORCED, EFFECTIVE, OR OTHERWISE RECOGNIZED IF IT
WOULD CAUSE OR REQUIRE EITHER DIRECTLY OR INDIRECTLY,
CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY
SURFACE WATER OR GROUNDWATER RIGHTS WITH PRIORITY
DATES OF APRIL 30, 1993 OR EARLIER. IF THE
SUBORDINATED PORTIONS ARE AVAILABLE AT BILLINGSLEY
CREEK, THAT WATER SHALL BE AVAILABLE FOR DIVERSION
UNDER THIS RIGHT.

Explanatory Material: Basis of Claim - Decreed

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOTS 6 & 7, BLK 02, WILLOWBROOK
SUBDIVISION.

SF5 36-00039C

CERTIFICATE OF SERVICE

I certify that on February 2, 2000, I caused to be served true and correct copies of the Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

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

2. Copies to:

Patrick Brown
Law Offices
109 S. Adams
Jerome, ID 83338

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

John Marshall
Givens Pursley
P. O. Box 2720
Boise, ID 83701-2720

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


Signature of person or attorney mailing the form

RECEIVED

JUL - 8 1999

Department of Water Resources

1999 JUL -7 PM 3: 52

DISTRICT COURT-SRBA
TWIN FALLS, 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

)
)
)
)
)
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 36-00039C

On July 07, 1999, Special Master FRITZ X HAEMMERLE issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED July 07, 1999.


TERI HRANAC
Deputy Clerk

1999 JUL -7 PM 3: 52

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA

) Subcase 36-00039C
)
)
)

Case No. 39576

SPECIAL MASTER'S REPORT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 36-00039C was filed. On August 12, 1998, the court held a trial for this water right. After trial, the court issued its *Findings of Fact and Conclusions of Law* (Oct. 16, 1998), incorporated herein by reference. Based on those findings; now therefore

IT IS THEREFORE RECOMMENDED that subcase 36-00039C be decreed as recommended in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 6, 1999.



FRITZ X. HAEMMERLE, Special Master
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 36-00039c

1999 JUL -7 PM 3: 52
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: DICK J. VEENENDAAL
VEENENDAAL, SIGRID E.
BOX 512, 221 WILLOW LANE
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.28 CFS

OF THE TOTAL QUANTITY, 0.22 CFS IS FOR CONVEYANCE LOSS. THE
SAME CONVEYANCE LOSS IS SHARED AND USED IN COMBINATION WITH ALL
OTHER WATER RIGHTS DIVERTED OUT OF THE BUCKEYE DITCH.

PRIORITY DATE: 01/02/1891

POINT OF DIVERSION: T07S R13E S11 SESENE Within Gooding County

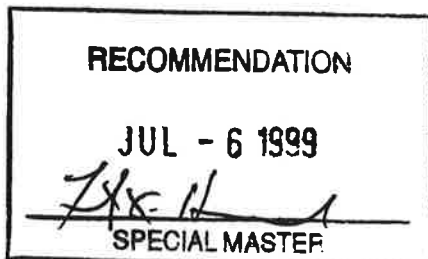
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.28 CFS

PLACE OF USE: Irrigation Within Gooding County
T07S R13E S11 NWSE 2.0
2.0 Acres Total

RULE 54(b) CERTIFICATE

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

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



1999 JUL -7 PM 3: 52
DISTRICT COURT-SRBA
TWINFALLS 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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 36-00039C

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 07, 1999, with sufficient first-class postage prepaid to the following:

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

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

DICK J. VEENENDAAL
VEENENDAAL, SIGRID E.
BOX 512, 221 WILLOW LANE
HAGERMAN, ID 83332

CERTIFICATE OF MAILING


TERI HRANAC
Deputy Clerk

PAGE 1
07/07/99

Memorandum

1998 SEP -9 PM 2:10
Dodged
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

To: Files 36-00039C, 36-00039F & 36-00039J

From: Fritz Haemmerle

By: Steve Clelland

Date: 09/08/98

Re: Conveyance Loss for 36-00039 Split Rights

At the request of the SRBA court, the conveyance loss to deliver a water right in the Buckeye Ditch, 1400 feet to the headgate diversion for the 36-00039 split portions at the Willowbrook Subdivision, can be calculated to be 0.35 cfs.

This quantity does not accurately account for the ditch conditions at extremely low flows. Ditch dimensions from the Willowbrook headgate to the claimants are unknown. Conveyance loss within Willowbrook has not been calculated.

See also the attached complete analysis of the Buckeye Ditch losses.

CONVEYANCE LOSS - WORSTELL

0.35 cfs
in 1400'

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	800	10.0	2.00	0.20	0.06	18.83	0.0107	0.00	26.81 - 00048B (1.01)
2	600	10.0	2.00	0.15	1.02	18.77	0.0081	0.02	26.55 - 00112A, 00112B, 00039 series (1.01)
3	1400	10.0	2.00	0.35	0.24	17.75	0.0199	0.01	25.38 - 00082A
4	800	10.0	2.00	0.20	0.44	17.51	0.0115	0.02	24.79 - 00082B, 00082C, 00039K @ 0.01 cfs each
5	1100	10.0	2.00	0.28	0.17	17.07	0.0163	0.01	24.14 - 00065
6	1200	10.0	2.00	0.30	0.10	16.90	0.0179	0.01	23.70 - 00103C, 00103E, 00103F @ 0.01 each
7	300	10.0	2.00	0.08	1.22	16.80	0.0045	0.11	23.29 - 00108A, B, C, H; 00103B, 00085A, B, 00125A @ 0.01 each
8	1000	10.0	2.00	0.25	0.16	15.58	0.0162	0.02	22.00 - 00108D, G @ 0.01 each
9	500	10.0	2.00	0.13	0.50	15.42	0.0082	0.06	21.58 - 00108J
10	2200	10.0	2.00	0.56	4.13	14.92	0.0373	0.62	20.96 - 00091A, B; 00108E, 00064B @ 0.16 each
11	5500	10.0	2.00	1.39	0.20	10.79	0.1288	0.06	16.27 - 00003E
12	1700	10.0	2.00	0.43	0.09	10.59	0.0406	0.03	14.68 - 00003G
13	3900	10.0	2.00	0.99	0.34	10.50	0.0938	0.14	14.16 - 00035J
14	600	10.0	2.00	0.15	0.27	10.16	0.0149	0.12	12.84 - 00035E, F, G; 35B @ 0.04
15	1500	10.0	2.00	0.38	0.62	9.89	0.0383	0.29	12.42 - 00035H, 00003A @ 0.15 each
16	1600	10.0	2.00	0.40	1.00	9.27	0.0436	0.51	11.42 - 00003C, F @ 0.26 each
17	600	10.0	2.00	0.15	0.30	8.27	0.0183	0.16	10.01 - 00003T
18	300	10.0	2.00	0.08	3.25	7.97	0.0095	1.75	9.56 - 00003B
19	3000	10.0	2.00	0.76	0.24	4.72	0.1606	0.17	6.24 - 00003D
20	3000	10.0	2.00	0.76	4.48	4.48	0.1692	3.89	5.24 - 00003H
TOTALS	31600			7.98	18.83			7.98	

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE WIDTH = AVERAGE TOP WIDTH OF REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

SUBCASE NO. 36-00039C

	CLAIM (6/7/1989)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Dick & Sigrid Veenendaal	N/A	Dick & Sigrid Veenendaal	Dick & Sigrid Veenendaal
BASIS OF CLAIM	Beneficial Use		Deecree	
SOURCE	Billingsley Creek		Billingsley Creek	
QUANTITY	0.280 cfs		0.06 cfs	XX - "claimant has a decreed right to 14 miner's inches. Requests as decreed and/or beneficially used"
PRIORITY DATE	1/2/1891		1/2/1891	
PURPOSE OF USE	Irrigation		Irrigation	XX - requests stockwater and domestic be included MSJ requests irrigation, stockwater, wildlife, recreation, aesthetics, domestic and "diversion system maintenance"
PERIOD OF USE	3/15 - 11/15		3/15 - 11/15	XX - requests year round for all uses MSJ requests Irrigation season for irrigation and year round for all other uses
POINT OF DIVERSION	T07S R13E S11		T07S R13E S11	
PLACE OF USE	T07S R13E S11 2.0 acres		T07S R13E S11 2.0 acres	

remarks	"This claim is based on a portion of 36-00039A and 36-00039B. The place of use is lots 6 & 7 Willowbrook subdivision, Gooding Co."		"Water is delivered through the Buckeye Ditch. Property is also known as lots 6 & 7, Blk 2, Willowbrook subdivision."	MSJ requests that all remarks be deleted

HAGERMAN

Surface Irrigation Diversion Rate Analysis Sheet

WR#'s 36-00039C

SOIL	SOIL AC.	% ROW	ROW AC.	FIR ROW	CFS ROW	% FOR.	FOR. AC.	FIR FOR.	CFS FOR.
FAB	0.01	50	—	0.046	—	50	—	0.030	—
394	1.95	50	0.98	0.054	0.053	50	0.97	0.045	0.044
TOTALS	1.96		0.98		0.053		0.97		0.044

REC.
FIR

0.10 *

CFS

=

SUM

0.097

CFS

X

2

REC. AC.

1.96

GIS AC.

DATE 10/22/97

INIT. JH

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

DIVERSION CAPACITY OR LIC./DEC. AMOUNT MAY LIMIT

36 - 09039C

<i>Pou_id</i>	<i>Soil_type</i>	<i>Acres_deci</i>	<i>Mad_row</i>	<i>Mad_for</i>	<i>Fir_row</i>	<i>Fir_for</i>	<i>Soil_pou</i>
596	FAB	0.01	0.91	1.71	0.046	0.030	596 FAB
596	394	1.95	0.75	0.94	0.054	0.045	596 394

SUBCASE NO. 36-00039C

	CLAIM (6/7/1989)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Dick & Sigrid Veenendaal	N/A	Dick & Sigrid Veenendaal	Dick & Sigrid Veenendaal
BASIS OF CLAIM	Beneficial Use		Decreee	
SOURCE	Billingsley Creek		Billingsley Creek	
QUANTITY	0.280 cfs		0.06 cfs	XX - "claimant has a decreed right to 14 miner's inches. Requests as decreed and/or beneficially used"
PRIORITY DATE	1/2/1891		1/2/1891	
PURPOSE OF USE	Irrigation		Irrigation	XX - requests stockwater and domestic be included MSJ requests irrigation, stockwater, wildlife, recreation, aesthetics, domestic and "diversion system maintenance"
PERIOD OF USE	3/15 - 11/15		3/15 - 11/15	XX - requests year round for all uses MSJ requests Irrigation season for irrigation and year round for all other uses
POINT OF DIVERSION	T07S R13E S11		T07S R13E S11	
PLACE OF USE	T07S R13E S11 2.0 acres		T07S R13E S11 2.0 acres	

remarks	"This claim is based on a portion of 36-00039A and 36-00039B. The place of use is lots 6 & 7 Willowbrook subdivision, Gooding Co."		"Water is delivered through the Buckeye Ditch. Property is also known as lots 6 & 7, Blk 2, Willowbrook subdivision."	MSJ requests that all remarks be deleted

IDAHO DEPARTMENT OF WATER RESOURCES SURFACE IRRIGATION ANALYSIS WORKSHEET

WATER RIGHT NOS.

36000-39C

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

My fields were historically irrigated using a surface water system: ☒ Yes ☐ No

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

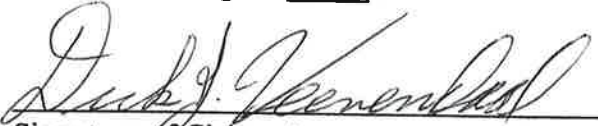
FORAGE/GRAIN/OTHER (hay, pasture, grain, mint)

50 %

ROW CROPS (beans, potatoes, sugar beets, corn)

50 %

My total acreage is 2 acres.


Signature of Claimant

10-22-97
Date


Signature of Claimant

10/22/97
Date

Signature of IDWR agent

Date

CLAIM NUMBERS 36-00039CDATE 10-16-97AGENT TH

TRANSFER NUMBER

OBJECTION FILED 04-30-98TOTAL ACRES FROM RECOMMENDATION 2GEOGRAPHIC INFO SYSTEM 1.74

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	<u>075</u>	<u>13E</u>	<u>12</u>														<u>2</u>		
GIS																	<u>1.74</u>		
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

POLYGON CREATED ON 604 (✓) 10-16-97

B36-DBPOU.DBF ✓

ATTRIBUTES OF B36-POU.SHP (596)

B36-DBPOD.DBF ✓

ATTRIBUTES OF B36-POD.SHP (454)

P/U CONFLICT yes () no (✓)

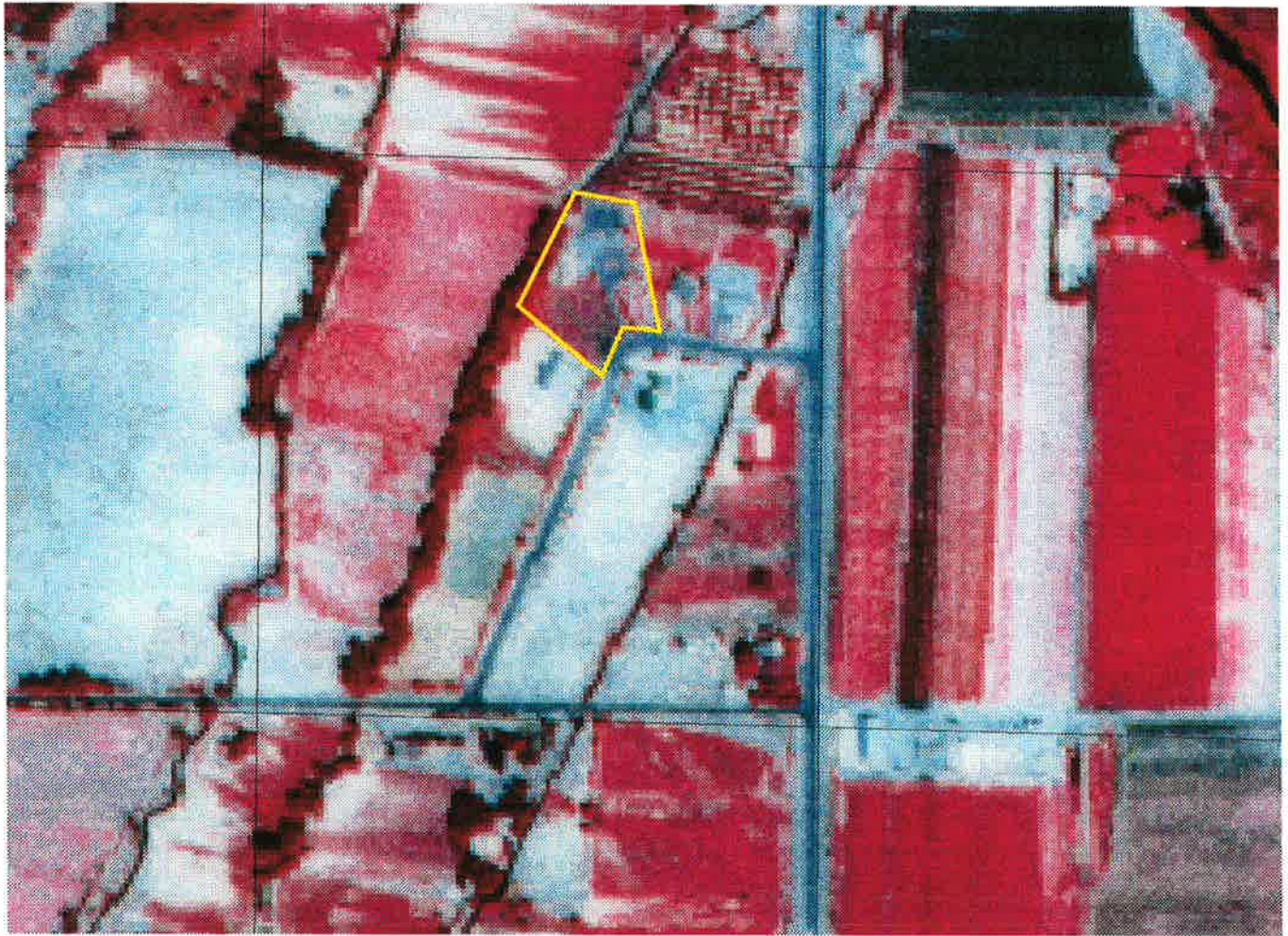
P/D CONFLICT yes () no ()

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

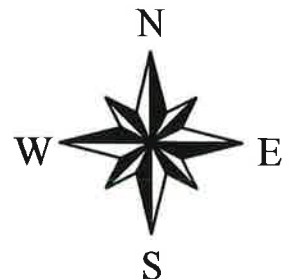
IDAHO DEPARTMENT OF WATER RESOURCES

36-00039C



660 0 660 Feet

TNS 7S, RNG 13E
SEC 11, NWSE



⊙ Recommended Point of Diversion

□ Recommended Place of use

— Section lines

□ Quarter/Quarter Lines

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

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

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

In Re the General Adjudication)
of the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 36-00039C -0001

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

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

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

MICROFILMED
OCT 11 1994

2. Person who filed objection:

Name: DICK J & SIGRID E VEENENDAAL
Address: BOX 512
221 WILLOW LANE
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. ☒ Quantity: I respond to the objection concerning:
- 3a. ☒ The total quantity of water used in cubic feet per second.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
14. ☒ Other: I respond to the objection concerning:

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

REASONS SUPPORTING EACH BOX CHECKED

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

In response to Statement of the Objection item 7, and all allegations of the objection regarding that item, IDWR responds that it recommended the same purpose or purposes of use that were identified on the notice of claim and that were found when the claim was investigated. By identifying in the objection an additional use or uses that the claimant did not list on the notice of claim, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

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

(Over)

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

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

In further response to this objection item, IDWR responds that it recommended this element of the water right as claimed.

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

	No. of Pages
Notice of Claim No. A36-00039C	6
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4

(Over)

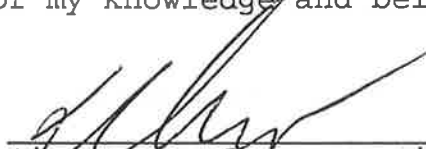
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

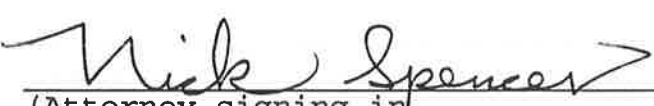
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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



Signature of person filing response

By:



(Attorney signing in
representative capacity)

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



Notary Public for Idaho

Residing at: _____

My Commission expires: _____

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

See No. 3

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

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

4. One copy to:

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



Signature of Respondent or attorney
mailing on Respondent's behalf

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00039C
Date Received: 6/07/1988
Receipt No: S000359
Received By: Am

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DICK J. VEENENDAAL 208-837-6670
Address: P.O. BOX 512
221 WILLOW LANE
HAGERMAN, ID 83332

AND/OR
Name: SIGRID E. VEENENDAAL 208-837-6670
Address: P.O. BOX 512
221 WILLOW LANE
HAGERMAN, ID 83332

2. Date of Priority: JAN 02, 1891

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

4. Point of Diversion:

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

5. Description of diverting works:
VIA BUCKEYE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.280		

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

8. Total consumptive use is 6.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A36-00039C

Page 1

Date: 06/07/88

MICROFILMED

JAN 21 1993

MICROFILMED

OCT 11 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	11	NW SE		IRR	2.0
Section Acres						2.0
Total Acres						2.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS BASED ON A PORTION OF 36-0039A AND 36-0039B. THE PLACE OF USE IS LOTS 6 & 7 WILLOWBROOK SUBDIVISION, GOODING CO.

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

MICROFILMED

JAN 21 1983
MICROFILMED

OCT 11 1994

16. Signature(s)

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

Number of attachments: 3

For Individuals:

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

Signature of Claimant(s): *David J. Vannest* Date: 6-7-88
Regina E. Vannest Date: 6-7-88

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of June 19 88

Mary A. Baldwin
Notary Public

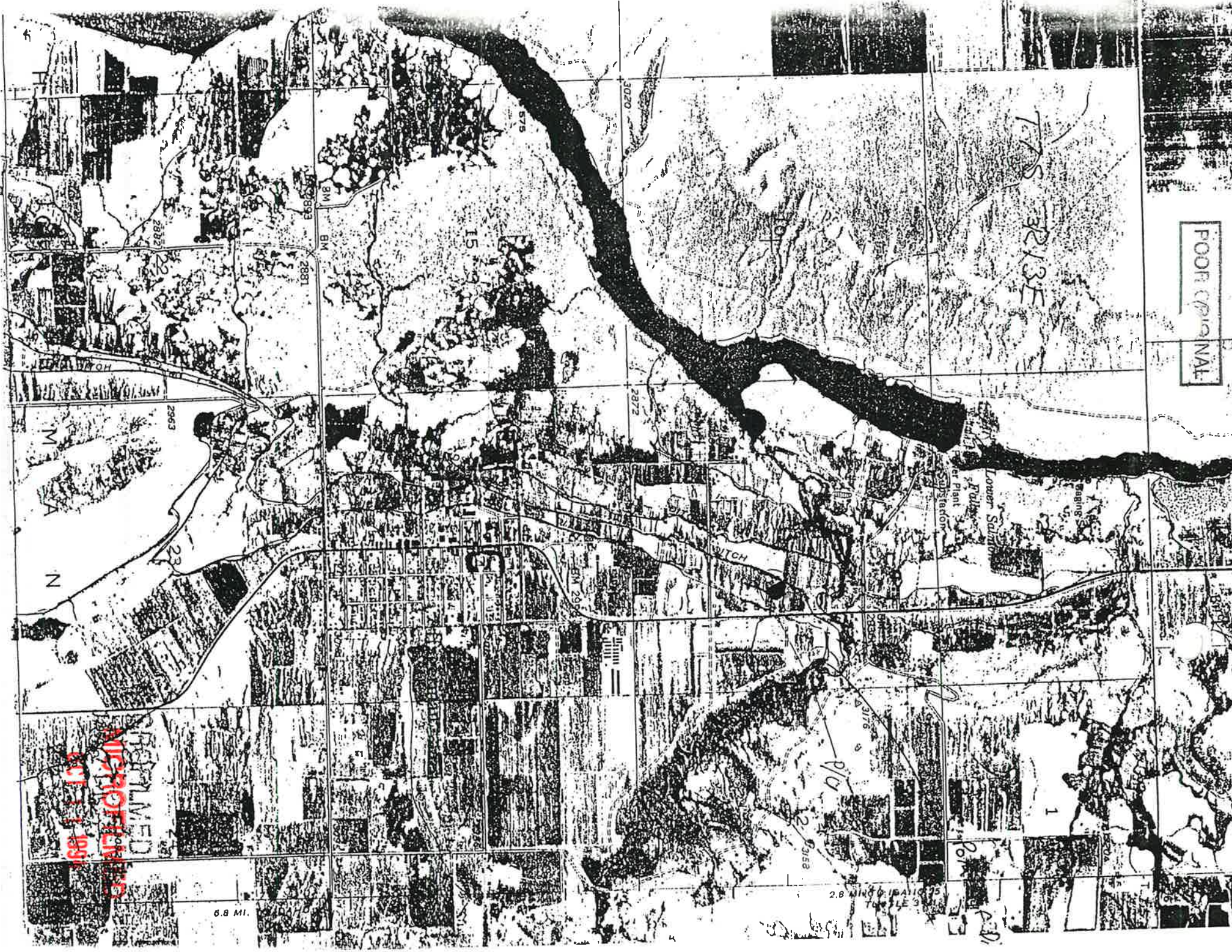
Seal

Residing at *Gooding, ID*
My Commission Expires 10/16/1992

MICROFILMED
MICROFILMED
JAN 21 1993
OCT 11 1994

POOR ORIGINAL

TS 3213E



6.8 MI.

RECEIVED
JUL 11 1991

2.8 MILES
TO THE 3

DEED OF RECONVEYANCE

Rick Bernsen, dba PIONEER TITLE COMPANY OF JEROME COUNTY, formerly Pioneer Title Company of Jerome County, an Idaho Corporation, as
Trustee in the deed of trust executed
by Dick Jerold Veenendaal and Sigrid E. Veenendaal, husband and wife

Volume _____ at page _____, Instrument No. 116344 recorded August 8, 1985 in
County, Idaho, pursuant to the written request of the beneficiary, does hereby GRANT and RECONVEY unto the
PARTIES ENTITLED THERETO, Mortgage records of Gooding

Dick Jerold Veenendaal and Sigrid E. Veenendaal, husband and wife

without warranty, all the estate and interest derived to it by or through said Deed of Trust, in the lands therein described.

PIONEER TITLE COMPANY

Dated: July 17, 1986

PIONEER TITLE COMPANY
of Jerome County

By _____
Rick Bernsen, Owner/Manager

STATE OF IDAHO

COUNTY OF JEROME

ss.

On this 18th day of July
in the year 1986, before me, a Notary Public, personally
appeared Rick Bernsen, Manager/Owner of Pioneer Title
Company of Jerome County, known or identified to me to
be the person whose name is subscribed to the within
instrument, and acknowledged to me that he executed the
same.

Martina R. Sellars
Notary Public

122435

STATE OF IDAHO, COUNTY OF JEROME

Filed for record at the request of Pioneer Title

20 min. past 10 o'clock A 23

of July 1986 Fee #2

JOHN A. JAYES, Notary Public

By Nileen K. Pratt Deputy

MARTINA R. SELLARS
NOTARY PUBLIC
FOR THE STATE OF IDAHO
Residing: Jerome, Idaho

MICROFILMED

OCT 11 1994

Dick Jerolm. Veenendaal and Sigrid E. Veenendaal, husband and wife,

herein called GRANTOR,

whose address is Route #1, Hagerman, Idaho 83332

Land Title and Escrow, Inc., an Idaho Corporation, herein called TRUSTEE, and

Jean E. Fletcher, a single person continuously since the death of her
husband on June 21, 1981

herein called BENEFICIARY.

WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE
IN TRUST, WITH POWER OF SALE, that property in the County of Gooding
State of Idaho, described as follows and containing not more than twenty acres:

Lot 7, Block 2, Willow Brook Subdivision, located in Section
11, Township 7 South, Range 13, East of the Boise Meridian,
according to the plat thereof on file in the office of the
Gooding County Recorder, Gooding County, Idaho.

Subject to those certain restrictive and protective covenants
dated August 13, 1979, and recorded with the office of the
Gooding County Recorder, State of Idaho, on the 13th day of
August, 1979, as Instrument No. 78288.

Together with the tenements, hereditaments, and appurtenances
thereunto belonging, including all water and ditch rights
appurtenant thereto, and including seven (7) shares of water
from the Buckeye Ditch Company for irrigation purposes.

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given,
to and conferred upon Beneficiary to collect and apply such rents, issues and profits,

For the Purpose of Securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by
Grantor in the sum of Fifty-five thousand Dollars, (\$ 55,000.00).

final payment due August 15, 1986

and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantor
herein, or any or either of them, who record owner of present interest for any purpose, and of any notes, drafts or other instru-
ments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein-
provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Bene-
ficiary, and provided further, that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing
security until paid in full, such advances together with interest thereon.

A. To protect the security of this Deed of Trust, Grantor agrees:

1. To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore
promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay
when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requir-
ing any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit
any act upon said property in violation of laws to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the
character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The
amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby an
in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be
released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate
any act done pursuant to such notice.

3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Ben-
eficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in
any such action or proceeding in which Beneficiary or Trustee may appear.

4. To pay at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances,
charges and liens with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees
and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured the Grantor
shall at the option, and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes, assessments, insurance
premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the pay-
ment by Beneficiary of any such items when due. Grantor's failure so to pay shall constitute a default under this trust.

5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof
with interest from date of expenditure at eight per cent per annum.

6. Should Grantor fail to make any payment or to do any act as herein provided, then Beneficiary or Trustee, but without
obligation so to do and without notice to or demand upon Grantor and without releasing Grantor from any obligation hereof, may
make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary
or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding pur-
porting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise an
encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any sub-
powers, or in enforcing the terms of Trust by judicial foreclosure, pay necessary expenses, employ counsel and pay his reasonable
fees.

B. It is mutually agreed that:

1. Any award of damages in connection with any condemnation for public use of or injury to said property or any part there-
of is hereby assigned and shall be paid to Beneficiary who may apply or release such moneys received by him in the same manner
and with the same effect as above provided for disposition of proceeds of fire or other insurance.

2. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require
prompt payment when due of all other sums so secured or to declare default for failure so to pay.

3. At any time or from time to time, without liability therefor and without notice, upon written request of Beneficiary or
presentation of this deed and said note for endorsement, and without affecting the personal liability of any person for payment
of the indebtedness secured hereby, Trustee may: reconvey all or any part of said property; consent to the making of any map,
plat thereof; join in granting any easement thereon; or join in any extension agreement or any agreement subordinating the li-
en charge hereof.

4. Upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this De-
ed and said note to Trustee for cancellation and retention and upon payment of its fees, Trustee shall reconvey, without warrant
the property then held hereunder. The recitals in any reconveyance executed under this deed of trust of any matters or facts
shall be conclusive proof of the truthfulness thereof. The grantee in such reconveyance may be described as "the person or persons
legally entitled thereto."

5. As additional security, Grantor hereby gives to and confers upon Beneficiary the right, power and authority, during the
continuance of these Trusts, to collect the rents, issues and profits of said property, reserving unto Grantor the right, prior to a
default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, to collect or
retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time without
notice, either in person, by agent, or by a receiver to be appointed by a court, and without regard to the priority of any security
for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in his own name, and
or otherwise collect such rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expense
of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Ben-
eficiary may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits, and
the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done
pursuant to such notice.

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

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

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

MICROFILMED
OCT 11 1994

- WORKS (page 11 of Part I of the director's report)
- (17) VI. General Provision 8. FIRE FIGHTING PURPOSES (page 11 of Part I of the director's report)
 - (18) VI. General Provision 9. CONSUMPTIVE USE (page 12 of Part I of the director's report)
 - (19) VI. GENERAL PROVISION 10 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE (page 12 of Part I of the director's report)
 - (20) VI. General Provision 10. DOMESTIC USE (page 12 of Part I of the director's report)
 - (21) VI. GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE (page 13 of Part I of the director's report)
 - (22) VI. General Provision 11. STOCK WATER USE (page 13 of Part I of the director's report)
 - (23) VI. GENERAL PROVISIONS 12-16 APPLY TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH IRRIGATION AS A PURPOSE OF USE (page 13 of Part I of the director's report)
 - (24) VI. General Provision 12. IRRIGATION USE (pages 13-14 of Part I of the director's report)
 - (25) VI. General Provision 13. DIVERSION VOLUME FOR IRRIGATION (page 14 of Part I of the director's report)
 - (26) VI. General Provision 14. CONSUMPTIVE USE FOR IRRIGATION (pages 14-15 of Part I of the director's report)
 - (27) VI. General Provision 15. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION (page 15 of Part I of the director's report)
 - (28) VI. General Provision 16. DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE (pages 15-16 of Part I of the director's report)
 - (30) VI. 17. INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS (pages A-i through A-iii of Part I of the director's report)
 - (31) VI. 18. IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW (pages A-1 through B-25 of Part I of the director's report)
 - (32) DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART II)
 - (33) DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART III)

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

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

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

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

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

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

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

1. IDWR denies that the director's report asserts any claims against the claimant; rather, the director's report contains only the recommendation of the director as to how the claimant's water right should be decreed and administered.
2. IDWR denies that the claimant is entitled to have the water right decreed as claimed unless in the director's report the water right has been recommended as claimed.
3. IDWR denies that any acts upon its part constitute the taking of private property for which just compensation should be allowed and awarded.
4. IDWR denies that the claimant is entitled to recover court costs and reasonable attorney fees.
5. IDWR denies that the claimant by this objection has raised any claims against IDWR entitling such claimant to any relief other than the eventual judicial determination and decree of the various elements of the claimant's water right, if any, and of those related matters necessary to describe and administer that water right.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

15-Dec-1992

DICK VEENENDAAL
PO BOX 512
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00039C, 36-00108A

Dear Mr. Veenendaal:

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

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

\$6.99

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

MICROFILMED
OCT 11 1994

RECEIVED

DEC 14 1992

Department of Water Resources
Southern Region Office

10-11-92
(Date)

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in
my file as it relates to water right numbers 36-00039C-4 36-00108#

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

Please bill me for the copy charge.

Sincerely,

D. J. Vandenberg
(Name)

P.O. Box 512
(Address)

Hagerman ID. 83332
(City, State, Zip Code)

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

MICROFILMED

OCT 11 1994

RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System

Case No. A36-00039C
(You must insert the
water right number you
are objecting to)

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

OBJECTION

Petitioner,

vs.

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

36-00039C -0001/
93-04-0036

Respondents.

INSTRUCTIONS

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

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

(Over)

MICROFILMED

OCT 11 1994

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Dick J. and Sigrid E. Veenendaal

Address: Box 512, 221 Willow Lane

Hagerman, ID 83332

Briefly describe your interest in this water right:

Decreed right, pursuant to 1932 New

International Mortgage Bank v. Idaho Power

with a priority date of 1/2/1891

2. Owner of the water right:

Name: Dick J. and Sigrid E. Veenendaal

Address: Box 512, 221 Willow Lane

Hagerman, ID 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

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

Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

12. ☐ Water Right Recommendation: I object to:

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

b. ☐ this water right not being recommended.

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

14. ☒ Other: I object to: See attached

REASONS SUPPORTING EACH BOX CHECKED

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

See page 7.

CHANGES TO THE DIRECTOR'S REPORT

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

Claimant has a decreed right to 14 miner's inches for 1/1 to 12/31 for irrigation, stockwater & domestic with corresponding change to consumptive use. Also see page 7.

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

☒

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

See Hagerman Water Right Owner's, Inc.'s Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of Gooding

Dick J. VEENENDAAL

(Name of person filing objection), being first duly sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. Sec 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Dick J. Veenendaal
Signature of person filing objection

By: [Signature]

(Attorney signing in representative capacity)

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

[Signature]

Notary Public for Idaho

Residing at: HAGERMAN, Idaho

My Commission Expires: 5-10-97

(Over)

MICROFILMED

OCT 11 1994

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Owner name: Dick J. and Sigrid E. Veenendaal

Owner's address: Box 512, 221 Willow Lane

Hagerman, ID 83332

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

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

Box 7 - Beneficially used for purposes set forth in notice of claim.

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

indefinite that it prevents the objectors from knowing what would be admitted or denied.

IV.

INTRODUCTION

1. INSTRUCTIONS FOR USING THIS REPORT PART I. (DRP-I at page 1)

The objectors admit that Part I consists of seven sections; that the description of the water system includes a brief description of Reporting Area 3 and an illustration of the boundaries of the reporting area; that the water rights and the list of the recommended rights are grouped alphabetically by source and listed chronologically by priority date; that the rights or claims in the list of claims/rights not recommended are listed numerically by water right number; and that brief instructions are found at the beginning of the applicable sections. The objectors deny that any description or any implication that the description of the water system or the illustrations are true and accurate due to lack of knowledge or information regarding the truth of the averment; deny that the general provisions apply to all water rights or define or limit classes of water rights; and deny that the general provisions "will affect your water right," based upon insufficient knowledge or information upon which to form a belief as to the truth of the averments.

2. SCOPE OF THE ADJUDICATION. (DRP-I at page 1 - 3)

The objectors deny all averments in paragraph a., due to lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments.

Regarding paragraph b., the objectors lack sufficient information or knowledge upon which to form a belief as to whether water rights which are not claimed in the adjudication will or will not exist upon entry of the court's decree and, therefore, deny such averment. The objectors admit that the court entered an order dated January 17, 1989, but presently lack sufficient knowledge to know whether any of the other averments concerning the court's order are true or accurate and, therefore, deny the same. The objectors deny that a right must be adjudicated before water may be distributed by the director. The objectors deny all other averments in paragraph b.

3. PURPOSE OF THIS REPORT PART I. (DRP-I at page 3 - 4)

The objectors admit that portion of the first sentence which states "This report contains the Director's recommendations to the SRBA District Court as to the nature and extent of water rights," but deny that such recommendations "are necessary for administration of water rights in Reporting Area 3," and further deny the Director has authority to "administer" such rights.

Regarding the second paragraph, the objectors admit that all water rights remain subject to the applicable law generally, but deny the remainder of the second paragraph.

Regarding the third paragraph of this section, the objectors deny all averments therein based upon lack of knowledge or information upon which to form a belief as to the truthfulness of the averments.

MICROFILMED
OCT 11 1994

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

1. **BOUNDARIES OF BASIN.** (DRP-I at pages 4 - 6)

Regarding the first paragraph of this section, the objectors deny all averments due to a lack of knowledge or information upon which to admit or deny.

Regarding the second, third and fourth paragraphs of this section, the objectors admit that as broad statements, those paragraphs are generally accurate but the statements are so broad and attenuated from any matter relevant to the objectors' water right that the objectors are unable to know what would be implicitly admitted or denied and therefore, deny the same.

With respect to the fifth paragraph of this section, the objectors lack sufficient knowledge or information upon which to form a belief as to the truth of any matter averred and, therefore, deny the averments.

2. **WATER SOURCES.** (DRP-I at page 6)

The objectors admit that the Snake River Plain Aquifer is the source of outflows of springs located along the Snake River Canyon Wall in the Hagerman Valley. The objectors presently lack sufficient knowledge or information upon which to form an opinion as to the truth of the other averments set out in this section and, therefore, deny the same.

3. **DEVELOPMENT OF WATER USE.** (DRP-I at pages 6 - 9)

The objectors admit that numerous factual and historical averments are set out in this section, which may be accurate, but

these objectors have no basis for knowing whether some or all of the averments are intended to relate to the objectors' claims and, thus, are prevented from knowing what would be admitted or denied. Therefore, the averments are denied.

VI.

GENERAL PROVISIONS

GENERAL PROVISIONS 1 - 8 APPLY TO ALL WATER RIGHTS IN BASIN 36.
(DRP-I at page 9)

The objectors deny that "General Provisions 1 - 8" apply to all water rights in Basin 36 as the statements are so broad and attenuated from any matter relevant to the objectors' water rights, that the objectors are unable to know what would be explicitly admitted or denied. The objectors also specifically deny that general provisions 1-8 apply to the objectors' right.

1. EFFECT OF ADJUDICATION. (DRP-I at page 9)

With respect to paragraph a., the objectors presently have no knowledge or information upon which to form a belief as to the truth of whether a future decree would supersede prior decrees, or whether unclaimed rights would cease to exist and, therefore, deny the same.

Regarding paragraph b., the objectors deny that the Director has any powers to administer water rights other than those specifically delegated by the Legislature of the State of Idaho, and which do not violate the objectors' state and federal constitutional rights, and therefore the averments are denied.

MICROFILMED
OCT 11 1994

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

MICROFILMED
OCT 11 1994

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

MICROFILMED
OCT 11 1994

AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

MICROFILMED
OCT 11 1994

AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

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

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

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

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

MICROFILMED
OCT 11 1994

6/11/88
MICROFILMED

(WATER\21530ANS)

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED
JAN 21 1993

AUG-24-1992

NOTICE OF ERROR FORM

RECEIVED

SEP 24 1992

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

Department of Water Resources

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

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

1. Water right number:

36-00039C

2. Name:

Dick J. Veenendaal

Address:

Box 512 Hagerman Id.

Weekday Telephone Number:

837-6670

MICROFILMED

JAN 21 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

Veenendaal
P.O. Box 512
Hagerman, ID 83332



PLEASE MAIL
EARLY FOR
CHRISTMAS



MICROFILMED
OCT 11 1992

RECEIVED

DEC 14 1992

Idaho Dept. of Water Resources
Department of Water Resources
Southern Region Office

222, Shoshone St. East
Twin Falls, Idaho 83333

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

3. Describe the portion of proposed recommendation with which you disagree:

The 1932 Adjudication of
Water was 14 miner's inches of
water to this property which was

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

Approved & is still Law
Give me my Legal Water right

5. Describe why you disagree with the proposed recommendation:

I Flood irrigate this property and
cannot do it with the water

6. Date: 9/22/92 You have Allotted to me

SIGNATURE

Dud J. Vandendael



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

OCTOBER 13, 1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

- MR. and MRS. D. J. VEENENDAAL
- PO Box 512
- HAGERMAN, ID. 83332

RE: NOTICE OF ERROR FOR DIVERSION AMOUNT
WATER RIGHT NOS: 36-00039C and 36-00108A

DEAR MR. and MRS. VEENENDAAL:

THIS LETTER IS IN RESPONSE TO THE NOTICE(S) OF ERROR (NOE) YOU RECENTLY FILED WITH IDWR REGARDING THE DIRECTOR'S PROPOSED RECOMMENDATION OF THE CLAIM(S) LISTED ABOVE. YOUR NOE QUESTIONS THE BASIS FOR RECOMMENDATION OF AN AMOUNT THAT IS LESS THAN THE AMOUNT SHOWN IN A PREVIOUS DECREE.

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

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

IF YOU STILL DISAGREE WITH IDWR'S RECOMMENDATIONS, YOU WILL HAVE AN OPPORTUNITY TO FILE AN OBJECTION TO THE DIRECTOR'S REPORT WITH THE COURT. WHEN THE DIRECTOR'S REPORT IS FILED WITH THE COURT, YOU WILL BE MAILED A NOTICE THAT WILL CONTAIN MORE INFORMATION ABOUT THE OBJECTION PROCESS. AS PART OF THE OBJECTION PROCESS, IDWR WILL WORK WITH THE CLAIMANTS TO RESOLVE DISPUTED ISSUES, INCLUDING EFFORTS TO OBTAIN ADDITIONAL DATA WHICH WILL BE SHARED WITH THE WATER USERS.

SINCERELY,

WATER AGENT

MICROFILMED

JAN 21 1993

Phone
DIRECTOR'S REPORT CONVERSATION MEMO

837 6670

1. PERSON(S) MAKING THE ENQUIRY:

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

D. J. Veenendaal
P.O. Box 512, 221 Willow Lane
Hagerman, ID. 83332

2. SUBJECT OF INQUIRY:

Called for explanation of Notices of
Error for his 2 claims and why claim 36-00039C
had a reduction in diversion rate from 0.28 cfs
to 0.06 cfs (for 2 acres). He insisted this amount
was decreed and it took all of it to irrigate
this property.

3. RESPONSE TO INQUIRY:

I told him the right had been
divided up between the other users on that
decree number (see split analysis) and this is how
his share was. I told him to send in his notice
of error card for 36-00039C.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

Robert Worstell 9/10/92
ROBERT V. WORSTELL R.V.W.
36-00039C + 36-00108A

MICROFILMED

JAN 21 1993

Water Right Number - R36-00039C Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***

VEENENDAAL DICK J 1 - PO BOX 512
2 - 221 WILLOW LANE
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6670

VEENENDAAL SIGRID E 1 - PO BOX 512
2 - 221 WILLOW LANE
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6670

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +

01/02/1891 ERROR IN REGION D - DECREED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +

BILLINGSLEY CREEK SNAKE RIVER

+ - - - - Point of Diversion - - - - - +

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

+ - - - - Water Use - - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	0.060	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +

0.060 6.0

+ - - - - Place of Use - - - - - +

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	11	NW SE		2.0	01	IRRIGATION	(47) GOODING

Total Acres: 2.0

+ - - Diversion Means - VIA BUCKEYE DITCH, SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

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

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOTS 6 & 7, BLK 02, WILLOWBROOK
SUBDIVISION.

MICROFILMED

JAN 21 1993

Water right number - R36-00039C

Prefix Translation: RESEARCH

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

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

3600039A

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

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - - Decree Date - +
00/00/0000

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

Date: 09/25/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)

NOE RECEIVED 9/24/92. CHANGED NOE FLAG FROM BLANK TO A.

CLAIM VERIFIED 8/5/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/13/1992 User Id: WORSTELL Subject: NOTICE OF ERROR RECORD

NO CHANGE TO RECOMMENDATION

+ - - Audit Fields - - +

10/13/92 WORSTELL

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

Court Report Filing - 00/00/0000
Objection Filed Date - 00/00/0000
Response Filed Date - 00/00/0000
Claim Received Date - 06/07/1988

Field Inspection Made - 00/00/0000
Field Inspection Flag -
Verified Date - 10/13/1992
Last Amended Date - 00/00/0000
Receipt Number - S000359
POU Ownership Flag - Y
Name Connector - AND/OR

Civil Case Number - 39576
Old Case Number -
Old Judicial District -
Temporary Right - P
Water District - 36A
Federal/State Indicator - S
Presumption Flag -
Notice of Error Flag - B

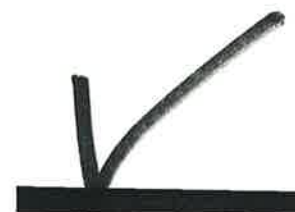
MICROFILMED

JAN 21 1993

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED

JUN 21 1993

Water Right Number - R36-00039C Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***
VEENENDAAL DICK J 1 - PO BOX 512
2 - 221 WILLOW LANE
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6670

VEENENDAAL SIGRID E 1 - PO BOX 512
2 - 221 WILLOW LANE
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6670

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/02/1891 ERROR IN REGION D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER

+ - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 13E 11 SE SE NE (47) GOODING

+ - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.060

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.060 6.0

+ - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 11 NW SE 2.0 01 IRRIGATION (47) GOODING

Total Acres: 2.0

+ - - Diversion Means - VIA BUCKEYE DITCH, SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - - - - - - - - - - Remarks - - - - - +
WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOTS 6 & 7, BLK 02, WILLOWBROOK
SUBDIVISION.

MICROFILMED

JAN 21 1993

Water right number - R36-00039C

Prefix Translation: RESEARCH

```

+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
    3600039A
+ - - - - Conditions of Approval - - - - - +
    No Conditions of Approval found.
+ - - - - Decree Plaintiff - - - +      + - - - - Decree Defendant - - - +      + - Decree Date - +
                                         00/00/0000
+ - - - - Comments - - - - - +
    No Comments Found
+ - - Audit Fields - - +
    08/05/92 WORSTELL
+ - - - - Adjudication Rights Dates and Flags Area - - - - - +
  
```

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 08/05/1992 | Old Judicial District | - |
| Claim Received Date | - 06/07/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S000359 | Water District | - 36A |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - AND/OR | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

MICROFILMED

JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

17:30:06
06/28/90

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00039C

| WR ELEMENT | FIELD EXAM
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | VERIFIED BY
CODE | COMPLETED
REVIEW
WHOM/DATE | COMPLETED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|---------------------------|-------------------|---|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE | Y N | | | N | | HHT
8/5/92 | DB | |
| POINT OF DIV | Y Y | | | (Y) | 1,5 | | | |
| SOURCE | Y N | | | N | | | | |
| PLACE OF USE | Y Y | | 7-24-90
SLC/HHT | N | 1,4,5 | | | |
| DIV. AMOUNT
CFS/VOLUME | Y Y | | | (Y) | 6. WR. | | | |
| CONSUMPTIVE USE | - | | | N | | | | |
| PURPOSES | Y N | | | N | | | | |
| PERIOD OF USE | Y N | | | N | | | | |
| BASIS OF CLAIM | Y N | | | N | | | | |
| REMARKS | Y | | | N | | | | |

"VERIFIED BY" CODES

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

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

LW 7/17/90

MICROFILMED
JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

17:30:06
06/28/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00039C

LAST: VEENENDAAL
ADDRESS: P.O. BOX 512
221 WILLOW LANE
CITY: HAGERMAN
PHONE NUMBER: 208-837-6670

OWNER CODE: C

FIRST: DICK J.

STATE: ID ZIP: 83332

LAST: VEENENDAAL
ADDRESS: P.O. BOX 512
221 WILLOW LANE
CITY: HAGERMAN
PHONE NUMBER: 208-837-6670

FIRST: SIGRID E.

STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: THE PLACE OF USE IS LOTS 6 & 7 WILLOWBROOK SUBDIVISION, GOODING
CO.

MICROFILMED
JAN 21 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____ - ____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____ - ____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED

JAN 21 1993

A. AJ CLAIM: # A36-00039C PRIORITY DATE: 01-02-1891 STAGE: D
B. WR RECORD: # 36-00039 PRIORITY DATE: - - STAGE:

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) Y N

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

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:

1-2-1891

REVIEWED BY LW

DATE 7/17/90

=====

MICROFILMED
JAN 21 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|------------|------|------|------|-----|-----|-----|-----|---------|
| A36-00039C | 07S | 13E | 11 | NE | SE | NE | | GOODING |

OTHER AJ CLAIMS WITH SAME AJ POD

| A PREFIX | R PREFIX |
|------------|----------|
| A36-00051D | NONE |

WR RECORDS IN SAME 40 ACRE TRACT

| | |
|------------|-----------|
| A36-10119 | 36-00005 |
| A36-10120 | 36-00019 |
| A36-10751 | 36-00021 |
| A36-10752 | 36-00024 |
| A36-10755 | 36-00025 |
| A36-10061 | 36-00026 |
| A36-00103B | 36-00027 |
| A36-00108A | 36-00034 |
| A36-00003G | 36-00035A |
| A36-00027 | 36-00035B |
| A36-00090E | 36-00039A |
| A36-00051B | 36-00039B |
| A36-00076A | 36-00040 |
| A36-00089B | 36-00051 |
| A36-00089D | 36-00052 |
| A36-10283 | 36-00064 |
| A36-10312 | 36-00065 |
| A36-00090A | 36-00067 |
| A36-00003D | 36-00071 |
| A36-00090B | 36-00076 |
| A36-00090C | 36-00077 |
| A36-00090D | 36-00082 |
| A36-00090F | 36-00083 |
| A36-00108F | 36-00085 |
| A36-00125A | 36-00087 |
| A36-00026 | 36-00088 |
| A36-00051C | 36-00089 |
| A36-00071A | 36-00090 |
| A36-00089A | 36-00091 |
| A36-00108C | 36-00094 |
| A36-00108D | 36-00095 |
| A36-00108E | 36-00096 |
| A36-00108H | 36-00103 |
| A36-04008 | 36-00108 |
| | 36-00112A |
| | 36-00112B |
| | 36-00113B |
| | 36-00113C |
| | 36-00113D |
| | 36-00125 |
| | 36-04008 |
| | 36-04115 |
| | 36-04261 |
| | 36-07271 |
| | 36-07658 |

MICROFILMED

JAN 21 1993

36-07739
36-07834
36-07840
36-07853
36-07875
36-07957
36-08058
36-08319
36-08335

MICROFILMED
JAN 21 1993

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

3600039 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
Y

FIELD
EXAMINER
Y

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | COUNTY |
|-----------|------------|-----------|-----------|-----------|-----------|------------|-----------|
| <u>7S</u> | <u>13E</u> | <u>11</u> | <u>SE</u> | <u>SE</u> | <u>NE</u> | <u>---</u> | <u>47</u> |

SOURCE: BILLINGSLEY CR.

TRIB: SNAKE RIVER

REVIEWED BY: LW

DATE: 7/17/90

VIA BUCKEYE DITCH

A. ROOT WATER RIGHT NUMBERS:

| |
|------------|
| A36-00039B |
| A36-00039C |
| A36-00039D |
| A36-00039E |
| A36-00039F |
| A36-00039G |
| A36-00039H |
| A36-00039J |
| A36-00039K |
| A36-00039L |

MICROFILMED
JAN 21 1993

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-------------|-----|-----|-----|-----|-----|------------------------|------------------|-----------------|-----------------|----------------|------------------|
| 07S | 13E | 11 | NW | SE | | VEENENDAAL , DICK J. | A36-00039C / 2.0 | - / 2.0 | 38.0 | 2.0 | 2.0 |
| | | | | | | VEENENDAAL , SIGRID E. | A36-10071 / | - / | | | |
| | | | | | | WALMSLEY , FRED J. | A36-10083 / | - / | | | |
| | | | | | | BOTHWELL , BRUCE | A36-10673 / | - / | | | |
| | | | | | | MC FADDAN , MATTHEW D. | A36-00039G / 1.3 | - / | | | |
| | | | | | | BOTHWELL , BRUCE | A36-00040A / 1.0 | - / | | | |
| | | | | | | FLINT , WILLIAM E. | A36-00110A / 2.0 | - / | | | |
| | | | | | | SHOKAL , RUTH C. | A36-00039B / 0.9 | 36-00039B / 2.0 | | | |
| | | | | | | WALMSLEY , SUSAN K. | A36-00039D / 2.0 | - / | | | |
| | | | | | | BOTHWELL , BRUCE | A36-00039F / 1.0 | - / | | | |
| | | | | | | JOHNSON , MILDRED A. | A36-00039H / 2.0 | - / | | | |
| | | | | | | POTTER , MARK B. | A36-00039J / 2.0 | - / | | | |
| | | | | | | EASTERDAY , RAY R. | A36-00039K / | - / | | | |
| | | | | | | PUGMIRE , E. MARION | A36-00039L / 1.0 | - / | | | |
| | | | | | | CARY , RUTH E. | A36-02169 / | 36-02169 / 8.0 | | | |
| | | | | | | MCFADDAN , MATTHEW D. | A36-00050A / | - / | | | |
| | | | | | | FLINT , WILLIAM E. | A36-00112A /12.0 | 36-00112A /13.0 | | | |
| | | | | | | FLINT , WILLIAM E. | A36-00111A / 2.0 | - / | | | |
| | | | | | | DILATUSH , E. W. | | 36-00039A /14.0 | | | |
| | | | | | | DILATUSH , E. W. | | 36-00040 / | | | |
| | | | | | | TROVILLO , D. C. | | 36-00110 / | | | |
| | | | | | | TROVILLO , D. C. | | 36-00111 / | | | |
| | | | | | | POPE , J. L. | | 36-00112B / | | | |
| TOTAL ACRES | | | | | | | A36-00039C | 2.00 | 2.00 | 38.00 | 2.0 |

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
N

PRESUMPTION FLAG:

REMARKS:

verify acres ✓

RECOMMENDATIONS:

TOTAL ACRES: 2.0

REVIEWED BY: SCC

DATE: 11-7-90

MICROFILMED
JAN 21 1993

A. AJ CLAIMED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| A36-00039C IRRIGATION | FROM 03-15 TO 11-15 | .280 CFS |
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | .280 CFS |

B. WR RECORDED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|-------------------------------------|-----------|--------------------|
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | |

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(✓) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(X) Explain in remarks, below.

REMARKS:

MICROFILMED
JAN 21 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 0.280 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

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

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER
Y

MICROFILMED
JAN 21 1993

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|-------------------|------------------------|-----------|----------------|-----------|----------------|
| A36-00039C | BILLINGSLEY CREEK | VEENENDAAL , DICK J. | 0.280 | 0.140 | | |
| A36-00039G | BILLINGSLEY CREEK | MC FADDAN , MATTHEW D. | 0.100 | 0.076 | | |
| A36-00110A | BILLINGSLEY CREEK | FLINT , WILLIAM E. | 1.160 | 0.061 | 76.00 | 4.00 |
| A36-00039B | BILLINGSLEY CREEK | SHOKAL , RUTH C. | 0.120 | 0.133 | | |
| A36-00039D | BILLINGSLEY CREEK | WALMSLEY , SUSAN K. | 0.260 | 0.130 | | |
| A36-00039F | BILLINGSLEY CREEK | BOTHWELL , BRUCE | 0.120 | 0.120 | | |
| A36-00039H | BILLINGSLEY CREEK | JOHNSON , MILDRED A. | 0.280 | 0.140 | | |
| A36-00039J | BILLINGSLEY CREEK | POTTER , MARK B. | 0.280 | 0.140 | | |
| A36-00039K | BILLINGSLEY CREEK | EASTERDAY , RAY R. | 0.200 | 0.015 | 50.80 | 3.90 |
| A36-00039L | BILLINGSLEY CREEK | PUGMIRE , E. MARION | 0.120 | 0.120 | 4.00 | 4.00 |
| A36-02169 | SPRING | CARY , RUTH E. | 0.205 | 0.037 | | |
| A36-00112A | BILLINGSLEY CREEK | FLINT , WILLIAM E. | 0.800 | 0.066 | 48.00 | 4.00 |
| A36-00111A | BILLINGSLEY CREEK | FLINT , WILLIAM E. | 0.380 | 0.020 | 76.00 | 4.00 |

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

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|------------|------------|------------------------|---------------------|----------|--------|
| A36-10071 | DOMESTIC | VEENENDAAL , SIGRID E. | FROM 01-01 TO 12-31 | .040 CFS | |
| A36-10083 | DOMESTIC | WALMSLEY , FRED J. | FROM 01-01 TO 12-31 | .040 CFS | |
| A36-10673 | DOMESTIC | BOTHWELL , BRUCE | FROM 01-01 TO 12-31 | .040 CFS | |
| A36-00039J | STOCKWATER | POTTER , MARK B. | FROM 01-01 TO 12-31 | .020 CFS | |
| A36-00039J | AESTHETIC | POTTER , MARK B. | FROM 01-01 TO 12-31 | .200 CFS | |
| A36-00039K | STOCKWATER | EASTERDAY , RAY R. | FROM 01-01 TO 12-31 | .020 CFS | |
| A36-02169 | DOMESTIC | CARY , RUTH E. | FROM 01-01 TO 12-31 | .040 CFS | |
| A36-00050A | DOMESTIC | MCFADDAN , MATTHEW D. | FROM 01-01 TO 12-31 | .040 CFS | |

MICROFILMED
JAN 21 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE 0.03
ACRES 2 x 0.02 CFS/ACRE = 0.06 CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 6.0 AF/A

ACRES 2 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 6.0 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 2 x DIVERSION VOL. AF/A FOR AREA 4.0 =

TOTAL DIVERSION VOLUME 8.0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

1b. CALCULATIONS

.03^{cfs}/ac - based on historic gravity
irrigation of entire parcel
use exceeded 1"/ac.

HHJ
7/7/92

Sprinklers.

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

x 5 flow

MICROFILMED
JAN 21 1993

RECOMMENDATIONS:

| REC.
PURPOSES | REC. PERIOD
FROM TO | REC. DIV
RATE CFS | REC. DIV
VOL. AF/A | REC. CONS.
USE |
|----------------------|--|----------------------|-----------------------|-------------------|
| | | DATABASE EXAMINER | DATABASE EXAMINER | DATABASE EXAMINER |
| <u>IRRIGATION</u> | <u>4/1</u>
<u>3-15</u> <u>10(3)</u>
<u>11-15</u> | <u>0.06</u> | <u>8.0</u> | <u>6.0</u> |
| TOTAL FOR THIS RIGHT | | <u>0.06</u> | <u>8.0</u> | <u>6.0</u> |

REVIEWED BY: SCC

DATE: 11-7-90

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED
(☒)
(☒)
()

NEEDS
REVIEW
()
()
(☒)

legal

MICROFILMED

SEP 21 1983

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00039

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
5.052

EXAMINER

CFS

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| - | A36-00039B | 0.120 | - | | 36-00039B | 0.260 |
| A36-00039A | A36-00039C | 0.280 | - | | 36-00039A | 2.136 |
| A36-00039B | A36-00039C | 0.280 | - | | 36-00039B | 0.260 |
| A36-00039 | A36-00039D | 0.260 | - | | 36-00039 | |
| A36-00039A | A36-00039E | 0.040 | - | | 36-00039A | 2.136 |
| A36-00039B | A36-00039E | 0.040 | - | | 36-00039B | 0.260 |
| A36-00039 | A36-00039F | 0.120 | - | | 36-00039 | |
| A36-00039 | A36-00039G | 0.100 | - | | 36-00039 | |
| A36-00039 | A36-00039H | 0.280 | - | | 36-00039 | |
| A36-00039 | A36-00039J | 0.280 | - | | 36-00039 | |
| A36-00039 | A36-00039K | 0.200 | - | | 36-00039 | |
| A36-00039 | A36-00039L | 0.120 | - | | 36-00039 | |
| TOTAL CFS | | 2.120 | | | | 5.052 |

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER
N

REMARKS:

xs flow claimed - See A36-00039A See attached split review

=====

AUTHENTICATION:

SIGNATURE: Steve Caldwell

DATE: 11-7-90

NAME OF FIELD EXAMINER: _____

TITLE: _____

=====

MICROFILMED

1992 1 1995

440 000
FEET

T
T



DECREED RIGHT SPLIT ANALYSIS

PARENT RIGHT NO. 36-00039 TOTAL DIVERSION RATE see below.PREPARATION DATE 8/5/92 HMT

| CLAIM
PORTION | CLAIMED
RATE | RECOMMENDED
RATE | IS CLAIMED
RATE EXCEEDED
BY ANALYSIS | CONVEYANCE
LOSS | DOES DIV RATE +
CALC. C.L. EXCEED
CLAIMED RATE | TOTAL
RECOMMENDED
DIV. RATE |
|------------------|--------------------|---------------------|--|--------------------|--|-----------------------------------|
| A | <u>split right</u> | | | <u>Ø</u> | | |
| B | <u>0.12</u> | <u>0.03</u> | <u>N</u> | <u>Ø</u> | <u>-</u> | <u>0.03</u> |
| <u>C</u> | <u>0.28</u> | <u>0.06</u> | <u>N</u> | <u>Ø</u> | <u>-</u> | <u>0.06</u> |
| D | <u>0.26</u> | <u>0.06</u> | <u>N</u> | <u>Ø</u> | <u>-</u> | <u>0.06</u> |
| E | <u>0.04</u> | <u>0.03</u> | <u>N</u> | <u>Ø</u> | <u>-</u> | <u>0.03</u> |
| F | <u>0.12</u> | <u>0.03</u> | <u>N</u> | <u>Ø</u> | <u>-</u> | <u>0.03</u> |
| G | <u>0.04</u> | <u>0.04</u> | <u>N</u> | <u>Ø</u> | <u>-</u> | <u>0.04</u> |
| H | <u>disallowed</u> | | | <u>Ø</u> | | |
| J | <u>disallowed</u> | | | <u>Ø</u> | | |
| K | <u>0.20</u> | <u>0.20</u> | <u>Y</u> | <u>0.01</u> | <u>Y</u> | <u>0.20</u> |
| L | <u>0.12</u> | <u>0.03</u> | <u>N</u> | <u>Ø</u> | <u>-</u> | <u>0.03</u> |
| M | <u>disallowed</u> | | | <u>Ø</u> | | |
| N | <u>disallowed</u> | | | <u>Ø</u> | | |
| P | <u>disallowed</u> | | | <u>Ø</u> | | |
| | | | | | | <u>0.48</u> |

Parent rights:

36-00039A 2.136 14 ac.

36-00039B 0.26 2 ac.

MICROFILMED

JAN 21 1993

Conveyance losses for the splits of this right in the subdivision
are insignificant and minimal for each right.
(except for 39K)

CONVEYANCE LOSS - WORSTELL

| REACH | LENGTH
(FT) | AVE
WIDTH
(FT) | SEEPAGE
(FT/DAY) | WORSTELL
LOSS
(CFS) | DELIVERY
(CFS) | DELIVERY
LEFT
(CFS) | LOSS
FACTOR | DELIVERY
LOSS
(CFS) | FLOW
(CFS) |
|--------|----------------|----------------------|---------------------|---------------------------|-------------------|---------------------------|----------------|---------------------------|---------------|
| 1 | 800 | 10.0 | 2.00 | 0.20 | 0.06 | 18.83 | 0.0107 | 0.00 | 26.81 |
| 2 | 600 | 10.0 | 2.00 | 0.15 | 1.02 | 18.77 | 0.0081 | 0.02 | 26.55 |
| 3 | 1400 | 10.0 | 2.00 | 0.35 | 0.24 | 17.75 | 0.0199 | 0.01 | 25.38 |
| 4 | 800 | 10.0 | 2.00 | 0.20 | 0.44 | 17.51 | 0.0115 | 0.02 | 24.79 |
| 5 | 1100 | 10.0 | 2.00 | 0.28 | 0.17 | 17.07 | 0.0163 | 0.01 | 24.14 |
| 6 | 1200 | 10.0 | 2.00 | 0.30 | 0.10 | 16.90 | 0.0179 | 0.01 | 23.70 |
| 7 | 300 | 10.0 | 2.00 | 0.08 | 1.22 | 16.80 | 0.0045 | 0.11 | 23.29 |
| 8 | 1000 | 10.0 | 2.00 | 0.25 | 0.16 | 15.58 | 0.0162 | 0.02 | 22.00 |
| 9 | 500 | 10.0 | 2.00 | 0.13 | 0.50 | 15.42 | 0.0082 | 0.06 | 21.58 |
| 10 | 2200 | 10.0 | 2.00 | 0.56 | 4.13 | 14.92 | 0.0373 | 0.62 | 20.96 |
| 11 | 5500 | 10.0 | 2.00 | 1.39 | 0.20 | 10.79 | 0.1288 | 0.06 | 16.27 |
| 12 | 1700 | 10.0 | 2.00 | 0.43 | 0.09 | 10.59 | 0.0406 | 0.03 | 14.68 |
| 13 | 3900 | 10.0 | 2.00 | 0.99 | 0.34 | 10.50 | 0.0938 | 0.14 | 14.16 |
| 14 | 600 | 10.0 | 2.00 | 0.15 | 0.27 | 10.16 | 0.0149 | 0.12 | 12.84 |
| 15 | 1500 | 10.0 | 2.00 | 0.38 | 0.62 | 9.89 | 0.0383 | 0.29 | 12.42 |
| 16 | 1600 | 10.0 | 2.00 | 0.40 | 1.00 | 9.27 | 0.0436 | 0.51 | 11.42 |
| 17 | 600 | 10.0 | 2.00 | 0.15 | 0.30 | 8.27 | 0.0183 | 0.16 | 10.01 |
| 18 | 300 | 10.0 | 2.00 | 0.08 | 3.25 | 7.97 | 0.0095 | 1.75 | 9.56 |
| 19 | 3000 | 10.0 | 2.00 | 0.76 | 0.24 | 4.72 | 0.1606 | 0.17 | 6.24 |
| 20 | 3000 | 10.0 | 2.00 | 0.76 | 4.48 | 4.48 | 0.1692 | 3.89 | 5.24 |
| TOTALS | 31600 | | | 7.98 | 18.83 | | | 7.98 | |

9 rts. insignificant loss

Buckeye

MICROFILMED

JAN 21 1993

See 8-3-92

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

