

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: A36-00039M
Date Received: 2/26/1991
Receipt No: S013053
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MAX J WOOLLEY 801-896-6828
Address: 860 WEST 740 SOUTH
RICHFIELD UT 84701
AND/OR
Name: BLANCHE WOOLLEY 801-896-6828
Address: 860 WEST 740 SOUTH
RICHFIELD UT 84701

2. Date of Priority: JAN 2, 1891

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	11	NW	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.
STOCKWATER	01/01	12/31	0.020		
IRRIGATION	03/15	11/15	0.040		
AESTHETIC	01/01	12/31	0.120		

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

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER/1 HORSE; AESTHETIC/OPEN STREAM

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	11	NW	SE	IRR	1.0
			NW	SE	STOCK	
			NW	SE	AES	
					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 AMOUNT OF WATER IS NEEDED BECAUSE THE SOIL IS VERY SANDY AND BECAUSE OF THE LOSS OF WATER BEING TRANSPORTED IN THE OPEN DITCHES. IN THE 1932 DECREE, IT STATES THAT THE WATER IS TRANSPORTED BY USE OF THE GRANGER DITCH. THE GRANGER DITCH HAS BEEN ABANDONED AND THE BUCKEYE DITCH HAS BEEN USED FOR YEARS TO TRANSPORT THE WATER FROM BILLINGSLEY CREEK TO THE SUBJECT PROPERTY.

POU AKA: LOT 2, BLOCK 2, WILLOW BROOK SUBD.

OWNERSHIP CHANGE 7/2/91 BY AA.

ADDRESS CHANGE MADE 2/5/96 BY TLB.

15. Basis of Claim: BENEFICIAL USE

AJ0743NP
(OD-124)

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

02/05/96 14:50:10
Page 1

Water Right Number -	36-00039M	Prefix Translation:	WATER RIGHT	Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +				
*** A - ATTORNEY ***				
BROWN	PATRICK D	1 - HEPWORTH NUNGESTER LEZAMIZ		
		2 - 133 SHOSHONE ST N		
		3 - PO BOX 389		
		City- TWIN FALLS	State- ID	Zip- 833030389
		Phone - 208-734-7510		
*** C - CURRENT OWNER ***				
WOOLLEY	MAX J	1 - 860 WEST 740 SOUTH		
		2 -		
		3 -		
		City- RICHFIELD	State- UT	Zip- 84701
		Phone - 801-896-6828		
WOOLLEY	BLANCHE	1 - 860 WEST 740 SOUTH		
		2 -		
		3 -		
		City- RICHFIELD	State- UT	Zip- 84701
		Phone - 801-896-6828		
*** O - ORIGINAL OWNER ***				
FRIESEN	WESLEY	1 - RT 2 BOX 169		
		2 -		
		3 -		
		City- BUHL	State- ID	Zip- 83316
		Phone - 208-543-5848		
FREISEN	ANNA MARIE	1 - RT 2 BOX 169		
		2 -		
		3 -		
		City- BUHL	State- ID	Zip- 83316
		Phone - 208-543-5848		
+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +				
01/02/1891 17 SOUTHERN D - DECREED				
+ - - - - Source - - - - + + - - - - - Tributary - - - - - +				
BILLINGSLEY CREEK SNAKE RIVER				
+ - - - - Rng - - - - - 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				
43 - DOMESTIC 01/01 12/31 0.040				
+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +				
0.040 0.0				

DEC 04 1996

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Water right number - 36-00039M

Prefix Translation: WATER RIGHT

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	13E	11	NW SE			43 DOMESTIC		(47) GOODING

Total Acres:

+ - - Diversion Means - VIA BUCKEYE DITCH

+ - - Non-Irrigation Use - DOMESTIC, 1 HOME

+ - - Other Rights for Same Use - NONE

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

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOT 2, BLOCK 2, WILLOW BROOK
SUBDIVISION.
THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED
ABOVE FOR DOMESTIC PURPOSES AT A POINT OF MEASUREMENT WHERE THE
DELIVERY DITCH ENTERED THE PLACE OF USE DESCRIBED ABOVE.
THIS RIGHT MAY BE DIVERTED SO LONG AS THE AMOUNT OF WATER
DIVERTED AT THE POINT OF DIVERSION FOR DOMESTIC PURPOSES DOES NOT
CONSTITUTE UNREASONABLE WASTE AND DOES NOT CONFLICT WITH THE
PUBLIC INTEREST, AS DETERMINED BY THE DIRECTOR.

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

3600039

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

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

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

Date: 01/07/1992 User Id: GIVENS Subject: OWNERSHIP CHANGE
OWNERSHIP CHANGE 1/6/92 BY JG.
Date: 02/05/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS
THIS AMOUNT OF WATER IS NEEDED BECAUSE THE SOIL IS VERY SANDY AND BECAUSE OF THE LOSS OF WATER BEING TRANSPORTED IN THE OPEN DITCH-
ES. IN THE 1932 DECREE, IT STATES THAT THE WATER IS TRANSPORTED BY USE OF THE GRANGER DITCH. THE GRANGER DITCH HAS BEEN ABAND-
ONED AND THE BUCKEYE DITCH HAS BEEN USED FOR YEARS TO TRANSPORT THE WATER FROM BILLINGSLEY CREEK TO THE SUBJECT PROPERTY.
POU AKA: LOT 2, BLOCK 2, WILLOW BROOK SUBD. *****
OWNERSHIP CHANGE 7/2/91 BY AA.
Date: 08/04/1992 User Id: CHRISTEN Subject: BASIS FOR DISALLOWAL
NO DEVELOPMENT OR DIVERSION EXISTS ON THIS LOT SINCE 1980.
Date: 09/14/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/10/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/4/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/20/1992 User Id: SOUTH3 Subject: NO CHANGE TO RECOMMENDATION
Date: 10/22/1992 User Id: THORNTON Subject: CHANGE IN RECOMMENDATION
THE RECOMMENDATION HAS BEEN CHANGED TO ALLOW FOR DOMESTIC USE BASED ON DISCUSSION WITH IDWR ATTORNEY, ON THE BASIS THAT THE
DITCH IS THE DEVELOPED DIVERSION SYSTEM ALTHOUGH NO DEVELOPMENT HAS OCCURRED.

DEC 04 1996
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AJ0743NP
(00-124)

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

02/05/96 14:50:11
Page 3

Water right number - 36-00039M

Prefix Translation: WATER RIGHT

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

Date: 02/19/1993 User Id: SCHULTZ Subject: ADDED NEW ATTORNEY
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ 2/10/93.
Date: 02/05/1996 User Id: TBACKLUN Subject: NAME AND/OR ADDRESS CHANGE
ADDRESS CHANGE MADE FROM 42-1409(7). SFE WAS SENT TO THEIR ATTORNEY, PAT BROWN.

+ - - Audit Fields - - +

02/05/96 TBACKLUN

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

Court Report Filing	- 11/02/1992	Field Inspection Made	- 07/24/1990	Civil Case Number	- 39576
Objection Filed Date	- 04/29/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 09/10/1993	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 02/26/1991	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S013053	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	- C

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DEC 04 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

JAN 25 1996

DATE OF CLOSING: 12-11-91

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 07S Range 13E
 Section 11, 1/4 of NW 1/4 of SE 1/4 Govt. Lot , BM.
 Lot 2, Block, 2, Subdivision/Townsite Willowbrook.
 If you have additional legal descriptions, please attach separate sheet.

RECEIVED

JAN 30 1996

Department of Water Resources
Southern Region

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

☒ Water Right Number(s) 36-00039M
 Assigned by IDWR:

☒ Name and Address of Former Owner/Claimant(s)(Seller): Donald E. & Dolores Van Wagoner
1465 W. 300 S. 138-9
Hurricane, UT 84737

☐ New Owner/Claimant (Purchaser): Max J. Woolley or Blanche Woolley

☒ New Mailing Address: ~~680 West 740 South~~ 860 West 740 South
Richfield, UT 84701

☒ New Telephone Number: (801) 896 - 6828

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached:

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

☐ Signature of New Owner/Claimant(s) Max J. Woolley Date 1-23-96
Blanche Woolley Date 1-23-96

☐ Signature of Former Owner/Claimant(s): _____ Date _____
 _____ Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 2/5/96 By: HLB

Claim Numbers of Split, if any:

Address Change

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

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DEC 04 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

February 5, 1996

Patrick Brown
Hepworth Nungester & Lezamix
PO Box 389
Twin Falls ID 83303

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No. 36-00039M (Woolley)
Change of Address Notification

Dear Claimant(s):

Thank you for notifying us of your change in Address on the water right claim(s) referenced above. Our records have been updated accordingly.

If you have not filed a Standard Form 3 with the Adjudication Court in Twin Falls, you will need to do so, since this is now part of the process in a Change in Address for Basin 36.

Should you have any questions, you may contact this office, or the SRBA District Court at 736-3011.

Sincerely,

Tara L. Backlund
Records Clerk

/tlb
Enclosures

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DEC 04 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

February 1, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MAX J AND BLANCHE WOOLLEY
860 W 740 S
RICHFIELD UT 84701

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim #36-00039M
Change of Address

RECEIVED
FEB 05 1996
Department of Water Resources
Southern Region

Dear Claimants,

Thank you for notifying IDWR your address has changed. SRBA District Court Judge Hurlbutt issued an Amended Order March 22, 1995 requiring claimants like yourself identified in a Director's Report to use Standard Form 3 for change of address or ownership. We have enclosed Standard Form 3 for your use. Please contact this office (800/451-4129) or the Court (208/736-3011) if you have any questions.

Thank you for your help. We hope to assure you receive future notices about SRBA matters.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

Enclosure:

Standard Form 3

MICROFILMED

RECEIVED

JAN 08 1996

Department of Water Resources

dmj Danni - plz note
address change & route
Richfield, Utah 84701 accordingly,
860 West 740 South
January 4, 1996
Telephone: 801-896-6828

Mr. David Shaw
Idaho Dept. of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720-0098

Re: Water Right No. 36-00039M

Dear Mr. Shaw:

In a telephone conversation with Dan McFadden, Chairman, Hagerman Water Right Owners, Inc. on January 3, 1996, he was of the opinion that my wife and I (Claim No. 36-00039M) had been allowed two (2) inches of water per year.

Examining our records, I find eleven (11) recommendations (allowed/disallowed) by the Idaho Department of Water Resources regarding the final decision of our claim.

We would appreciate a confirmation from you as soon as possible regarding the Idaho Department of Water Resources final ruling.

The purpose of a response as soon as possible is so that Mr. Patrick D. Brown of the law firm Hepworth, Lezamiz & Hornhorst representing the Hagerman Water Right Owners, Inc. in the Settlement Statement on 1-23-96 and the Settlement Conference on 1-30-96, in The District Court of The Fifth Judicial District of the State of Idaho in Twin Falls, can be informed of the final ruling, and take the appropriate action regarding our claim.

Please note the permanent address change from all former correspondence.

Sincerely yours,



Max J. & Blanche Woolley

MICROFILMED

DEC 04 1996

E
COPY

RECEIVED

FEB 26 1996

Department of Water Resources
Adjudication Bureau

RECEIVED

APR 17 1996

Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

) STANDARD FORM NO. 3
)

) SUBCASE NO. 36-00039M
)

(ONE NUMBER ONLY)

) **AMENDED**
)

) **NOTICE OF CHANGE IN ADDRESS**
)

*this document was accepted by the SRBA
court 2/28/96 CM system updated*

INSTRUCTIONS FOR USE

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. *The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled.* If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

This form has been adopted by the court in Re SRBA, Twin Falls County Case 39576, **SRBA Administrative Order 1 Rules of Procedure** (amended 6/21/93), Section 4Ac(3), which may be consulted for further information.

A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here. Follow the instructions on the form or it will not be accepted for filing. The Verification and the Certificate of Mailing must be completed.

Standard forms may be obtained from the Idaho Department of Water Resources or the SRBA Court.

CHANGE IN ADDRESS

You must use this form to advise the court and parties of any change in your address during the pendency of the SRBA.

You must provide a copy of the completed form to each party or if the party is represented by an attorney you must serve the attorney in every subcase in which you are a party.

No hearing will be held and no further order will issue from this court.

My name is Max J. Woolley

I am the claimant of 36-00039M

(insert each water right number)

I have filed an objection/response to the following water right(s) 36-00039M

(insert each water right number)

My new mailing address is 860 West 740 South

Richfield, UT 84701

My phone number is: Work _____ Home (801) 896-6828

(Go to Page 4)

CONSENT TO SUBSTITUTION OF PARTY

This form may only be used if a water right number is included as a "recommendation" in a director's report. *This form cannot be used for water rights that are not in a director's report or when portions of a water right are involved (i.e. where a water right is split).* You must use this form to substitute a new party into the SRBA.

You are to provide a copy of the completed form to every party in each subcase in which the new party is to be substituted. If the party is represented by an attorney you must serve the attorney. Because this is a "consent" form, it is a stipulation that there is no disagreement between the prior claimant/seller and the new claimant/purchaser that the prior claimant/seller has transferred all interest in the water right. No hearing will be held and no further order will issue.

"Prior claimant/seller" means any person who, pursuant to I.C. §§ 42-1409(2), (3) and (6) (1986), filed a notice of claim asserting the right to the use of water or on whose behalf the right

VERIFICATION

(To be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of Idaho

County of Twin Falls

Suzanne E. McIntosh, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10) (1986); that the water right number I am asking the court to substitute a party on is a water right in a director's report filed with the court and that I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing form

By: Suzanne McIntosh
Attorney signing in representative capacity

Subscribed and sworn to before me on February 22, 1996
(Insert Date)

Leann L. McMillan
Notary Public for Idaho
Residing at: Jerome
My Commission expires: 8/24/2001

to the use of water was asserted. "New claimant/purchaser" means any successor in interest of the "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A **Consent to Substitution of Party (Substitution)** must be signed by the prior claimant/seller and the new claimant/purchaser. The Substitution shall be filed by the new claimant/purchaser.

I am the new claimant/purchaser of _____
(insert each water right number)

My name is _____

My address is _____

My phone number is: Work _____ Home _____

The name and address of the prior claimant/seller who I wish to be substituted for are:

Signature of prior claimant/seller

Signature of new claimant/purchaser

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name Patrick D. Brown

Attorney of record for Max J. Woolley
(Identify party/claimant)

Attorney address and phone number: 133 Shoshone St. N., P. O. Box 389,

Twin Falls, ID 83301

- X I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form. A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

INSTRUCTIONS FOR MAILING

Mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on February 22, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or 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, ID 83303-2707

2. A *Change of Address* was served on each party, or if they are represented by an attorney you must serve the attorney, in each subcase in which you are a party, at the following address(es):

3. A *Consent to Substitution of Party* was served on the prior claimant/seller, or if they are represented by an attorney you must serve the attorney, at the following address(es):

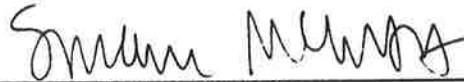
4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):

5. One copy to:

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

6. One copy to:

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



Signature of person or attorney mailing the form

LAW OFFICES

*Hepworth, Lezamiz
& Hohnhorst*

- Established 1952 -

January 10, 1996

HAND DELIVERED

RECEIVED

JAN 11 1996

OFFICE OF THE
ATTORNEY GENERAL

RECEIVED

FEB 21 1996

Department of Water Resources
Southern Region

TWIN FALLS OFFICE

John C. Hepworth
John T. Lezamiz
John C. Hohnhorst
Jeffrey J. Hepworth
Penelope Parker**
Eileen A. McDevitt*
Patrick D. Brown
Jeffrey A. Warr
Suzanne E. McIntosh

Wm. L. Nungesser
of Counsel

BOISE OFFICE

J. Charles Hepworth*
John J. Janis

*Member CA Bar
**Member UT Bar

Diana Delaney
SRBA

253 3rd Avenue North
Twin Falls, ID 83301

Re: Max J. Woolley, Subcase No. 36-00039M
Our File No. 92-1-530.1

Dear Diana:

Enclosed for filing with the court in the above-entitled matter is a Notice of Change in Address.

Thank you for your assistance.

Very truly yours,

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED

By: LeAnn McMillan
LeAnn McMillan, Legal Assistant

:llm

✓cc: Chief, Natural Resources
United States Department of Justice

Enclosure

/1010DD.llm

HLH
Chartered

TWIN FALLS OFFICE
208-734-7510
Blick Building
133 Shoshone St. N.
P.O. Box 389
Twin Falls, ID 83303-0389
Fax: 208-734-4115

BOISE OFFICE
208-343-7510
537 West Bannock
P.O. Box 2582
Boise, ID 83701-2582
Fax: 208-342-2927

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DEC 04 1996

RECEIVED
JAN 12 1996
Department of Water Resources
Adjudication Bureau

RECEIVED
JAN 13 1996
OFFICE OF
ATTORNEY GENERAL

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	)	STANDARD FORM NO. 3
	)	
Case No. 39576	)	SUBCASE NO. <u>36-00039M</u>
	)	(ONE NUMBER ONLY)
	)	
	)	NOTICE OF CHANGE IN ADDRESS
	)	

INSTRUCTIONS FOR USE

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. *The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled.* If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

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CHANGE IN ADDRESS

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You must provide a copy of the completed form to each party or if the party is represented by an attorney you must serve the attorney in every subcase in which you are a party.

No hearing will be held and no further order will issue from this court.

My name is Max J. Wooley

I am the claimant of 36-00039M
(insert each water right number)

I have filed an objection/response to the following water right(s) 36-00039M
(insert each water right number)

My new mailing address is 860 West 740 South
Richfield, UT 84701

My phone number is: Work _____ Home (801) 896-6828

(Go to Page 4)

CONSENT TO SUBSTITUTION OF PARTY

This form may only be used if a water right number is included as a "recommendation" in a director's report. *This form cannot be used for water rights that are not in a director's report or when portions of a water right are involved (i.e. where a water right is split).* You must use this form to substitute a new party into the SRBA.

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"Prior claimant/seller" means any person who, pursuant to I.C. §§ 42-1409(2), (3) and (6) (1986), filed a notice of claim asserting the right to the use of water or on whose behalf the right

to the use of water was asserted. "New claimant/purchaser" means any successor in interest of the "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The Substitution shall be filed by the new claimant/purchaser.

I am the new claimant/purchaser of _____
(Insert each water right number)

My name is _____

My address is _____

My phone number is: Work _____ Home _____

The name and address of the prior claimant/seller who I wish to be substituted for are:

Signature of prior claimant/seller

Signature of new claimant/purchaser

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name Patrick D. Brown

Attorney of record for Max J. Wooley
(Identify party/claimant)

Attorney address and phone number: 133 Shoshone St. N., P. O. Box 389,
Twin Falls, ID 83301

- X I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form. A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

VERIFICATION

(To be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of Idaho

County of Twin Falls

Suzanne E. McIntosh, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10) (1986); that the water right number I am asking the court to substitute a party on is a water right in a director's report filed with the court and that I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Signature of person filing form

By: Suzanne McIntosh
Attorney signing in representative capacity

Subscribed and sworn to before me on January 10, 1996.
(Insert Date)

Deann L. McMullan
Notary Public for Idaho
Residing at: Jerome, Id
My Commission expires: 8/24/2001

INSTRUCTIONS FOR MAILING

Mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on January 10, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or 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, ID 83303-2707

2. A *Change of Address* was served on each party, or if they are represented by an attorney you must serve the attorney, in each subcase in which you are a party, at the following address(es):

3. A *Consent to Substitution of Party* was served on the prior claimant/seller, or if they are represented by an attorney you must serve the attorney, at the following address(es):

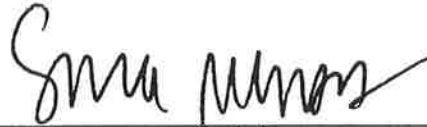
4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):

5. One copy to:

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

6. One copy to:

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



Signature of person or attorney mailing the form

42
RECEIVED
MAR 15 1996
Department of Water Resources
Southern Region

RECEIVED
JAN 26 1996
Department of Water Resources
Adjudication Bureau

RECEIVED
JAN 25 1996
ATTORNEY GENERAL

A36-000412

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)

STANDARD FORM 3

(Check Appropriate Box)

Case No. 39576)

☒ NOTICE OF CHANGE IN ADDRESS

OR

☒ CONSENT TO SUBSTITUTION OF
PARTY

*this document was accepted
by the SRBA Court 1/25/96*

INSTRUCTIONS FOR USE

*CM system not updated -
no CM record*

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. *The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled.* If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

This form has been adopted by the court in Re SRBA, Twin Falls County Case 39576, *SRBA Administrative Order 1 Rules of Procedure* (amended 6/21/93), Section 4Ac(3), which may be consulted for further information.

A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here. Follow the instructions on the form or it will not be accepted for filing. The Verification and the Certificate of Mailing must be completed.

Standard forms may be obtained from the Idaho Department of Water Resources or the SRBA Court.

CHANGE IN ADDRESS

You must use this form to advise the court and parties of any change in your address during the pendency of the SRBA.

You must provide a copy of the completed form to each party or if the party is represented by an attorney you must serve the attorney in every subcase in which you are a party.

No hearing will be held and no further order will issue from this court.

My name is Philip F. +/or Judith A. Dice

I am the claimant of A36-00041A and A36-10405
(Insert each water right number)

I have filed an objection/response to the following water right(s) A36-00041A

(Insert each water right number)

My new mailing address is 2912 So. 1050 E.
Hagerman, ID 83332

My phone number is: Work Home 837-6657

(Go to Page 4)

CONSENT TO SUBSTITUTION OF PARTY

This form may only be used if a water right number is included as a "recommendation" in a director's report. *This form cannot be used for water rights that are not in a director's report or when portions of a water right are involved (i.e. where a water right is split).* You must use this form to substitute a new party into the SRBA.

You are to provide a copy of the completed form to every party in each subcase in which the new party is to be substituted. If the party is represented by an attorney you must serve the attorney. Because this is a "consent" form, it is a stipulation that there is no disagreement between the prior claimant/seller and the new claimant/purchaser that the prior claimant/seller has transferred all interests in the water right. No hearing will be held and no further order will issue.

"Prior claimant/seller" means any person who, pursuant to I.C. §§ 42-1409(2), (3) and (6) (1986), filed a notice of claim asserting the right to the use of water or on whose behalf the

right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of the "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The Substitution shall be filed by the new claimant/purchaser.

I am the new claimant/purchaser of A36-00041E
(Insert each water right number)

My name is Philip F. &/or Judith A. Dice

My address is 2912 So. 1050 E., Hagerman, ID 83332

My phone number is: Work Home 837-6657

The name and address of the prior claimant/seller who I wish to be substituted for are:

Doris Gridley, 926 W. Hagerman Ave., Hagerman,
ID. 83332

Peter G. Miller
Signature of prior claimant/owner

Philip J. Dice Judith A. Dice
Signature of new claimant/purchaser

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name _____

Attorney of record for _____
(Identify party/claimant)

Attorney address and phone number: _____

- ☐ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.
- ☐ A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

VERIFICATION

(To be completed for either a Notice of Change in Address or for Consent for Substitution of Party)

State of IDAHO

County of GOODING

PHILIP F. &/OR JUDITH A. DICE, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

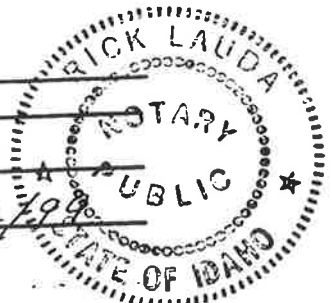
That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10) (1986); that the water right number I am asking the court to substitute a party on is a water right in a director's report filed with the court and that I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Philip F. Dice Judith A. Dice
Signature of person filing form

BY: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on JANUARY 22, 1996
(Insert Date)

Rick Lauda
Notary Public for Gooding
Residing at: Buhl
My Commission expires: 10/12/99



INSTRUCTIONS FOR MAILING

Mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on 23 Jan., 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or 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. A *Change of Address* was served on each party, or if they are represented by an attorney you must serve the attorney, in each subcase in which you are a party, at the following address(es):

N/A

3. A *Consent to Substitution of Party* was served on the prior claimant/seller, or if they are represented by an attorney you must serve the attorney, at the following address(es):

N/A

4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):

N/A

5. One copy to:

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

6. One copy to:

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

Judith A. Dice
Signature of person or attorney mailing the form

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A36-00039M**
Date Received: 2/26/1991
Receipt No: S013053
Received By: _____

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

1. Name: MAX J. WOOLLEY 406-932-5641
Address: P.O. BOX 1215
BIG TIMBER MT 59011

AND/OR

Name: BLANCHE WOOLLEY 406-932-5641
Address: P.O. BOX 1215
BIG TIMBER MT 59011

2. Date of Priority: JAN 2, 1891

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	11	NW	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.
STOCKWATER	01/01	12/31	0.020		
IRRIGATION	03/15	11/15	0.040		
AESTHETIC	01/01	12/31	0.120		

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

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER/1 HORSE; AESTHETIC/OPEN STREAM

MICROFILMED
JAN 21 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	NW	SE		IRR	1.0
			NW	SE		STOCK	
			NW	SE		AES	
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 AMOUNT OF WATER IS NEEDED BECAUSE THE SOIL IS VERY SANDY AND BECAUSE OF THE LOSS OF WATER BEING TRANSPORTED IN THE OPEN DITCHES. IN THE 1932 DECREE, IT STATES THAT THE WATER IS TRANSPORTED BY USE OF THE GRANGER DITCH. THE GRANGER DITCH HAS BEEN ABANDONED AND THE BUCKEYE DITCH HAS BEEN USED FOR YEARS TO TRANSPORT THE WATER FROM BILLINGSLEY CREEK TO THE SUBJECT PROPERTY.
POU AKA: LOT 2, BLOCK 2, WILLOW BROOK SUBD.

OWNERSHIP CHANGE 7/2/91 BY AA.

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): _____ Date: _____
 _____ Date: _____

MICROFILMED
JAN 21 1993

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
JAN 21 1993



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DATE OF CLOSING: 12-11-91

JAN 06 1992

LEGAL DESCRIPTION OF PROPERTY: Township 7 South Range 12 East, B.M. BM.
 Section 11, 1/4 of NW 1/4 of SE 1/4, Govt. Lot 1, B.M. BM.
 Lot 2, Block, 2, Subdivision/Townsite Willow Brook Subdivision
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A36-00039M
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Donald E. VanWagoner or Dolores VanWagoner
1465 West 300 South, 138-9
Hurricane, Utah 84737
- ☐ New Owner/Claimant (Purchaser): Max J. Woolley or Blanche Woolley
- ☐ New Mailing Address: P. O. Box #1215
Big Timber, Montana 59011
- ☐ New Telephone Number: (406) 932 - 5641
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Copy of the recorded Warranty Deed

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

- ☐ Signature of New Owner/Claimant(s) Max J. Woolley Date 12-30-91
Blanche Woolley Date 12-30-91
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
 _____ Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 1/6/92 By: JE

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 1/6/92 By: SG

Claim Numbers of Split, if any:

MICROFILMED
JAN 21 1993

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



WARRANTY DEED

RECEIVED

JAN 06 1992

For Value Received

Department of Water Resources
Southern Region Office

Donald E. Van Wagoner and Dolores Van Wagoner, husband and wife,

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

Max J. Woolley and Blanche Woolley, husband and wife,

hereinafter referred to as Grantee, whose current address is

P.O. Box 1215, Big Timber, MT 59011

the following described premises, to-wit:

Lot 2 in Block 2 of WILLOW BROOK SUBDIVISION, Gooding County, Idaho, being a part of Parcel "C" of Robert L. Justice Ranch, located in part of the Northwest Quarter of the Southeast Quarter of Section 11, Township 7 South, Range 13, East of the Boise Meridian, according to the plat thereof, recorded August 13, 1979, as Instrument No. 78287, in the Office of the County Recorder of said County.

TOGETHER with 6 share of Buckeye Ditch water.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: December 9, 1991.

Donald E. Van Wagoner
Donald E. Van Wagoner

Dolores Van Wagoner
Dolores Van Wagoner

STATE OF UTAH)

COUNTY OF Washington) : ss

On This 9 day of December, in the year 1991, before me, a Notary Public in and for said State, personally appeared Donald E. Van Wagoner and Dolores Van Wagoner, known or identified to me to be the persons whose names are subscribed to the within Instrument, and acknowledged to me that they executed the same.

Marlene Williams
Notary Public for Utah
Residing at Santa Clara Ut.
Commission Expires: Dec 13 1993
STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN TITLE

147064 at 59 min. past 9 o'clock A M. this 11 day of Dec, 1991 12:00

JOHN A. MYERS Recorder

Auberta Sides

Deputy

First American Title Company of Idaho

SD-36		Township: 07S		Range: 13E		Section: 11		Tract:		Lot:	
S	L			STATE	O	S	Max #	Records	373		
E	O	Water		Name	W	T	Priority	Use			
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc	
---	---	---	---	---	---	---	---	---	---	---	---
---	NWSE		R36-00050A	MCFADDAN, MATTHEW D.	C		D	04/01/1901			
---	NWSE		R36-00039P	KINNISON, PHILIP T.	C	1		01/02/1891	01	IRR	
---				KINNISON, PATSY A.	C				04	STOCK	
---									52	AES	
---	NWSE		R36-00039P	KINNISON, PHILIP T.	C			01/02/1891	01	IRR	
---				KINNISON, PATSY A.	C				04	STOCK	
---									52	AES	
---	NWSE		R36-00039P	KINNISON, PHILIP T.	C			01/02/1891	01	IRR	
---				KINNISON, PATSY A.	C				04	STOCK	
---									52	AES	
---	NWSE		A36-00039M	FRIESEN, ANNA MARIE	O	1	J	01/02/1891	04	STOCK	
---				VAN WAGONER, DONALD E.	C				01	IRR	
---				VAN WAGONER, DOLORES	C				52	AES	
---				FRIESEN, WESLEY	O						
---	NWSE		A36-00039M	FRIESEN, ANNA MARIE	O		J	01/02/1891	04	STOCK	
---				VAN WAGONER, DONALD E.	C				01	IRR	

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED
JAN 21 1993

SD-36		Township: 07S		Range: 13E		Section: 11		Tract:		Lot:	
S	L	STATE		Name		O	S	Max #	Records	373	
E	O	Water		Name		W	T	Priority	Use		
L	Tract	T	Right No.	Last,	First	N	AC	G	Date	Code	Desc
---	---	---	---	---	---	---	---	---	---	---	---
---	NWSE		A36-00039M	VAN WAGONER,	DOLORES	C		J	01/02/1891	52	AES
---				FRIESEN,	WESLEY	O					
---	NWSE		A36-00039M	FRIESEN,	ANNA MARIE	O		J	01/02/1891	04	STOCK
---				VAN WAGONER,	DONALD E.	C				01	IRR
---				VAN WAGONER,	DOLORES	C				52	AES
---				FRIESEN,	WESLEY	O					
---	NWSE		A36-00039N	KINNISON,	PHILIP T.	O	1	J	01/02/1891	01	IRR
---				KINNISON,	PATSY A.	O				04	STOCK
---				KORBIS,	GEORGE J.	C				52	AES
---				KORBIS,	NELLIE W.	C					
---	NWSE		A36-00039N	KINNISON,	PHILIP T.	O		J	01/02/1891	01	IRR
---				KINNISON,	PATSY A.	O				04	STOCK
---				KORBIS,	GEORGE J.	C				52	AES
---				KORBIS,	NELLIE W.	C					
---	NWSE		A36-00039N	KINNISON,	PHILIP T.	O		J	01/02/1891	01	IRR
---				KINNISON,	PATSY A.	O				04	STOCK

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED
JAN 21 1993

SD-36		Township: 07S		Range: 13E		Section: 11		Tract:		Lot:	
S	L	STATE		Name		O	S	Max #	Records	373	
E	O	Water		Last, First		W	T	Priority	Use		
L	Tract	T	Right No.			N	AC	G	Date	Code	Desc
---	---	---	---	---	---	---	---	---	---	---	---
---	NWSE		A36-00039N	KORBIS, GEORGE J.		C		J	01/02/1891	52	AES
---				KORBIS, NELLIE W.		C					
---	NWSE		R36-00039M	FRIESEN, ANNA MARIE		O	1		01/02/1891	04	STOCK
---				FRIESEN, WESLEY		O				01	IRR
---				VAN WAGONER, DONALD E.		C				52	AES
---				VAN WAGONER, DOLORES		C					
---	NWSE		R36-00039M	FRIESEN, ANNA MARIE		O			01/02/1891	04	STOCK
---				FRIESEN, WESLEY		O				01	IRR
---				VAN WAGONER, DONALD E.		C				52	AES
---				VAN WAGONER, DOLORES		C					
---	NWSE		R36-00039M	FRIESEN, ANNA MARIE		O			01/02/1891	04	STOCK
---				FRIESEN, WESLEY		O				01	IRR
---				VAN WAGONER, DONALD E.		C				52	AES
---				VAN WAGONER, DOLORES		C					
---	NWSE		R36-00039N	KINNISON, PATSY A.		O	1		01/02/1891	01	IRR
---				KORBIS, GEORGE J.		C				04	STOCK

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED
JAN 21 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

06-Jan-1992 16:06

MAX J. WOOLLEY
BLANCHE WOOLLEY
P.O. BOX 1215
BIG TIMBER MT 59011

Re: Ownership Change for Adjudication Claim NO.(S): A36-00039M,
VANWAGONER, DONALD E. &/OR DOLORES VANWAGONER

Dear Claimant(s):

Pursuant to the notification that you presently own the property in which the above-referenced Adjudication Claim(s) is appurtenant, the Department has changed the record of the current owners as you requested. Please find enclosed a copy of the computer record of the claim(s) noting the change in claimant.

Please review the record and if you have any corrections or questions, please feel free to call this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Judy'.

Judy Givens
Adjudication Secretary

/jg

Enclosures

c.c. Cliff Jensen
Box 201
Hagerman ID 83332

MICROFILMED
JAN 21 1993

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

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

*** C - CURRENT OWNER ***

WOOLLEY MAX J. 1 - P.O. BOX 1215
2 -
3 -
City- BIG TIMBER State- MT Zip- 59011
Phone - 406-932-5641

WOOLLEY BLANCHE 1 - P.O. BOX 1215
2 -
3 -
City- BIG TIMBER State- MT Zip- 59011
Phone - 406-932-5641

*** O - ORIGINAL OWNER ***

VAN WAGONER DONALD E. 1 - 1465 WEST 300 SOUTH, 138-9
2 -
3 -
City- HURRICAN State- UT Zip- 84737
Phone - 801-635-4173

VAN WAGONER DOLORES 1 - 1465 WEST 300 SOUTH, 138-9
2 -
3 -
City- HURRICAN State- UT Zip- 84737
Phone - 801-635-4173

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

01/02/1891 17 SOUTHERN I - DISALLOWED

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

BILLINGSLEY CREEK SNAKE RIVER

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

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

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

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
04 - STOCKWATER		01/01	12/31	0.020	
01 - IRRIGATION		03/15	11/15	0.040	
52 - AESTHETIC		01/01	12/31	0.120	

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

0.120 3.0

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

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	11	NW SE		1.0	01	IRRIGATION	(47) GOODING
07S	13E	11	NW SE			04	STOCKWATER	(47) GOODING
07S	13E	11	NW SE			52	AESTHETIC	(47) GOODING

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JAN 21 1993

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	- 02/26/1991	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S013053	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

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

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

CIVIL CASE NUMBER: 39356

Ident. Number

A36-00039 M

Date Received

2/26/91

ADN

Receipt Number

5013053

**NOTICE OF CLAIM
TO A
WATER RIGHT**

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) WESLEY FRIESEN or ANNA MARIE FRIESEN Phone (208) 543-5848Mailing Address Route #2, Box #169, Buhl, Idaho 83316 Zip 833162. Date of Priority (Only one (1) per claim) January 2, 18913. Source of water supply (a) Billingsley Creek via Buckeye Ditch
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 7 South Range 13 East Section 11,
NW 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of GoodingAdditional points of diversion if any: Re-diverted from Buckeye Ditch in the NE¹NW¹SE¹, Sec. 11, T. 7 S.,
R. 13 E., B.M.

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. From the concrete diversion on the bank of
Billingsley Creek, the water flows in an open ditch known as the Buckeye Ditch. The
water is re-diverted from the Buckeye Ditch by means of a concrete headgate and then is
transported to the property by an open ditch where the property is irrigated.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stockwater purposes from Jan. 1 to Dec. 31 amount 0.02 or _____

For Irrigation purposes from Mar. 15 to Nov. 15 amount 0.04 or _____

For Aesthetic purposes from Jan. 1 to Dec. 31 amount 0.12 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.12 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1 horse and stream for aesthetic purposes

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7 S	13 E	11														S-J 1			1

Total number of acres irrigated 1 acre

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

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (X)

14. Remarks:

This amount of water is needed because the soil is very sandy and because of the loss of water being transported in the open ditches.

In the 1932 decree, it states that the water is transported by use of the Granger Ditch.

The Granger Ditch has been abandoned and the Buckeye Ditch has been used for years to

transport the water from Billingsley Creek to the subject property.

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Last Name FRIESEN Ident No. _____

Copies: White -State, Yellow-Claimant

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
36-00039M	PATRICK D BROWN HEPWORTH NUNGESTER LEZAMIZ 133 SHOSHONE ST N PO BOX 389 TWIN FALLS ID 833030389 MAX J WOOLLEY BLANCHE WOOLLEY PO BOX 1215 BIG TIMBER MT 59011 WESLEY FRIESEN ANNA MARIE FREISEN RT 2 BOX 169 BUHL ID 83316	01/02/1891	DOMESTIC	01-01 12-31	0.04 CFS	DECREED
				TOTAL DIVERSION RATE:	0.04 CFS	
				TOTAL DIVERSION VOLUME:	0.00 AFA	

SOURCE: BILLINGSLEY CREEK

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:
T07S R13E S11 SESENE

PLACE OF USE: DOMESTIC
T07S R13E S11 NWSE

CONDITIONS OF APPROVAL:

REMARKS: WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOT 2, BLOCK 2, WILLOW BROOK
SUBDIVISION.
THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED
ABOVE FOR DOMESTIC PURPOSES AT A POINT OF MEASUREMENT WHERE THE
DELIVERY DITCH ENTERED THE PLACE OF USE DESCRIBED ABOVE.
THIS RIGHT MAY BE DIVERTED SO LONG AS THE AMOUNT OF WATER
DIVERTED AT THE POINT OF DIVERSION FOR DOMESTIC PURPOSES DOES NOT
CONSTITUTE UNREASONABLE WASTE AND DOES NOT CONFLICT WITH THE
PUBLIC INTEREST, AS DETERMINED BY THE DIRECTOR.

OTHER RIGHTS: NONE

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RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
A36-00039M	DONALD E VAN WAGONER DOLORES VAN WAGONER 1465 WEST 300 SOUTH 138-9 HURRICAN UT 84737	01/02/1891	IRRIGATION STOCKWATER AESTHETIC	03-15 11-15 01-01 12-31 01-01 12-31	0.04 CFS 0.02 CFS 0.12 CFS	BENEFICIAL USE
	PATRICK D BROWN HEPWORTH NUNGESTER LEZAMIZ 133 SHOSHONE ST N PO BOX 389 TWIN FALLS ID 833030389					
	MAX J WOOLLEY BLANCHE WOOLLEY PO BOX 1215 BIG TIMBER MT 59011					
				TOTAL DIVERSION RATE: TOTAL DIVERSION VOLUME: CONSUMPTIVE USE:	0.12 CFS 0.00 AFA 3.0 AFA	

SOURCE: BILLINGSLEY CREEK

TRIBUTARY: SNAKE RIVER

POINT OF DIVERSION:

T07S R13E S11 NWSENE

PLACE OF USE: IRRIGATION

T07S R13E S11 NWSE 1.0
1.0 ACRES TOTAL

PLACE OF USE: STOCKWATER

T07S R13E S11 NWSE

PLACE OF USE: AESTHETIC

T07S R13E S11 NWSE

CONDITIONS OF APPROVAL:

REMARKS: THIS AMOUNT OF WATER IS NEEDED BECAUSE THE SOIL IS VERY SANDY AND BECAUSE OF THE LOSS OF WATER BEING TRANSPORTED IN THE OPEN DITCHES. IN THE 1932 DECREE, IT STATES THAT THE WATER IS TRANSPORTED BY USE OF THE GRANGER DITCH. THE GRANGER DITCH HAS BEEN ABANDONED AND THE BUCKEYE DITCH HAS BEEN USED FOR YEARS TO TRANSPORT THE WATER FROM BILLINGSLEY CREEK TO THE SUBJECT PROPERTY.
POU AKA: LOT 2, BLOCK 2, WILLOW BROOK SUBD.

OWNERSHIP CHANGE 7/2/91 BY AA.

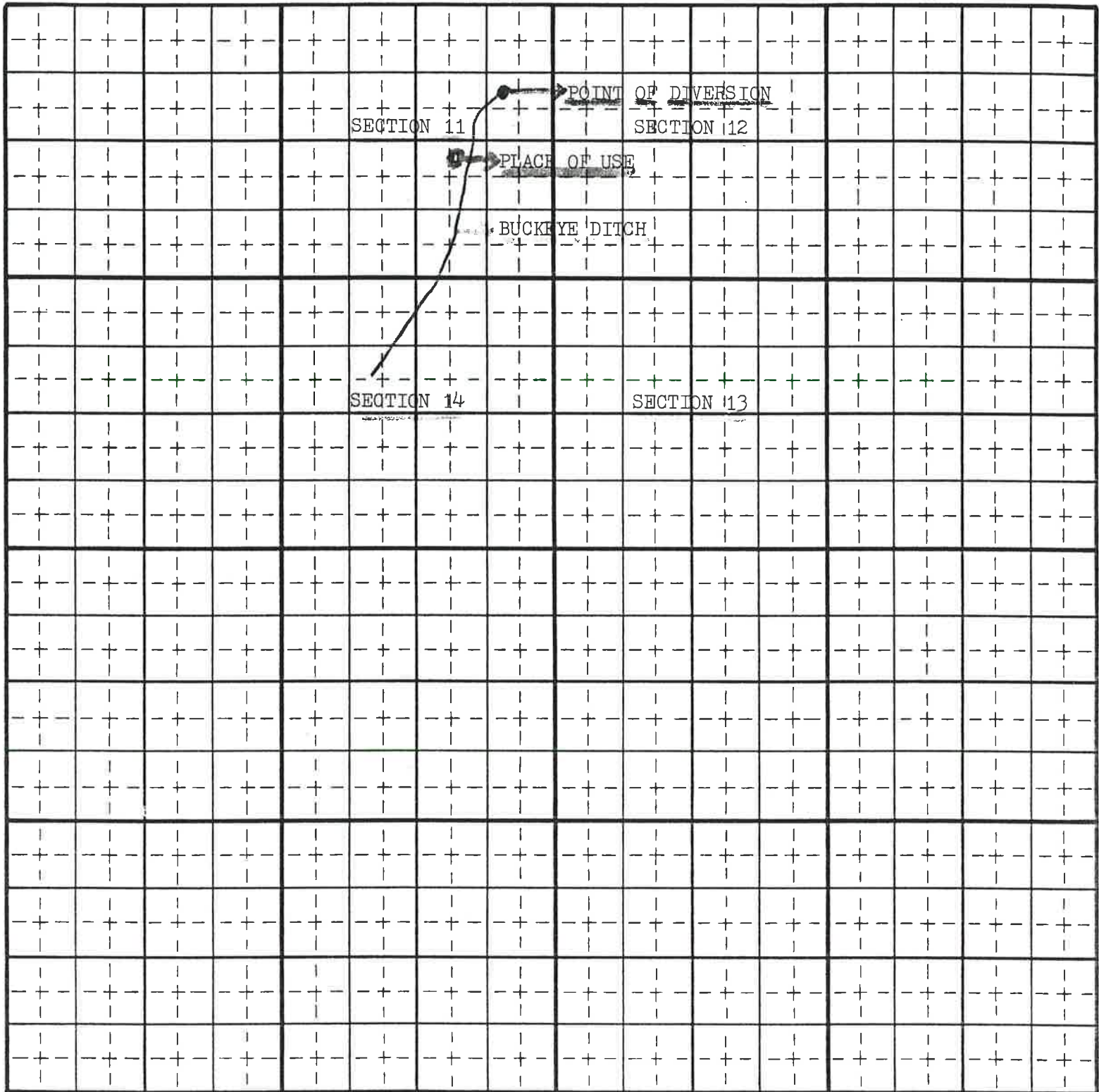
OTHER RIGHTS: NONE

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

Scale: 2 inches equals 1 mile

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN



Last Name FRIESEN

Ident No. _____

Copies: White-State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number Part of 36-0039

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

Plaintiff vs Defendant New International Mortgage Bank vs Idaho Power Company

16. Signature (s)

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

Number of attachments one (1)

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

Signature of Claimant (s) Wesley Friesen Date 2-26-91
Date _____

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

_____ Title
of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 26th day of FEB, 19 91

SEAL

☒ Notary Public Clifton Jensen

Residing at HAILEY ID

My Commission Expires 5-10-91

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name FRIESEN Ident. Number _____

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Copies White-State, Yellow-Claimant

and is 729 feet south of the section line between said section 2 and 11; thence north 80 degrees 28' west 949 feet to a point (which point is 573.8 feet south of a point on the section line between said sections 2 and 11 in said Twp. and Range aforesaid 1320 feet west from the said quarter corner between sections 2 and 11 - first above mentioned;)- thence north 80 degrees 28' west 199.1 feet to a point; thence south 23 degrees 40' west about 2269 feet to a point 290 feet east from the quarter corner on the west boundary line of section 11, Twp. 7 S. R. 13 E. S. W.; thence east along the south boundary line of Lot 3 of said Section 11 to the southeast corner of said Lot 3; thence north along the east boundary line of said Lot 3 to the northeast corner thereof; thence east along the south boundary line of Lot 2, in said section 11 to the southeast corner of said Lot 2; thence north along the east boundary line of said Lot 2 to the place of beginning.

38 Condit .5 Spring April 1, 1930 Huitt Spring
James E. (Said Huitt Spring is located on the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 19, Twp. 7 S. R. 14
and E.B.M.)
Jennie The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ (also known as Lot 3) of Section 19, Twp. 7 S. R. 14 E.B.M.
M. Condit

39 Dilatush, 2.4 Billingsley Creek Jan. 2, 1891 Granger Ditch
and .3 Spring Jan. 2, 1891 Unnamed Spring
Alice I. (Said unnamed spring arises in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 11, Twp. 7 S. R. 13
Dilatush,
and E. B. M. at a point 1065 feet north 2 degrees 2' west from the southeast corner of
Charles C. said tract of land. That the point of diversion of said Granger Ditch is on the
Carey bank of Billingsley Creek about 100 feet below the diversion point of said Buckeye
Ditch and from the diversion point of said Granger Ditch the quarter section
corner common to secs. 11 and 12 Twp. 7 S. R. 13 E. B. M. bears south 31 degrees
27' east a distance of 333.4 ft)

Beginning at the southeast corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 11, Twp. 7 S. R.

POOR ORIGINAL

thence west along the forty line 1075; thence north 20 degrees 42' east 520 feet; thence north 24 degrees 34' east 450 feet; thence south 81 degrees 26' east 593 feet to the east forty line, thence south along the forty line 1122 feet to the point of beginning.

041 Eliason, Spring Dec. 12, 1901 Weatherby Springs;
Armedie .8 (Hoagland Tunnel)
042 .4 Spring April 4, 1910 Weatherby Springs;

The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 36, Twp. 7 S. R. 13 E. B. M. excepting therefrom, however, the following described tract of land: Beginning at the quarter corner between Sections 25 and 36 of said township and range, running thence east 399 feet to the center of the public highway, thence in a southwesterly direction in the center of said highway 273 feet, thence westerly along the north bank of the Clifford Ditch 370 feet, to the west boundary line of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 36, thence north along said west boundary line 257 feet to the point of beginning, said tract of land excepted containing 2.2 acres, more or less, and the property herein described containing 37.6 acres, more or less.

041 Eliason 1.6 Lea Lewis Spring Sept. 1, 1889 Brailsford-Owens Ditch
Jacob and
044 Carrie I. .7 Spring March 8, 1902 Weatherby Springs;

The SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M.; also that certain portion of the northwest corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 36, in Twp. 7 S. R. 13 E. B. M. in Idaho, more particularly described as follows, to-wit: Beginning at the quarter corner between sections 25 and 36 in said Twp. 7 S. R. 13 E. B. M. running thence east a distance of 399 feet to the center of the public highway, thence in

POOR ORIGINAL

RECORDED
1911
JAN 21 1911

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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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)

Case No. 39576

18 _____)
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

24 Petitioner,)

25 vs.)

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

30 Respondents.)
31 _____)

32 * * * * *

33 PLEASE BE NOTIFIED that the firm of Hepworth, Nungester
34 & Lezamiz, Chartered, hereby appears on behalf of Hagerman Water
35



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 1

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1 Users, Inc. and its individual members:

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



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1	Hagerman Gun Club	A36-00099
	Hagerman Gun Club	A36-07233
2	Hagerman Gun Club	A36-07172
	Hagerman Gun Club	A36-10249
3	Hagerman Water Users Assoc.	A36-15168
	Jensen, Alice	A36-00055BC
	Johnson, Ira L. & Huguette M.	A36-07142
4	Joint Hagerman School Dist 233	A36-15463
	Jones, John W., Jr.	A36-00068
5	Jones, John W., Jr.	A36-00069
	Jones, John W., Jr.	A36-07071
6	Jones, John W., Jr.	A36-00070
	Kipp, Rudy B. & Elberta M.	A36-10119
7	Kipp, Rudy B. & Elberta M.	A36-10120
	Kipp, Rudy B. & Elberta M.	A36-07658
	Kiser, John & Karl Woodall & Sons, Inc	A36-00071A
8	Kiser, John & Karl Woodall & Sons, Inc	A36-00075
	Korbis, George J. & Nellie W.	A36-00039N
9	Laughlin, Craig J. & Rita D.	A36-7089
	Laughlin, Craig J. & Rita D.	A36-00051D
10	Littlefair, Larry & Tara	A36-0121
	Littlefair, Larry & Tara	A36-10055
11	Littlefair, Larry & Tara	A36-00119
	Littlefair, Larry & Tara	A36-00120
12	Lloyd, Cleave C.	A36-04142
	Lloyd, Cleave C.	A36-00003G
	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/	A36-15240
	Ruby Springs Water Company	A36-07092A
	Potter, Mark B. & Susan H.	A36-00039J
17	Rawson, Frank S. & Carol A.	A36-00123A
	Reese, Bruce W. & LaRose A.	A36-04091
18	Reese, Bruce W. & LaRose A.	A36-10231
	Rue, James O. & Beverly Jane	A36-07142A
19	Shaffer, Roger	A36-00034B
	Simcoe, Doyt H. & Roxie J.	A36-00003F
20	Simpson, Michael, on behalf of	A36-0123E
	Josephine Simpson Estate	
21	Simpson, Michael, on behalf of	A36-0096A
	Josephine Simpson Estate	
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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OCT 11 1994

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

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

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

14
 15 By 
 16 PATRICK D. BROWN
 Attorneys for Respondents

17
 18 CERTIFICATE OF MAILING

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



Hepworth,
 Nungester,
 & Lezamiz

MICROFILMED
OCT 11 1994

1 February, 1993, to:

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

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

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

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

12
13 
14 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

MICROFILMED
OCT 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

MICROFILMED
OCT 11 1994

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

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

MICROFILMED
OCT 11 1994

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

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

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

MICROFILMED
OCT 11 1994

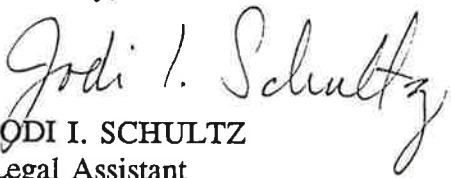
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

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

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

Sincerely,


JODI I. SCHULTZ
Legal Assistant
Idaho Department of Water Resources

cc: IDWR Southern Region

MICROFILMED
OCT 11 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A36-00039M**
Date Received: 2/26/1991
Receipt No: S013053
Received By: _____

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

1. Name: DONALD E. VAN WAGONER 801-635-4173
Address: 1465 WEST 300 SOUTH, 138-9
HURRICAN, UT 84737

AND/OR

Name: DOLORES VAN WAGONER 801-635-4173
Address: 1465 WEST 300 SOUTH, 138-9
HURRICAN, UT 84737

2. Date of Priority: JAN 2, 1891

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	11	NW	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.
STOCKWATER	01/01	12/31	0.020		
IRRIGATION	03/15	11/15	0.040		
AESTHETIC	01/01	12/31	0.120		

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

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER/1 HORSE; AESTHETIC/OPEN STREAM

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	NW	SE		IRR	1.0
			NW	SE		STOCK	
			NW	SE		AES	
						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 AMOUNT OF WATER IS NEEDED BECAUSE THE SOIL IS VERY SANDY AND BECAUSE OF THE LOSS OF WATER BEING TRANSPORTED IN THE OPEN DITCHES. IN THE 1932 DECREE, IT STATES THAT THE WATER IS TRANSPORTED BY USE OF THE GRANGER DITCH. THE GRANGER DITCH HAS BEEN ABANDONED AND THE BUCKEYE DITCH HAS BEEN USED FOR YEARS TO TRANSPORT THE WATER FROM BILLINGSLEY CREEK TO THE SUBJECT PROPERTY.
POU AKA: LOT 2, BLOCK 2, WILLOW BROOK SUBD.

OWNERSHIP CHANGE 7/2/91 BY AA.

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: 0

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
Date: _____

MICROFILMED
JAN 21 1993

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
JAN 21 1993

SD-33	Last Name: FRIESEN		STATE				
S	First	O	Water	Priority		Total	Use
E	Name	W	Right No.	Date	Source	Diversion	Code Desc
L		N					
-	FRIESEN						
-	DON	C	A36-13356	03/03/1975	GROUNDWATER	0.040	43 DOMEST
-	MARTI	C	A36-13356	03/03/1975	GROUNDWATER	0.040	43 DOMEST
-	ANNA MARIE	C	A36-00039M	01/02/1891	BILLINGSLEY	0.120	04 STOCK
-							01 IRR
-							52 AES
-	WESLEY	C	A36-00039M	01/02/1891	BILLINGSLEY	0.120	04 STOCK
-							01 IRR
-							52 AES
-	ANNA MARIE	C	R36-00039M	01/02/1891	BILLINGSLEY	0.120	04 STOCK
-							01 IRR
-							52 AES
-	WESLEY	C	R36-00039M	01/02/1891	BILLINGSLEY	0.120	04 STOCK
-							01 IRR
-							52 AES

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED
JAN 21 1993

SD-36		Township: 07S		Range: 13E		Section: 11		Tract:		Lot:	
S	L			STATE	O	S	Max # Records	356			
E	O	Water	Name		W	T	Priority	Use			
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc	
-	-	-	-	-	-	-	-	-	-	-	-
-	NWSE		A36-00039N				J	01/02/1891	52	AES	
-	NWSE		A36-00039N	KINNISON, PHILIP T.	C		J	01/02/1891	01	IRR	
-				KINNISON, PATSY A.	C				04	STOCK	
-									52	AES	
-	NWSE		A36-00039P	KINNISON, PHILIP T.	C	1	D	01/02/1891	01	IRR	
-				KINNISON, PATSY A.	C				04	STOCK	
-									52	AES	
-	NWSE		A36-00039P	KINNISON, PHILIP T.	C		D	01/02/1891	01	IRR	
-				KINNISON, PATSY A.	C				04	STOCK	
-									52	AES	
-	NWSE		A36-00039P	KINNISON, PHILIP T.	C		D	01/02/1891	01	IRR	
-				KINNISON, PATSY A.	C				04	STOCK	
-									52	AES	
-	NWSE		A36-00039M	FRIESEN, ANNA MARIE	C	1	J	01/02/1891	04	STOCK	
-				FRIESEN, WESLEY	C				01	IRR	
-									52	AES	

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

SD-36		Township: 07S		Range: 13E		Section: 11		Tract:		Lot:	
S	L			STATE	O	S	Max # Records	356			
E	O	Water	Name		W	T	Priority	Use			
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc	
-	-	-	-	-	-	-	-	-	-	-	-
-	NWSE		A36-00039M	FRIESEN, ANNA MARIE	C		J	01/02/1891	04	STOCK	
-				FRIESEN, WESLEY	C				01	IRR	
-									52	AES	
-	NWSE		A36-00039M	FRIESEN, ANNA MARIE	C		J	01/02/1891	04	STOCK	
-				FRIESEN, WESLEY	C				01	IRR	
-									52	AES	
-	NWSE		R36-00039N	KINNISON, PHILIP T.	C	1		01/02/1891	01	IRR	
-				KINNISON, PATSY A.	C				04	STOCK	
-									52	AES	
-	NWSE		R36-00039N	KINNISON, PHILIP T.	C			01/02/1891	01	IRR	
-				KINNISON, PATSY A.	C				04	STOCK	
-									52	AES	
-	NWSE		R36-00039N	KINNISON, PHILIP T.	C			01/02/1891	01	IRR	
-				KINNISON, PATSY A.	C				04	STOCK	
-									52	AES	
-	NWSE		R36-00039P	KINNISON, PHILIP T.	C	1		01/02/1891	01	IRR	

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED
 JAN 21 1993

SD-36	Township: 07S	Range: 13E	Section: 11	Tract:	Lot:
S	L	STATE	O	S	Max # Records 356
E	O	Name	W	T	Priority Use
L	Tract T	Water Right No.	Last, First	N AC G	Date Code Desc
---	---	---	---	---	---
---	NWSE	A36-00040	SPLIT RIGHT	C	01/02/1891
---	NWSE	A36-00112A	FLINT, WILLIAM E.	C 12 D	01/02/1891 01 IRR
---			FLINT, VERA C.	C	
---	NWSE	A36-00111A	FLINT, WILLIAM E.	C 2 D	04/01/1910 01 IRR
---			FLINT, VERA C.	C	04 STOCK
---	NWSE	A36-02169	CARY, RUTH E.	O L	01/02/1891 01 IRR
---			MC FADDAN, DAN	C	43 DOMEST
---			MC FADDAN, IRMA R.	C	
---	NWSE	A36-02169	CARY, RUTH E.	O 5 L	01/02/1891 01 IRR
---			MC FADDAN, DAN	C	43 DOMEST
---			MC FADDAN, IRMA R.	C	
---	NWSE	R36-00039M	FRIESEN, ANNA MARIE	C 1	01/02/1891 04 STOCK
---			FRIESEN, WESLEY	C	01 IRR
---					52 AES
---	NWSE	R36-00039M	FRIESEN, ANNA MARIE	C	01/02/1891 04 STOCK
---			FRIESEN, WESLEY	C	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

SD-36	Township: 07S	Range: 13E	Section: 11	Tract:	Lot:
S	L	STATE	O	S	Max # Records 356
E	O	Name	W	T	Priority Use
L	Tract T	Water Right No.	Last, First	N AC G	Date Code Desc
---	---	---	---	---	---
---	NWSE	R36-00039M			01/02/1891 52 AES
---	NWSE	R36-00039M	FRIESEN, ANNA MARIE	C	01/02/1891 04 STOCK
---			FRIESEN, WESLEY	C	01 IRR
---					52 AES
---	NWSE	R36-00112B	POPE, LOLA	C 3 D	01/02/1891 01 IRR
---			POPE, JOHN L.	C	
---			POPE, J.L.	C	
---	NWSE	R36-00039K	EASTERDAY, RAY R.	C D	01/02/1891 01 IRR
---			EASTERDAY, LOVA U.	C	04 STOCK
---	NWSE	R36-00039K	EASTERDAY, RAY R.	C 13 D	01/02/1891 01 IRR
---			EASTERDAY, LOVA U.	C	04 STOCK
---	NWSE	A36-00039N	KINNISON, PHILIP T.	C 1 J	01/02/1891 01 IRR
---			KINNISON, PATSY A.	C	04 STOCK
---					52 AES
---	NWSE	A36-00039N	KINNISON, PHILIP T.	C J	01/02/1891 01 IRR
---			KINNISON, PATSY A.	C	04 STOCK

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED
JAN 21 1993



WARRANTY DEED

For Value Received

Wesley Friesen and Anna Marie Friesen, husband and wife,
 hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto
 Donald E. Van Wagoner and Dolores Van Wagoner, husband and wife,
 hereinafter referred to as Grantee, whose current address is
 1465 W 300 S 138-9, Hurricane, Utah 84737
 the following described premises, to-wit:

Lot 2 in Block 2 of **WILLOW BROOK SUBDIVISION**, Gooding County, Idaho,
 being a part of Parcel "C" of Robert L. Justice Ranch, located in
 part of the Northwest Quarter of the Southeast Quarter of Section 11,
 Township 7 South, Range 13, East of the Boise Meridian, according to
 the plat thereof, recorded August 13, 1979, as Instrument No. 78287,
 in the Office of the County Recorder of said County.

TOGETHER with 6 shares of water from Buckeye Ditch.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
 Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant
 to and with the said Grantee, that Grantor is the owner in fee simple of said
 premises; that said premises are free from all encumbrances except current years
 taxes, levies, and assessments, and except U. S. Patent reservations, restrictions,
 easements of record, and easements visible upon the premises, and that Grantor will
 warrant and defend the same from all claims whatsoever.

Dated: May 3, 1991.

Wesley Friesen
 Wesley Friesen

Anna Marie Friesen
 Anna Marie Friesen

STATE OF IDAHO)
) ss
 COUNTY OF Gooding)

On This 3 day of May, in the year 1991, before me, a Notary Public in and
 for said State, personally appeared Wesley Friesen and Anna Marie Friesen, known or
 identified to me to be the person whose name is subscribed to the within Instrument,
 and acknowledged to me that they executed the same.



Teresa L. Foster
 Notary Public for Idaho
 Residing at Gooding, Idaho

Commission Expires: 10/16/92 3-1-95

STATE OF IDAHO, COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN TITLE

23 min. past 1 o'clock P.M. this 6

of May, 1991

JOHN A. MYERS, Recorder

Alveta Sides 64300

First American Title Company of Idaho



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DATE OF CLOSING: 5-3-91

LEGAL DESCRIPTION OF PROPERTY: Township 7 South Range 13 East, B.M. MAY 13 1991
Section 11, 1/4 of NW 1/4 of SE 1/4, Govt. Lot , B.M.
Lot 2, Block, 2, Subdivision/Townsite Willow Brook Subdivision
If you have additional legal descriptions, please attach separate sheet.

Department of Water Resources
Southern Region Office

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A36-00039M
- ☐ Name and Address of Former Owner/Claimant(s)(Seller):
Wesley Friesen or Anna Marie Friesen
Route #2, Box #169
Buhl, Idaho 83316
- ☐ New Owner/Claimant (Purchaser):
Donald E. Van Wagoner or Dolores Van Wagoner
- ☐ New Mailing Address:
1465 West 300 South, 138-9
Hurrican, Utah 84737
- ☐ New Telephone Number: (801) 635 - 4173
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Copy of the recorded Warranty Deed.

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

- ☐ Signature of New Owner/Claimant(s): Donald E. Van Wagoner Date 5-3-91
Dolores Van Wagoner Date 5-3-91
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 8/6/91 By: jc

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 8/6/91 By: jc

Claim Numbers of Split, if any:

MICROFILMED
JAN 21 1993

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



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

06-Aug-1991

DONALD E. VAN WAGONER
DOLORES VAN WAGONER
1465 WEST 300 SOUTH 138-9
HURRICAN UT 84737

Re: Ownership Change for Adjudication Claim NO. A36-00039M -
FRIESEN

Dear Claimant(s):

Pursuant to the notification that you presently own the property in which the above referenced Adjudication Claim is appurtenant, the Department has changed the record of the current owner as you requested. Please find enclosed a copy of the computer record of the claim noting the change in claimant.

Please review the record and if you have any corrections or questions, please feel free to call this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Judy'.

Judy Givens
Adjudication Secretary

/jg

Enclosures
c.c. Cliff Jensen

MICROFILMED
JAN 21 1993

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00039M
Date Received: 3/ 5/1991
Receipt No: S013053
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANNA MARIE FRIESEN 208-543-5848
Address: RT. 2 BOX 169
BUHL, ID 83316

OR
Name: WESLEY FRIESEN 208-543-5848
Address: RT. 2 BOX 169
BUHL, ID 83316

2. Date of Priority: JAN 2, 1891

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	11	NW	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.
STOCKWATER	01/01	12/31	0.020		
IRRIGATION	03/15	11/15	0.040		
AESTHETIC	01/01	12/31	0.120		

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

8. Total consumptive use is 3.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER/1 HORSE; AESTHETIC/OPEN STREAM

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	NW	SE		IRR	1.0
			NW	SE		STOCK	
			NW	SE		AES	

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 AMOUNT OF WATER IS NEEDED BECAUSE THE SOIL IS VERY SANDY AND BECAUSE OF THE LOSS OF WATER BEING TRANSPORTED IN THE OPEN DITCHES. IN THE 1932 DECREE, IT STATES THAT THE WATER IS TRANSPORTED BY USE OF THE GRANGER DITCH. THE GRANGER DITCH HAS BEEN ABANDONED AND THE BUCKEYE DITCH HAS BEEN USED FOR YEARS TO TRANSPORT THE WATER FROM BILLINGSLEY CREEK TO THE SUBJECT PROPERTY.
POU AKA: LOT 2, BLOCK 2, WILLOW BROOK SUBD.

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): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

* per field Exam
7-24-90
SUC/HHT

✓ This block was not irrigated in 1987 per NAPP photo
any use developed after that year!
Disallow claims


Edwards, Howard
 ENGINEERS / P.A.

Edwards, Howard
ENGINEERS / P. AN

180



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. E, Twin Falls, Idaho 83301

(208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mar. 6, 1991

Re: A36-00039M

•ANNA MARIE FRIESEN
•RT 2 BOX 169
•BUHL ID 83316

Dear Claimant(s):

Please review the computer generated claim(s) for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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JAN 21 1993



BOX 201
HAGERMAN, ID
83332



RECEIVED

JAN 06 1992

Department of Water Resources
Southern Region Office

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

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JAN 21 1993

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. 36-00039M -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

061 1 11
NICHOLAS B. SPENCER

2. Person who filed objection:

Name: MAX J & BLANCHE WOOLLEY
Address: PO BOX 1215
BIG TIMBER MT 59011

3. If this response is filed by an attorney:

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

II. STATEMENT OF THE RESPONSE

3. ☒ Quantity: I respond to the objection concerning:
- 3a. ☒ The total quantity of water used in cubic feet per second.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
14. ☒ 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) IDWR recommended this right because information in its possession was sufficient to support recommendation of the standard amount for a simple domestic use; (2) the information currently in IDWR's possession is not sufficient to support a finding that a greater amount has been beneficially used; (3) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402); (4) 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 (5) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

In response to Statement of the Objection item 7, and all allegations of the objection regarding that item, IDWR responds that it recommended the same purpose or purposes of use that were identified on the notice of claim and that were found when the claim was investigated.

In response to Statement of the Objection item 10 and all allegations of the objection regarding this item, IDWR responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2) Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. (3) General provision 9 of the director's report states: "Where consumptive use is not stated for a right or a portion of a right, the consumptive use for that right or that portion of the right is so small that it is deemed de minimus." (4) IDWR did not include a consumptive use volume in its recommendation for this right because the consumptive use for this water right is deemed to be de minimus.

In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, IDWR responds that it has authority pursuant to Idaho Code Sec. 42-1411(2)(j) to include in its recommendations of water rights acquired under

(Over)

state law and recommended in the director's report "such other matters as are necessary to define the right." The remark or remarks objected to are necessary to adequately describe and define this water right.

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

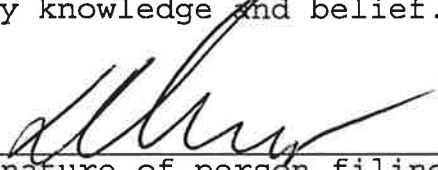
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

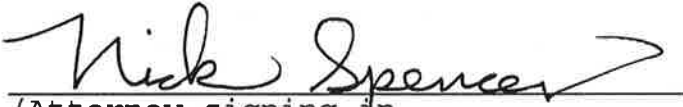
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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



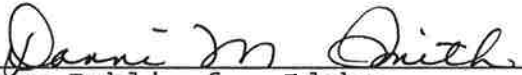
Signature of person filing response

By:



(Attorney signing in
representative capacity)

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



Notary Public for Idaho
Residing at: _____
My Commission Expires _____
Danni M. Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

(Over)

FILED
NOTED

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: 39356

Ident. Number

A36-00039 M

Date Received

2/26/91ADN

Receipt Number

5013053

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) WESLEY FRIESEN or ANNA MARIE FRIESEN Phone (208) 543-5848Mailing Address Route #2, Box #169, Buhl, Idaho 83316 Zip 833162. Date of Priority (Only one (1) per claim) January 2, 18913. Source of water supply (a) Billingsley Creek via Buckeye Ditch
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 7 South Range 13 East Section 11,
NW 1/4 of SE 1/4 of NE 1/4, Govt. Lot, B.M., County of GoodingAdditional points of diversion if any: Re-diverted from Buckeye Ditch in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 7 S.,
R. 13 E., B.M.

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

Township Range Section , 1/4 of 1/4 of 1/4,Govt. Lot B.M., County of ending point is: Township Range Section , 1/4 of 1/4 of 1/4, Govt. Lot B.M., County of 5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. From the concrete diversion on the bank of
Billingsley Creek, the water flows in an open ditch known as the Buckeye Ditch. The
water is re-diverted from the Buckeye Ditch by means of a concrete headgate and then is
transported to the property by an open ditch where the property is irrigated.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stockwater purposes from Jan. 1 to Dec. 31 amount 0.02 or _____
For Irrigation purposes from Mar. 15 to Nov. 15 amount 0.04 or _____
For Aesthetic purposes from Jan. 1 to Dec. 31 amount 0.12 or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.12 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1 horse and stream for aesthetic purposes

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7 S	13 E	11														S-J 1			1

Total number of acres irrigated 1 acre

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

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

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

14. Remarks:

This amount of water is needed because the soil is very sandy and because of the loss of water being transported in the open ditches.

In the 1932 decree, it states that the water is transported by use of the Granger Ditch. The Granger Ditch has been abandoned and the Buckeye Ditch has been used for years to transport the water from Billingsley Creek to the subject property.

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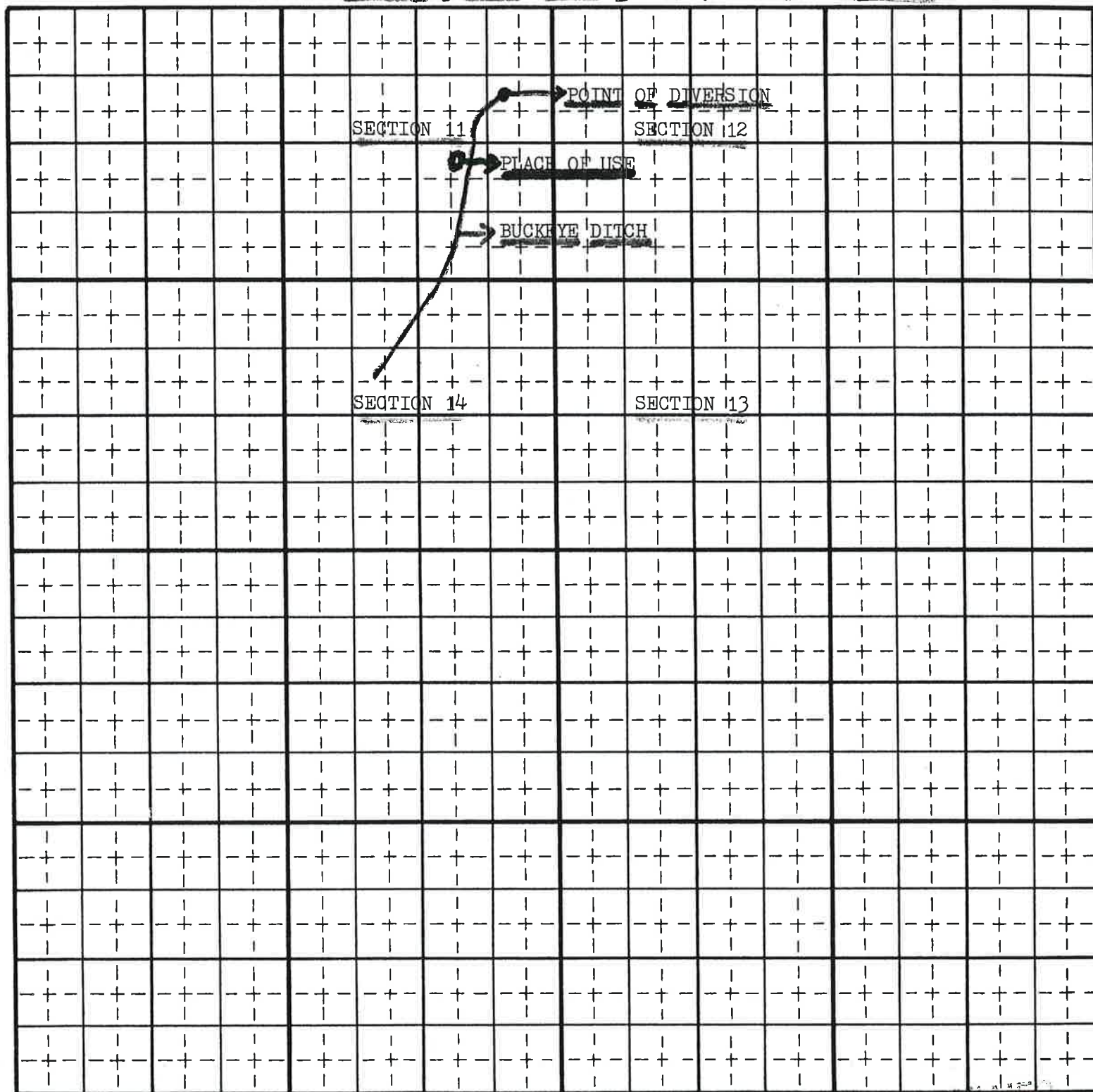
Last Name FRIESEN Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN



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JAN 21 1993

Last Name FRIESEN Ident No. _____

Copies: White-State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number Part of 36-0039

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

Plaintiff vs Defendant New International Mortgage Bank vs Idaho Power Company

16. Signature (s)

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

Number of attachments one (1)

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

Signature of Claimant (s) ✓ Wesley Friesen Date ✓ 2-26-91

Date _____

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

Title
of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 26th day of FEB. 19 91

SEAL

✓ Notary Public Clifton Jensen

Residing at HAILEMAN, ID.

My Commission Expires 5-10-91

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

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Last Name FRIESEN Ident. Number _____

Copies White-State, Yellow-Claimant

and is 729 feet south of the section line between said section 2 and 11; thence north 80 degrees 28' west 949 feet to a point (which point is 573.8 feet south of a point on the section line between said sections 2 and 11 in said Twp. and Range aforesaid 1320 feet west from the said quarter corner between sections 2 and 11 first above mentioned;)- thence north 80 degrees 28' west 199.1 feet to a point; thence south 23 degrees 40' west about 2269 feet to a point 290 feet east from the quarter corner on the west boundary line of section 11, Twp. 7 S. R. 13 E. B. M.; thence east along the south boundary line of Lot 3 of said Section 11 to the southeast corner of said Lot 3; thence north along the east boundary line of said Lot 3 to the northeast corner thereof; thence east along the south boundary line of Lot 2, in said section 11 to the southeast corner of said Lot 2; thence north along the east boundary line of said Lot 2 to the place of beginning.

JAN 21 1933

POOR ORIGINAL

038 Condit 5 Spring April 1, 1930 Huitt Spring
James E. (Said Huitt Spring is located on the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 19, Twp. 7 S. R. 14
and E.B.M.)
Jennie The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ (also known as Lot 3) of Section 19, Twp. 7 S. R. 14 E.B.M.
M. Condit

039 Dilatash 2.4 Billingsley Creek Jan. 2, 1891 Granger Ditch
04 " and 5 Spring Jan. 2, 1891 Unnamed Spring
Alice I. (Said unnamed spring arises in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 11, Twp. 7 S. R. 13
Dilatash, E. B. M. at a point 1065 feet north 2 degrees 2' west from the southeast corner of
and said tract of land. That the point of diversion of said Granger Ditch is on the
Charles C. bank of Billingsley Creek about 100 feet below the diversion point of said Buckeye
Carey Ditch and from the diversion point of said Granger Ditch the quarter section
corner common to secs. 11 and 12 Twp. 7 S. R. 13 E. B. M. bears south 31 degrees
27' east a distance of 333.4 ft)

Beginning at the southeast corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 11, Twp. 7 S. R.

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thence west along the forty line 1075'; thence north 23 degrees 49' east 520 feet; thence north 24 degrees 34' east 450 feet; thence south 81 degrees 26' east 593 feet to the east forty line, thence south along the forty line 1122 feet to the point of beginning.

041 Eliason,	.6	Spring	Dec. 12, 1901	Weatherby Springs;
Armedie				(Hoagland Tunnel)
042	.4	Spring	April 4, 1910	Weatherby Springs;

The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 36, Twp. 7 S. R. 13 E. B. M. excepting therefrom, however, the following described tract of land: Beginning at the quarter corner between Sections 25 and 36 of said township and range, running thence east 399 feet to the center of the public highway, thence in a southwesterly direction in the center of said highway 273 feet, thence westerly along the north bank of the Clifford Ditch 370 feet, to the west boundary line of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 36, thence north along said west boundary line 257 feet to the point of beginning, said tract of land excepted containing 2.2 acres, more or less, and the property herein described containing 37.8 acres, more or less.

04- Eliason	1.6	Len Lewis Spring	Sept. 1, 1889	Brailsford-Owens Ditch
Jacob and				
044 Carrie I.	.7	Spring	March 8, 1902	Weatherby Springs;

The SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M.; also that certain portion of the northwest corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 36, in Twp. 7 S. R. 13 E. B. M. in Idaho, more particularly described as follows, to-wit: Beginning at the quarter corner between sections 25 and 36 in said Twp. 7 S. R. 13 E. B. M. running thence east a distance of 399 feet to the center of the public highway, thence in

FILED JAN 2 1910

POOR ORIGINAL

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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

IDWR'S RESPONSE TO ANSWER, AFFIRMATIVE DEFENSES AND PRAYER FOR
RELIEF OF CLAIMANT, Page 1

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- 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.

RECEIVED

JAN 11 1993

Department of Water Resources
Southern Region Office

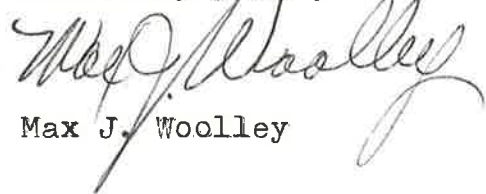
Big Timber, MT 59011
P.O. Box 1215
January 6, 1993

Jeanie Robertson
Records Clerk
IDWR/Southern Region
222 Shoshone Street East
Twin Falls, ID 83301

Dear Ms. Robertson:

Thank you for responding so quickly to my request for copies of my file. Enclosed is my personal check in the amount of \$6.37 for the cost of the copies and postage.

Sincerely yours,


Max J. Woolley

pd. 1-11-93
receipt # SD15273

MICROFILMED

OCT 11 1994

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

5015273

Receipt No:

1/11/1993
13:16:46

Date:
Time:

WOOLLEY, MAX J

Received
From:

64100

229 21 1760

6.37

Type of Payment

Program Acct Class

Amount

CHECK

2675

Total

\$6.37

Region: SOUTHERN

Signature: *Janis Robertson*

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

31-Dec-1992

MAX J WOOLEY
PO BOX 1215
BIG TIMBER MT 59011

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

Dear Mr. Wooley:

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

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

\$6.37

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

MICROFILMED
OCT 11 1994

RECEIVED

DEC 31 1992

Department of Water Resources
Southern Region Office

Big Timber, MT 59011
P.O. Box 1215
December 28, 1992

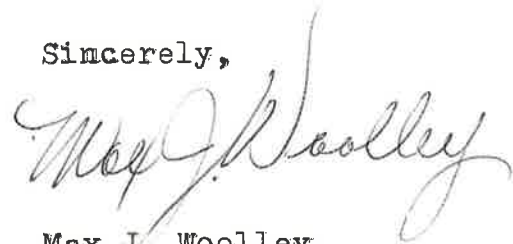
Manager
Idaho Dept. of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

Dear Manager:

Will you please send me a copy of everything in my
file, Number A36-00039M.

If you will let me know the charge for this service
I will be happy to forward the necessary funds for
reimbursement. Thank you.

Sincerely,



Max J. Woolley

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OCT 11 1994

RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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

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

Case No. A36-00039M
(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,

36-00039M -0001/
93-04-0041

Respondents.

INSTRUCTIONS

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

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

(Over)

MICROFILMED

OCT 11 1994

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Max J. and Blanche Woolley

Address: P.O. Box 1215

Big Timber, MT 59011

Briefly describe your interest in this water right:

Decreed water right pursuant to 3/22/1932

decision in New International Mortgage Bank v.

Idaho Power Company with a priority date of

2/1/1891

2. Owner of the water right:

Name: Max J. and Blanche Woolley

Address: P.O. Box 1215

Big Timber, MT 59011

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)

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OCT 11 1994

- 1 Mar
UNRESOLVED
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.

Maximum quantity: as decreed; purpose of use: irrigation, stock
water & aesthetic; strike all remarks other than water is
delivered through Buckeye Ditch

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 Blaine Falls

Max J. and Blanche Woolley, 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.

Max J. Woolley & Blanche Woolley
Signature of person filing objection

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

Subscribed and sworn to before me this 21 day of April,
1993.

 Linda M. Rousseau
Notary Public for Idaho
Residing at: Blaine Falls, ID
My Commission Expires: 9-11-93

(Over)

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:

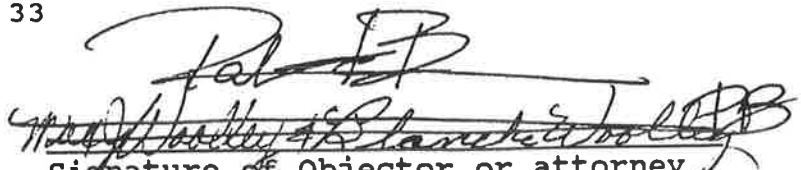
Owner name: Max J. and Blanche Woolley
Owner's address: P.O. Box 1215
Big Timber, MT 59011

3. One copy to:

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

4. One copy to:

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


Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

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

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

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

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.

DECLASSIFIED
AUTHORITY: 101-101

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.

041 1 1 1001
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16. DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE. (DRP-I at page 15 - 16)

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

MICROFILMED

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.

JAN 19 1964
FBI - IDAHO

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.

OBJECTION

AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

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

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

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

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

MICROFILMED
OCT 11 1994

(WATER\21530ANS)

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



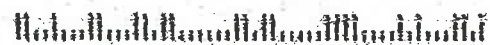
MICROFILMED
JAN 21 1993

Max J. Woolley
P.O. Box 1215
Big Timber, MT 59011



JAN 11 1993
Department of Water Resources
Southern Region Office

Jeanie Robertson, Records Clerk
IDWR/Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301



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OCT 11 1994

NOTICE OF ERROR FORM

AUG-24-1992

RECEIVED

SEP 10 1992

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

Idaho Department of Water Resources

Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

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

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

1. Water right number: A36-00039M
2. Name: Max J. Woolley & Blanche Woolley
Address: P.O. Box 1215
Big Timber, MT 59011

Weekday Telephone Number: (406) 932-5641

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

MICROFILMED
JAN 21 1993

MICROFIL

JAN 21

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

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

We disagree with this proposed recommendation to disallow this water right that we purchased with our property in Hagerman 9 December, 1991.

4. Describe the changes you wish to have made in the proposed recommendation:
The changes that we wish to make are, to have the water rights remain as they were prior to this proposed disallowance.

5. Describe why you disagree with the proposed recommendation:

At the time we purchased this land and water right my 97 year old father was ill and not expected to live. We intended to relocate to Hagerman should his condition worsen. He has since recovered making it advisable to remain in this area for the present time.

Our goal there in Hagerman was to build and plant fruit trees to
6. Date: supplant our retirement income. This water in question would greatly help with the cultivation of these trees. When we purchased the property and water rights there in Hagerman, we did

SIGNATURE

so with full intention to use it at a later date.

Dated: 8 September 1992

Max J. Woolley
Max J. Woolley

final recommendation
HHT 10-21-92

Water Right Number - R36-00039M

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
WOOLLEY

MAX J

1 - PO BOX 1215

2 -

3 -

City- BIG TIMBER

State- MT Zip- 59011

Phone - 406-932-5641

WOOLLEY

BLANCHE

1 - PO BOX 1215

2 -

3 -

City- BIG TIMBER

State- MT Zip- 59011

Phone - 406-932-5641

*** O - ORIGINAL OWNER ***
FRIESEN

WESLEY

1 - RT 2 BOX 169

2 -

3 -

City- BUHL

State- ID Zip- 83316

Phone - 208-543-5848

FREISEN

ANNA MARIE

1 - RT 2 BOX 169

2 -

3 -

City- BUHL

State- ID Zip- 83316

Phone - 208-543-5848

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/02/1891 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER

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

Twn Rng Sec Tract Lot Rflg County
07S 13E 11 SE SE NE (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

43 - DOMESTIC 01/01 12/31 0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.040 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

07S 13E 11 NW SE 43 DOMESTIC (47) GOODING

Total Acres:

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JAN 21 1993

Water right number - R36-00039M Prefix Translation: RESEARCH

+ - - Diversion Means - VIA BUCKEYE DITCH
+ - - Non-Irrigation Use - DOMESTIC, 1 HOME
+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +
WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOT 2, BLOCK 2, WILLOWBROOK
SUBDIVISION.
THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED
ABOVE FOR DOMESTIC PURPOSES AT A POINT OF MEASUREMENT WHERE THE
DELIVERY DITCH ENTERED THE PLACE OF USE DESCRIBED ABOVE.
THIS RIGHT MAY BE DIVERTED SO LONG AS THE AMOUNT OF WATER
DIVERTED AT THE POINT OF DIVERSION FOR DOMESTIC PURPOSES DOES NOT
CONSTITUTE UNREASONABLE WASTE AND DOES NOT CONFLICT WITH THE
PUBLIC INTEREST, AS DETERMINED BY THE DIRECTOR.

+ - - - - - Old Water Right Numbers - - - - - +
3600039

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

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +
Date: 01/07/1992 User Id: GIVENS Subject: OWNERSHIP CHANGE
OWNERSHIP CHANGE 1/6/92 BY JG.
Date: 02/05/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS
THIS AMOUNT OF WATER IS NEEDED BECAUSE THE SOIL IS VERY SANDY AND BECAUSE OF THE LOSS OF WATER BEING TRANSPORTED IN THE OPEN DITCH-
ES. IN THE 1932 DECREE, IT STATES THAT THE WATER IS TRANSPORTED BY USE OF THE GRANGER DITCH. THE GRANGER DITCH HAS BEEN ABAND-
ONED AND THE BUCKEYE DITCH HAS BEEN USED FOR YEARS TO TRANSPORT THE WATER FROM BILLINGSLEY CREEK TO THE SUBJECT PROPERTY.
POU AKA: LOT 2, BLOCK 2, WILLOW BROOK SUBD. *****
OWNERSHIP CHANGE 7/2/91 BY AA.
Date: 08/04/1992 User Id: CHRISTEN Subject: BASIS FOR DISALLOWAL
NO DEVELOPMENT OR DIVERSION EXISTS ON THIS LOT SINCE 1980.
Date: 09/14/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/10/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/4/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/20/1992 User Id: SOUTH3 Subject: NO CHANGE TO RECOMMENDATION
Date: 10/22/1992 User Id: THORNTON Subject: CHANGE IN RECOMMENDATION
THE RECOMMENDATION HAS BEEN CHANGED TO ALLOW FOR DOMESTIC USE BASED ON DISCUSSION WITH IDWR ATTORNEY, ON THE BASIS THAT THE
DITCH IS THE DEVELOPED DIVERSION SYSTEM ALTHOUGH NO DEVELOPMENT HAS OCCURRED.

+ - - Audit Fields - - +
10/22/92 THORNTON

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JAN 21 1993

Water right number - R36-00039M

Prefix Translation: RESEARCH

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/24/1990	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	- 02/26/1991	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S013053	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	- C

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JAN 21 1993

INTER-DEPARTMENT MEMO

TO: File

SUBJECT: Subdiv lots

FROM: Allen

DATE: 10/21/92

Phone Conv. with Lynne K-H. She called & indicated to allow Domestic Use for those lots that have constructed diversions (pipelines & for ditches). The domestic use shall be allowed for the irrigation season only and there will not need to be any special condition or remark.

() For your information

() Response required


signature

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JAN 21 1993

DECREED RIGHT SPLIT ANALYSIS

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

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>0</u>	<u>-</u>	<u>0.03</u>
B	<u>0.12</u>	<u>0.03</u>	<u>N</u>	<u>0</u>	<u>-</u>	<u>0.06</u>
(C)	<u>0.28</u>	<u>0.06</u>	<u>N</u>	<u>0</u>	<u>-</u>	<u>0.06</u>
D	<u>0.26</u>	<u>0.06</u>	<u>N</u>	<u>0</u>	<u>-</u>	<u>0.03</u>
E	<u>0.04</u>	<u>0.03</u>	<u>N</u>	<u>0</u>	<u>-</u>	<u>0.03</u>
F	<u>0.12</u>	<u>0.03</u>	<u>N</u>	<u>0</u>	<u>-</u>	<u>0.04</u>
G	<u>0.04</u>	<u>0.04</u>	<u>N</u>	<u>0</u>	<u>-</u>	
H	<u>disallowed</u>			<u>0</u>	<u>-</u>	
J	<u>disallowed</u>			<u>0</u>	<u>-</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>0</u>	<u>-</u>	<u>0.03</u>
M	<u>disallowed</u>			<u>0</u>	<u>-</u>	
N	<u>disallowed</u>			<u>0</u>	<u>-</u>	
P	<u>disallowed</u>			<u>0</u>	<u>-</u>	<u>0.48</u>

10-22-92 Additional Review

Willowbrook Sub. - A36-00039H - 0.04
 00039J - 0.04
 00039M - 0.04
 00039N - 0.04
 00039P - 0.04

minimal
conveyance
loss

Based on discussion w/ Lynn K-H, IDWR will allow domestic w/irrig. season for the lots in Willowbrook Subd. for lots w/o development due to the existence of the ditch available in the subd. HHT

Parent rights:

36-00039A 2.136 14 ac.
 36-00039B 0.26 2 ac.

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JAN 21 1993

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



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

16-Oct-1992

MAX J WOOLLEY
PO BOX 1215
BIG TIMBER MT 59011

RE: RESPONSE TO NOTICE OF ERROR FOR CLAIM 36-00039M.

Dear Mr Woolley

This claim has been disallowed based on the non-use of the water right as described by the claim. Based upon currently available information I am unable to reinstate your claim. Intentions of future development does not constitute beneficial use of a water right.

If you still do not agree with the proposed IDWR recommendations to the court, you may file an objection with the court after you receive the final recommendation of your water right. The objection process will be explained when you receive your final recommendation of your water right.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

MICROFILMED
JAN 21 1993 MED
JAN 21 1993

R PROOF

CVR

MAPS

PHOTOS

MISC



MICROFILMED

JAN 21 1966

Water Right Number - R36-00039M

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
WOOLLEY

MAX J

1 - PO BOX 1215

2 -

3 -

City- BIG TIMBER

State- MT Zip- 59011

Phone - 406-932-5641

WOOLLEY

BLANCHE

1 - PO BOX 1215

2 -

3 -

City- BIG TIMBER

State- MT Zip- 59011

Phone - 406-932-5641

*** O - ORIGINAL OWNER ***
FRIESEN

WESLEY

1 - RT 2 BOX 169

2 -

3 -

City- BUHL

State- ID Zip- 83316

Phone - 208-543-5848

FREISEN

ANNA MARIE

1 - RT 2 BOX 169

2 -

3 -

City- BUHL

State- ID Zip- 83316

Phone - 208-543-5848

+ - - Priority Date - - +
01/02/1891+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +

+ - - Status - - - +
I - DISALLOWED+ - - - - Source - - - - - +
BILLINGSLEY CREEK+ - - - - Tributary - - - - - +
SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

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

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

04 - STOCKWATER	01/01	12/31	0.020
01 - IRRIGATION	04/01	10/31	0.040
52 - AESTHETIC	01/01	12/31	0.120

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.120 3.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

07S	13E	11	NW SE	1.0	01	IRRIGATION	(47) GOODING
07S	13E	11	NW SE		04	STOCKWATER	(47) GOODING
07S	13E	11	NW SE		52	AESTHETIC	(47) GOODING

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JAN 21 1993

Prefix Translation: RESEARCH

Total Acres: 1.0

+ - - Other Rights for Same Use - NONE

Conditions of Approval - - - - -

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

[illegible]

OWNERSHIP CHANGE 1/6/92 BY JG.

POU AKA: LOT 2, BLOCK 2, WILLOW BROOK SUBD.

NO DEVELOPMENT OR DIVERSION EXISTS ON THIS LOT SINCE 1980.

08/04/92 CHRISTEN

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/24/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/04/1992	Old Judicial District	-
Claim Received Date	- 02/26/1991	Last Amended Date	- 00/00/0000	Temporary Right	- P

1992 12 21

Water right number - R36-00039M

Prefix Translation: RESEARCH

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

Receipt Number	- S013053	Water District	-
POU Ownership Flag	- Y	Federal/State Indicator	- S
Name Connector	- AND/OR	Presumption Flag	-
		Notice of Error Flag	-

MICROFILMED

JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:52:59
03/06/91

PAGE: 17
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00039M

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		see/HHT 7/24/90	DISALLOW		SCW 2-5-92	OB	KKE 8-4-92
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

"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.

* DISALLOW

POY

FILED
JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:52:59
03/06/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00039M

LAST: FRIESEN
ADDRESS: RT. 2 BOX 169
CITY: BUHL
PHONE NUMBER: 208-543-5848

OWNER CODE: C

FIRST: ANNA MARIE

STATE: ID ZIP: 83316

LAST: FRIESEN
ADDRESS: RT. 2 BOX 169
CITY: BUHL
PHONE NUMBER: 208-543-5848

FIRST: WESLEY

STATE: ID ZIP: 83316

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: THIS AMOUNT OF WATER IS NEEDED BECAUSE THE SOIL IS VERY SANDY AND
BECAUSE OF THE LOSS OF WATER BEING TRANSPORTED IN THE OPEN DITCH-
ES. IN THE 1932 DECREE, IT STATES THAT THE WATER IS TRANSPORTED
BY USE OF THE GRANGER DITCH. THE GRANGER DITCH HAS BEEN ABAND-
ONED AND THE BUCKEYE DITCH HAS BEEN USED FOR YEARS TO TRANSPORT
THE WATER FROM BILLINGSLEY CREEK TO THE SUBJECT PROPERTY.
POU AKA: LOT 2, BLOCK 2, WILLOW BROOK SUBD.

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CONTACT PERSON: NONE

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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See ASCS slide photo

This subdivision began in 1980 at the time of the photo.
This lot was still Bare and Vacant at the time of the
field Exam in 7-24-90.

See
2-5-92

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

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

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

REMARKS: SOME USES DEVELOPED (3) AFTER A.J.

RECOMMENDED PRIORITY DATE:

REVIEWED BY

DATE

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

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

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-04115	R36-00113F
A36-04261	R36-00087
A36-10588	R36-10283B
A36-00113F	R36-00034F
A36-00039J	R36-00113B
A36-00096A	R36-10588
A36-00103C	R36-00024
A36-10316	R36-00034B
A36-10283	R36-00067
A36-10283A	R36-00034E
A36-10283B	R36-10316
A36-00113B	R36-00021A
A36-00113G	R36-00021B
A36-00103D	R36-10283A
	R36-10383A
	R36-00113J
	R36-00113G
	R36-00113H

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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33

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

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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

REMARKS:

NO DIVERSION FOUND

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC. 1/4 1/4 1/4 LOT COUNTY

SOURCE:

TRIB:

REVIEWED BY:

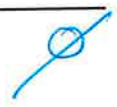
DATE: 3-6-91

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
R36-00039K
R36-00039E
R36-00039B
R36-00039C
R36-00039D
R36-00039F
R36-00039G
R36-00039L
A36-00039M

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B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	11	NW	SE		FRIESEN , ANNA MARIE	A36-00039M / 1.0	- /	38.0		
			NW	SE		FLINT , WILLIAM E.	R36-00110A / 2.0	- /			
			NW	SE		FLINT , WILLIAM E.	R36-00111A / 2.0	- /			
			NW	SE		FLINT , WILLIAM E.	R36-00112A / 12.0	36-00112A / 13.0			
			NW	SE		VEENENDAAL , SIGRID E.	A36-10071 /	- /			
			NW	SE		WALMSLEY , FRED J.	A36-10083 /	- /			
			NW	SE		BOTHWELL , BRUCE	A36-10673 /	- /			
			NW	SE		MC FADDAN , MATTHEW D.	A36-00039G / 1.3	- /			
			NW	SE		BOTHWELL , BRUCE	A36-00040A / 1.0	- /			
			NW	SE		FLINT , WILLIAM E.	A36-00110A / 2.0	- /			
			NW	SE		MCFADDAN , MATTHEW D.	A36-00050A /	- /			
			NW	SE		SHOKAL , RUTH C.	A36-00039B / 0.9	36-00039B / 2.0			
			NW	SE		VEENENDAAL , DICK J.	A36-00039C / 2.0	- /			

NW	SE	WALMSLEY , SUSAN K.	A36-00039D / 2.0	-	/	
NW	SE	BOTHWELL , BRUCE	A36-00039F / 1.0	-	/	
NW	SE	JOHNSON , MILDRED A.	A36-00039H / 2.0	-	/	
NW	SE	POTTER , MARK B.	A36-00039J / 2.0	-	/	
NW	SE	EASTERDAY , RAY R.	A36-00039K /	-	/	
NW	SE	PUGMIRE , E. MARION	A36-00039L / 1.0	-	/	
NW	SE	MCFADDAN , MATTHEW D.	R36-00050A /	-	/	
NW	SE	MC FADDAN , DAN	R36-02169 /	36-02169	/	8.0
NW	SE	BOTHWELL , BRUCE	R36-10673 /	-	/	
NW	SE	SHOKAL , RUTH C.	R36-00039B / 0.9	-	/	
NW	SE	VEENENDAAL , DICK J.	R36-00039C / 2.0	-	/	
NW	SE	WALMSLEY , SUSAN K.	R36-00039D / 2.0	-	/	
NW	SE	BOTHWELL , BRUCE	R36-00039F / 1.0	-	/	
NW	SE	MC FADDAN , LINDA L.	R36-00039G / 1.3	-	/	
NW	SE	PUGMIRE , E. MARION	R36-00039L / 1.0	-	/	
NW	SE	FLINT , WILLIAM E.	A36-00112A /12.0	-	/	
NW	SE	FLINT , WILLIAM E.	A36-00111A / 2.0	-	/	
NW	SE	MC FADDAN , DAN	A36-02169 /	-	/	
NW	SE	POPE , LOLA	R36-00112B / 3.0	36-00112B	/	
NW	SE	EASTERDAY , RAY R.	R36-00039K /	-	/	
NW	SE	DILATUSH , E. W.		36-00039A	/	14.0
NW	SE	DILATUSH , E. W.		36-00040	/	
NW	SE	TROVILLO , D. C.		36-00110	/	
NW	SE	TROVILLO , D. C.		36-00111	/	

07S 13E 11 NW SE FRIESEN , ANNA MARIE A36-00039M / - / 38.0

NW	SE	FLINT , WILLIAM E.	R36-00110A / 2.0	-	/	
NW	SE	FLINT , WILLIAM E.	R36-00111A / 2.0	-	/	
NW	SE	FLINT , WILLIAM E.	R36-00112A /12.0	36-00112A	/	13.0
NW	SE	VEENENDAAL , SIGRID E.	A36-10071 /	-	/	
NW	SE	WALMSLEY , FRED J.	A36-10083 /	-	/	
NW	SE	BOTHWELL , BRUCE	A36-10673 /	-	/	
NW	SE	MC FADDAN , MATTHEW D.	A36-00039G / 1.3	-	/	
NW	SE	BOTHWELL , BRUCE	A36-00040A / 1.0	-	/	
NW	SE	FLINT , WILLIAM E.	A36-00110A / 2.0	-	/	
NW	SE	MCFADDAN , MATTHEW D.	A36-00050A /	-	/	
NW	SE	SHOKAL , RUTH C.	A36-00039B / 0.9	36-00039B	/	2.0
NW	SE	VEENENDAAL , DICK J.	A36-00039C / 2.0	-	/	
NW	SE	WALMSLEY , SUSAN K.	A36-00039D / 2.0	-	/	
NW	SE	BOTHWELL , BRUCE	A36-00039F / 1.0	-	/	
NW	SE	JOHNSON , MILDRED A.	A36-00039H / 2.0	-	/	
NW	SE	POTTER , MARK B.	A36-00039J / 2.0	-	/	
NW	SE	EASTERDAY , RAY R.	A36-00039K /	-	/	
NW	SE	PUGMIRE , E. MARION	A36-00039L / 1.0	-	/	
NW	SE	MCFADDAN , MATTHEW D.	R36-00050A /	-	/	
NW	SE	MC FADDAN , DAN	R36-02169 /	36-02169	/	8.0
NW	SE	BOTHWELL , BRUCE	R36-10673 /	-	/	
NW	SE	SHOKAL , RUTH C.	R36-00039B / 0.9	-	/	
NW	SE	VEENENDAAL , DICK J.	R36-00039C / 2.0	-	/	
NW	SE	WALMSLEY , SUSAN K.	R36-00039D / 2.0	-	/	
NW	SE	BOTHWELL , BRUCE	R36-00039F / 1.0	-	/	
NW	SE	MC FADDAN , LINDA L.	R36-00039G / 1.3	-	/	
NW	SE	PUGMIRE , E. MARION	R36-00039L / 1.0	-	/	
NW	SE	FLINT , WILLIAM E.	A36-00112A /12.0	-	/	
NW	SE	FLINT , WILLIAM E.	A36-00111A / 2.0	-	/	
NW	SE	MC FADDAN , DAN	A36-02169 /	-	/	
NW	SE	POPE , LOLA	R36-00112B / 3.0	36-00112B	/	
NW	SE	EASTERDAY , RAY R.	R36-00039K /	-	/	
NW	SE	DILATUSH , E. W.		36-00039A	/	14.0

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NW	SE	DILATUSH , E. W.	36-00040 /
NW	SE	TROVILLO , D. C.	36-00110 /
NW	SE	TROVILLO , D. C.	36-00111 /

07S 13E 11	NW	SE	FRIESEN , ANNA MARIE	A36-00039M /	-	/	38.0
	NW	SE	FLINT , WILLIAM E.	R36-00110A / 2.0	-	/	
	NW	SE	FLINT , WILLIAM E.	R36-00111A / 2.0	-	/	
	NW	SE	FLINT , WILLIAM E.	R36-00112A /12.0	36-00112A /13.0	/	
	NW	SE	VEENENDAAL , SIGRID E.	A36-10071 /	-	/	
	NW	SE	WALMSLEY , FRED J.	A36-10083 /	-	/	
	NW	SE	BOTHWELL , BRUCE	A36-10673 /	-	/	
	NW	SE	MC FADDAN , MATTHEW D.	A36-00039G / 1.3	-	/	
	NW	SE	BOTHWELL , BRUCE	A36-00040A / 1.0	-	/	
	NW	SE	FLINT , WILLIAM E.	A36-00110A / 2.0	-	/	
	NW	SE	MCFADDAN , MATTHEW D.	A36-00050A /	-	/	
	NW	SE	SHOKAL , RUTH C.	A36-00039B / 0.9	36-00039B / 2.0	/	
	NW	SE	VEENENDAAL , DICK J.	A36-00039C / 2.0	-	/	
	NW	SE	WALMSLEY , SUSAN K.	A36-00039D / 2.0	-	/	
	NW	SE	BOTHWELL , BRUCE	A36-00039F / 1.0	-	/	
	NW	SE	JOHNSON , MILDRED A.	A36-00039H / 2.0	-	/	
	NW	SE	POTTER , MARK B.	A36-00039J / 2.0	-	/	
	NW	SE	EASTERDAY , RAY R.	A36-00039K /	-	/	
	NW	SE	PUGMIRE , E. MARION	A36-00039L / 1.0	-	/	
	NW	SE	MCFADDAN , MATTHEW D.	R36-00050A /	-	/	
	NW	SE	MC FADDAN , DAN	R36-02169 /	36-02169 / 8.0	/	
	NW	SE	BOTHWELL , BRUCE	R36-10673 /	-	/	
	NW	SE	SHOKAL , RUTH C.	R36-00039B / 0.9	-	/	
	NW	SE	VEENENDAAL , DICK J.	R36-00039C / 2.0	-	/	
	NW	SE	WALMSLEY , SUSAN K.	R36-00039D / 2.0	-	/	
	NW	SE	BOTHWELL , BRUCE	R36-00039F / 1.0	-	/	
	NW	SE	MC FADDAN , LINDA L.	R36-00039G / 1.3	-	/	
	NW	SE	PUGMIRE , E. MARION	R36-00039L / 1.0	-	/	
	NW	SE	FLINT , WILLIAM E.	A36-00112A /12.0	-	/	
	NW	SE	FLINT , WILLIAM E.	A36-00111A / 2.0	-	/	
	NW	SE	MC FADDAN , DAN	A36-02169 /	-	/	
	NW	SE	POPE , LOLA	R36-00112B / 3.0	36-00112B /	/	
	NW	SE	EASTERDAY , RAY R.	R36-00039K /	-	/	
	NW	SE	DILATUSH , E. W.		36-00039A /14.0	/	
	NW	SE	DILATUSH , E. W.		36-00040 /	/	
	NW	SE	TROVILLO , D. C.		36-00110 /	/	
	NW	SE	TROVILLO , D. C.		36-00111 /	/	

TOTAL ACRES	A36-00039M	1.00	114.00
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ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(~~X~~)
 IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

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PRESUMPTION FLAG:

REMARKS:

NO USES FOUND. BARE LOT NO DELIVERY

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RECOMMENDATIONS:

TOTAL ACRES: 0

REVIEWED BY: SC

DATE: 3-6-91

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00039M STOCKWATER	FROM 01-01 TO 12-31	.020 CFS
A36-00039M IRRIGATION	FROM 03-15 TO 11-15	.040 CFS
A36-00039M AESTHETIC	FROM 01-01 TO 12-31	.120 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.120 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>X</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	<u>X</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	<u>X</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(X)

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

NONE FOUND

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 0.120 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

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

Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00039M	BILLINGSLEY CREEK	FRIESEN , ANNA MARIE	0.120	0.120		
R36-00110A	BILLINGSLEY CREEK	FLINT , WILLIAM E.	0.360	0.018	76.00	4.00
A36-00040A	SPRING	BOTHWELL , BRUCE	0.020	0.020		
A36-00110A	BILLINGSLEY CREEK	FLINT , WILLIAM E.	1.160	0.061	76.00	4.00
A36-00039B	BILLINGSLEY CREEK	SHOKAL , RUTH C.	0.120	0.133		
A36-00039C	BILLINGSLEY CREEK	VEENENDAAL , DICK J.	0.280	0.140		
A36-00039D	BILLINGSLEY CREEK	WALMSLEY , SUSAN K.	0.260	0.130		
A36-00039F	BILLINGSLEY CREEK	BOTHWELL , BRUCE	0.120	0.120		
A36-00039H	BILLINGSLEY CREEK	JOHNSON , MILDRED A.	0.280	0.140		
A36-00039J	BILLINGSLEY CREEK	POTTER , MARK B.	0.280	0.140		
A36-00039K	BILLINGSLEY CREEK	EASTERDAY , RAY R.	0.200	0.015	50.80	3.90
A36-00039L	BILLINGSLEY CREEK	PUGMIRE , E. MARION	0.120	0.120	4.00	4.00
R36-02169	FLORENCE LIVESTOCK SPRING	MC FADDAN , DAN	0.140	0.031	18.00	4.00
R36-00039B	BILLINGSLEY CREEK	SHOKAL , RUTH C.	0.030	0.033	3.60	4.00
R36-00039C	BILLINGSLEY CREEK	VEENENDAAL , DICK J.	0.060	0.030	8.00	4.00
R36-00039D	BILLINGSLEY CREEK	WALMSLEY , SUSAN K.	0.060	0.030	8.00	4.00
R36-00039F	BILLINGSLEY CREEK	BOTHWELL , BRUCE	0.030	0.030	4.00	4.00
R36-00039G	BILLINGSLEY CREEK	MC FADDAN , LINDA L.	0.040	0.030	5.20	4.00

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RIGHT	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
R36-00039L	BILLINGSLEY CREEK	PUGMIRE , E. MARION	0.030	0.030	4.00	4.00
A36-00112A	BILLINGSLEY CREEK	FLINT , WILLIAM E.	0.800	0.066	48.00	4.00
A36-00111A	BILLINGSLEY CREEK	FLINT , WILLIAM E.	0.380	0.020	76.00	4.00
A36-02169	SPRING	MC FADDAN , DAN	0.205	0.037		
R36-00112B	BILLINGSLEY CREEK	POPE , LOLA	0.480	0.026	72.00	4.00
R36-00039K	BILLINGSLEY CREEK	EASTERDAY , RAY R.	0.200	0.015	52.00	4.00

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-00039M	STOCKWATER	FRIESEN , ANNA MARIE	FROM 01-01 TO 12-31	.020 CFS	
A36-00039M	AESTHETIC	FRIESEN , ANNA MARIE	FROM 01-01 TO 12-31	.120 CFS	
A36-10071	DOMESTIC	VEENENDAAL , SIGRID E.	FROM 01-01 TO 12-31	.040 CFS	
A36-10083	DOMESTIC	WALMSLEY , FRED J.	FROM 01-01 TO 12-31	.040 CFS	
A36-10673	DOMESTIC	BOTHWELL , BRUCE	FROM 01-01 TO 12-31	.040 CFS	
A36-00050A	DOMESTIC	MCFADDAN , MATTHEW D.	FROM 01-01 TO 12-31	.040 CFS	
A36-00039J	STOCKWATER	POTTER , MARK B.	FROM 01-01 TO 12-31	.020 CFS	
A36-00039J	AESTHETIC	POTTER , MARK B.	FROM 01-01 TO 12-31	.200 CFS	
A36-00039K	STOCKWATER	EASTERDAY , RAY R.	FROM 01-01 TO 12-31	.020 CFS	
R36-00050A	DOMESTIC	MCFADDAN , MATTHEW D.	FROM 01-01 TO 12-31	.040 CFS	
R36-02169	DOMESTIC	MC FADDAN , DAN	FROM 01-01 TO 12-31	.040 CFS	
R36-10673	DOMESTIC	BOTHWELL , BRUCE	FROM 01-01 TO 12-31	.040 CFS	
A36-02169	DOMESTIC	MC FADDAN , DAN	FROM 01-01 TO 12-31	.040 CFS	
R36-00039K	STOCKWATER	EASTERDAY , RAY R.	FROM 01-01 TO 12-31	.020 CFS	

MICROFILMED
JAN 21 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES x 0.02 CFS/ACRE = 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() ***

2. IRRIGATION CONSUMPTIVE USE

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

3. IRRIGATION DIVERSION VOLUME

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

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

RECORDED
JAN 21 1993

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AF/A

REC. CONS.
USE

DATABASE EXAMINER

DATABASE EXAMINER

DATABASE EXAMINER

DISALLOW

TOTAL FOR THIS RIGHT

REVIEWED BY:

SEC

DATE:

3-6-91

REPRODUCTION

JAN 21 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
()	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00039

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
10.104

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	R36-00039B	0.030	36-00039B	0.260
A36-00039A	A36-00039C	0.280	R36-00039C	0.060	36-00039A	2.136
A36-00039B	A36-00039C	0.280	R36-00039C	0.060	36-00039B	0.260
A36-00039	A36-00039D	0.260	R36-00039D	0.060	36-00039	
A36-00039A	A36-00039E	0.040	R36-00039E	0.040	36-00039A	2.136
A36-00039B	A36-00039E	0.040	R36-00039E	0.040	36-00039B	0.260
A36-00039	A36-00039F	0.120	R36-00039F	0.030	36-00039	
A36-00039	A36-00039G	0.100	R36-00039G	0.040	36-00039	
A36-00039	A36-00039H	0.280	R36-00039H	0.280	36-00039	
A36-00039	A36-00039J	0.280	R36-00039J	0.040	36-00039	
A36-00039	A36-00039K	0.200	R36-00039K	0.200	36-00039	
A36-00039	A36-00039L	0.120	R36-00039L	0.030	36-00039	
A36-00039	R36-00039K	0.200	R36-00039K	0.200	36-00039	
A36-00039A	R36-00039E	0.040	R36-00039E	0.040	36-00039A	2.136
A36-00039B	R36-00039E	0.040	R36-00039E	0.040	36-00039B	0.260
-	R36-00039B	0.030	R36-00039B	0.030	36-00039B	0.260
A36-00039A	R36-00039C	0.060	R36-00039C	0.060	36-00039A	2.136
A36-00039B	R36-00039C	0.060	R36-00039C	0.060	36-00039B	0.260
A36-00039	R36-00039D	0.060	R36-00039D	0.060	36-00039	
A36-00039	R36-00039F	0.030	R36-00039F	0.030	36-00039	
A36-00039	R36-00039G	0.040	R36-00039G	0.040	36-00039	
A36-00039	R36-00039L	0.030	R36-00039L	0.030	36-00039	
-	A36-00039M	0.120	-		-	
TOTAL CFS		2.830		1.500		10.104

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	FIELD EXAMINER
N	_____

REMARKS:

MICROFILMED
JAN 21 1993

MICROFILMED
JAN 21 1993

AUTHENTICATION:

SIGNATURE:

Steve Celli

DATE:

3-6-91

NAME OF FIELD EXAMINER:

TITLE:

MICROFILMED
JAN 21 1993