

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: A36-00039E

Date Received: 8/17/1988

Receipt No: S001504

Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK L. GLAUNER 208-837-4714
Address: P.O. BOX 235
HAGERMAN, ID 83332
OR
Name: JEAN GLAUNER 208-837-4714
Address: P.O. BOX 235
HAGERMAN, ID 83332

2. Date of Priority: JAN 01, 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	SE	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	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	14	NE	SW		IRR	1.0
Section Acres							1.0
Total Acres							1.0

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 WR #36-00039A, 36-00039B. THE WR WAS
SOLD TO CLAIMANTS IN 1978. TRANSFER WAS NOT FILED UNTIL NOW.
P/U IS LOTS 13-16, BLK. 24 HAGERMAN.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Frank P. Hanner Date: 8-17-88
Jean E. Hanner Date: 8-17-88

State of Idaho)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 17th day

of August 19 88

Lexanne Aitken
Notary Public

Seal

Residing at Buhl, Id.

My Commission Expires 1-30-94

Feb. 7, 1978

For value received we notarize the sale of two (2) inches
of Buckeye Ditch Water to Mr. and Mrs. Frank Glauner
at Hagerman, Idaho.

Stuart Simon
STUART SIMON
Lillian Simon
LILLIAN SIMON



STATE OF IDAHO, COUNTY OF GOODING, ss.
for record at the request of Frank Glauner
last ... 1 ... o'clock P. M. this 26 day
June 19 78
MARGARET F. CLEMENTS Recorder
Geddy Bruntia Deputy

MICROFILMED
DEC 03 1996

POOR ORIGINAL

Printed and for sale by Syms-York Company, Boise, Idaho

NT—SINGLE

OF IDAHO
Gooding

ss.

this 7th day of March, in the year 1978, before me

L. N. Hansen

, a Notary Public

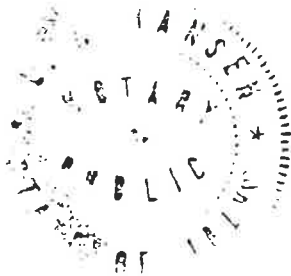
in and for said State, personally appeared Stuart Gummow and Lillian Gummow

known to me to be the person whose names are subscribed to the within instrument, and acknowledged to me

that is, the executed the same.

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

Notary Public for Idaho, residing at Hagerman, Idaho.



STATE OF IDAHO, COUNTY OF GOODING, ss.

for record at the request of L. Hansen

past 1 o'clock P. M. this 26 day

June 19 78

MARGARET F. CLEMENTS Recorder

By Judy Threlkeld Deputy

INDEXED
Direct
Indirect

Frank Hansen

Box 235

MICROFILMED

DEC 03 1996

T7S

13 E

Sec. 14

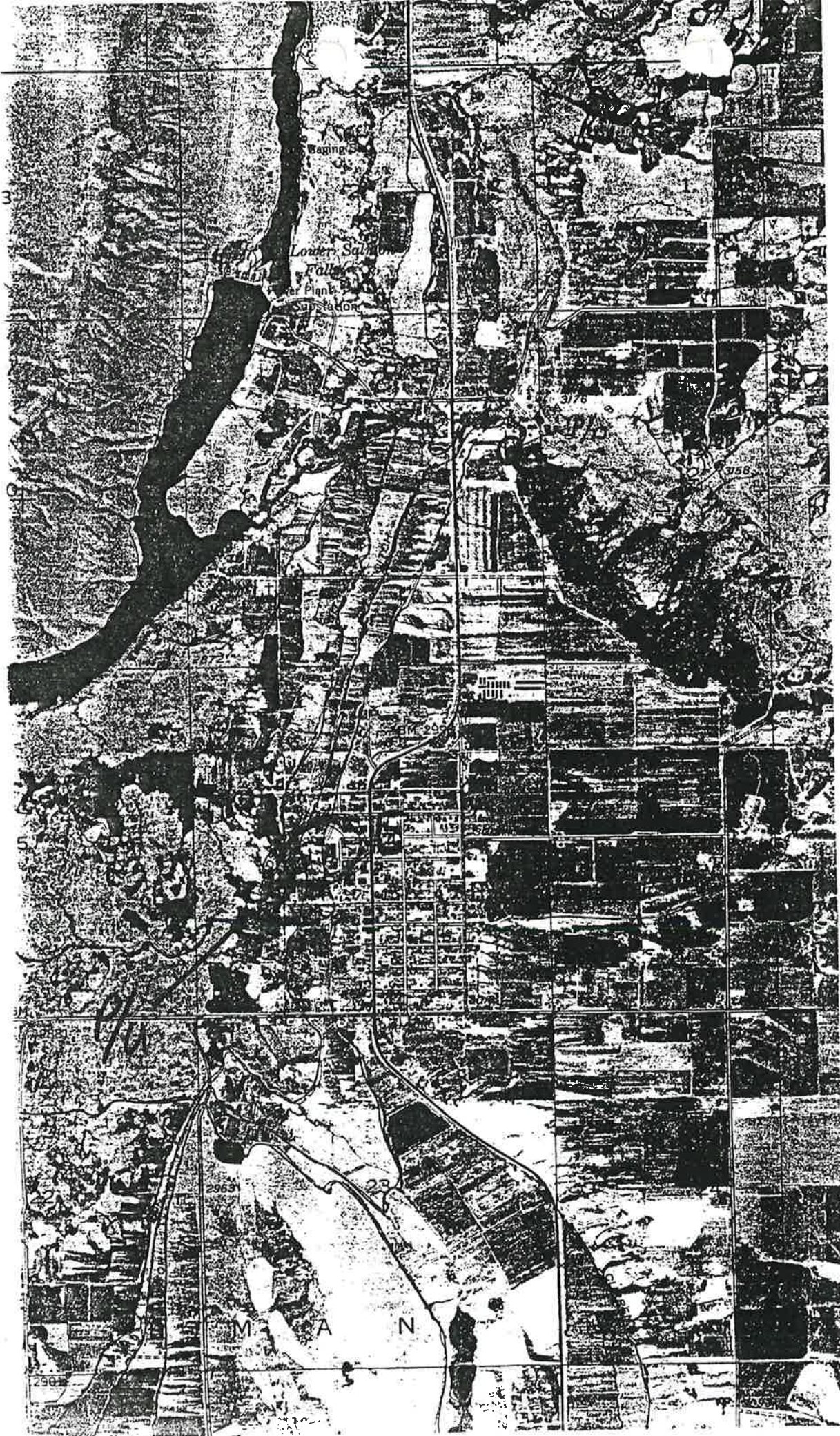
NW, NE, SW

BACK

POOR ORIGINAL

MICROFILMED

DEC 03 1996



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

TOTAL RECORDS IN SELECTION FILE: 116

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DEC 03 1996

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 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
11 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
12

13 * * * * *

14 In Re the General Adjudication)
15 of Rights to the Use of Water)
16 from the Snake River Basin)
17 Water System)
18

Case No. 39576

19 The State of Idaho, ex rel.)
20 R. Keith Higginson in his)
21 official capacity as director)
22 of the Idaho Department of)
23 Water Resources,)

NOTICE OF APPEARANCE

Petitioner,

vs.

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

Respondents.

* * * * *

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



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 1

MICROFILMED

DEC 03 1996

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
	Boyer, Dale E. & Elaine M.	A36-00079
7	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
	Crandlemire, Roger C. & George C.	A36-00112B
12	Crandlemire, Roger C. & George C.	A36-00111B
	Crandlemire, Roger C. & George C.	A36-00113J
	Crandlemire, Roger C. & George C.	A36-00110B
13	Crandlemire, Roger C. & George C.	A36-00134C
	Crandlemire, Roger C.	A36-00135C
14	Crandlemire, Roger C.	A36-10140
	Crandlemire, Roger C.	A36-10141
15	Crandlemire, Roger C.	A36-00055AF
	DeVries, Abraham & Hermina	A36-00041A
16	Dice, Philip F. & Judith A.	A36-10405
	Dice, Philip F. & Judith A.	A36-00092
	Erwin, Frank C. & Peggy	A36-00064B
17	Fleming, Michael J. & Paul F.	A36-00110A
	Flint, William E. and Vera C.	A36-00111A
18	Flint, William E. and Vera C.	A36-00112A
	Flint, William E. and Vera C.	A36-10168
19	Flint, William E. and Vera C.	A36-00086C
	Fuell, Keith L. & Jolene	A36-00003B
20	Gardner, Barbara & Robert B.	A36-00003J
	Gardner, Barbara	A36-00021B
21	Gisler, Harry R.	A36-00077C
	Gisler, Bradley	A36-00039E
22	Glauner, Frank L. & Joan	A36-10283B
	Grigg, Mattie P. & Golden T.	A36-00033F
	Gustafson Family Trust/Gustafson	
23	Ivan J. & Lucille co-trustees	A36-00100
	Hagerman Gun Club	



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NOTICE OF APPEARANCE - 2

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DEC 03 1998

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
	Lloyd, Cleave C.	A36-04142
12	Lloyd, Cleave C.	A36-00003G
	McFaddan, Dan H. & Irma R.	A36-2169
13	McFaddan, Dan H. & Irma R.	A36-00048A
	McFaddan, Dan H. & Irma R.	A36-00049
14	Morris, Howard & Rhonda	A36-00063
	Morris, Howard & Rhonda	A36-00061
15	Morris, Howard & Rhonda	A36-00062
	Mueller, Manfred	A36-00035J
16	Norwood Subdivision/ Ruby Springs Water Company	A36-15240
	Potter, Mark B. & Susan H.	A36-07092A
17	Rawson, Frank S. & Carol A.	A36-00039J
	Reese, Bruce W. & LaRose A.	A36-00123A
18	Reese, Bruce W. & LaRose A.	A36-04091
	Rue, James O. & Beverly Jane	A36-10231
19	Shaffer, Roger	A36-07142A
	Simcoe, Doyt H. & Roxie J.	A36-00034B
20	Simpson, Michael, on behalf of Josephine Simpson Estate	A36-00003F
	Simpson, Michael, on behalf of Josephine Simpson Estate	A36-0123E
21	Strange, Wm. (Penelope Turner-remainder man)	A36-0096A
22	Strange, Wm. (Penelope Turner-remainder man)	A36-00006
	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



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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
	Wiens, M.J., Jr.	A36-07229
4	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 By 
 15 PATRICK D. BROWN
 16 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

1 February, 1993, to:

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

4 Clive Strong
5 Chief Natural Resources Division
Office of Attorney General
Statehouse
6 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
Environment and Natural Resources Division
11 550 West Fort Street, Box 33
Boise, ID 83734

12
13 
14 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 5

MICROFILMED
DEC 03 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

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

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

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

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

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

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DEC 03 1996

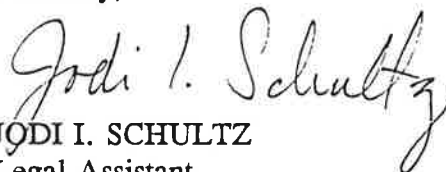
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

Water Right Number - A36-00039E

Adj. Flag Translation: Adjudication Temporary Work Area

Old (D) Number -

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

*** C - CURRENT OWNER ***
GLAUNER

FRANK L.

1 - P.O. BOX 235

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4714

1 - P.O. BOX 235

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4714

GLAUNER

JEAN

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/01/1891 D - DECREED

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

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

07S 13E 11 SE SE NE (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.040 3.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

07S 13E 14 NE SW 1.0 01 IRRIGATION (47) GOODING

Total Acres: 1.0

+ - - Diversion Means - VIA BUCKEYE DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
THIS CLAIM IS BASED ON WR #36-00039A, 36-00039B. THE WR WAS
SOLD TO CLAIMANTS IN 1978. TRANSFER WAS NOT FILED UNTIL NOW.
P/U IS LOTS 13-16, BLK. 24 HAGERMAN.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

Water right number - A36-00039E Adj. flag translation: Adjudication Temporary Work Area

+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - A - - - - +
No Old Water Right Numbers found. A36-00039A
+ - - - - Conditions of Approval - - - - - 00039B +
No Conditions of Approval found.
+ - - - - Decree Plaintiff - - - + + - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK IDAHO POWER COMPANY 03/23/1932
+ - - - - -Comments- - - - - +
No Comments Found

+ - - Audit Fields - 08/17/88 CLELLAND 12/26/89 MERRITT

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/17/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Claims Tape Error Flg	-	Receipt Number	- S001504	Water District	-
Fee Exempt Flag	-	POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-

REMARK AND CONDITION CODE WORKSHEET

SYSTEM CLAIM NUMBERS

236 00039E

AGENT
INITIALS
DATE

$$\begin{array}{r} 1775 \\ \hline 815192 \end{array}$$

**CLAIM NO.
OR ENTRY
ORDER**

REMARK	CODE
--------	------

ENTRY DATA

CONDITION	CODE
1. No. of days of rain in the month	1-10
2. No. of days of rain in the month	11-20
3. No. of days of rain in the month	21-30
4. No. of days of rain in the month	31-40
5. No. of days of rain in the month	41-50
6. No. of days of rain in the month	51-60
7. No. of days of rain in the month	61-70
8. No. of days of rain in the month	71-80
9. No. of days of rain in the month	81-90
10. No. of days of rain in the month	91-100

**STAGE
OR
STATUS**

**PRESUMPTION
CODE**

71

lots 12-16 R11 24 Hagerman Townsite

FDI

Buckeye Biter

Del Water District 36A:

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

Water Right Number - R36-00039E

Adj. Flag Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
GLAUNER

JEAN

1 - P.O. BOX 235
2 -
3 -

State- ID Zip- 83332

GLAUNER

FRANK L.

City- HAGERMAN
Phone - 208-837-4714

1 - P.O. BOX 235
2 -
3 -

State- ID Zip- 83332

City- HAGERMAN
Phone - 208-837-4714

+ - - 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 (Blank if no Index Code)

07S 13E 11 SE SE NE (47) GOODING

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		4-1 03/15	10-31 11/15	0.03 ~~0.040~~	~~4.00~~ 0

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
~~0.040~~ 0.03 ~~4.00~~ 0 3.0

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	14	NE SW		1.0	01	IRRIGATION	(47) GOODING

Total Acres: 1.0

+ - - Diversion Means - VIA BUCKEYE DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
THE RIGHT WAS SOLD TO CLAIMANTS IN 1978.
P/U IS LOTS 13-16, BLK. 24, HAGERMAN.

Transfer to
claimants

AJ0728NP
(OD-124)

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

10/22/90 08:09:06
Page 2

Water right number - R36-00039E

Adj. flag translation: RESEARCH

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

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

A3600039A
A3600039B~

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

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

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

+ - Decree Date - +
03/23/1932

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

+ - - Audit Fields - - +
BEDKE

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

Temporary Right -P

Receipt Number - S001504

Water District -

36A

RECEIVED

DEC 30 1999

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	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDINGS
Case No. 39576	)	
	)	Water Right 36-00039E

IDWR has completed the following Administrative Proceeding:

☒	Change of Address
☐	Substitution of Party
☐	I.C. 42-222 Transfer

CHANGE OF ADDRESS

Name of Claimant: JEAN GLAUNER
New Address: 224 2ND AVE NORTH
HAGERMAN ID 83332-5034
Phone: (208) 837-4714

Claimant's Water Rights: 36-00039E

The Claimant has filed Objections or Responses to the following water
rights: 36-00039E

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
11/19/1999

36-00039E

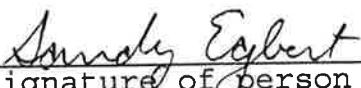
PAGE 1

CERTIFICATE OF MAILING

I certify that on 11-30-99 I mailed the original
and copies of this form to the following persons, postage prepaid
and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Each party in the subcase, or attorney of record:

PATRICK D BROWN
HEPWORTH NUNGESTER LEZAMIZ
133 SHOSHONE ST N
TWIN FALLS ID 83303-0389
3. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
4. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

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

DATE: NOV-19-1999

PAGE: A-1

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00039E

NAME & ADDRESS: JEAN GLAUNER
FRANK L GLAUNER
224 2ND AVE NORTH
HAGERMAN ID 83332-5034

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.04 CFS

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	02-15 11-30	0.04 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S14 NESW 1
1 ACRES TOTALEXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOTS 13-16, BLK 24, HAGERMAN
TOWNSITE.

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 COMPLETED
ADMINISTRATIVE PROCEEDINGS
Water Right 36-00039E

IDWR has completed the following Administrative Proceeding:

- ☒ Change of Address
- ☐ Substitution of Party
- ☐ I.C. 42-222 Transfer

CHANGE OF ADDRESS

Name of Claimant: JEAN GLAUNER
New Address: 224 2ND AVE NORTH
HAGERMAN ID 83332-5034
Phone: (208) 837-4714

Claimant's Water Rights: 36-00039E

The Claimant has filed Objections or Responses to the following water
rights: 36-00039E

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
10/8/1999

36-00039E

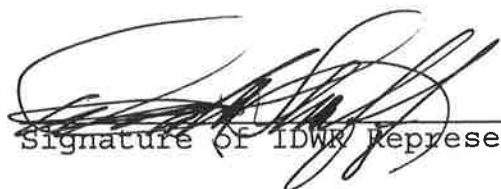
PAGE 1

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

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

DATED:

10-13-99



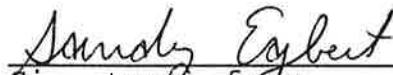
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11-5-99 I mailed the original
and copies of this form to the following persons, postage prepaid
and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Each party in the subcase, or attorney of record:

PATRICK D BROWN
HEPWORTH NUNGESTER LEZAMIZ
133 SHOSHONE ST N
TWIN FALLS ID 83303-0389
3. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
4. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

AJ0749NP
No. R36-00039E

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

DATE: 10/07/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JEAN GLAUNER	01/02/1891	IRRIGATION	02-15 11-30	0.040 CFS	
C	FRANK L GLAUNER 224 2ND AVE NORTH HAGERMAN ID 833325034 (208) 837-4714			TOTAL DIVERSION:	0.040 CFS	

Water Source: BILLINGSLEY CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T07S R13E S11

SESENE

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
07S	13E	14	:					:					:	01				:					:	1.0
TOTAL ACRES																							1.0	

POU County: GOODING

Other Rights: NONE

Remarks: EXP WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOTS 13-16, BLK 24, HAGERMAN
TOWNSITE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Comments: Date: 08/05/1992 User-ID: WORSTELL Subject: COPIED FROM REMARKS
THE RIGHT WAS SOLD TO CLAIMANTS IN 1978.

Date: 02/19/1993 User-ID: SCHULTZ Subject: ADDED NEW ATTORNEY
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ
2/10/93.
CLAIM VERIFIED 8/5/92. DID NOT REVERIFY CLAIM.

Date: 08/27/1999 User-ID: SSHERMAN Subject: ADDRESS CHANGE
ADDRESS CHANGE BY CLAIMANT LETTER.

Date: 10/07/1999 User-ID: SSHERMAN Subject: DATA ENTRY

AJ0749NP
No. R36-00039E

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

DATE: 10/07/99
PAGE: 2

=====

Comments: Date: 10/07/1999 User-ID: SSHERMAN Subject: DATA ENTRY
CORRECTED ZIP CODE TYPO.

Audit: 10/07/99 SSHERMAN

AJ0749NP
No. 36-00039E

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

DATE: 10/07/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JEAN GLAUNER	01/02/1891	IRRIGATION	03-15 11-15	0.040 CFS	
C	FRANK L GLAUNER 224 2ND AVE NORTH HAGERMAN ID 833325034 (208) 837-4714			TOTAL DIVERSION:	0.040 CFS	

Water Source: BILLINGSLEY CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T07S R13E S11 SESENE

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																												
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM																							
07S	13E	14	:																	:	1.0																							
																				:	01	:																					:	1.0
																				:																					:	TOTAL ACRES	:	1.0

POU County: GOODING

Other Rights: NONE

Remarks: EXP WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOTS 13-16, BLK 24, HAGERMAN
TOWNSITE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

Comments: Date: 08/05/1992 User-ID: WORSTELL Subject: COPIED FROM REMARKS
THE RIGHT WAS SOLD TO CLAIMANTS IN 1978.

Date: 02/19/1993 User-ID: SCHULTZ Subject: ADDED NEW ATTORNEY
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ
2/10/93.
CLAIM VERIFIED 8/5/92. DID NOT REVERIFY CLAIM.

Date: 08/27/1999 User-ID: SSHERMAN Subject: ADDRESS CHANGE
ADDRESS CHANGE BY CLAIMANT LETTER.

Date: 10/07/1999 User-ID: SSHERMAN Subject: DATA ENTRY

AJ0749NP
No. 36-00039E

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

DATE: 10/07/99
PAGE: 2

=====

Comments: Date: 10/07/1999 User-ID: SSHERMAN Subject: DATA ENTRY
CORRECTED ZIP CODE TYPO.

Audit: 10/07/99 SSHERMAN



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

August 24, 1999

KARL J. DREHER
DIRECTOR

FRANK L GLAUNER
JEAN GLAUNER
224 ~~W~~ 2ND AVE *North*
HAGERMAN ID 83332-5034

RECEIVED

AUG 27 1999

Re: Snake River Basin Adjudication (SRBA)
Water Right #36-00039E
Change of Address

Department of Water Resources

Dear Water Right Holders:

*Record changed,
NCAP prepared.
8-27-99*

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by September 17, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right record.

Sincerely,

Sally

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

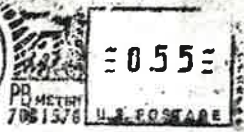
Jean E. Glauner
Claimant Signature

(208) 837-4714
Telephone No.

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

DEPARTMENT OF WATER RESOURCES
101 N. ORCHARD ST.
BOISE, ID 83706-2237

ADDRESS SERVICE
REQUESTED



GLAU235 833322014 1199 03 08/03/99
FORM 3547

GLAUNER
224 S 2ND AVE
HAGERMAN ID 83332-5034



only w/R

R36-00039E
JEAN GLAUNER
FRANK L GLAUNER
PO BOX 235
HAGERMAN ID 83332

U.S. POSTAL SERVICE
PS FORM 3547

U.S. POSTAL SERVICE
PS FORM 3547

fee due 50¢

return
to sender

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

DATE: DEC-19-1997

PAGE: A-1

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00039E

NAME AND ADDRESS: JEAN GLAUNER
FRANK L GLAUNER
PO BOX 235
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.04 CFS
0.03 CFS

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	<u>Irrigation Season</u>	0.04 CFS
		03/13 11/13	0.03 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S14 NESW 1
1 ACRES TOTAL

CONSUMPTIVE USE: 3.0 AFY

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

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOTS 13-16, BLK 24 HAGERMAN
TOWNSITE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOTS 13-16, BLK 24, HAGERMAN
TOWNSITE.

RECEIVED

JAN 02 1998

Department of Water Resources
Southern Region

OCT 22 1997

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

SUBCASE(S) 36-00039E

SPECIAL MASTER'S REPORT

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

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

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

DATED: October 22, 1997

A. X. Hamel
Special Master
Snake River Basin Adjudication

RECEIVED

JAN 02 1998

Department of Water Resources
Southern Region

OCT 22 1997

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Subcase(s) 36-00039E

STANDARD FORM 5

Case 39576

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

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

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

Date: 10/21/97

Charles Z. Honsinger
IDWR Concurrence

Frank E. Glauner
Claimant

Joan E. Glauner
Claimant/Attorney

Claimant/Attorney

Frank E. Glauner
Objector

Joan E. Glauner
Objector/Attorney

Objector/Attorney

RECEIVED

JAN 02 1998

Department of Water Resources
Southern Region

OCT 22 1997

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

SUBCASE(S): 36-00039E

NOTICE OF ISSUANCE and SERVICE

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

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

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

Representative of IDWR:

Charles Honsinger

Representative of U.S. Dept. of Justice

(mailed) Jean & Frank Blauner
Claimant/Attorney

Party/Attorney

Claimant/Attorney

Party/Attorney

DATED October 22, 1997

Am. Alverdi
Deputy Clerk

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

DATE: OCT-16-1997

PAGE: A-1

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00039E

NAME AND ADDRESS: JEAN GLAUNER
FRANK L GLAUNER
PO BOX 235
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.05 CFS
.04

PRIORITY DATE: 01/02/1891

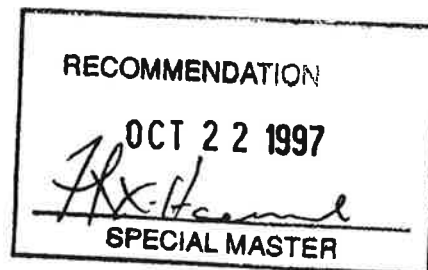
POINT OF DIVERSION: T07S R13E S11 SESENE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	<u>Irrigation Season</u>	0.05 CFS
		03/13 11/13	.04

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S14 NESW 1
1 ACRES TOTAL

CONSUMPTIVE USE: 3/0 AFY

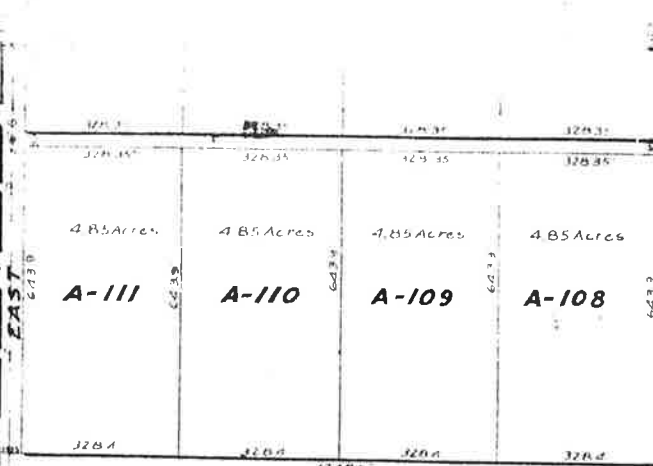
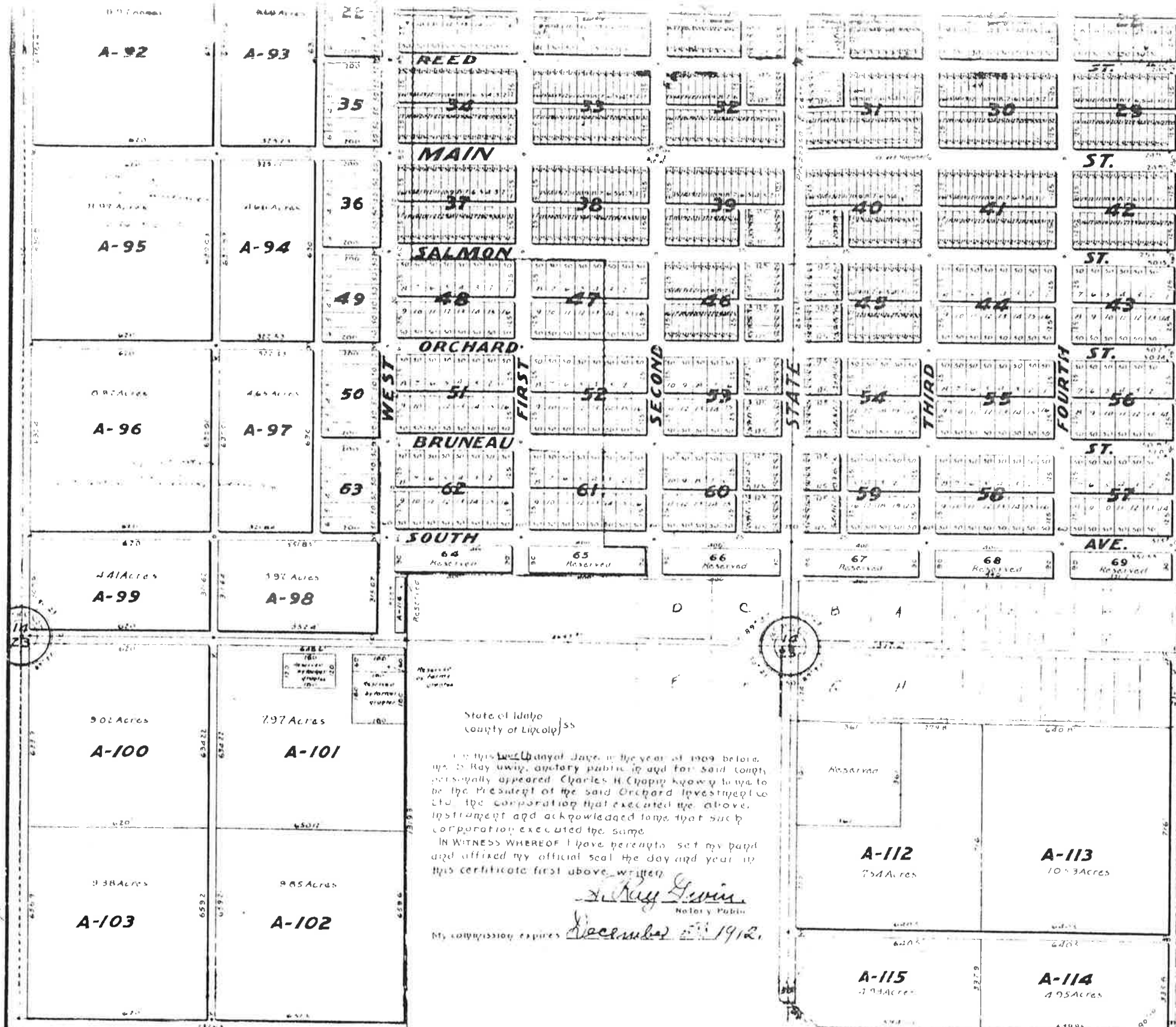
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOTS 13-16, BLK 24 HAGERMAN
TOWNSITE.EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOTS 13-16, BLK 24, HAGERMAN
TOWNSITE.J.E.G. RB
C.2.H.
7.2.11

SUBCASE NO. 36-00039E

	CLAIM (8/17/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Frank & Jean Glauner	N/A	Frank & Jean Glauner	Frank & Jean Glauner
BASIS OF CLAIM	Beneficial Use		Decree	
SOURCE	Billingsley Creek		Billingsley Creek	
QUANTITY	0.040 cfs		0.03 cfs	XX - requests as decreed and/or beneficially used - "2.0 cfs for 1.25 acres" MSJ requests .04 cfs
PRIORITY DATE	1/1/1891		1/2/1891	
PURPOSE OF USE	Irrigation		Irrigation	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 1/1 - 12/31 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 S14 1.0 acres		T07S R13E S14 1.0 acres	XX - requests 1.25 acres.
remarks	"This claim is based on water right #36-00039A and 36-00039B. This water right was sold to claimants in 1978. Transfer was not filed until now. Place of use is lots 13-16, blk. 24 Hagerman."		"Water is delivered through the Buckeye Ditch. Property is also known as Lots 13-16, blk 24 Hagerman townsite."	MSJ requests that all remarks be deleted

Description states that this right was decreed in the *Dilatush* decree, as well as the New International Mortgage decree.



Know all men by these presents, that the Orchard Investment Co. Ltd. a corporation organized and existing under and by virtue of the Laws of the State of Idaho, is the owner of the following described land to wit:

Starting at the N.E. cor. of the NW one-quarter of the NE one-quarter of Section 14 T.7S. R.13E. Boise Meridian Idaho running 305.25 feet North thence N 80° 55' W 807.5' thence S 44° 55' W 631.5' to the quarter cor. between Sections 14 and 11 T.7S. R.13E. B.M. Idaho thence East along section line 1330.34 to the starting point. W one-half of the NE one-quarter of Section 14 T.7S. R.13E. B.M. Starting at N.E. cor. of the SW one-quarter of the NW one-quarter of Section 14 T.7S. R.13E. B.M. Idaho running W 280' thence NW along ditch 656.5' thence E 115' thence S 636.3' to the starting point. Starting at the center of Section 14 T.7S. R.13E. B.M. Idaho running 1370 N. thence W 1050.2' thence S W 658.8' thence S 561.54' thence E 1325' to starting point. To W one-quarter of the NW one-quarter of Section 14 T.7S. R.13E. B.M. Idaho. N one-half of the SW one-quarter of Section 14 T.7S. R.13E. B.M. Idaho. N one-half of the S one-quarter of Section 14 T.7S. R.13E. B.M. Idaho. S W one-quarter of the SW one-quarter of Section 14 T.7S. R.13E. B.M. Idaho. The Northernly 1084.4' of the SE one-quarter of the SW one-quarter of Section 14 T.7S. R.13E. B.M. Idaho as shown on plat. The Northernly 1084.4' of the S W one-quarter of the SE one-quarter of Section 14 T.7S. R.13E. B.M. Idaho as shown on plat. NW one-quarter of the NW one-quarter of Section 23 T.7S. R.13E. B.M. Idaho not including reserved portions as shown on plat. NW one-quarter of the NE one-quarter of Section 23 T.7S. R.13E. B.M. Idaho not including reserved portions as shown on plat. And said corporation do hereby certify that it has laid out and platted said lands as shown by this plat as the Orchard Investment Co. Ltd. and designated as the town of Hagerman and the lots adjacent to said town of Hagerman to be known and designated as follows specifically numbered, beginning with A-70 as shown on this plat, all by the County of Latah, State of Idaho, and the said corporation does hereby and by these presents grant, designate and dedicate to the use of the Public all the Streets, Avenues, Ditches, Roads, and Highways as shown by this plat saving exception and reserving however from this dedication and grant unto the said Orchard Investment Co. Ltd. its successors or assigns forever the exclusive and perpetual Right, Power and Privilege expressed or implied to erect, maintain, operate and repair poles and wires and their appurtenances and other useful or necessary appliances for the conveyance, transmission and distribution of any of the energy of electric current or power for electric light, heat and power or any of them or for any other purpose to which the same may be applied, and to lay, construct, maintain and operate tracks, together with all useful necessary or convenient turnouts and switches for the carriage or running of electric or trolley or other cars and in connection herewith to erect, maintain and operate poles and wires and other useful and proper appliances for use in connection with any such track, or tracks, switches or turnouts or for the moving or propulsion of any such cars intended to run upon or over any such track or tracks, together with the right to operate and run cars over and upon any and all such tracks so laid, and to lay, construct, maintain, operate and improve pipes, conduits, and ditches or any of them for the conveyance and distribution of water or for the conveyance, transmission or distribution of heat or steam with the right in any and all such cases to repair, enlarge, improve and extend the same in, under, over, along, across and upon any and all strips of ground so laid out as streets, avenues, ditches, roads, and highways and hereby dedicated to the use of the Public as aforesaid, and in, under, over, along, across and upon any and all strips of ground hereafter made or laid out and opened additional strips of ground hereafter laid out upon said plat, and which shall be opened and used for Public Streets, avenues, ditches, roads, and highways.

ORCHARD INVESTMENT CO. LTD.
Charles H. Chapin President

State of Idaho
County of Latah

I, *Charles H. Chapin*, in the year 1909 before me, a Notary Public in and for said county, personally appeared *Charles H. Chapin* known to me to be the President of the said Orchard Investment Co. Ltd. the corporation that executed the above instrument and acknowledged to me that such corporation executed the same.

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

Charles H. Chapin
Notary Public

My commission expires *December 21, 1912.*



N.W. 1/4 of S.E. 1/4 Sec. 27, T. 7 S., R. 13 E. Lots 1, 4, 5 and 6, and the S.E. 1/4 Sec. 33, S. 1/2 of N.W. 1/4 Sec. 27, T. 7 S., R. 13 E. Lots 1, 2, 3, 4, 5 and 7, and the S.E. 1/4 N.W. 1/4 of S.W. 1/4 Sec. 27, T. 7 S., R. 13 E. S. 1/2 N.E. 1/4, the N.W. 1/4 of Sec. 34, the S.W. 1/4 of S.E. 1/4 of N.E. 1/4 Sec. 28, T. 7 S., R. 13 E. N.W. 1/4, the N.W. 1/4 S.W. 1/4 of Sec. 35, all of T. 7 S. Range 13 E. B.M. The Terrace Bar, Big Foot Bar, Union Bar and Cornstock Placer Mining Claims, according to the Plat of Mineral Survey No. 107, filed in the U.S. Land Office at Hailey, Idaho, Nov. 20th, 1884. The Starr Hunt, Jack Rabbit and Fractional Terrace Bar Placer Mining Claims, according to the Plat of Mineral Survey No. 801, Lot 38, filed in the U.S. Land Office at Hailey, Idaho, Jan. 2nd, 1890. All of the above described premises are situated in Township 7 S., of Range 13 E. B.M.

All Island in Snake River South of Sec. 33, T. 7 S., R. 13 E. Shown on Plat.

And said corporation does further certify that it has laid out and subdivided said described premises into out lots to be numbered and designated by specific numbers beginning with number one as shown on this Map or Plat.

And the said corporation does hereby, and by these presents Grant, Donate and Dedicate to the use of the public all the Roads and Highways, as shown by this plat, saving, excepting and reserving however, from this Grant and Donation unto the said Morton Realty Company, Limited, its successors or assigns, forever, the exclusive and perpetual Right, Power and Privilege, expressed or implied, to erect, maintain, operate and repair Poles and Wires and their Appurtenances and other useful or necessary appliances for the conveyance, transmission and distribution, or any of them, of electric current or Power for electric light, heat and power, or any of them, or for any other purpose to which the same may be applied, and to lay, construct, maintain and operate tracks together with all useful, necessary or convenient turnouts or switches for the carriage or running of electric or trolley or other cars, and in connection therewith to erect, maintain and operate poles and wires and all other useful or proper appliances for use in connection with any such track or tracks, switches or turnouts, or for the moving or propulsion of any such cars intended to run upon or over any such track or tracks, together with the right to operate and run cars over and upon any and all such tracks so laid, and to lay, construct, maintain, operate and improve pipes, conduits and ditches, or any of them, for the conveyance or distribution of water, or for the conveyance, transmission or distribution of heat or steam, with the right in any and all such cases to repair, enlarge, improve and extend the same, in, under, over, along, across and upon any and all strips of ground so laid out as Roads and Highways and hereby Dedicated to the use of the public as aforesaid, and in, under, over, along, across and upon any and all extensions of such strips of ground hereafter made or laid out and opened over or on said premises hereby conveyed or any part thereof, and in, under over, along, across and upon all such additional strips of ground hereafter laid out upon said Plat, and which shall be opened and used for public Roads and Highways.

In presence of M. A. Aubole
John F. Karger

Morton Realty Company, Limited.

by John W. Morton

Attest P. Chauvaux Secretary

State of Idaho.
County of Lincoln.

On this 5th day of June in the year 1909, before me S. Ray Gwin, a notary public in and for said County, personally appeared John W. Morton known to me to be the President of the said Morton Realty Company, Limited, the corporation that executed the above Instrument and acknowledged to me that such corporation executed the same.

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

S. Ray Gwin, Notary Public.

My commission expires December 5th, 1912.

State of Idaho.
County of Lincoln.

I, Herbert L. Owens, a duly licensed, qualified and acting Land Surveyor, who supervised the survey of the Out Lots as shown on this Map or Plat upon which this certificate is endorsed, is a true and correct Plat thereof made from an actual survey under my supervision, directions and instruction, and I further certify that the following is a correct description of the land included in said Plat, situated in Lincoln County, State of Idaho, to-wit:-

The N.E. 1/4 Sec. 1, 4, 5 and 6, and the S.E. 1/4 Sec. 27, T. 7 S., R. 13 E. Lots 1, 2, 3, 4, 5 and 7, and the S.E. 1/4 N.W. 1/4 of S.W. 1/4 Sec. 27, T. 7 S., R. 13 E. S. 1/2 N.E. 1/4, the N.W. 1/4 of Sec. 34, the S.W. 1/4 of S.E. 1/4 of N.E. 1/4 Sec. 28, T. 7 S., R. 13 E. N.W. 1/4, the N.W. 1/4 S.W. 1/4 of Sec. 35, all of T. 7 S. Range 13 E. B.M.

The Terrace Bar, Big Foot Bar, Union Bar and Cornstock Placer Mining Claims, according to the Plat of Mineral Survey No. 107, filed in the U.S. Land Office at Hailey, Idaho, Nov. 20th, 1884. The Starr Hunt, Jack Rabbit and Fractional Terrace Bar Placer Mining Claims according to the Plat of Mineral Survey No. 801, Lot 38, filed in the U.S. Land Office at Hailey, Idaho, Jan. 2nd, 1890. All of the above described premises are situated in Township 7 S., of Range 13 E. B.M.

All Island in Snake River South of Sec. 33, T. 7 S., R. 13 E. Shown on Plat.

Survey commenced April 23, 1909, completed May 30, 1909.

Herbert L. Owens

Subscribed and sworn to before me this 5th day of June A.D. 1909.

Wm. A. Peters.

Notary Public.

My Commission expires June 3rd, 1910.

State of Idaho.
County of Lincoln.

I, Harry W. Anderson, Recorder of Lincoln County, Idaho, do hereby certify that the foregoing and attached plat of the Out Lots as shown on this Plat was filed for record at 10 o'clock A.M. this 13th day of Aug. in the year 1909, at the request of P. E. Dushault, Esq., and that the same was recorded in Book of Plats, at Page of the Records of Lincoln County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 13th day of Aug., A.D. 1909.

Harry W. Anderson
Recorder.

MAP

BUC EYE RANCH

Surveyed for

Morton Realty Company Ltd.

June 3, 1909.

June 3, 1909.

DOLMERS ISLAND

HAGERMAN

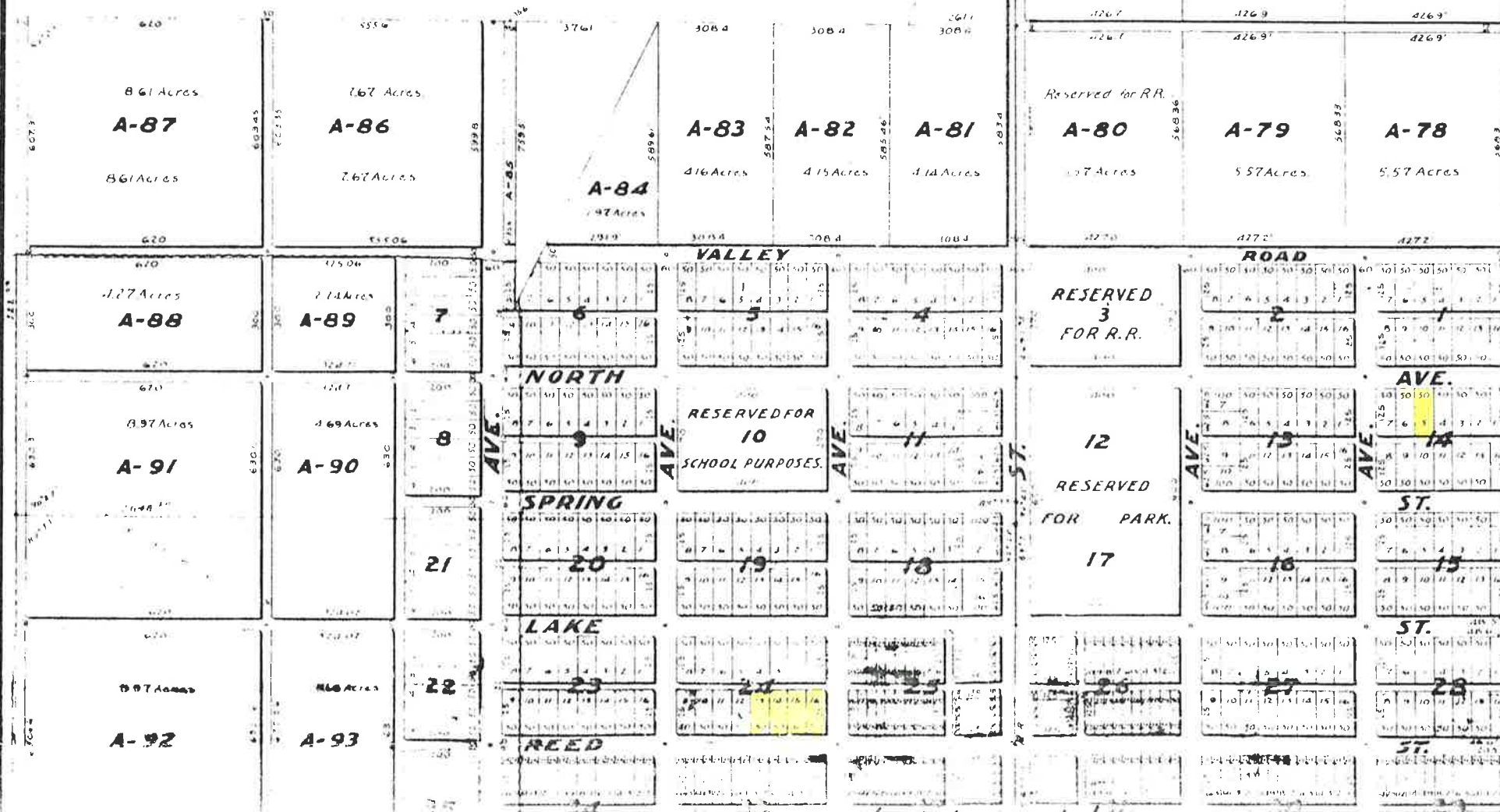
TOWNSITE

SECTIONS 11, 14, & 23 T.7S., R.13E., B.M.

+ LINCOLN + CO., + IDAHO. +

Scale 1" = 400'

THE CORNERS ARE MARKED BY STAKES 2" X 4" 10" LONG DRIVEN INTO GROUND. STAKE MONUMENTS AT INTERSECTIONS OF LOT CENTERS AS SHOWN ON PLAT. CORNERS OF EAST 1/4 SECTION 14 T.7S. R.13E. B.M. ARE AT 1/4 CORNER & 1/4 CORNER OF GROUND.



125' x 50' per lot

State of Idaho
County of Lincoln

I, Herbert E. Owens, a duly licensed qualified and acting land surveyor who supervised the survey of the townsite of Hagerman, do hereby certify that the plat of said townsite of Hagerman upon which this certificate is endorsed is a true and correct plat thereof made from my actual survey under my supervision, directions and instructions, and I further certify that the following is a correct description of the land included in said plat, situated in Lincoln County, State of Idaho, to wit: Starting at the NE cor. of the NW 1/4 quarter of the NE 1/4 quarter of Section 14 T.7S. R.13E. B.M. Idaho running 305.25' North thence N 80°55' W 907.5' thence S 44°55' W 631.5' to the quarter corner between sections 14 and 11 T.7S. R.13E. B.M. thence East along section line 1330.34' to the starting point West one-half of NE 1/4 quarter of Section 14 T.7S. R.13E. B.M. starting at the NE corner of the S.W. 1/4 quarter of the NW 1/4 quarter of Section 14 T.7S. R.13E. B.M. running West 286' thence NW along ditch 656.5' thence East 115' thence S 63°03' to the starting point Starting at the center of section 14 T.7S. R.13E. B.M. running 1320' North, thence West 1050.2' thence S W 65°08' thence South 561.54' thence East 1325' to starting point S.W. 1/4 quarter of the NW 1/4 quarter Section 14 T.7S. R.13E. B.M. North one-half of the S.W. 1/4 quarter Section 14 T.7S. R.13E. B.M. North one-half of the S.E. 1/4 quarter Section 14 T.7S. R.13E. B.M. S.W. 1/4 quarter of the S.W. 1/4 quarter Section 14 T.7S. R.13E. B.M. The Northerly 1084.4' of the S.E. 1/4 quarter of the S.W. 1/4 quarter Section 14 T.7S. R.13E. B.M. as shown on plat. The Northerly 1084.4' of the S.W. 1/4 quarter of the S.E. 1/4 quarter Section 14 T.7S. R.13E. B.M. as shown on plat. N.W. 1/4 quarter of the NW 1/4 quarter Section 23 T.7S. R.13E. B.M. not including reserves (by former grantees) as shown on plat. N.W. 1/4 quarter of the NE 1/4 quarter Section 23 T.7S. R.13E. B.M. not including reserved portions as shown on plat.

Survey commenced March 22nd 1909, completed July 15th 1909

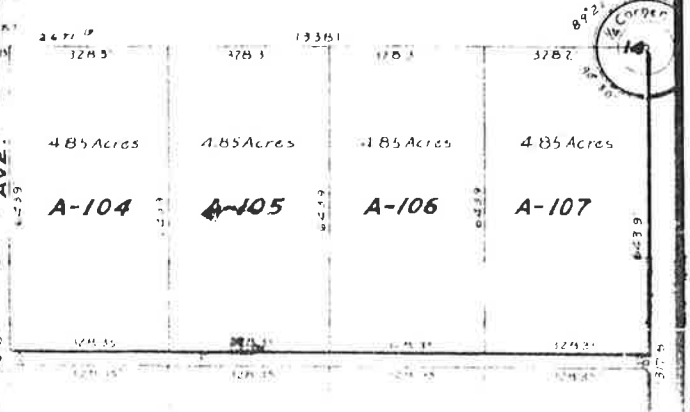
Subscribed and sworn to before me this 25th day of June 1909

Wm. G. Peters.
Notary Public

I, Harry W. Andersen, Recorder of Lincoln Co., Idaho, do hereby certify that the foregoing and attached plat of the town of Hagerman was filed for record at 2 o'clock P.M. on the 11th day of June in the year 1909 at the request of H.E. Dunsalt, Esq., and that the same was duly recorded in Book 11 of plats, at 174 Page of the Records of Lincoln Co., Idaho.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this 11th day of June A.D. 1909

Harry W. Andersen
Recorder Lincoln Co., Idaho



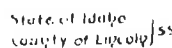
TOWNSITE

✦ LINCOLN ✦ CO., ✦ IDAHO. ✦

$$k_{\text{உயர்வு}} = 200$$

Dwyer & Kirby

Left corner was marked by stakes 1' x 2" 12" driven 12" into ground, and black
ink marked by stakes 3' x 3" 12" long driven 12" into ground. These monuments
at intersection of first corner as shown on plot, within at least 300' from
any one of feet of below corner of ground.



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

Notary Public
December 21 1912.

My commission expires December 21, 1912.

A-70

State of Idaho
County of Lincoln

I, Herbert L. Owens, qualified and acting land surveyor who supervised the township of Hagerman, do hereby certify that the township of Hagerman upon which is depicted is a true and correct plat of the township actual survey under my supervision and instructions, and I further certify that is a correct description of the land upon the plat, situated in Lincoln County, State of North Carolina, starting at the N.E. corner of the N.W. 040-quarter of section 14 T.75. R.13 E. B.M. 10490 North thence N 00° 55' W. 907.5' thence S 54° 44' E the quarter corner between sections 14 and 15 B.M. thence East along section line 1330.3' to point West one-half of NE 040-quarter of T.75 R.13 E. B.M. starting at the N.E. corner one-quarter of the N.W. 040-quarter of section 13 E. B.M. running West 286' thence N 66° 55' W. 656.5' thence East 115' thence S 63° 43' to N. Starting at the center of section 14 T.75 R.13 E. running 1320' North, thence West 1050.2' thence South 561.54' thence East 1325' to S.W. one-quarter of the N.W. 040-quarter of section 13 E. B.M. North one-half of the S.W. 040-quarter of section 14 T.75 R.13 E. B.M. North one-half of the S.W. 040-quarter of section 14 T.75 R.13 E. B.M. S.W. one-quarter of section 14 T.75 R.13 E. B.M. S.W. one-quarter of the S.E. 040-quarter of the S.W. 040-quarter of section 14 T.75 R.13 E. B.M. as shown on 10844' of the S.W. 040-quarter of the S.W. 040-quarter of section 14 T.75 R.13 E. B.M. as shown on 10844' of the S.W. 040-quarter of the S.W. 040-quarter of section 14 T.75 R.13 E. B.M. not including reserved portions as shown on plat.

Survey commenced March 22nd - 1909, com
subscribed and sworn to before me this

I, Harry W. Dydersen, Recorder of Lincoln County, hereby certify that the foregoing and attached copy of the record of the Board of Supervisors of Lincoln County, Oregon, was filed for record at _____ A _____ M on the _____ day of July 1909 at the request of P. E. Dusault, Esq., _____ some was duly recorded in Book _____ of _____ of the Records of Lincoln County.

In Witness Whereof, I have hereunto set
and affixed my official seal this 11th day
A.D. 1909

3471 P	13361	
370.3	370.3	370.3
485 Acres	485 Acres	485 Acres
A-104	A-105	A-106

[illegible]

6204 6204 6204

Know all men by these presents, That the corporation of approved and existing under and by the State of Idaho is the owner of the following: A portion of the NE 1/4 of the NW 1/4 quarter of the Section 14 T7S R13E Boise Meridian Idaho ranging from N 10° 55' W not to the S 45° 55' W and between Sections 14 and 15 T7S R13E BM Idaho including Section 14 to the starting point. One quarter of Section 14 T7S R13E BM Starting at one quarter of the NW 1/4 quarter of Section 14 ranging W 2nd range NW along ditch 1/4 S 45° 55' to the starting point. Starting at the corner of S 131 BM Idaho ranging 131° 10' N thence W 10° 55' to the starting point. Starting at the NW 1/4 quarter of Section 14 T7S R13E BM and NW 1/4 quarter of Section 14 T7S R13E BM and SE 1/4 quarter of Section 14 T7S R13E BM Idaho and NW 1/4 quarter of Section 14 T7S R13E BM and 1/4 of the NW 1/4 quarter of the NW 1/4 quarter of H 13E BM Idaho as shown on plat. The North 1/4 quarter of the SE 1/4 quarter of Section 14 T7S R13E BM Idaho not including reserved strip plat. One quarter of the NE 1/4 T7S R13E BM Idaho not including reserved strip plat. And said corporation does further certify and planted said lands as shown by this plat as to be known and designated as by the town of Haage. Subject to said Town of Haage may be known and lands specially numbered beginning with a point at the corner of the State of Idaho corporation does hereby and by these presents dedicate to the use of the Public all the Streets, Roads, and Highways as shown by this plat reserving however from this dedication and Orchard Investment Co Ltd its successors or exclusive and perpetual Right Power and Privilege to erect maintain operate and upon their appurtenances and other useful or useful the conveyance transmission and distribution of electric current or power for electric light any of them or for any other purpose to which applied, and to lay construct maintain and with all such necessary or convenient for the carriage or carrying of electric or for connecting herewith to erect maintain and wires and other useful and proper appurtenances with any such track or tracks switches or for moving or propelling or any such cars or trolleys any such track or tracks to either with the city or town and upon any and all such tracks construct maintain and improve pipes or any of them for the conveyance or distribution or transmission or distribution

MEMORANDUM

TO: Claim Files, see below
FROM: Douglas Jones, Water Rights Supervisor, Adjudication Bureau
DATE: July 12, 1996
RE: "706" reports submitted to court

In response to an order from the court, resulting from the Motions for Summary Judgement filed on the subcases, IDWR has prepared the following documents:

- 1) DIRECTOR'S SUPPLEMENTAL REPORT
- 2) REPORT REGARDING QUANTIFICATION OF SMALL DOMESTIC AND STOCKWATER USES
- 3) REPORT REGARDING CONSUMPTIVE USE IN THE HAGERMAN AREA
- 4) REPORT REGARDING EVALUATION OF IRRIGATION DIVERSION RATES
- 5) HAZEN, W; GIBSON, G; NEIBLING, H; CROP WATER REQUIREMENTS IN THE HAGERMAN VALLEY; IN A REPORT TO HAGERMAN WATER RIGHT OWNERS ASSOCIATION
- 6) GUIDELINES FOR THE EVALUATION OF IRRIGATION DIVERSION RATES ("HUBBLE REPORT") IN A REPORT TO IDWR
- 7) EVALUATION WORKBOOK FOR IRRIGATION DIVERSION RATES
- 8) AFFIDAVITS FROM:
 - a. David B. Shaw
 - b. Steve Clelland: As to investigation of claims in the Hagerman area
 - c. Helen Harrington-Thornton: Regarding investigation of claims in the Hagerman area
 - d. Marci Sterling
 - e. Jeff Peppersack
 - f. David R. Tuthill, Jr
 - g. Carter Fritschle: Regarding planimeter measurements of claims 36-00064B and 36-00079
- 9) REPORTS REGARDING ... (each specific claim, 24 in all)

Submittals 1-8 can be referenced in the file cabinet section titled "SPECIAL REPORTS" which follows the irrigation claims within Basin 36. The reports regarding specific rights can found in the file jacket for that right.

CLAIMS

36-00003A	36-00003C	36-00003E	36-00003F	36-100034B
36-00035J	36-00039C	36-00039E	36-00039J	36-00039N
36-00047	36-00061	36-00062	36-00063	36-00064B
36-00079	36-00085A	36-00086C	36-00092	36-00103F
36-00106	36-00108B	36-10283B	36-10409	

MICROFILMED

DEC 03 1996

1996 JUL -1 PM 3:17

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00039E

In Re SRBA

Twin Falls County Civil Case No. 39576
Sub-Case No. 36-00039E

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David B. Shaw, Adjudication Bureau Chief
David R. Tuthill Jr., Acting Adjudication Bureau Chief

July 1, 1996

COPY

MICROFILMED
DEC 03 1996

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00039E

The Director of the Idaho Department of Water Resources (IDWR) submits this report regarding claim to water right no. 36-00039E in response to the request of Special Master Haemmerle, pursuant to Idaho Code §42-1412(4) and the court's Order Re: Contested Claims for Amounts Claimed in Excess of .02 CFS. This report was prepared under the supervision of Karl J. Dreher, Director, David B. Shaw, Adjudication Bureau Chief, and David R. Tuthill Jr., Acting Adjudication Bureau Chief for IDWR. The following persons assisted in the preparation of the following portions of this report:

David B. Shaw, Adjudication Bureau Chief, reviewed and verified this Report Regarding Claim to Water Right No. 36-00039E. The Affidavit of David B. Shaw describes Mr. Shaw's education and work experience, and is incorporated by reference herein. Mr. Shaw also reviewed IDWR's Report Regarding Evaluation of Irrigation Diversion Rates, described below.

Jeff Peppersack, Adjudication Engineer, prepared and verified IDWR's Report Regarding Evaluation of Irrigation Diversion Rates, which is incorporated by reference herein. The Affidavit of Jeff Peppersack describes Mr. Peppersack's education and work experience, and is incorporated by reference herein. Mr. Peppersack also reviewed IDWR's Report Regarding Consumptive Use for Irrigation in the Hagerman Area, described below.

David R. Tuthill Jr., Acting Adjudication Bureau Chief, prepared IDWR's Report Regarding Consumptive Use for Irrigation in the Hagerman Area, which is incorporated by reference herein. Mr. Tuthill also reviewed this Report Regarding Claim To Water Right No. 36-00039E. The Affidavit of David R. Tuthill Jr. describes Mr. Tuthill's education and work experience, and is incorporated by reference herein.

Marci S. Sterling, Adjudication Engineer, prepared and verified Appendix B, which describes the application of IDWR's methodology for evaluation of irrigation diversion rates to claim no. 36-00039E. Appendix B is attached hereto and incorporated herein by reference. The Affidavit of Marci S. Sterling describes Ms. Sterling's education and work experience, and is incorporated by reference herein.

Steven C. Clelland, Senior Water Resource Agent, investigated and prepared the preliminary recommendation for claim no. 36-00039E, and prepared Appendix C, which is attached hereto and incorporated herein by reference. The Affidavit of Steven C. Clelland describes Mr. Clelland's education and work experience, and is incorporated by reference herein. The affidavit also includes a general description of his investigation of claims in the Hagerman area. The affidavit of Steven C. Clelland Regarding Claim No. 36-00039E describes Mr. Clelland's investigation of the quantity

and place of use of this water right; it is attached hereto and incorporated herein by reference.

1. INVESTIGATION AND RECOMMENDATION OF CLAIMS GENERALLY

IDWR's general methodology for the investigation and recommendation of claims is described in Appendix A, which is incorporated herein by reference.

II. WATER RIGHT NO. 36-00039E

A. Basis of Claim

Claim no. 36-00039E was filed with IDWR by Frank L. And Jean Glauner on August 17, 1988.¹ The claim is to a portion of one of two rights decreed to E.W. Dilatush and others in the *New International Mortgage* decree, entered in 1932.² The water rights decreed to Dilatush are numbered in IDWR's files as water right nos. 36-00039 and 36-00040. Right no. 36-00039 is to water from Billingsley Creek; right no. 36-00040 is to water from an unnamed spring. Both were decreed for use on the same lands, and both were decreed, along with numerous other rights, for "irrigation, domestic, power and other purposes." Portions of right no. 36-00039 were claimed by and recommended to various claimants (some of which recommendations are contested), and are further described below.³

B. Name and Address of Claimant

The name and address of the claimant set forth in the claimant's motion for summary judgment is the same as recommended in the director's report.

C. Source of Water

¹ The original notice of claim is currently located in the files of the SRBA District Court, attached to IDWR's response to the claimant's objection.

² *New International Mortgage Bank v. Idaho Power Co., et al.*, Equity No. 1602 (D.S.Id. 1932), at pp. 3-4.

³ A portion of right no. 36-00040 was claimed as 36-00040A; claim no. 36-00040A was recommended for disallowal and no objection was filed to that recommendation. No claims were filed to the remainder of right no. 36-00040.

The source of water set forth in the claimant's motion for summary judgment is Billingsley Creek. The source of water is described in the director's report as Billingsley Creek tributary to Snake River.

The director's report includes the body of water to which the source of the right is tributary for each water right in the director's report, except for rights to ground water. IDWR adopted this standard for the description of the source of water rights because there are so many instances, sometimes in the same administrative basin, where different surface water sources bear the same name.⁴

D. Date of Priority

The priority date set forth in the claimant's motion for summary judgment is the same as recommended in the director's report.

E. Point of Diversion

The point of diversion set forth in the claimant's motion for summary judgment is the same as recommended in the director's report. (The right was originally decreed in the New International Mortgage Decree for delivery through the Granger ditch. The right is now delivered through the Buckeye ditch, as a result of a change in use approved by IDWR in 1948.)

F. Purpose of Use

The purpose of use stated on the notice of claim and recommended in the director's report is irrigation. The objection did not contest the purpose of use. The claimant's motion for summary judgment now seeks to add stockwater, domestic, wildlife, recreation, aesthetics, and "diversion system maintenance."⁵

The description of the purposes of use of this right in the decree is ambiguous in that it describes the purposes of use for the two Dilatush rights and others in the

⁴ IDWR relied upon the following in reaching its conclusion: Idaho Code §42-1411(2) (which provides that the director shall determine the source of the right to the extent the director deems appropriate and proper to define and administer water rights acquired under state law.)

⁵ The filing fee for claims other than small domestic and stockwater claims consists of a \$50.00 flat fee, plus a variable fee of \$1.00 per acre for any claimed irrigation use, plus a per cfs variable for for other claimed purposes of use. The filing fee paid for this claim was limited to the purposes of use claimed in the notice of claim and the number of acres claimed in the notice of claim. Filing fees are set forth in Idaho Code §42-1414 and IDWR's Adjudication Rules, IDAPA 37.03.01.

same list collectively as "irrigation, domestic, power and other purposes," rather than specifically identifying each purpose of use for each right.⁶ IDWR's investigation confirmed the use of water for irrigation, as further described below in the section addressing quantity. Neither the claimant nor IDWR's investigation has yielded information that would confirm the beneficial use of water for the other purposes listed in the motion, either pursuant to the right as originally appropriated or as currently used.⁷ Such information is necessary not only to confirm the use but to quantify the amount of water beneficially used for that purpose.

G. Quantity of Water Used

The notice of claim states a quantity of 0.04 cfs for irrigation of one acre. The quantity recommended in the director's report is 0.03 cfs for irrigation of one acre. The objection states a quantity of 2 cfs for irrigation of 1.25 acres. The claimant's motion for summary judgment states a quantity of 0.04 cfs for irrigation of 1.25 acres.

1. Splits of Water Right No. 36-00039

As noted above, various portions of right no. 36-00039 were claimed by and recommended to various claimants. The splits are listed below. The first column shows the quantity claimed; the second column shows the quantity recommended in the director's report. Water rights listed with an asterisk are contested.

⁶ IDWR relied upon the following in reaching its conclusion: *Morgan v. Udy*, 58 Idaho 670, 79 P.2d 295 (1938) (a water right decree that omitted the description of the point of diversion necessarily determined the point of diversion but was ambiguous as to its location).

IDWR relies upon the following in reaching this conclusion: Idaho Code §42-1427 (which allows an ambiguity in a prior decree or license to be resolved based on current beneficial use); the statement of the Presiding Judge that this section "cannot change or exceed the previously decreed or recorded element of the decreed or licensed right" nor "be used to claim an expansion of use beyond the beneficial use existing at the time the right was originally memorialized in a decree or license," Revised Memorandum Decision and Order on Basin-Wide Issue 4, dated May 17, 1995, at page 9; and the statement of the Presiding Judge that, "the purpose of use is defined by the intentional application of water to an intended beneficial use of water," Memorandum Decision and Order Re: Basin-Wide Issue 5, dated April 26, 1996, at page 8.

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00039E

<u>Right no.</u>	<u>Claim</u>	<u>Report</u>	
36-00039B	0.12	0.03	
36-00039C*	0.28	0.06	This right is part of the group for which 706 reports are due 07/01/1996.
36-00039D*	0.26	0.06	This right is not part of the group for which 706 reports are currently scheduled.
36-00039E*	0.04	0.03	
36-00039F*	0.12	0.03	This right is part of the group for which 706 reports are due 09/01/1996.
36-00039G	0.10	0.04	
36-00039H	0.28	0.04	
36-00039J*	0.28	0.04	This right is part of the group for which 706 reports are due 07/01/96.
36-00039K	0.20	0.20	
36-00039L	0.12	0.03	
36-00039M*	0.12	0.04	This right is part of the group for which 706 reports are due 09/01/1996.
36-00039N*	0.12	0.04	This right is part of the group for which 706 reports are due 07/01/1996.
36-00039P*	0.12	0.04	This right is part of the group for which 706 reports are due 09/01/1996.
Total	2.16	0.68	

The quantity decreed for right no. 36-00039 in the *New International Mortgage* decree is 2.4 cfs. The total quantity of water claimed in all claims based on the decreed is 2.16 cfs, which does not exceed the decreed amount. IDWR recommended a total of 0.68 cfs pursuant to claims to portions of right no. 36-00039; this amount has not changed as a result of further proceedings in the various subcases.

The claimant's lands as described in the notice of claim and the deed attached to the motion for summary judgment consist of 4 Hagerman townsites. The lands described in the deed are not within the decreed place of use for this right, and the deed does not identify the water rights appurtenant to the deeded place of use. IDWR does not have information indicating whether or how any portion of no. 36-00039 came to be appurtenant to the claimant's lands. IDWR did not previously request this information from the claimants of the portions of right no. 36-00039 because the total amount IDWR found to be beneficially used under all the claimed portions of right no. 36-00039 did not exceed the decreed 2.4 cfs.⁸

⁸ IDWR does not require all claimants to submit information showing a "chain of title" demonstrating ownership of all or part of a previously decreed or licensed right in its investigation of the claims. Generally, IDWR requires information as to ownership as part of the investigation of claims only where there are competing claims to the same water right.

2. Quantity for irrigation

As noted above, the director's report recommended a quantity of 0.03 cfs for irrigation of 1 acre. IDWR's recommendation is based in part on the fact that the lands are sprinkler-irrigated, and in part on IDWR's standards for small irrigation systems.

As noted in Appendix A, IDWR has developed standards for various types of uses, requiring less information to support a claim within those standards and more to support a claim outside those standards. One of those standards is the statutory 0.02 cfs per acre standard for irrigation.⁹ Because it has been IDWR's experience that small irrigation systems are typically operated less efficiently than larger systems, IDWR has adopted a standard of 0.03 cfs per acre for systems that irrigate 5 or fewer acres.

It has been IDWR's experience that the on-farm requirement for sprinkler systems is rarely greater than 0.02 cfs per acre; indeed, many sprinkler systems are designed with an application rate of 5/8 or 3/4 inch per acre (0.0125 or 0.015 cfs per acre). Although small systems are typically operated less efficiently, the on-farm requirement for small sprinkler systems is rarely greater than 0.03 cfs. Subsequent to the filing of the director's report, IDWR obtained further information indicating that some of those rare instances in which more than 0.02 cfs is reasonably necessary for sprinkler irrigation may exist in some cases in the Hagerman area, raising the possibility that more than 0.03 cfs may reasonably be necessary for some small systems. IDWR therefore requested, and the claimant has agreed to provide, the information necessary for IDWR to conduct further analysis of the on-farm requirement for this right. This information has not been received; IDWR will supplement this report with the results of that analysis as soon as the information is received and it can complete the analysis.

IDWR's methodology for investigating and recommending claims to water for irrigation in excess of 0.02 cfs per acre is described in IDWR's Report Regarding Evaluation of Irrigation Diversion Rates. The application of that methodology to this claim is described in Appendix B.

⁹ IDWR relied upon the following in reaching its conclusions: Idaho Code §42-220 (which provides that no license or decree will be issued confirming a right to more than 0.02 cfs per acre for irrigation unless it can be shown that a greater amount is necessary) and Idaho Code §42-1402 (which limits the amount of water allotted by a decree to the amount of water beneficially used).

As described in Appendix B, the application of IDWR's methodology for evaluation of irrigation diversion rates did not result in the recommendation of an additional amount for conveyance losses. IDWR determined the total conveyance losses for the ditch through which this right is delivered, and allocated that total among the various rights to water delivered through the same ditch. The portion allocable to this right is so small as to be insignificant, and does not warrant recommendation of an additional amount for conveyance losses beyond the 0.03 cfs per acre already recommended.

3. Quantity for other purposes

As to the quantity for other purposes of use stated in the claimant's motion for summary judgment, neither the claimant nor IDWR's investigation has yielded information that would confirm the beneficial use of water for other purposes, as noted in section F above. Therefore, IDWR does not have information that would confirm the quantity used for the other purposes.

4. Other rights delivered through same ditch

As noted in Appendix B, IDWR determined the total conveyance losses for the ditch through which this right is delivered, and allocated that total among the various rights to water delivered through the same ditch. For this reason, IDWR previously proposed that contested water rights in the Hagerman area be grouped by ditch for scheduling purposes to facilitate resolution of quantity issues for those rights. Water right 36-00039E is delivered through the Buckeye ditch. Appendix C is a schematic which shows the water rights delivered through the Buckeye ditch, and which includes a variety of information as to the water rights listed.

H. Period of Year Water is Used for Each Purpose of Use

Both the notice of claim and director's report state a period of use of 3/15 to 11/15 for irrigation. The claimant's objection states a period of use of 1/1 to 12/31. The claimant's motion for summary judgment states the period of use as "the irrigation season." The *New International Mortgage* decree does not state a period of use for irrigation.

The recommended season of use is consistent with season of use standards for irrigation developed by IDWR for various climatic regions throughout the state, which are based on a 75% chance of a 24 degree Fahrenheit frost. In addition, the director's report included general provision 12b, which allowed use of water for irrigation outside the season of use stated in the description of the individual right

subject to certain conditions. In the Memorandum Decision and Order Re: Basin-Wide Issue 5, the Presiding Judge concluded that general provision 12 is not necessary and would not be decreed. This decision further provided that "all decrees for irrigation in the SRBA shall set the period of use as the "irrigation season." Order, pp. 15-16. The district court denied a subsequent motion for permission to appeal the decision. Pending any further proceedings on the decision, any further statement of the basis for IDWR's recommendation as to the season of use for irrigation appears to be unnecessary.

As to the season of use for other purposes of use stated in the claimant's motion for summary judgment, neither the claimant nor IDWR's investigation has yielded information that would confirm the beneficial use of water for other purposes, as noted in section F above. Therefore, IDWR does not have information that would confirm the season of use for the other purposes.

I. Legal Description of the Place of Use

The legal description under item 8 in the claimant's motion for summary judgment is the same as the legal description of the place of use for irrigation recommended in the director's report. The number of acres following the legal description is different than the number of irrigated acres per 40-acre subdivision recommended in the director's report. The notice of claim and the director's report state 1 acre. The claimant's objection and motion for summary judgment state 1.25 acres.

The claimant's lands as described in the notice of claim and the deed attached to the motion for summary judgment consist of 4 Hagerman townsites.¹⁰ These townsites are each 50' by 125', as shown by the plat map of the Hagerman townsite, a copy of which IDWR obtained from the Gooding County Recorder's Office. Based upon these dimensions, the 4 townsites contain a total of approximately 0.57 acres. Rounded up to the nearest acre, the place of use consists of 1 acre.

As to the legal description of the place of use for other purposes of use stated in the claimant's motion for summary judgment, neither the claimant nor IDWR's investigation has yielded information that would confirm the beneficial use of water for other purposes, as noted in section F above. Therefore, IDWR does not have information that would confirm the place of use for the other purposes.

¹⁰ The judgment attached to the claimant's motion for summary judgment describes a fifth lot (Lot 5, Block 14) which was not included in the notice of claim. There is no delivery system in place to delivery water from the Buckeye ditch to this lot.

J. Annual Volume of Consumptive Use

The notice of claim does not state an annual volume of consumptive use. The director's report states an annual volume of consumptive use of 3 AFY for one acre. The claimant's objection contests the recommended consumptive use, but does not state an amount. The claimant's motion for summary judgment states an amount of 5.64 AFY, or 4.5 AFY per acre. The Affidavit of Charles E. Brockway, submitted by the claimant in support of the motion for summary judgment, states "that 3.75 acre feet per acre per annum is the amount of consumptive use that is reasonable [in the Hagerman area] based upon a yield of ten tons [of alfalfa] per acre." Applying this standard, the total annual consumptive use volume would be 3.75 for the one recommended acre, or 4.69 AFY for the 1.25 acres stated in the claimant's motion for summary judgement.

IDWR developed standards for annual volume of consumptive use for the various climatic areas throughout the state. The standard for the area in which the claimant's place of use is located is 3.0 AFY. IDWR's recommendation is based on this standard. The development of IDWR's standards for annual volume of consumptive use is described in IDWR's Report Regarding Evaluation of Irrigation Diversion Rates. IDWR has conducted further analysis of the annual volume of consumptive use based on further information IDWR received subsequent to its original analysis. The further analysis is described in IDWR's Report Regarding Consumptive Use for Irrigation in the Hagerman Area. Based on this further analysis, IDWR recommends an annual volume of consumptive use of 3.5 AFF per acre, for a total of 3.5 AFY for the one acre claimed and recommended.

K. Conditions on the Exercise of the Right and Other Necessary Matters

The recommendation of this right in the director's report includes the following remarks:

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOTS 13-16, BLK 24 HAGERMAN
TOWNSITE.

The claimant's objection does not contest the remarks. The claimant's motion for summary judgment seeks deletion of both remarks.

In response to the request of the Presiding Judge, IDWR submitted IDWR's Report for September 19, 1995 Status Conference. In this report, IDWR indicated that it had reviewed its use of remarks in the description of the individual water right,

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00039E

both to address concerns identified by the court, and to separate explanatory material from material the Director recommends be included in the decree of water rights pursuant to the 1994 amendments to the adjudication statute.¹¹ Both remarks are explanatory material.

¹¹ See Idaho Code §42-1411 (which addresses the form and content of director's reports).

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00039E

State of Idaho)
) ss.
County of Ada)

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

That I am the Adjudication Bureau Chief for IDWR, that I have read the foregoing report, know its contents, and that the statements contained therein are true to the best of my knowledge and belief.



David B. Shaw

Subscribed and sworn to before me this 1st day of July, 1996.



Notary Public for Idaho
Residing at: Boise ID
My commission expires: 11-14-1998

Certificate of Service

I certify that on the 1st day of July, 1996, I hand delivered copies of the foregoing document, including all attachments, to the following:

Patrick D. Brown
133 Shoshone St North
Twin Falls, ID 83303



Person mailing document(s)

APPENDIX A

A. INVESTIGATION AND RECOMMENDATION OF CLAIMS GENERALLY

To promote the accuracy and consistency of water right decrees, and to minimize the burden on the court and the claimants in a water right adjudication, the state has made the specialized expertise of IDWR available through IDWR's investigation and reporting function.¹

The resources the state has made available for this function, however, are limited. IDWR has the duty to conduct a reasonable investigation within the spending authority granted by legislative appropriation. Those resources are not sufficient for IDWR to exhaustively investigate each and every potentially relevant fact regarding each and every claim and to make a conclusive determination of the water right. Rather, IDWR reviews the claim and the information already available to IDWR, and conducts such further investigation as is reasonable to determine whether there is sufficient information to support recommendation of the water right to be decreed.

To make the most efficient use of the available resources, IDWR must make determinations as to what is a reasonable level of investigation for various classes of claims prior to making a recommendation to the court regarding any particular claim. IDWR has employed two primary mechanisms to identify a reasonable level of investigation. First, the statutes set criteria and IDWR has developed standards for various types of uses, requiring less information to support a claim to water within those standards and more information to support a claim outside those standards. Second, IDWR has adopted a "tier" approach, identifying classes of claims which for various reasons merit further investigation.

Generally, with claims based on beneficial use², IDWR conducts a "licensing type" field exam, which includes confirmation of the source, point(s) of diversion, purpose(s) of use, place(s) of use, and an examination of the water delivery system and the quantity of water beneficially used. IDWR also contacts the claimant to obtain information supporting the priority date claimed. This level of examination is conducted because there has been no prior administrative or judicial

¹ Idaho Code §§ 42-1410 and 42-1411.

² Water rights based on beneficial use are sometimes referred to as constitutional rights or grandfather rights.

confirmation of the existence and extent of a water right based on beneficial use.³

Generally, for water rights that have been previously confirmed by license or decree, IDWR begins its examination by comparing the claim to information already available to IDWR. Other information includes, for example, IDWR's decree files; license, permit and transfer files; remotely sensed data, including Landsat imagery of irrigated acres and aerial photography; watermaster reports; applicable laws and IDWR's interpretation of those laws in light of the water resource policies of the state; etc. If there are discrepancies between the claim and information already available to IDWR, IDWR conducts further investigation to resolve the discrepancy, which generally includes a field exam and/or contacting the claimant for further information. Thus, where there has been a prior judicial or administrative confirmation of the existence and extent of a water right, IDWR uses information already available to IDWR to limit its review to issues identified by its discrepancy analysis.

Finally, IDWR uses both the court-ordered notice of error process⁴ and the statutory objection process to identify claims which merit further review. If this further review yields new information that supports a different description of the water right, then IDWR will revise its recommendation (in the case of a notice of error) or submit a supplemental director's report or offer a standard form 5 (in the case of an objection), consistent with the new information.⁵

Further information as to IDWR's standards and procedures for the investigation and recommendation is set forth in IDWR's Claim Investigation Manual, Field Examiner's Handbook, Administrative Memorandums, and

³ IDWR conducts a more summary investigation of beneficial use claims limited to domestic and/or stockwater use up to 0.24 cfs.

⁴ The notice of error process, as originally conceived and implemented, was limited to disagreements between the claimant and IDWR as to fairly straight-forward "errors", such as clerical errors or other readily verifiable matters. Based on its experience in the test basins, IDWR has subsequently recommended that the notice of error process be expanded to address any type of perceived error, as well as to address disagreements between claimants.

⁵ This "tiered" approach to determining a reasonable level of investigation is embodied in the statutory framework for water right adjudications. See §42-1410 (which provides for the discretion of the director in determining the level of IDWR's investigation, and allows but does not require the agency to conduct hearings), and §42-1412 (which authorizes IDWR to submit supplemental reports, and authorizes the court or the parties to request further investigation by IDWR in contested subcases). The tiered approach embodied in the statutory framework promotes efficiency and minimizes the burden on the court and the claimants by providing a report/objection process to identify disputed matters, and reserving the highest level of investigation for disputed matters.

B. METHODOLOGY TO DETERMINE IRRIGATED ACREAGE

The area of irrigated acreage can be determined by information obtained from scaled and non-scaled photographs of the place of use supplied by one of several U.S. government agencies. The use of aerial photography by the U.S. government dates back to 1937, when the U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service (ASCS, now known as the Farm Service Agency, or FSA) began photographing selected counties of the United States on a repetitive basis. This coverage continues today and aerial photos are used by the ASCS (FSA) to figure acreage planted on farms for purposes of managing farm programs. Photos used by IDWR typically include: ASCS photos and 35 mm color slides⁷; NAPP photos⁸; ortho-photoquads⁹; and U2

⁶ These documents set forth general standards and procedures and do not address all possible exceptions to the general standards and procedures. In addition, as a result of its experience in the test basins, statutory changes, judicial decisions, etc., IDWR has identified refinements and revisions to its standards and procedures for the investigation and recommendation of claims that have not yet been included in these documents.

⁷ Both the photos and slides are high oblique and vertical aerial photography. The ASCS photos are scaled and have selected features, such as roads, section lines, ditches, and field acreage superimposed on them by the ASCS. The color slides are simply color slides frequently taken with hand-held 35mm equipment. IDWR staff typically obtain copies (which are not scaled) of maps for lands claimed as the place of use during the investigation of the claims, either from the claimant or from the local ASCS office. Color slides may also be checked-out from the local ASCS office as needed; IDWR sometimes obtains the color slides as they are discarded by the local ASCS office.

⁸ NAPP (National Aerial Photography Program) photos are all color-infrared aerial photography. IDWR obtained coverage for most of the Snake River Basin, including all of the test basins; the photos are primarily from flights during 1987 and 1988, though some are from 1986 or 1989. The date of the flight is shown on the photo. NAPP photography is available from the U.S. Geological Survey Earth Resources Observation Systems (EROS) data center in Sioux Falls, South Dakota.

⁹ The full name for an ortho-photoquad is "orthographic photograph quadrangle." These are black and white photoimages prepared from aerial photographs that have been rectified to eliminate image displacement due to terrain relief that cover a systematically subdivided area of latitude and longitude. IDWR obtained coverage for most of the Snake River Basin, including all the test basins; the photos are primarily from flights during the 1970's. The date of the flight is shown on the quad sheet. Most of the orthophotos were obtained from the U.S. Geological Survey National Cartographic Information Center (NCIC) in Menlo Park, California. In some areas, maps were not available from U.S.G.S. but were available from other agencies, such as the United States Department of Agriculture, Forest Service.

aerial photos¹⁰.

A photographic "scale," like a map scale, is an expression that states that one unit of distance on a photograph represents a specific number of units of actual ground distance.

$$S = \text{Photo scale} = \frac{\text{Photo distance}}{\text{Ground distance}} = \frac{d}{D}$$

The scale may be expressed as unit equivalents, representative fractions, or ratios. For example, if 1 mm on a photo represents 25 m on the ground, the scale of the photo can be expressed as 1 mm = 25 m (unit equivalents), or 1/25,000 (representative fraction), or 1:25,000 (ratio).

The photo(s) used by IDWR personnel have varying scales. The ASCS photographs have map features drawn in by the ASCS. These photos are stated to be "not to scale," but do include the field acreage as determined by ASCS written on the places of use. NAPP photography is at a nominal scale of 1:40,000; U2 aerial photography is at a nominal scale of 1:120,000; and ortho-photoquads have a scale of 1:24,000.

To determine the area used, IDWR staff employed various transparent overlays, known as grid templates. These templates are available at most blueprint supply stores. One type consists of lines forming rectangles or squares of known area in the same scale that is utilized in the scaled photograph. The grid is placed over a scaled photograph and the area of a ground unit is estimated by counting grid units that fall within the unit to be measured.

Another commonly used grid is the dot grid, which is composed of uniformly spaced dots on a transparent overlay. The grid is placed over the photograph and the dots falling within the region to be measured are counted. The value assigned to each dot is dependent on the scale of the photograph. First, the number of acres per centimeter (or other measuring unit) is computed. This figure is then divided by the number of dots per measuring unit on the grid to obtain the acreage represented by each dot. For instance, a square 3.4 cm on each side containing 640 dots will cover 160 acres on a photo with a nominal

¹⁰ These photos are color-infrared aerial photography obtained by the National Aeronautics and Space Administration (NASA) Airborne Instrumentation Research Project, and available from EROS. IDWR obtained coverage of most of the southern portion of the Snake River Basin, most of which was flown in 1977. In addition, because the State of Idaho was part of an ongoing project with NASA to photograph selected areas, photography from various areas in various years is also available. The date of the flight is shown on the photo.

scale of 1:24000; 640 dots divided by 160 acres equals 4 dots to the acre, thus 1 dot equals 0.25 acres.

Because of its simplicity, the grid system is a practical method to determine the size of irrigated areas; it nonetheless requires some training and experience to be used effectively.

For non-scaled photos, such as the ASCS 35 mm photos, IDWR did not directly make acreage determinations. Instead, these photos were used to confirm whether the place of use and amount of irrigated acreage had changed for that year according to common landmarks visible in the photographs.

APPENDIX B

CONVEYANCE LOSSES

CLAIM NUMBER: 36-00039E

CONVEYANCE LOSS

When water is conveyed through an earthen delivery ditch, a certain portion of the total flow is lost through seepage into the ground. The method used to estimate seepage losses is referred to as the Worstell method, which is further explained in the CONVEYANCE LOSS section of IDWR's Methodology Report. The Worstell method relies on the characteristics of the soil, the ditch width, and the ditch length to estimate the actual seepage losses of the ditch. IDWR has developed a spreadsheet which calculates the total conveyance loss estimate on a ditch and prorates that loss among the reaches of the ditch based on the total amount of water removed from each reach of the ditch and the location of each reach.

In the original analysis of conveyance loss for the Buckeye Ditch, delivery locations were identified along the entire ditch. In some cases, more than one right is supplied from a single reach of the ditch. The total conveyance loss estimate for all water use from that reach of the ditch was calculated using the spreadsheet based upon the Worstell method. If there were found to be multiple users removing water from the same reach of the ditch, the conveyance loss estimate for that reach was divided equally among those users. This approach was used along the entire length of the Buckeye Ditch.

It would not be practical or meaningful for IDWR to re-evaluate the conveyance loss attributable to this right for two primary reasons. First, because the Worstell method does not depend on total flow in a ditch, but rather the top width of the water surface and the ditch length, the total conveyance loss estimate for the ditch would not change even if the determinations of individual water rights were to vary from IDWR's recommendations. The only change might be the allocation of the total conveyance loss among the individual water rights. However, not all of the water rights on the ditch are contested, and of those that are contested, not all are presently before the special master. In addition, no historical method for allocation of conveyance loss exists to use as a basis for distribution of conveyance losses for water rights along this ditch.

The portion of the total conveyance loss allocable to this right was not sufficient to warrant recommendation of an additional amount for conveyance losses. Because this right is delivered near the head of the ditch, conveyance loss of the ditch

in this reach was very small. Because several rights are delivered within this reach, the portion allocable to this right was so small as to be insignificant.

State of Idaho)
) ss.
County of Ada)

Marci S. Sterling, being first duly sworn, upon oath, deposes and says:

That I am an Engineer for the Adjudication Bureau of IDWR, that I prepared the foregoing appendix, know its contents, and that the statements contained therein are true to the best of my knowledge and belief.

Marci S. Sterling
Marci S. Sterling

Subscribed and sworn to before me this 15th day of July, 1996.

A. Sherman
Notary Public for Idaho
Residing at: Boise ID
My commission expires: 11-14-1998

MICROFILMED

DEC 03 1996

BUCKEYE DITCH

(lower)

3D- OBJ. - Fleming- 9/10/1884
Browns. atty.
claimed- 4.52 for 51 ac.
rec'd- irr.- 0.72 for 19 ac.
D.R. = 0.56
C.L. = 0.16

3E- OBJ. - Vargo- 9/10/1884
HUBBLE
(Browns. atty.)
claimed- irr.- 0.20 for 10 ac.
rec'd- irr.- 0.20 for 5 ac.
D.R. = 0.20

91A no obj. (Ellston)- 9/10/1884
HUBBLE
claimed- irr.- 0.64 for 16 ac.
rec'd- irr.- 0.64 for 12 ac.
D.R. = 0.64

91B- no obj. (Fobes)- 9/10/1884
HUBBLE
claimed- irr.- 0.16 for 4 ac.
rec'd- irr.- 0.16 for 4 ac.
D.R. = 0.13
C.L. = 0.03

108M- Messersmith/Bothwell- 9/10/1884
HUBBLE
claimed- no records found
rec'd- irr.- 2.95 for 53.2
D.R. = 2.81
C.L. = 0.41

108N- Brooks- 9/10/1884
HUBBLE
claimed- irr.- 0.06 for 2.3
rec'd- irr.- 0.16 for 2.3
D.R. = 0.15
C.L. = 0.01

108L- Gridlev- 9/10/1884
HUBBLE
claimed- irr.- 1.46 for 5 ac.
rec'd- irr.- 0.17 for 3 ac.
D.R. = 0.16
C.L. = 0.01

35E- OBJ. - Browns- 9/10/1884
AMNESTY
claimed- 3/8/1902
irr.- 0.24 for 8 ac.
rec'd- irr.- 0.10 for 3 ac.
C.L. = 0.04
(combined with 34E)
(8 ac. place of use)

35C- no obj. (Vargo)- 9/10/1884
claimed- 3/8/1902
irr.- 0.02 for 0.5 ac.
rec'd- dom.- 0.02

35C- no obj. (Hoffman)- 9/10/1884
claimed- 9/4/1884
dom.- 0.02
rec'd- dom.- 0.02

35H- no obj. (Drage)- 9/10/1884
claimed- records not found
rec'd- irr.- 0.20 for 5 ac.
C.L. = 0.10

87- no obj. (Peterson)- 3/30/1884
HUBBLE
claimed- irr.- 2.40 for 31 ac.
rec'd- irr.- 2.40 for 31 ac.
D.R. = 1.55
C.L. = 0.35

35B- OBJ. - Sturtevant- 9/10/1884
claimed- irr.- 0.60 for 13 ac.
rec'd- irr.- 0.30 for 13 ac.
C.L. = 0.04

3A- OBJ. - Rea- 9/10/1884
(Browns. atty.)
claimed- irr.- 1.60 for 13 ac.
stock- 0.04 (19 range)
rec'd- irr.- 0.41 for 13 ac.
stock- 0.02 summer
0.17 winter
C.L. = 0.15

3K- no obj. (Gardner)- 9/10/1884
(Browns. atty.)
claimed- irr.- 0.71 for 10 ac.
rec'd- record not found

3L- no obj. (Babington)- 9/10/1884
(Browns. atty.)
claimed- irr.- 1.97 for 27.5 ac.
stock- 0.04
fish- 4.00
rec'd- record not found

3M- no obj. (Simcoe)- 9/10/1884
(Browns. atty.)
claimed- irr.- 1.32 for 18.5 ac.
rec'd- record not found

3B- OBJ. - Kingston- 9/10/1884
(Browns. atty.)
claimed- irr.- 7.16 for 129 ac.
stock- 0.05 (200 range)
fish- 7.16
rec'd- irr.- 5.00 for 129 ac.
stock- 0.05 summer
1.80 winter
D.R. = 3.25
C.L. = 1.75

3D- no obj. (Harrison)- 9/10/1884
HUBBLE
claimed- irr.- 0.24 for 10 ac.
rec'd- irr.- 0.24 for 2 ac.
D.R. = 0.24

3H- OBJ. - Buckeye Farms- 9/10/1884
(Rosholt. atty.)
claimed- irr.- 12.0 for 445
rec'd- irr.- 3.37 for 224
C.L. = 3.89
(combined with I)

3J- OBJ. - Slawson- 9/10/1884
(Browns. atty.)
claimed- irr.- 0.40 for 20 ac.
rec'd- irr.- 0.12 for 3 ac.
C.L. = 0.03

35J- OBJ. - Slawson- 9/10/1884
(Browns. atty.)
claimed- no record found
rec'd- irr.- 0.40 for 9 ac.
D.R. = 0.34
C.L. = 0.06

36- OBJ. - Browns- 3/30/1884
HUBBLE
claimed- irr.- 2.40 for 40 ac.
stock- 0.05 (125 range)
rec'd- irr.- 1.05 for 40 ac.
stock- 0.05 summer
0.24 winter
C.L. = 0.19
D.R. = 0.86

34- no obj. (Peterson)- 3/30/1884
claimed- irr.- 2.40 for 34 ac.
rec'd- irr.- 0.57 for 34 ac.
C.L. = 0.19

3C- OBJ. - Babington- 9/10/1884
(Browns. atty.)
claimed- irr.- 0.30 for 10 ac.
rec'd- irr.- 0.30 for 10 ac.
C.L. = 0.10

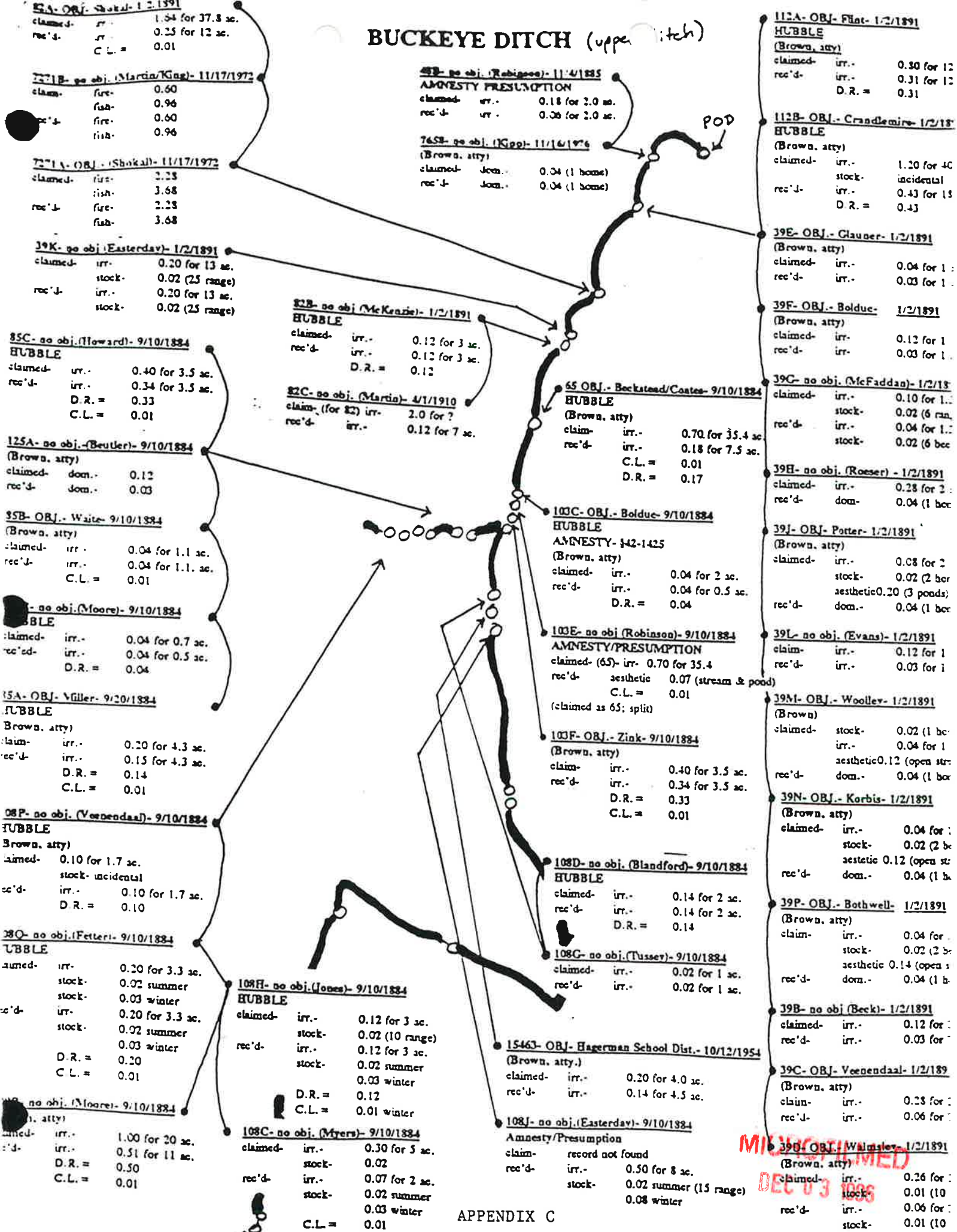
3- OBJ. - Simcoe- 9/10/1884
(Browns. atty.)
claimed- irr.- 0.80 for 40 ac.
rec'd- irr.- 0.80 for 40 ac.

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APPENDIX C

DEC 03 1996

BUCKEYE DITCH (upper ditch)



ALAN G. LANCE
Attorney General
State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

BRENT KING
CHARLES L. HONSINGER
Deputy Attorneys General
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Telephone: (208)327-5458
Fax: (208)327-5400

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

In Re SRBA	)	Subcase No. 36-00039E
	)	
Case No. 39576	)	AFFIDAVIT OF STEVE CLELLAND
	)	REGARDING CLAIM NO. 36-00039E
_____	)	

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

I, STEVE CLELLAND, being first duly sworn on oath, depose and state as follows:

1. I am a Senior Water Resource Agent with the Idaho Department of Water Resources (IDWR).

2. My work address is Idaho Department of Water Resources (IDWR), Southern Regional Office, 222 Shoshone St. East, Twin Falls, ID 83301-6105. I reside in Twin Falls, Idaho.

3. My educational background and work history both outside and within IDWR are detailed in my Affidavit of Steve Clelland as to the Investigation of Claims in the Hagerman Area.

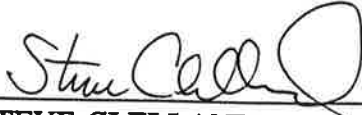
4. As part of my duties as a senior water agent, I investigated claim no. 36-00039E. The pertinent details of that investigation are as follows:

A. On July 8, 1992, I conducted a field examination to verify certain aspects of claim no. 36-00039E.

B. During that field examination, I observed that water pursuant to this claim was applied to the place of use solely by means of sprinkler irrigation.

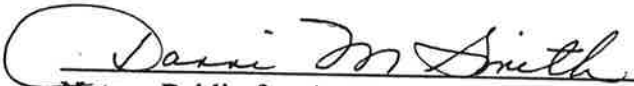
C. During that field examination, I observed that water was not delivered to Block 14, Lot 5. Claimants had identified this lot as part of the claimed place of use pursuant to claim no. A36-00039E in their Motion for Summary Judgment. I observed no delivery system in place to divert water out of the Buckeye ditch to this parcel claimed as part of the place of use.

DATED this 1st day of July, 1996.



STEVE CLELLAND

SUBSCRIBED AND SWORN to before me this 1st day of July, 1996.



Notary Public for the State of Idaho
Residing at: Boise
My commission expires: 12-5-2000

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 11 1994

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

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

Case No. 36-00039E -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)

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OCT 11 1994

2. Person who filed objection:

Name: FRANK L & JEAN GLAUNER
Address: PO BOX 235
HAGERMAN ID 83332

3. If this response is filed by an attorney:

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. |X| Quantity: I respond to the objection concerning:
- 3a. |X| The total quantity of water used in cubic feet per second.
8. |X| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. |X| Place of Use: I respond to the objection concerning:
- 9b. |X| The number of irrigated acres within each forty (40) acre subdivision.
10. |X| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
14. |X| Other: I respond to the objection concerning:

ALL MATTERS RAISED IN THE CLAIMANTS' 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 further response to this objection item, IDWR responds that the diversion rate sought in the objection is greater than the diversion rate claimed. By now seeking to include a greater amount, 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 that item, IDWR responds as follows: The decree asserted by the claimant does not contain a period of use decreed for this water right. Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The irrigation season of use cannot exceed the period in which water may be beneficially used. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report.

In further response to this objection item, IDWR responds that it

(Over)

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

In response to Statement of the Objection 9 and 9.b, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the total number of acres within each 40 acre subdivision upon which IDWR found water was beneficially used for irrigation under this water right.

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

it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

☒ 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. A36-00039E	6
IDWR's Response to Answer, Affirmative Defenses, and Prayer for Relief of Claimant.	4

(Over)

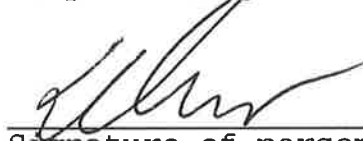
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

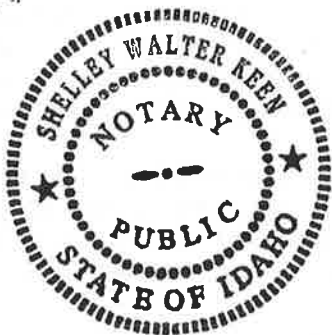
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director 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.

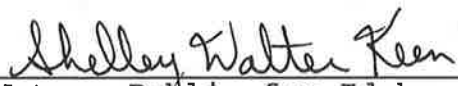


Signature of person filing response

By: 
(Attorney signing in
representative capacity)

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




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

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: A36-00039E
Date Received: 8/17/1988
Receipt No: S001504
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK L. GLAUNER 208-837-4714
Address: P.O. BOX 235
HAGERMAN, ID 83332

OR

Name: JEAN GLAUNER 208-837-4714
Address: P.O. BOX 235
HAGERMAN, ID 83332

2. Date of Priority: JAN 01, 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	SE	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	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	14	NE SW		IRR	1.0
Section Acres						1.0
Total Acres						1.0

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 WR #36-00039A, 36-00039B. THE WR WAS
SOLD TO CLAIMANTS IN 1978. TRANSFER WAS NOT FILED UNTIL NOW.
P/U IS LOTS 13-16, BLK. 24 HAGERMAN.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
JAN 21 1993
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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Frank E. Hanner Date: 8-17-88
Jean E. Hanner Date: 8-17-88

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 17th day

of August 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

Feb. 7, 1978

For value received we notorize the sale of two (2) inches
of Buckeye Ditch Water to Mr. and Mrs. Frank Glauner
at Hagerman, Idaho.

Stuart L. Gimmow
STUART GIMMOW

Lillian Gimmow
LILLIAN GIMMOW



1903
STATE OF IDAHO, COUNTY OF GOODING, ss.
for record at the request of Frank Glauner
past 1 o'clock P. M. this 26 day
June 19 78
MARGARET F. CLEMENTS Recorder
by Judy Hunt Deputy

Frank Glauner

Buy 235

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MICROFILMED

OCT 11 1994

A36-00039E

POOR ORIGINAL

ENT-SINGLE

Printed and for sale by Syme-York Company, Boise, Idaho

OF IDAHO
Gooding

ss.

this 7th day of March, in the year 1978, before me
L. N. Hansen, a Notary Public

in and for said State, personally appeared Stuart Gummow and Lillian Gummow

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

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

L. N. Hansen
Notary Public for Idaho, residing at Hagerman, Idaho.

STATE OF IDAHO, COUNTY OF GOODING, ss.

for record at the request of *Launer*

past 1 o'clock P. M. this 26 day

June, 1978

MARGARET F. CLEMENTS Recorder

By *Judy Hunter* Deputy

INDEXED

Direct

Indirect

Frank Launer
MICROFILMED

MICROFILMED

OCT 11 1994

A36-00039E

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MICROFILMED
OCT 11 1994

POOR ORIGINAL

Basin 36

NW, NE, SW

Sec. 14

13 E

T7S

163



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

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

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

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

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

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

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

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

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

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.

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 27 1993
Department of Water Resources
Southern Region Office

Receipt No: 5015320

Date: 1/27/1993
Time: 11:19:50

**Received
From:**

GLAUNER FRANK L

Type of Payment

Program Acct Class

Amount

FEE FOR COPY OF ADJUDICATION CLAIM

64100

229 21 1760

3.46

Total

\$3.46

CHECK

2899

Region: SOUTHERN

Signature:

R. Foster

MICROFILMED

OCT 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

22-Jan-1993

FRANK AND JEAN GLAUNER
PO BOX 235
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00039E

Dear Mr. and Mrs. Glauner:

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:

\$3.46

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeanie', is written over the typed name and title.

Jeanie Robertson
Records Clerk

Encl:

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OCT 11 1994

RECEIVED

JAN 21 1993

Department of Water Resources
Southern Region Office

1-20-1993
(Date)

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in
my file as it relates to water right number 36-000398.

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,

Jean Glauner & Frank Glauner
(Name)

PO Box 235-
(Address)

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

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

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RECEIVED
APR 30 1994
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. A36-00039E
(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,

36-00039E -0001/
93-04-0038

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)

OBJECTION - 1

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Frank L. Glauner & Jean Glauner

Address: P. O. Box 235

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Decreed water right pursuant to Dilatush decree
dated 1/02/1891 and March 23, 1932 New
International Mortgage Bank v. Idaho Power
Company with a priority date of 1/02/1891

2. Owner of the water right:

Name: Frank L. Glauner & Jean Glauner

Address: P. O. Box 235

Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

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

Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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.

Irrigate 1.25 acres with 2.0 cfs from 1/01 through 12/31

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



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

See Hagerman Water Right Owners, Inc.'s

Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls

Frank L. Glauner/Jean Glauner, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

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

Jean E. Glauner
Signature of person filing objection

By: [Signature]
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 28 day of April,
1993.

 Linda M. Rousseau
NOTARY PUBLIC - STATE OF IDAHO
Notary Public for Idaho
Residing at: Twin Falls, ID
My Commission Expires: 9-11-93

(Over)

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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: Frank L. Glauner & Jean Glauner
Owner's address: P. O. Box 235
Hagerman, Idaho 83332

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

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

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

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

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.

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

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

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

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

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

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

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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.

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.

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.

(WATER\21530ANS)

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED

JAN 21 1995

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

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

*** C - CURRENT OWNER ***

GLAUNER JEAN 1 - PO BOX 235
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-4714
1 - PO BOX 235
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-4714

GLAUNER FRANK L

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

01/02/1891 ERROR IN REGION DECEED

+ - - - - 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 0.030

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

0.030 3.0

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

TwN Rng Sec Tract Lot Acres Code Description County

07S 13E 14 NE SW 1.0 01 IRRIGATION (47) GOODING

Total Acres: 1.0

+ - - Diversion Means - VIA BUCKEYE DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

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

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOTS 13-16, BLK 24 HAGERMAN
TOWNSITE.

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JAN 21 1993

Water right number - R36-00039E

Prefix Translation: RESEARCH

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

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

3600039A

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

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

NEW INTERNATIONAL MORTGAGE BANK

+ - - - - Decree Defendant - - - +

IDAHO POWER COMPANY

+ - Decree Date - +

03/23/1932

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

Date: 08/05/1992 User Id: WORSTELL Subject: COPIED FROM REMARKS

THE RIGHT WAS SOLD TO CLAIMANTS IN 1978.

+ - - 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	- 08/17/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001504	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- 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: A36-00039E

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					SCC 8/4-90	DB 10-22-90	
POINT OF DIV	Y N							
SOURCE	Y N					HTT 8/5/92		
PLACE OF USE	Y N							
DIV. AMOUNT CFS/VOLUME	Y N			N				
CONSUMPTIVE USE	- N							
PURPOSES	Y N							
PERIOD OF USE	Y N							
BASIS OF CLAIM	Y 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.

- Split Review A36-00039A
- XS Flow

MICROFILM
12/1/91

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

17:30:06
06/28/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00039E

LAST: GLAUNER
ADDRESS: P.O. BOX 235
CITY: HAGERMAN
PHONE NUMBER: 208-837-4714

FIRST: JEAN

STATE: ID ZIP: 83332

OWNER CODE: C

LAST: GLAUNER
ADDRESS: P.O. BOX 235
CITY: HAGERMAN
PHONE NUMBER: 208-837-4714

FIRST: FRANK L.

STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: THE RIGHT WAS SOLD TO CLAIMANTS IN 1978.
P/U IS LOTS 13-16, BLK. 24, HAGERMAN.

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JAN 21 1991

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:

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JAN 21 1993

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

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

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

REMARKS: Actual priority for parent right is 1-2-1891 - assume claimant
error & recommend ~~the~~ correct priority of basis of claim

RECOMMENDED PRIORITY DATE:

1-2-1891

REVIEWED BY hht

DATE 7-13-90

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JAN 21 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

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

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-10223	NONE
A36-00103A	
A36-00003B	
A36-00003C	
A36-00003E	
A36-00003F	
A36-00003J	
A36-00039G	

WR RECORDS IN SAME 40 ACRE TRACT

36-00003
36-00005
36-00019
36-00021
36-00024
36-00025
36-00026
36-00027
36-00034
36-00035A
36-00035B
36-00039A
36-00039B
36-00040
36-00051
36-00052
36-00064
36-00065
36-00067
36-00071
36-00076
36-00077
36-00082
36-00083
36-00085
36-00087
36-00088
36-00089
36-00090
36-00091
36-00094
36-00095
36-00096
36-00103
36-00108
36-00112A
36-00112B
36-00113B
36-00113C
36-00113D
36-00125
36-04008
36-04115
36-04261
36-07271
36-07658

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JAN 21 1993

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

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JAN 21 1995

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
N
N

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>Gooding</u>

No change

SOURCE: Billingsley Creek
REVIEWED BY: hnt

TRIB: Snake River
DATE: 7-13-90

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 1982

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	14	NE	SW		GLAUNER , JEAN	A36-00039E / 1.0	- / 2.0	32.0		
						BIG SPRING WATER USER'S ASSN.	A36-00022 /	- /			
						HAGERMAN WATER USERS ASSOCIATION	A36-00057 / 8.0	- /			
						CITY OF HAGERMAN	A36-02465 /	36-02465 /			
						ZINK , BASIL LESTER	A36-00108F /	- /			
						BLANDFORD , CARL	A36-00108D / 2.0	- /			
						MURRAY , WILLIAM H.	A36-00108G / 1.0	- /			
						PUGMIRE , BESSIE M.	A36-04115 /10.0	36-04115 /10.0			
TOTAL ACRES						A36-00039E	1.00	2.00	32.00		

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
N

PRESUMPTION FLAG:

REMARKS:

MICROFILMED
JAN 21 1993

RECOMMENDATIONS:

TOTAL ACRES: 1

REVIEWED BY: hnt

DATE: 7-13-90

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00039E IRRIGATION	FROM 03-15 TO 11-15	.040 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.040 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>Y</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	<u>N</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

~~Y (X)~~ N ()

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

REMARKS:

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JAN 21 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(X)

AJ TOTAL CLAIMED DIVERSION RATE: 0.040 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?

FIELD
DATABASE EXAMINER
Y N

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

B.

FLOW MEASUREMENT

MEASUREMENT METHOD theoretical, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00039E	BILLINGSLEY CREEK	GLAUNER , JEAN	0.040	0.040		
A36-00057	SPRINGS	HAGERMAN WATER USERS ASSOCIATI	36.200	0.073		
A36-00108G	BILLINGSLEY CREEK	MURRAY , WILLIAM H.	0.020	0.020		
A36-04115	BILLINGSLEY CREEK	PUGMIRE , BESSIE M.	0.500	0.050		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-00022	DOMESTIC	BIG SPRING WATER USER'S ASSN. FROM	01-01 TO 12-31	5.860 CFS	
A36-00022	FISH PROPAGATION	BIG SPRING WATER USER'S ASSN. FROM	01-01 TO 12-31	7.000 CFS	
A36-00022	STOCKWATER	BIG SPRING WATER USER'S ASSN. FROM	01-01 TO 12-31	5.860 CFS	
A36-00057	STOCKWATER	HAGERMAN WATER USERS ASSOCIATI	FROM 01-01 TO 12-31	.300 CFS	
A36-02465	MUNICIPAL	CITY OF HAGERMAN	FROM 01-01 TO 12-31	4.000 CFS	
A36-00108F	DOMESTIC	ZINK , BASIL LESTER	FROM 03-15 TO 11-15	.020 CFS	
A36-04115	STOCKWATER	PUGMIRE , BESSIE M.	FROM 01-01 TO 12-31	.020 CFS	

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JAN 21 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 1 x 0.02 CFS/ACRE = 0.02 CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 3.0 AF/A

ACRES 1 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =
TOTAL CONSUMPTIVE USE 3.0 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 1 x DIVERSION VOL. AF/A FOR AREA 4.0 =
TOTAL DIVERSION VOLUME 4.0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(X)

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

1b. CALCULATIONS

less than 5 Acres
allow 0.03 cfs/Ac.
also - as used in the gravity
system on previous p.u.

* sprinkler system above the
Buckeye Ditch - Lawn & Garden.
7-8-92
SCC

0.03 cfs

conveyance loss: insignificant

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JAN 21 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
<u>Irrigation</u>	<u>4-1</u>	<u>10-31</u>	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
	<u>3/15</u>	<u>11/15</u>	<u>0.04</u>	<u>0.03</u>	<u>4.0</u>	<u>4.0</u>	<u>3.0</u>	<u>3.0</u>
TOTAL FOR THIS RIGHT			<u>0.04</u>		<u>4.0</u>		<u>3.0</u>	
REVIEWED BY: <u>SCC</u>	DATE: <u>8-14-90</u>							
	<u>7-8-92</u>				<u>N/A</u>			

RECEIVED
JAN 21 1992

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

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JAN 21 1993

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:

attached
See A36-00039A SPLIT RIGHT REVIEW

=====

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

=====

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DECREED RIGHT SPLIT ANALYSIS

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

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>
C	<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.

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

See 8-3-92

CONVEYANCE LOSS - WORSTELL

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	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	

arts - insignificant loss Buckeye DITCH

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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

Frank L. Glauner
P. O. Box 235
Hagerman, ID 83332

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JAN 21 1993

Department of Water Resources
Southern Region Office

Idaho Dept. of Water Resources
222 Shoshone St. East
Twin Falls, Id 83301



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JAN 1 1994

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JAN 27 1993

Department of Water Resources
Southern Region Office

Idaho Dept. of Water Resources
222 Shoshone St. East
Twin Falls, Id. 83301



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