

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: **A36-00039N**

Date Received: 3/13/1991

Receipt No: S013107

Received By: _____

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

1. Name: GEORGE J. KORBIS 801-262-1269
Address: 5721 SOUTH 1080 EAST
SALT LAKE CITY, UT 84121

OR

Name: NELLIE W. KORBIS 801-262-1269
Address: 5721 SOUTH 1080 EAST
SALT LAKE CITY, UT 84121

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 of	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.
IRRIGATION	03/15	11/15	0.040		
STOCKWATER	01/01	12/31	0.020		
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/2 BEEF; AESTHETIC/OPEN STREAM

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JAN 21 1993**

1.0

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 DITCH. 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 HAD BEEN USED FOR YEARS TO TRANSPORT THE WATER FROM BILLINGSLEY CREEK TO THE SUBJECT PROPERTY.

LOT 1, BLOCK 1, 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: **PROFILMED**

Date: **MICROFILMED**
JAN 21 1993

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 _____

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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 N
Date Received _____
Receipt Number S013107

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

RECEIVED

MAR 12 1991

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) PHILIP T. KINNISON or PATSY A. KINNISON Phone (303) 986-0448
Mailing Address 7909 West Harvard, Lakewood, Colorado Zip 80227

2. Date of Priority (Only one (1) per claim) January 2, 1891

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

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

Additional points of diversion if any: Re-diverted from Buckeye Ditch in the NE 1/4 NW 1/4 SE 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,

_____ 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 properties by an open ditch where the property is irrigated.

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Copies: White-State, Yellow-Claimant

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 to 2 calves at times 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.

Last Name KINNISON Ident No. _____

Copies: White - State Yellow - Claimant

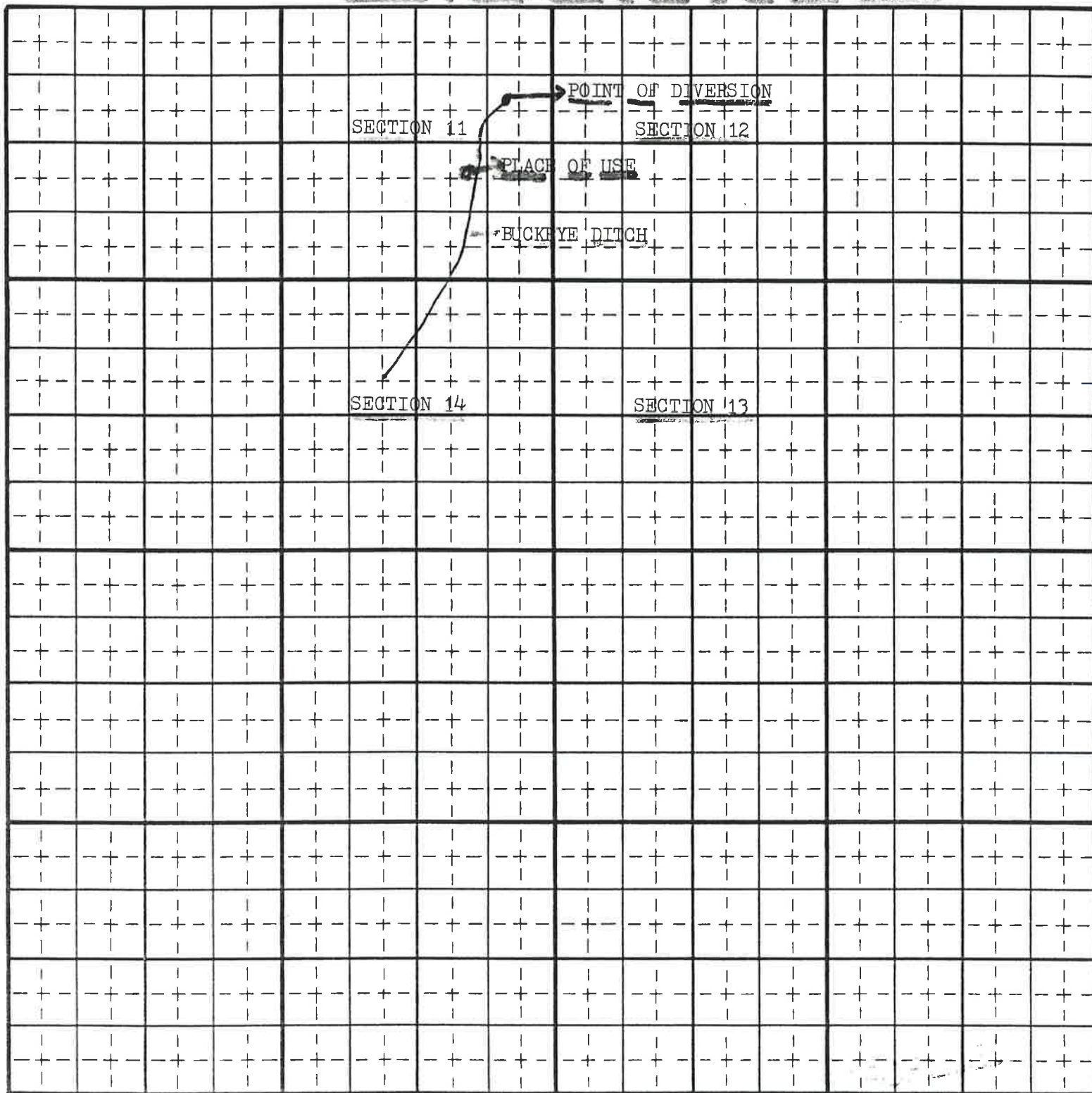
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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN



Last Name KINNISON Ident No. _____

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Copies: White-State, Yellow-Chadman

15. Basis of Claim (check one) Ber. al Use _____ Posted Notice _____ Li. se _____ 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 two (2)

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

Signature of Claimant (s) ✓ Peter C. Kinnison Date 3-7-91

✓ Philip A. Kinnison Date 3/4/91

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

of _____ Title _____, 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 Colorado)
Idaho)
County of Teller) SS.

Subscribed and sworn (or affirmed) before me this 4th day of March 19 91

SEAL

Notary Public [Signature]

Residing at _____

My Commission Expires _____

MY COMMISSION EXPIRES:
JUNE 28, 1994
2625 S. COLORADO BLVD.
DENVER, CO 80222

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 KINNISON Ident. Number _____

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Copies White-State, Yellow-Claimant

WARRANTY DEED

For Value Received

DONALD A. CAMPBELL and DIANE G. CAMPBELL, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

PHILIP T. KINNISON and PATSY A. KINNISON, husband and wife
2709 West Harvard Place
Berkwood, Colorado 80227

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit

Lot #1, Block 1, Willow Brook Subdivision located in Section
11, Township 7 South, Range 13 East of the Boise Meridian according
to the plat thereof on file in the office of the Gooding County
Recorder, Gooding County, Idaho.Together with Six (6) shares of water from the Buckeye Ditch
Company for irrigation purposes.SHE BEC TO those certain Restrictive and Protective Covenants
dated August 13, 1979, and recorded with the office of the Gooding
County Recorder, State of Idaho, on the 13th day of August, 1979,
as Instrument No. 98288.AND FURTHER SUBJECT TO that certain Deed of Trust dated
September 28, 1979, made by and between Donald K. Campbell and
Diane G. Campbell, husband and wife, as Grantors, Security Title
Company of Gooding, Idaho, as Trustee and Jephco Development,
Inc., an Idaho Corporation, as beneficiary, which Deed of Trust
was recorded October 2, 1979, with the Gooding County Recorder
as Instrument No. 79109. Said Deed of Trust has an unpaid principal
balance of \$4,032.24, which the Grantee hereunder assume and
agree to pay according to the terms thereof.TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grant
ee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee that the
Grantor is a owner - fee simple of said premises; that they are free from all incumbrances except as above de-
scribed and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: September 7, 1980

STATE OF IDAHO, COUNTY OF GOODING

On this 7th day of September 19 80
before me, a notary public in and for said State, per-
sonally appearedDONALD K. CAMPBELL and
DIANE G. CAMPBELL, husband and
wifeknown to me to be the person to whose name I am
subscribed to the within instrument, and acknowledged
to me that they executed the same.

Residing at: Hager, ID.

Notary Public
Idaho.

STATE OF IDAHO, COUNTY OF GOODING

I hereby certify that this instrument was filed for record
at the request of *Donald K. Campbell*
at *5:30* minutes past *3* o'clock p.m.
this *7* day of *Sept*
19 *80*, in my office, and duly recorded in Book
of Deeds at page

Margaret F. Clements

Ex-Officio Recorder

Fees \$
Paid to:

Instrument No.

55133

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JAN 21 1997

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.

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 Dilatush, 2.4 Billingsley Creek Jan. 2, 1891 Granger Ditch
E. B. M. and 2 Spring Jan. 2, 1891 Unnamed Spring
04 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
Charles J. E. B. M. at a point 1065 feet north 2 degrees 2' west from the southeast corner of
Carey said tract of land. That the point of diversion of said Granger Ditch is on the
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

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OCT 11 1994

thence west along the forty line 1575'; thence north 20 degrees 42' east 820 feet; thence north 24 degrees 34' east 450 feet; thence south 81 degrees 28' east 593 feet to the east forty line, thence south along the forty line 1128 feet to the point of beginning.

04/ Eliason, Spring Dec. 12, 1901 Weatherby Springs,
Armedia .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 Cliford 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, 1839 Brailsford-Owens Ditch
Jacob and .7 Spring March 8, 1902 Weatherby Springs;
04/ irrie I.

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

RECORDED

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OCT 11 1994

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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Department of Water Resources

1 HEPWORTH, NUNGESTER & LEZAMIZ,
2 CHARTERED
3 133 Shoshone St. North
4 P.O. Box 389
5 Twin Falls, ID 83303-0389
6 Telephone: (208)734-7510
7 Attorneys for Claimant
8 (PPK\HAGERMAN.NOA\lmr)
9

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

13 * * * * *

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

Case No. 39576

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

NOTICE OF APPEARANCE

Petitioner,

vs.

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

Respondents.

* * * * *

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



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 1

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OCT 11 1994

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



Hepworth,
Nungester,
& Lezamiz

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



Hepworth,
Nungester,
& Lezamiz

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
4 P.O. Box 27070
5 Twin Falls, ID 83303-0126

6 Clive Strong
7 Chief Natural Resources Division
8 Office of Attorney General
9 Statehouse
10 Room 210
11 Boise, Idaho 83720

12 David Shaw
13 Adjudications Bureau Chief
14 Department of Water Resources
15 1301 North Orchard
16 Boise, Idaho 83706

17 United States Department of Justice
18 Environment and Natural Resources Division
19 550 West Fort Street, Box 33
20 Boise, ID 83734

21 
22 Patrick D. Brown
23



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

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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)

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

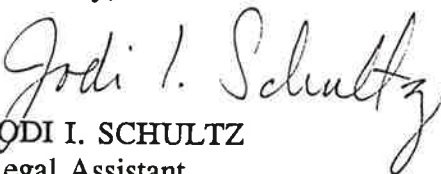
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

SD-36		Township: 07S		Range: 13E		Section: 11		Tract:		Lot:	
S	L	STATE		O	S	Max #	Records	356			
E	O	Water		W	T	Priority	Use				
L	Tract	T	Right No.	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	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		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

SD-33	Last Name: KINNISON						STATE
S	O	W	Water	Priority		Total	Use
E	N	N	Right No.	Date	Source	Diversion	Code Desc
L	First						
	Name						
KINNISON							
PHILIP T.	C	A36-00039N	01/02/1891	BILLINGSLEY	0.120	01 IRR	
						04 STOCK	
						52 AES	
PATSY A.	C	A36-00039N	01/02/1891	BILLINGSLEY	0.120	01 IRR	
						04 STOCK	
						52 AES	
PHILIP T.	C	A36-00039P	01/02/1891	BILLINGSLEY	0.120	01 IRR	
						04 STOCK	
						52 AES	
PATSY A.	C	A36-00039P	01/02/1891	BILLINGSLEY	0.120	01 IRR	
						04 STOCK	
						52 AES	
PHILIP T.	C	R36-00039N	01/02/1891	BILLINGSLEY	0.120	01 IRR	
						04 STOCK	
						52 AES	

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

SD-33	Last Name: KINNISON						STATE
S	O	W	Water	Priority		Total	Use
E	N	N	Right No.	Date	Source	Diversion	Code Desc
L	First						
	Name						
KINNISON							
PATSY A.	C	R36-00039N	01/02/1891	BILLINGSLEY	0.120	01 IRR	
						04 STOCK	
						52 AES	
PHILIP T.	C	R36-00039P	01/02/1891	BILLINGSLEY	0.120	01 IRR	
						04 STOCK	
						52 AES	
PATSY A.	C	R36-00039P	01/02/1891	BILLINGSLEY	0.120	01 IRR	
						04 STOCK	
						52 AES	

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED
JAN 21 1993



WARRANTY DEED

For Value Received

Philip T. Kinnison and Patsy A. Kinnison, husband and wife,
hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto
George J. Korbis and Nellie W. Korbis, husband and wife,
hereinafter referred to as Grantee, whose current address is

5721 South 1080 East, Salt Lake City, UT, 84121

the following described premises, to-wit:

Lot 1 in Block 1 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 (six) shares of water from Buckeye Ditch Co.

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 14, 1991.

X Philip T. Kinnison
Philip T. Kinnison

X Patsy A. Kinnison
Patsy A. Kinnison

STATE OF COLORADO)
COUNTY OF Jefferson) : SS

On This 14th day of May, in the year 1991, before me, a Notary Public
in and for said State, personally appeared Philip T. Kinnison and Patsy A. Kinnison,
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.

144864

STATE OF IDAHO, COUNTY OF GOODING
Filed for record at the request of FIRST AMERICAN TITLE

50 min. past 3 o'clock, P. M. this 17
of May, 1991.

JOHN A. MYERS, Recorder fu300

By Curata Sites

Notary Public for
Residing at
Commission Expires:

MY COMMISSION EXPIRES:
JUNE 28, 1994
2625 S. COLORADO BLVD.
DENVER, CO 80222

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)

DATE OF CLOSING: 5-17-91

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

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: Philip T. Kinnison or Patsy A. Kinnison
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): 7909 West Harvard
Lakewood, Colorado 80227
- ☐ New Owner/Claimant (Purchaser): George J. Korbis or Nellie W. Korbis
- ☐ New Mailing Address: 5721 South 1080 East
Salt Lake City, Utah 84121
- ☐ New Telephone Number: (801) 262-1269
- ☐ 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) Nellie W. Korbis Date 5-17-91
George J. Korbis Date 5-17-91
- ☐ 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: 2/6/91 By: SC

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 8/10/91 By: SC

Claim Numbers of Split, if any:

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

MICROFILMED

JAN 21 1993



MAIN OFFICE: 208/837-6116 - Box 201 - Hagerman, ID 83332

CLIFF JENSEN, Broker - 208/837-6179

SUZANNE JENSEN, Associate Broker - 208/837-6179

May 22, 1991

RECEIVED

MAY 22 1991

Department of Water Resources
Southern Region Office

Idaho Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Dear Steve:

Enclosed please find a Change of Water Right Ownership for Mr. & Mrs. George J. Korbis. Please change on your records and send me a copy of same. Also, could you please send me a copy of the last change that I sent to you concerning Friesen to VanWagoner.

Thank you and if you have any questions, please contact me.

Sincerely,

Clifton E. Jensen

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-Aug-1991

GEORGE J. KORBIS
NELLIES W. KORBIS
5721 SOUTH 1080 EAST
SALT LAKE CITY UT 84121

Re: Ownership Change for Adjudication Claim NO. A36-00039N -
KINNISON

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, likely belonging to Judy Givens.

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: A36-00039N
Date Received: 3/13/1991
Receipt No: S013107
Received By: See

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PHILIP T. KINNISON 303-986-0448
Address: 7909 WEST HARVARD
LAKEWOOD, CO 80227

OR
Name: PATSY A. KINNISON 303-986-0448
Address: 7909 WEST HARVARD
LAKEWOOD, CO 80227

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 of	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.
IRRIGATION	03/15	11/15	0.040		
STOCKWATER	01/01	12/31	0.020		
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/2 BEEF; 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:

marks:
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. 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 HAD BEEN USED FOR YEARS TO TRANSPORT THE WATER FROM BILLINGSLEY CREEK TO THE SUBJECT PROPERTY.
LOT 1, BLOCK 1, 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: _____

te: 03/13/91
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 _____



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. 15, 1990

Re: A36-00039N
A36-00039P

PHILIP T KINNISON
7909 WEST HARVARD
LAKEWOOD CO 80227

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim 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:

MICROFILMED
JAN 21 1993

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

DATE: NOV-14-1997
PAGE: A-1

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00039N

NAME AND ADDRESS: NELLIE W KORBIS
GEORGE J KORBIS
966 PIONEER RD
HAGERMAN ID 83332

VERIFIED BY *RG* 11-14-97

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.04 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIARILY
USED FOR DOMESTIC 1 HOME

THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED
ABOVE FOR DOMESTIC PURPOSES AT A POINT OF MEASUREMENT WHERE THE
DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 01/02/1891

POINT OF DIVERSION: T07S R13E S11 SESENE Within GOODING County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within GOODING County
T07S R13E S11 NWSE

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

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH/
PROPERTY IS ALSO KNOWN AS LOT 14 BLOCK 14 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/

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

AJ5856NP

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

DATE: NOV-14-1997

PAGE: A-2

36-00039N (CONT.)

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.

PROPERTY IS ALSO KNOWN AS LOT 1, BLOCK 1, WILLOW BROOK
SUBDIVISION.

RECEIVED

JAN 02 1998

Department of Water Resources
Southern Region

OCT 21 1997

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

SUBCASE(S) 36-00039N

SPECIAL MASTER'S REPORT

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

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

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

DATED: 10-21-97



Special Master
Snake River Basin Adjudication

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

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

SUBCASE(S): 316-00039 N

NOTICE OF ISSUANCE and SERVICE

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

Representative of IDWR:

Nick Spencer

George Karbis
Claimant/Attorney

Claimant/Attorney

Representative of U.S. Dept. of Justice

Party/Attorney

Party/Attorney

DATED 10-21-97.

Debbie Lach
Deputy Clerk

OCT 21 1997

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA

Subcase(s) 36-00039N

STANDARD FORM 5

Case 39576

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

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

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

Date: 10-21-97

[Signature]
IDWR Concurrence

[Signature]
APPROVED AS TO FORM

[Signature]
Claimant

Objector

[Signature]
Claimant/Attorney

Objector/Attorney

Claimant/Attorney

Objector/Attorney

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-2-1992
PAGE: A-1

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00039N *

NAME & ADDRESS: NELLIE W KORBIS
GEORGE J KORBIS
966 PIONEER RD
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 01/02/1891

POINT OF DIVERSION: T07S R13E S11 SESENE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC ~~DOMESTIC~~ 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within GOODING County
T07S R13E S11 NWSE

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

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOT 1, BLOCK 1, 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 ENTERS 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.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

RECOMMENDATION

OCT 21 1997

SPECIAL MASTER

See
JAK.
NWK
NBS

SUBCASE NO. 36-00039N

	CLAIM (3/4/91)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Philip & Patsy Kinnison	N/A	George & Nellie Korbis	George & Nellie Korbis
BASIS OF CLAIM	Decree		Decree	
SOURCE	Billingsley Creek		Billingsley Creek	
QUANTITY	0.12 cfs		0.04 cfs	XX - requests maximum quantity per decree. MSJ requests .12 cfs
PRIORITY DATE	1/2/1891		1/2/1891	
PURPOSE OF USE	Stockwater Irrigation Aesthetic		Domestic	XX - requests irrigation, stockwater, and aesthetic be added. MSJ requests stockwater, wildlife, recreation, aesthetics, and "diversion system maintenance"
PERIOD OF USE	S.W.: 1/1 - 12/31 Irr.: 3/15 - 11/15 Aesthetic: 1/1 - 12/31		1/1 - 12/31	XX - year round for all uses. MSJ requests Irrigation Season for irrigation and year round for all other uses.
POINT OF DIVERSION	T07S R13E S11		T07S R13E S11	
PLACE OF USE	T07S R13E S11 1.0 acre		T07S R13E S11	XX - requests 1.0 acre.

remarks	"This amount of water is needed because the soil is very sandy and because 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."		"Water is delivered through the Buckeye Ditch. Property is also known as Lot, Block 1, 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."	XX - requests that all remarks after Willow Creek Subdivision be deleted.

CLAIM NUMBERS 36-00039NDATE 10/9/97AGENT JL

TRANSFER NUMBER _____

OBJECTION FILED _____

TOTAL ACRES FROM RECOMMENDATION 0GEOGRAPHIC INFO SYSTEM 0

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	075	13E	11														0		0
GIS																	0		0
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON /#

UPDATED

B36-DBPOU.DBF 560 ✓

POLYGON CREATED ON 604 () _____

B36-DBPOD.DBF 454 ✓ATTRIBUTES OF B36-POU.SHP 560ATTRIBUTES OF B36-POD.SHP (454) SESENE-11(Buckeye Ditch)

Red area shown on NAPP photo is due to lack of maintenance of ditch on the East side of the lot, ditch overflowed across lot. Confirmed by field exam. No acres actually being irrigated. → Domestic allowed because the ditch was considered a "tapped in" source.

* Added this WR number into GIS tables for POU & POD.DBF

P/U CONFLICT yes () no ()

P/D CONFLICT yes () no ()

READY FOR DECREE yes () no ()

SENT FOR DECREE yes (X) no ()

settled in SRBA 10/21/97 see

CLAIM NUMBERS A36-00039 PDATE 10/1/97AGENT SW

TRANSFER NUMBER _____

OBJECTION FILED YesTOTAL ACRES FROM RECOMMENDATION Dom
ALLOW 1/2 Acre
GEOGRAPHIC INFO SYSTEM Ø

RIGHT NO	TNS	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	<u>7s</u>	<u>13E</u>	<u>11</u>														<u>Dom</u>		<u>Do</u>
GIS																	<u>Ø</u>		<u>Ø</u>
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF * 10/1/97 SWPOLYGON CREATED ON 604 505 10/1/97 SW

ATTRIBUTES OF B36-POU.SHP ()

B36-DBPOD.DBF

ATTRIBUTES OF B36-POD.SHP 454 Buckeye

RED AREA SHOWN IN NAPP PHOTO IS DUE TO LACK OF MAINTENANCE
of Ditch on the East side of the Lot, Ditch overflowed across Lot.
Confirmed by Field Exam. No Acres Actually BEING IRRIGATED.

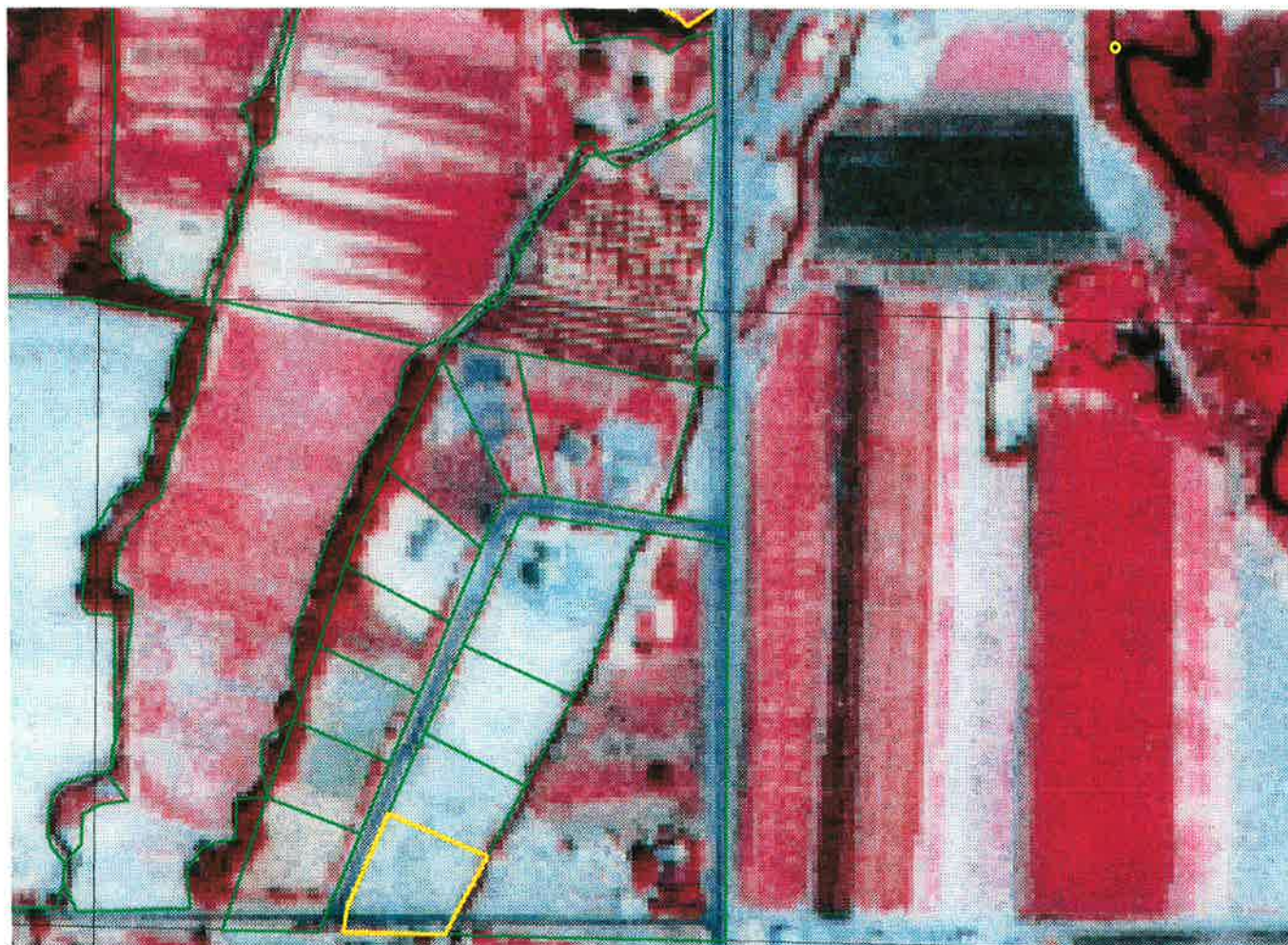
Domestic Allowed Because the Ditch WAS CONSIDERED A
"TAPPED IN" SOURCE.

* Added this WR number into GIS tables for POU & POD.DBF

P/U CONFLICT yes () no (X)P/D CONFLICT yes () no (X)READY FOR DECREE yes (X) no ()SENT FOR DECREE yes () no ()

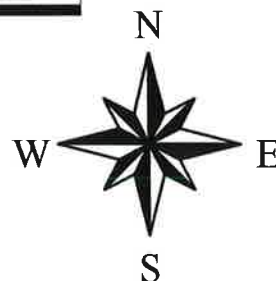
IDAHO DEPARTMENT OF WATER RESOURCES

36-00039N
GEORGE & NELLIE KORBIS



660 0 660 1320 Feet

TNS 7S, RNG 13E, SEC 11



⊙ RECOMMENDED POINT OF DIVERSION



RECOMMENDED PLACE OF USE

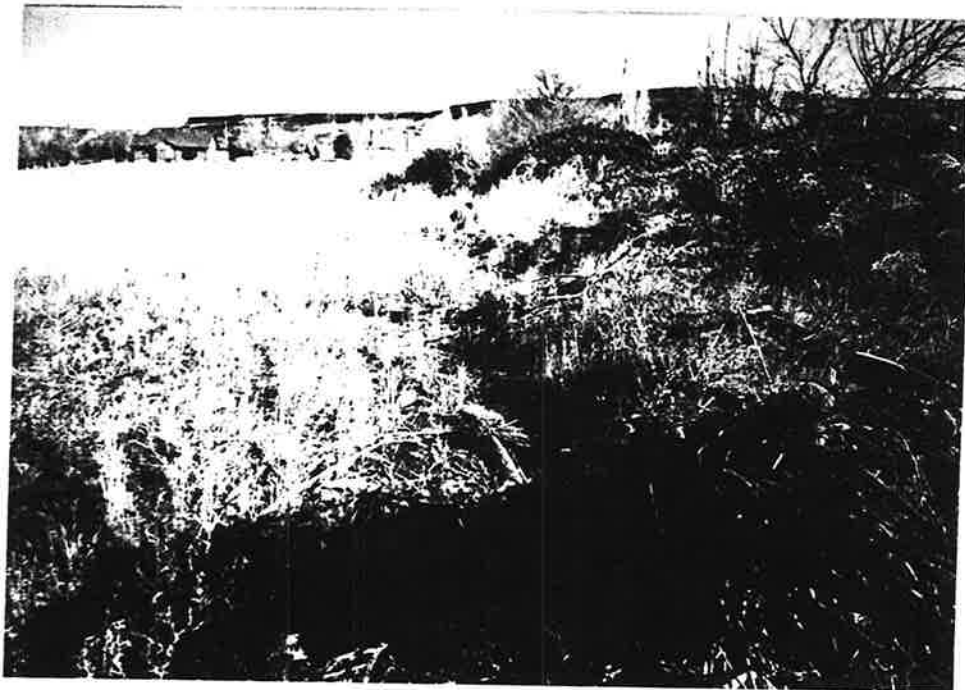


SECTION LINES



QUARTER/QUARTER LINES

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



WILLOW BROOK
SUBD.

A36-00039A
(SPLIT REVIEW)

NON-USE AREAS

MEMORANDUM

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

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

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

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

CLAIMS

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

MICROFILMED

DEC 04 1996

1996 JUL -1 PM 3:19

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

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

In Re SRBA

Twin Falls County Civil Case No. 39576

Sub-Case No. 36-00039N

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources

Karl J. Dreher, Director

David B. Shaw, Adjudication Bureau Chief

David R. Tuthill Jr., Acting Adjudication Bureau Chief

July 1, 1996

COPY

MICROFILMED

DEC 04 1996

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

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

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

David R. Tuthill Jr., Acting Adjudication Bureau Chief, reviewed this Report Regarding Claim To Water Right No. 36-00039N. The Affidavit of David R. Tuthill Jr. describes Mr. Tuthill's education and work experience, and is incorporated by reference herein.

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

Helen L. Harrington-Thornton, formerly Senior Water Resource Agent and currently Hydrogeologist, participated in the field examination for claim no. 36-00039N. The Affidavit of Helen L. Harrington-Thornton describes Ms. Thornton's education and work experience, and is incorporated by reference herein. The Affidavit of Helen L. Harrington-Thornton Regarding Claim No. 36-00039N describes her investigation of the this claim, and is attached hereto and incorporated by reference herein.

I. INVESTIGATION AND RECOMMENDATION OF CLAIMS GENERALLY

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

II. WATER RIGHT NO. 36-00039N

A. Basis of Claim

Claim no. 36-00039N was filed with IDWR by Philip T. and Patsy A. Kinnison Dick J. And Sigrid E. Veenendaal on March 12, 1991.¹ The claim is to a portion of one of two rights decreed to E.W. Dilatush and others in the *New International Mortgage* decree, entered in 1932.² The water rights decreed to Dilatush are numbered in IDWR's files as water right nos. 36-00039 and 36-00040. Right no. 36-00039 is to water from Billingsley Creek; right no. 36-00040 is to water from an unnamed spring. Both were decreed for use on the same lands, and both were decreed for "irrigation, domestic, power and other purposes." Portions of right no. 36-00039 were claimed by and recommended to various claimants.³

B. Splits of Water Right No. 36-00039

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

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

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

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

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

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

The quantity decreed for right no. 36-00039 in the *New International Mortgage* decree is 2.4 cfs. The total quantity of water claimed in all claims based on the decree is 2.16 cfs, which does not exceed the decreed amount.

The decreed place of use of this right contains approximately 24 acres. Using the decreed rate of diversion and the decreed place of use, the per acre rate of diversion is approximately 0.10 cfs per acre. The claimant's lands as described in the deed attached to the motion for summary judgment contain 1 acre, which is within the decreed place of use. Based on the description of the claimant's lands in the deed, the claimant's proportionate share of water right no. 36-00039 is approximately 0.10 cfs.⁴

In this instance, the deed purports to convey "six shares of water from the Buckeye Ditch Company" from a predecessor of the claimant to the claimant. IDWR does not have information indicating to what this language refers. IDWR does not have information indicating whether or how any amount greater than the claimant's

⁴ IDWR relied on the following in reaching its conclusion: Koon v. Empey, 40 Idaho 6, 231 P. 1097 (1924) (a conveyance of land conveys the appurtenant right absent express provision to the contrary); Crow v. Carlson, 107 Idaho 461, 690 P.2d 916 (1984) (division of tract of land to which water is appurtenant works a division of the water right in the same proportion as the land is divided, absent express provision to the contrary.)

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

proportionate share of right no. 36-00039 came to be appurtenant to the claimant's lands. IDWR did not previously request this information from the claimants of the portions of right no. 36-00039 because the total amount IDWR found to be beneficially used under all the claimed portions of right no. 36-00039 did not exceed the decreed 2.4 cfs.⁵

B. Recommendation of Disallowal

The director's report recommends this claim for 0.04 cfs for domestic use. The claim and the objection seek 0.12 cfs for 1 acre of irrigation, stockwater and aesthetics. Based on a further review of its files, IDWR concluded that its original recommendation was in error. IDWR Senior Water Agents Steve Clelland and Helen Thornton investigation confirms the nonuse of water pursuant to water right no. 36-00039N for the period from 1980 through 1991. IDWR therefore recommends disallowal of claim no. 36-00039N. The investigation of this claim is described in the Affidavit of Steven C. Clelland Regarding Claim No. 36-00039N and the Affidavit of Helen L. Harrington-Thornton Regarding Claim No. 36-00039N.

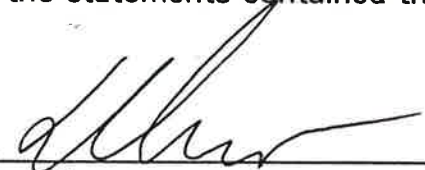
⁵ IDWR does not require all claimants to submit information showing a "chain of title" demonstrating ownership of all or part of a previously decreed or licensed right in its investigation of the claims. Generally, IDWR requires information as to ownership as part of the investigation of claims only where there are competing claims to the same water right.

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

State of Idaho)
) ss.
County of Ada)

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

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



David B. Shaw

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



Notary Public for Idaho
Residing at: Kuna Id
My commission expires: 3-21-2000

Certificate of Service

I certify that on the 1st day of July, 1996, I hand-delivered copies of the foregoing document, including all attachments, with sufficient first class postage, to the following:

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



Person mailing document(s)

APPENDIX A

A. INVESTIGATION AND RECOMMENDATION OF CLAIMS GENERALLY

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

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

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

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

¹ Idaho Code §§ 42-1410 and 42-1411.

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

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

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

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

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

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

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

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

B. METHODOLOGY TO DETERMINE IRRIGATED ACREAGE

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

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

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

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

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

aerial photos¹⁰.

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

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

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

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

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

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

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

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

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

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

ALAN G. LANCE
Attorney General
State of Idaho

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

BRENT KING
CHARLES L. HONSINGER
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Boise, ID 83720-0098
Telephone: (208)327-5458
Fax: (208)327-5400

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

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

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

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

1. I am a Senior Water Resource Agent with the Idaho Department of Water Resources (IDWR).
2. My work address is Idaho Department of Water Resources (IDWR), Southern Regional Office, 222 Shoshone St. East, Twin Falls, ID 83301-6105. I reside in Twin Falls, Idaho.

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

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

A. On July 24, 1990, IDWR water agent Helen Thornton and I conducted a field examination to verify certain aspects of claim no. 36-00039N.

B. During that field examination, I observed no irrigation or any other use on the claimed place of use.

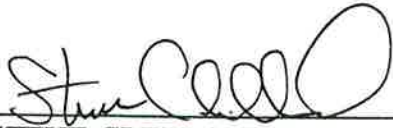
C. During that field examination, I observed that no delivery system existed to apply water out of the Buckeye ditch to the claimed place of use.

D. On February 13, 1991, I again visited the claimed place of use pursuant to claim no. 36-00039N. At that time, I observed no irrigation or any other use on the claimed place of use, nor did I observe any delivery system or ditch by which water out of the Buckeye ditch could be applied to the claimed place of use. During that visit, I took the photographs present in the split right analysis file for claim no. 36-00039A, copies of which are in the claim file for claim no. 36-00039N. Those photographs are consistent with my observations and show no irrigation or any other use on the claimed place of use, nor any delivery system or ditch by which water out of the Buckeye ditch could be applied to the claimed place of use.

5. During my final review of the claim file on February 6, 1992, I observed that

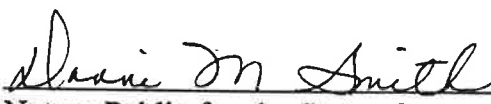
the pertinent ASCS color slide from June, 1980 showed no irrigation in any portion of the Willowbrook subdivision. I also observed that the pertinent NAPP photograph showed no irrigation in any portion of the Willowbrook subdivision.

DATED this 1st day of July, 1996.



STEVE CLELLAND

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



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

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

BRENT KING
CHARLES L. HONSINGER
Deputy Attorneys General
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No. 36-00039N
	)	
Case No. 39576	)	AFFIDAVIT OF HELEN THORNTON
	)	REGARDING CLAIM NO. 36-00039N
	)	
STATE OF IDAHO	)	
	) ss.	
County of Ada	)	

I, HELEN THORNTON, being first duly sworn on oath, depose and state as follows:

1. I am currently a Hydrogeologist with the Idaho Department of Water Resources (IDWR). At the relevant time for purposes of this affidavit, I was employed as a Senior Water Resource Agent with IDWR.
2. My work address is Idaho Department of Water Resources (IDWR), 1301 N. Orchard, Boise, ID 83706. I reside in Boise, Idaho.
3. My educational background and work history both outside and within IDWR are detailed in my Affidavit of Helen Thornton as to the Investigation of Claims in the

Hagerman Area.

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

- A. On July 24, 1990, IDWR water agent Steve Clelland and I conducted a field examination to verify certain aspects of claim no. A36-00039N.
- B. During that field examination, I observed no irrigation or any other use on the claimed place of use.
- C. During that field examination, I observed that no delivery system existed to apply water out of the Buckeye ditch to the claimed place of use.

DATED this 1st day of July, 1996.

Helen L. Harrington-Thornton
HELEN L. HARRINGTON-THORNTON

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

Shirley M. Smith
Notary Public for the State of Idaho
Residing at: Boise ID
My commission expires: 12-5-2000

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: A36-00039N
Date Received: 3/13/1991
Receipt No: S013107
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: GEORGE J KORBIS 208-837-6181
Address: 966 PIONEER RD
HAGERMAN ID 83332
OR
Name: NELLIE W KORBIS 208-837-6181
Address: 966 PIONEER RD
HAGERMAN ID 83332

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.
IRRIGATION	03/15	11/15	0.040		
STOCKWATER	01/01	12/31	0.020		
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/2 BEEF; 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 DITCH. 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 HAD BEEN USED FOR YEARS TO TRANSPORT THE WATER FROM BILLINGSLEY CREEK TO THE SUBJECT PROPERTY.

LOT 1, BLOCK 1, WILLOW BROOK SUBD.

OWNERSHIP CHANGE 7/2/91 BY AA.

*****4/25/96 TF; OWNERSHIP CHANGED PER SF3 REC'D 4/10/96.

15. Basis of Claim: BENEFICIAL USE



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

April 30, 1996

GEORGE AND NELLIE KORBIS
966 PIONEER RD
HAGERMAN ID 83332

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No. A36-00039N
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 any questions, please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

RECEIVED

APR 03 1996

Department of Water Resources
Adjudication Bureau

RECEIVED

APR 10 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 3

(Check Appropriate Box)

☐ NOTICE OF CHANGE IN ADDRESS

OR

☐ CONSENT TO SUBSTITUTION OF
PARTY

36-06039N

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 Charles J. Morris

I am the claimant of 36-00039-N
(Insert each water right number)

I have filed an objection/response to the following water right(s) _____

(Insert each water right number)

My new mailing address is 766 Pioneer Rd.
Albuquerque, N.M. 85332

My phone number is: Work _____ Home 852-6-151

(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 _____
(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 _____

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.

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 _____, 199____, 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):

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):

VERIFICATION

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

State of IDAHO

County of BONNER

Charles J. Korbis, 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.

Charles J. Korbis
Signature of person filing form

BY: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on March 28th 1996
(Insert Date)

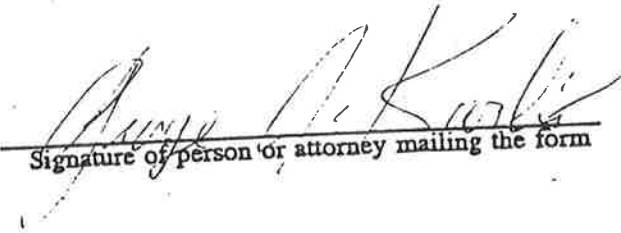
Paul A. Anderson
Notary Public for Idaho
Residing at: Buhl
My Commission expires: 10/12/99

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



Signature of person or attorney mailing the form

AJ0743NP
(OD-124)

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

04/25/96 15:43:11

Page 1

Water Right Number - 36-00039N		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 Phone - 208-734-7510 State- ID Zip- 833030389	
*** C - CURRENT OWNER *** KORBIS		NELLIE W	1 - 966 PIONEER RD 2 - 3 - City- HAGERMAN Phone - 208-837-6181 State- ID Zip- 83332	
KORBIS		GEORGE J	1 - 966 PIONEER RD 2 - 3 - City- HAGERMAN Phone - 208-837-6181 State- ID Zip- 83332	
*** O - ORIGINAL OWNER *** KINNISON		PHILIP T	1 - 7909 WEST HARVARD 2 - 3 - City- LAKEWOOD Phone - 303-986-0448 State- CO Zip- 80227	
KINNISON		PATSY A	1 - 7909 WEST HARVARD 2 - 3 - City- LAKEWOOD Phone - 303-986-0448 State- CO Zip- 80227	
+ - - Priority Date - - + 01/02/1891		+ - - - Region - - - + 17 SOUTHERN	+ - - - Stage - - - + D - DECREED	+ - - - Status - - - +
+ - - - - Source - - - - - + BILLINGSLEY CREEK		+ - - - - Tributary - - - - - + 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

DEC 04 1996
MICROFILMED

Water right number - 36-00039N

Prefix Translation: WATER RIGHT

Tw	Rng	Sec	Tract	Lot	Acres	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 - - - - -

GEN WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOT 1, BLOCK 1, 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 - - - - -
3600039A

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

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

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

Date: 02/06/1992 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.
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 HAD BEEN USED FOR YEARS TO TRANSPORT THE WATER FROM BILLINGSLEY CREEK TO THE SUBJECT PROPERTY.
LOT 1, BLOCK 1, 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: 09/22/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/21/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/4/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/16/1992 User Id: CHRISTEN Subject: RESPONSE TO NOE
NOE STATES THAT THEY INTEND ON DEVELOPING THE PROPERTY IN THE FUTURE. NO CHANGES RECOMMENDED. KKC 10-16-92.
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 DEVELOPMENT DIVERSION SYSTEM ALTHOUGH NO DEVELOPMENT HAS OCCURRED.

MICROFILMED
DEC 4 1996

AJ0743NP
(OD-124)

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

04/25/96 15:43:12
Page 3

Water right number - 36-00039N

Prefix Translation: WATER RIGHT

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

Date: 10/28/1992 User Id: MCCARTHY Subject: RECORD CHANGED
REMARK WAS CORRECTED
Date: 02/19/1993 User Id: SCHULTZ Subject: ADDED NEW ATTORNEY
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ 2/10/93.
Date: 04/25/1996 User Id: TFAWCETT Subject: ADDRESS CHANGE
ADDRESS CHANGED PER SF3 REC'D 4/10/96.

+ - - Audit Fields - - +

04/25/96 TFAWCETT

+ - - - - - 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	- 03/13/1991	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S013107	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	- C

DEC 04 1996
MICROFILMED

RECEIVED

MAR 20 1996

Department of Water Resources
Adjudication Bureau

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



DBS
RECEIVED
MAR 19 1996
ATTORNEY GENERAL

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

March 18, 1996

George J. Korbis
966 Pioneer road
Hagerman, ID 83332

36-00039N

RE: Change of Address

RECEIVED

APR 18 1996

Dear Mr. Korbis:

The court has received notice that your mailing address has changed. Please complete the Change of Address portion of the enclosed Standard Form 3 and return it to the court as soon as possible.

Department of Water Resources
Southern Region

If you have any questions regarding this form, please give us a call.

Sincerely,

Diana R. Delaney
Chief Deputy Clerk

DRD

cc: Chief, Natural Resources Division
U S Department of Justice

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DEC 04 1996

**WHERE AMENDED DIRECTOR'S REPORT FOR
BASIN 34 IS AVAILABLE FOR INSPECTION**

MOORE POST OFFICE, 321 MAIN STREET, MOORE
BUTTE COUNTY ASCS, 125 S WATER, ARCO
CUSTER COUNTY ASCS, 716 W CUSTER, MACKAY
CUSTER COUNTY CLERK'S OFFICE, CUSTER COUNTY
COURTHOUSE, 9TH & MAIN, CHALLIS
AUDITOR & RECORDER'S OFFICE, BUTTE COUNTY
COURTHOUSE, 248 W GRAND, ARCO
BIG LOST RIVER IRRIGATION DISTRICT OFFICE, 101 MAIN,
MACKAY
BIG LOST RIVER ELECTRIC CO-OP, 302 PINE, MACKAY

**WHERE AMENDED DIRECTOR'S REPORT FOR
BASIN 57 IS AVAILABLE FOR INSPECTION**

OWYHEE COUNTY ASSESSOR'S OFFICE, OWYHEE
COUNTY COURTHOUSE, MURPHY
U.S. POST OFFICE, MURPHY
U.S. POST OFFICE, 7 NORTH MAIN, HOMEDALE
U.S. POST OFFICE, MARSING
OWYHEE COUNTY ASCS, REICH STREET, MARSING
GEM IRRIGATION DISTRICT, 119 SOUTH FIRST, HOMEDALE
U.S. POST OFFICE, GRANDVIEW

**WHERE AMENDED DIRECTOR'S REPORT FOR
BASIN 36 IS AVAILABLE FOR INSPECTION**

A&B IRRIGATION DISTRICT, 11TH & E STREETS, RUPERT
DISTRICT COURT CLERK, BLAINE COUNTY COURTHOUSE,
202-2 AVE. S, HAILEY
DISTRICT COURT CLERK, BUTTE COUNTY COURTHOUSE,
248 W GRAND, ARCO
HAGERMAN POST OFFICE, 444 NORTH STATE, HAGERMAN
DISTRICT COURT CLERK, JEROME COUNTY COURTHOUSE,
300 N LINCOLN, JEROME
DISTRICT COURT CLERK, MINIDOKA COUNTY COURT
HOUSE, 8TH & G STREET, RUPERT
NORTHSIDE CANAL COMPANY, 921 N LINCOLN, JEROME
DISTRICT COURT CLERK, LINCOLN COUNTY COURT
HOUSE, 111 W S, SHOSHONE

**THIS IS AN IMPORTANT LEGAL NOTICE CONCERNING
YOUR WATER RIGHT CLAIMS IN THE SNAKE RIVER
BASIN ADJUDICATION**

OFFICES OF IDWR AND SRBA DISTRICT COURT

IDWR State Office, 1301 N. Orchard St., Statehouse Mail, Boise, ID 83720-9000;
(208) 327-7906, or toll-free (800) 451-4129.
IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082; (208) 334-2190.
IDWR Southern Region, 222 Shoshone St. East, Twin Falls, ID 83301-6602; (208) 736-3033.
IDWR Eastern Region, 900 N. Skyline, Ste. A, Idaho Falls, ID 83402-3653; (208) 525-7161.
SRBA DISTRICT COURT, P.O. Box 2707, 253 3rd Ave. North, Twin Falls, ID 83303-2707;
(208) 736-3011.

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

DEC 04 1996
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36-00039N
NELLIE W KOREIS
GEORGE J KOREIS
5721 SOUTH 1080
SALT LAKE CITY

RECEIVED

JAN 05 1996

Department of Water Resources



☐ NO SUCH NUMBER
☐ ATTEMPTED - NOT KNOWN
☒ FORWARD EXPED
ROUTE # _____ Initials _____

Presorted
First Class Mail
U.S. Postage Paid
Permit No. 1
Boise, ID

RECEIVED

JAN 11 1996

Department of Water Resources
Southern Region

THIS IS AN IMPORTANT LEGAL NOTICE CONCERNING YOUR WATER RIGHT CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION

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

In Re SRBA)
) Case No. 39576
) NOTICE OF FILING AMENDED DIRECTOR'S
) FOR REPORTING AREAS 1, 2, AND 3
) (BASINS 34, 57 AND 36)

TO: ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN REPORTING AREAS 1, 2 AND 3
(BASINS 34, 57 AND 36)

The Idaho Department of Water Resources has filed Amended Director's Reports for Reporting Areas 1, 2, and 3 (Basins 34, 57, and 36, also known as the test basins) with the SRBA District Court. One of the purposes of the Amended Reports is to conform the director's reports to the requirements of the adjudication statute, Title 42, chapter 14, Idaho Code, which was amended in 1994.

The Amended Reports amend the "preamble" to the director's reports, which include "general provisions." The general provisions apply to all water rights or certain classes of water rights, and are recommended to be included in the court's decree of water rights. The amendments significantly reduce the general provisions, and include some changes in the text of the remaining general provisions. The remainder of the preamble consists of explanatory material. The Amended Reports do not change the list of water rights in the report. IDWR will file amended reports at a later date that revise the list of water rights in the reports.

The SRBA District Court has entered an order granting the amendments to the Director's Report for Basin 57 in part. The order further provides that no additional objections to the remaining general provisions in the Basin 57 report will be allowed. The court has entered an order setting a hearing on the Amended Reports for Basins 34 and 36 on January 16, 1996, at 1:30 p.m., at the SRBA Courthouse. **The order provides that any party opposing the amendments to the report shall file with the court a notice and brief in opposition by 5:00 p.m. January 8, 1996;** any party wishing to file a response to the objections shall file their briefs prior to 5:00 p.m., January 15, 1996.

Some claimants have filed a motion asking the court to designate the general provisions as "Basin Wide Issue No. 5" for determination by the court. The court has entered an order designating the general provisions in Basin 57 as Basin Wide Issue No. 5. (One of the general provisions, concerning the Reynolds Creek Decree, was referred to the special master for Basin 57.) A hearing on the designation of general provisions in Basins 34 and 36 as part of Basin Wide Issue No. 5 will be held January 16, 1996, at 1:30 p.m. at the SRBA Courthouse.

The court's order also sets forth a schedule for the resolution of Basin Wide Issue No. 5. All parties to the SRBA who intend to participate must file with the SRBA District Court a notice of intent to participate by 5:00 p.m., January 5, 1996. The notice must state whether the party supports or opposes the inclusion of each general provision in the court's decree, and clearly and briefly explain their position. Briefs in support of the general provisions must be filed with the court by 5:00 p.m., January 26, 1996. Briefs in opposition to general provisions must be filed with the court by 5:00 p.m., February 9, 1996. Responsive briefs must be filed with the court by 5:00 p.m., February 16, 1996. A pretrial conference will be held at 9:00 a.m. on February 20, 1996, and hearing will be held at 9:00 a.m. on March 12, 1996, at the SRBA Courthouse.

A copy of each amended report is available for inspection at the locations listed on this notice. Copies of all or a portion of the amended reports and/or the court's orders are available from the offices of IDWR listed on this notice, subject to payment of costs of mailing and/or copying.

If you have questions about the SRBA, please call any office of IDWR listed in this notice; if you have questions concerning your rights and responsibilities as a claimant in the SRBA, please consult your attorney.

December 29, 1995
Karl J. Dreher
Director, Idaho Department of Water Resources

R PROOF

CVR

MAPS

PHOTOS

MISC

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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. 36-00039N -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)

2. Person who filed objection:

Name: GEORGE J & NELLIE W KORBIS
Address: 5721 SOUTH 1080 EAST
SALT LAKE CITY UT 84121

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.
- 3c. |☒| The total quantity of water reserved for each and every purpose, including all present and future uses.
7. |☒| Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. |☒| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. |☒| Place of Use: I respond to the objection concerning:
- 9b. |☒| The number of irrigated acres within each forty (40) acre subdivision.
10. |☒| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

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. 36-00039N -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.

NOTARIZE
+ 7
COPIES

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)

2. Person who filed objection:

Name: GEORGE J & NELLIE W KORBIS
Address: 5721 SOUTH 1080 EAST
SALT LAKE CITY UT 84121

3. If this response is filed by an attorney:

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. |X| Quantity: I respond to the objection concerning:
- 3a. |X| The total quantity of water used in cubic feet per second.
- 3c. |X| The total quantity of water reserved for each and every purpose, including all present and future uses.
7. |X| Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. |X| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. |X| Place of Use: I respond to the objection concerning:
- 9b. |X| The number of irrigated acres within each forty (40) acre subdivision.
10. |X| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

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 3c., and all allegations of the objection regarding that item, IDWR responds as follows: Since this water right is not a federal reserved water right, this objection item is inapplicable and the claimant's assertion of it is in error. IDWR further responds that under Idaho law water cannot be reserved for future use, but must be appropriated and put to beneficial use before the user can acquire a water right.

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 8, and all allegations of the objection regarding this item, IDWR responds that the claimant seeks a longer season of use for irrigation than stated

(Over)

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OCT 11 1994

on the notice of claim. By now seeking seeking a longer season of use for irrigation, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

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

In 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. Because no annual consumptive use volume was claimed for this right, and because no different amount is stated in the objection, this portion of the objection should be stricken.

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

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

☒ 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. A36-00039N	7
IDWR's Response to Answer, Affirmative Defenses, and Prayer for Relief of Claimant	4

(Over)

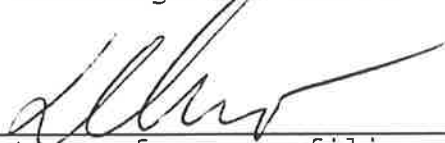
VERIFICATION (Must be Completed)

State of IDAHO

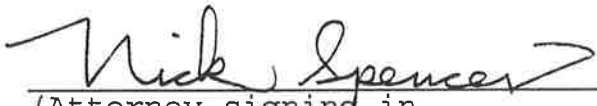
County of ADA

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

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


Signature of person filing response

By:


(Attorney signing in representative capacity)

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


Notary Public for Idaho

Residing at:

My Commission Expires _____
Danni Smith, Notary Public

Residing at Boise, Idaho

My Commission Expires December 5, 1994

CERTIFICATE OF MAILING

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

1. Original to:

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

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

See No. 3

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

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

4. One copy to:

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



Signature of Respondent or attorney
mailing on Respondent's behalf

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

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

CIVIL CASE NUMBER: 39356
Ident. Number A36-00039 N
Date Received _____
Receipt Number S013107

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 12 1991

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) PHILIP T. KINNISON or PATSY A. KINNISON Phone (303) 986-0448
Mailing Address 7909 West Harvard, Lakewood, Colorado Zip 80227

2. Date of Priority (Only one (1) per claim) January 2, 1891

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

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

Additional 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 properties 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 to 2 calves at times 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.

Last Name KINNISON Ident No. _____

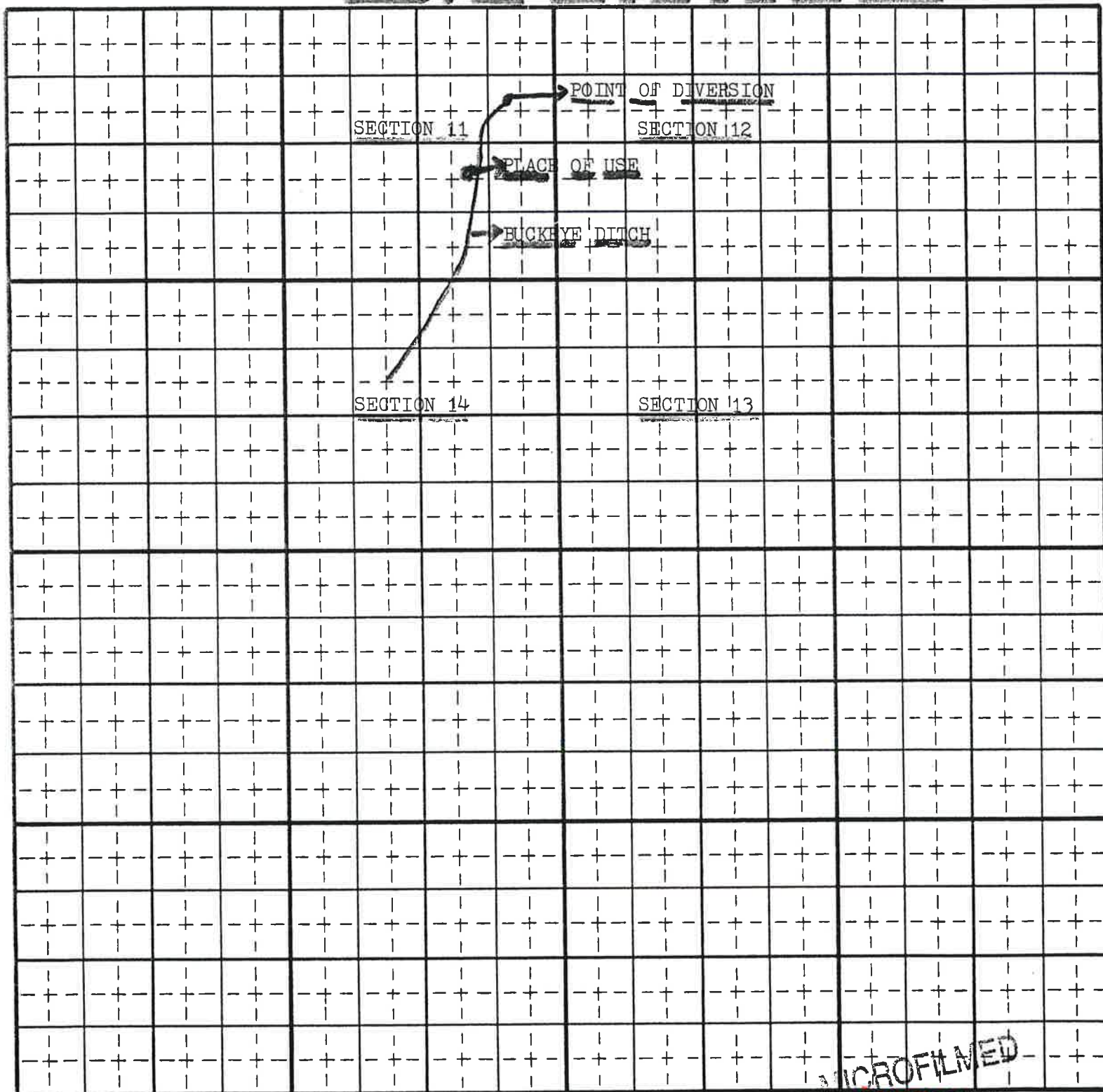
Copies: White -State, Yellow-Claimant

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JAN 21 1993
JAN 11 1994

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



MICROFILMED
JAN 21 1983
OCT 11 1994

Last Name KINNISON 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 two (2)

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

Signature of Claimant (s) Patricia C. Kinnison Date 3-4-91
Philip A. Kinnison Date 3/4/91

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

of _____ Organization _____, that I have signed the foregoing

document in the space below as _____ Title _____ of _____ Organization _____

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

✓ State of Colorado)
Idaho) SS.
County of Jefferson)

Subscribed and sworn (or affirmed) before me this 4th day of March 19 91

SEAL

Notary Public [Signature]

Residing at _____

My Commission Expires _____

MY COMMISSION EXPIRES:
JUNE 28, 1994
2625 S. COLORADO BLVD.
DENVER, CO 80222

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 KINNISON Ident. Number _____

Copies White-State, Yellow-Claimant

MICROFILMED
MICROFILMED
JAN 21 1993
OCT 11 1994

POOR ORIGINAL

WARRANTY DEED

For Value Received

DONALD K. CAMPBELL and DIANE G. CAMPBELL, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

PHILIP T. KINNISON and PATSY A. KINNISON, husband and wife
7209 West Harvard Place
Berkwood, Colorado 80227

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

Lot #1, Block 1, Willow Brook Subdivision located in Section 11, Township 7 South, Range 13 East of the Boise Meridian according to the plat thereof on file in the office of the Gooding County Recorder, Gooding County, Idaho.

Together with Six (6) shares of water from the Buckeye Ditch Company for irrigation purposes.

SEE NOT TO those certain Restrictive and Protective Covenants dated August 13, 1979, and recorded with the office of the Gooding County Recorder, State of Idaho, on the 13th day of August, 1979, as Instrument No. 78288.

AND FURTHER SUBJECT TO that certain Deed of Trust dated September 26, 1979, made by and between Donald K. Campbell and Diane G. Campbell, husband and wife, as Grantors, Security Title Company of Gooding, Idaho, as Trustee and Jephco Development, Inc., an Idaho Corporation, as beneficiary, which Deed of Trust was recorded October 2, 1979, with the Gooding County Recorder as Instrument No. 79109. Said Deed of Trust has an unpaid principal balance of \$4,032.24, which the Grantee hereunder assumes and agree to pay according to the terms thereof.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner - free simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: September / , 1980

Donald K. Campbell

STATE OF IDAHO, COUNTY OF GOODING

On this / 17, day of September 19 80
before me, a notary public in and for said State, personally appearedDONALD K. CAMPBELL and
DIANE G. CAMPBELL, husband and wifeknown to me to be the person(s) whose name(s) are
subscribed to the within instrument, and acknowledged
to me that they executed the same.

Residing at Hagerman, ID.

Notary Public
Idaho.

STATE OF IDAHO, COUNTY OF GOODING

I hereby certify that this instrument was filed for record
at the request of *General*
at 53 minutes past 3 o'clock p.m.
this 17 day of Sept
19 80, in my office, and duly recorded in Book
of Deeds at page

Margaret F. Clements

Ex-Officio Recorder

Form 6
Made to:MICROFILMED
JAN 21 1988
OCT

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.

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
E. W., and .3 Spring Jan. 2, 1891 Unnamed Spring
04 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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OCT 11 1994

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 1128 feet to the point of beginning.

041 Eliason	.8	Spring	Dec. 12, 1901	Weatherby Springs,
Armedia				(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 270 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 37.3 acres, more or less.

01 Eliason	1.6	Lea Lewis Spring	Sept. 1, 1839	Brailsford-Owens Ditch
Jacob and				
041 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

JAN 21 1938

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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

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

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

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

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

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

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

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

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

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

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

S01537

Receipt No:

RECEIVED

FEB 10 1993

Department of Water Resources
Southern Region Office

Date:
Time:

2/10/1993
10:49:27

Received KORBIS GEORGE
From:

Type of Payment
FEE FOR COPY OF ADJUDICATION CLAIM
64100

Program Acct Class

229 21 1760

Amount

3.94

Total

CHECK

1272

\$3.94

Region: SOUTHERN

Signature:

R. Zoster

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OCT 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

22-Jan-1993

GEORGE KORBIS
5721 S 1080 E
SALT LAKE CITY UT 84121

RECEIVED
FEB 10 1993
Department of Water Resources
Southern Region Office

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

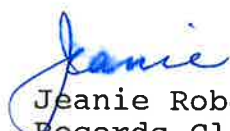
Dear Mr. Korbis:

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

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

\$3.94

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

MICROFILMED
OCT 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

22-Jan-1993

GEORGE KORBIS
5721 S 1080 E
SALT LAKE CITY UT 84121

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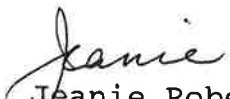
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Please remit the following for the cost of the copies and postage:

\$3.94

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

MICROFILMED

OCT 11 1994

RECEIVED

JAN 19 1993
Department of Water Resources
Southern Region Office

(Date)

1/14/93

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in my file as it relates to water right number 36-00039N.

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

Please bill me for the copy charge.

Sincerely,

George J. Korbis
(Name)

5721 South 1080 East
(Address)

SALT LAKE CITY, UTAH 84121
(City, State, Zip Code)

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

George J. Korbis

5721 So. 1080 East

Salt Lake City, UT 84121

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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. A36-00039N
(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,

36-00039N -0001/
93-04-0042

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: George J. Korbis and Nellie W. Korbis

Address: 5721 South 1080 East

Salt Lake City, Utah 84121

Briefly describe your interest in this water right:

Original priority 2/2/1891

Water right decreed 03/22/32 in New International

Mortgage Bank v. Idaho Power Company

2. Owner of the water right:

Name: George J. Korbis and Nellie W. Korbis

Address: 5721 South 1080 East

Salt Lake City, Utah 84121

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

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

Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

12. ☐ Water Right Recommendation: I object to:
- a. ☐ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☒ Other: I object to: See attached
- _____
- _____
- _____
- _____

REASONS SUPPORTING EACH BOX CHECKED

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

See Page 7

CHANGES TO THE DIRECTOR'S REPORT

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

Irrigation, stock water and asethetic from 01/01 to 12/31;
total consumption and maximum quantity per decreed amount with
beneficially used on 1 acre; and strike all remarks after
"Willow Brook Subdivision".

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 Utah

County of Salt Lake

George P. Karb, 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.

George P. Karb
Signature of person filing objection

By: [Signature]

(Attorney signing in
representative capacity)

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



Janet L. Tripp
Notary Public for _____
Residing at: SLE
My Commission Expires: 10-16-96

(Over)

MICROFILMED
OCT 11 1994

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on the 23 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: George J. Korbis and Nellie W. Korbis

Owner's address: 5721 South 1080 East

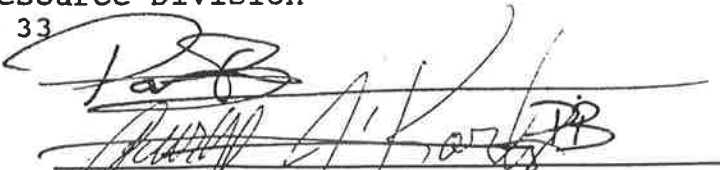
Salt Lake City, Utah 84121

3. One copy to:

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

4. One copy to:

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



Signature of objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

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

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

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

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

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

GENERAL PROVISIONS 1 - 8 APPLY TO ALL WATER RIGHTS IN BASIN 36.

(DRP-I at page 9)

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

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

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

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

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

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AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

EXHIBIT

AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

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

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

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

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

(WATER\21530ANS)

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



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JAN 21 1993

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

PAGE: 1

**DIVERSION
VOLUME**

Tributary to: SNAKE RIVER

Stage: DECREED

T07S R13E S11

SESENE

GOODING County

NE

NW

SW

SE

[illegible]

Non-Irrigation Uses: DOMESTIC, 1 HOME

Remarks: WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
PROPERTY IS ALSO KNOWN AS LOT 1, BLOCK 1, 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.

Dates:	Exam Made Date: 07/24/1990	Verified Date:
Misc:	Water District Number: 36A	Field Inspection Flag:
		Presumption Flag:

Comments: Date: 02/06/1992 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.
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 HAD BEEN USED FOR YEARS TO TRANSPORT THE
WATER FROM BILLINGSLEY CREEK TO THE SUBJECT PROPERTY.
LOT 1, BLOCK 1, WILLOW BROOK SUBD.

OWNERSHIP CHANGE 7/2/91 BY AA.

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

=====

Date: 08/04/1992 User-ID: CHRISTEN Subject: BASIS FOR DISALLOWAL
NO DEVELOPMENT OR DIVERSION EXISTS ON THIS LOT SINCE 1980.

Date: 09/22/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/21/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 8/4/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/16/1992 User-ID: CHRISTEN Subject: RESPONSE TO NOE
NOE STATES THAT THEY INTEND ON DEVELOPING THE PROPERTY IN THE
FUTURE. NO CHANGES RECOMMENDED. KKC 10-16-92.

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 DEVELOPMENT DIVERSION SYSTEM ALTHOUGH NO DEVELOPMENT
HAS OCCURRED.

Date: 10/28/1992 User-ID: MCCARTHY Subject: RECORD CHANGED
REMARK WAS CORRECTED

Audit: 10/28/92 MCCARTHY

MICROFILMED
JAN 21 1993

NOTICE OF ERROR FORM

AUG-24-1992

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

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

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

1. Water right number:

36-00039N

- 2.

Name:

GEORGE J. KORBIS
NELLIE W. KORBIS

Address:

5721 South 1080 East
SALT LAKE CITY, UTAH 84121

Weekday Telephone Number:

801-4871316

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

SEP 21 1992

Department of Water Resources
Southern Region Office

RECEIVED

SEP 21 1992

Department of Water Resources

MICROFILMED
JAN 21 1993

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

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

*FORFEITED / ABANDONED: NON-USE
ABANDONMENT OF RIGHT CONFIRMED.*

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

*ABANDONMENT IS NOT CORRECT. DISALLOWANCE
& FORFEITURE SHOULD BE STRICKEN FROM
RECOMMENDATION.*

5. Describe why you disagree with the proposed recommendation:

*PURCHASE OF THE PROPERTY WITH (6) SHARES OF
WATER FROM BUCKEYE DITCH CO. WAS CONSUMMATED
IN MAY 1991. PLANS TO DEVELOP & BUILD
ARE FOR 1993 & 1994. We should be allowed this*

6. Date:

time to develop the LAND.

SIGNATURE

Jeff A. Kaul

*copy of
WARRANTY DEED
ENCLOSED.*



WARRANTY DEED

For Value Received

Philip T. Kinnison and Patsy A. Kinnison, husband and wife,
hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto
George J. Korbis and Nellie W. Korbis, husband and wife,
hereinafter referred to as Grantee, whose current address is

5721 South 1080 East, Salt Lake City, UT, 84121

the following described premises, to-wit:

Lot 1 in Block 1 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 (six) shares of water from Buckeye Ditch Co.

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 14, 1991.

X Philip T. Kinnison
Philip T. Kinnison

X Patsy A. Kinnison
Patsy A. Kinnison

STATE OF COLORADO)
COUNTY OF Jefferson) : ss

On This 14th day of May, in the year 1991, before me, a Notary Public
in and for said State, personally appeared Philip T. Kinnison and Patsy A. Kinnison,
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.

144864

STATE OF IDAHO, COUNTY OF GOODING
Filed for record at the request of FIRST AMERICAN TITLE

50 min. past 3 o'clock P.M. this 17
of May, 1991.

JOHN A. MYERS, Recorder fu300

By Curata Sites

Notary Public for
Residing at
Commission Expires:

MY COMMISSION EXPIRES
JUNE 28, 1994
2625 S. COLORADO BLVD.
DENVER, CO 80222

First American Title Company of Idaho



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

GEORGE I KORBIS
5721 S 1080 E
SALT LAKE CITY UT 84121

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

Dear Mr Korbis

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.

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

Water Right Number - R36-00039N

Prefix Translation:

RESEARCH

Old (D) Number -

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

+ - First Name - - - +

+ - - - - Address - - - - +

+ - - - -

*** C - CURRENT OWNER ***
KORBIS

GEORGE J

1 - 5721 SOUTH 1080 EAST
2 -
3 -

State- UT Zip- 84121

KORBIS

NELLIE W

City- SALT LAKE CITY
Phone - 801-262-1269
1 - 5721 SOUTH 1080 EAST
2 -
3 -

State- UT Zip- 84121

*** O - ORIGINAL OWNER ***
KINNISON

PHILIP T

1 - 7909 WEST HARVARD
2 -
3 -

State- CO Zip- 80227

KINNISON

PATSY A

City- LAKEWOOD
Phone - 303-986-0448
1 - 7909 WEST HARVARD
2 -
3 -

State- CO Zip- 80227

+ - - Priority Date - - +
01/02/1891

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - +
BILLINGSLEY CREEK

+ - - Tributary - - - - +
SNAKE RIVER

+ - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot RFlg County

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

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

43 - DOMESTIC

01/01 12/31

0.040

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

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

Total Acres:

MICROFILMED
JAN 21 1993

Final Recommendation
445 10-21-92

Water right number - R36-00039N

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 1, BLOCK 1, WILLOWBROOK
SUBDIVISION.

THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED
ABOVE FOR STOCKWATER 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 - - - - - +

3600039A

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

No Conditions of Approval found.

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

00/00/0000

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

Date: 03/14/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW

Date: 02/06/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS

THIS AMOUNT OF WATER IS NEEDED BECAUSE THE SOIL IS VERY SANDY AND
IN THE 1932 DECREE, IT STATES THAT THE WATER IS TRANSPORTED BY
AND THE BUCKEYE DITCH HAD BEEN USED FOR YEARS TO TRANSPORT THE
LOT 1, BLOCK 1, WILLOW BROOK SUBD.
OWNERSHIP CHANGE 7/2/91 BY AA.

BECAUSE OF THE LOSS OF WATER BEING TRANSPORTED IN THE OPEN DITCH.
USE OF THE GRANGER DITCH. THE GRANGER DITCH HAS BEEN ABANDONED
WATER FROM BILLINGSLEY CREEK TO THE SUBJECT PROPERTY.

Date: 08/04/1992 User Id: CHRISTEN Subject: BASIS FOR DISALLOWAL

NO DEVELOPMENT OR DIVERSION EXISTS ON THIS LOT SINCE 1980.

Date: 09/22/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)

RECEIVED NOE 9/21/92. CHANGED NOE FLAG FROM BLANK TO A.

CLAIM VERIFIED 8/4/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/16/1992 User Id: CHRISTEN Subject: RESPONSE TO NOE

NOE STATES THAT THEY INTEND ON DEVELOPING THE PROPERTY IN THE

FUTURE. NO CHANGES RECOMMENDED. KKC 10-16-92.

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 DEVELOPMENT DIVERSION SYSTEM ALTHOUGH NO DEVELOPMENT HAS OCCURRED.

+ - - Audit Fields - - +

10/22/92 THORNTON

MICROFILMED
JAN 21 1993

Water right number - R36-00039N

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	- 03/13/1991	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S013107	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	- <i>PC</i>

RECEIVED
11 2 MAR 93

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 &/or 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

MICROFILMED
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>Ø</u>	<u>-</u>	<u>0.03</u>
B	<u>0.12</u>	<u>0.03</u>	<u>N</u>	<u>Ø</u>	<u>-</u>	<u>0.06</u>
(C)	<u>0.28</u>	<u>0.06</u>	<u>N</u>	<u>Ø</u>	<u>-</u>	<u>0.06</u>
D	<u>0.26</u>	<u>0.06</u>	<u>N</u>	<u>Ø</u>	<u>-</u>	<u>0.03</u>
E	<u>0.04</u>	<u>0.03</u>	<u>N</u>	<u>Ø</u>	<u>-</u>	<u>0.03</u>
F	<u>0.12</u>	<u>0.03</u>	<u>N</u>	<u>Ø</u>	<u>-</u>	<u>0.04</u>
G	<u>0.04</u>	<u>0.04</u>	<u>N</u>	<u>Ø</u>	<u>-</u>	
H	<u>disallowed</u>			<u>Ø</u>	<u>-</u>	
J	<u>disallowed</u>			<u>Ø</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>Ø</u>	<u>-</u>	<u>0.03</u>
M	<u>disallowed</u>			<u>Ø</u>	<u>-</u>	
N	<u>disallowed</u>			<u>Ø</u>	<u>-</u>	
P	<u>disallowed</u>			<u>Ø</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.
 (except for 39K)

R PROOF



CVR

MAPS



PHOTOS

MISC

MICROFILMED

JAN 21 1993

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

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

*** C - CURRENT OWNER ***

KORBIS GEORGE J 1 - 5721 SOUTH 1080 EAST
2 -
3 -
City- SALT LAKE CITY State- UT Zip- 84121
Phone - 801-262-1269

KORBIS NELLIE W 1 - 5721 SOUTH 1080 EAST
2 -
3 -
City- SALT LAKE CITY State- UT Zip- 84121
Phone - 801-262-1269

*** O - ORIGINAL OWNER ***

KINNISON PHILIP T 1 - 7909 WEST HARVARD
2 -
3 -
City- LAKEWOOD State- CO Zip- 80227
Phone - 303-986-0448

KINNISON PATSY A 1 - 7909 WEST HARVARD
2 -
3 -
City- LAKEWOOD State- CO Zip- 80227
Phone - 303-986-0448

+ - - 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 SE SE NE (47) GOODING

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

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 10/31 0.040
04 - STOCKWATER 01/01 12/31 0.020
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 | - 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 | - 03/13/1991 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S013107 | Water District | - 36A |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |

RECEIVED
JUN 21 1964

Water right number - R36-00039N

Prefix Translation: RESEARCH

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

Name Connector

- OR

Presumption Flag

-

Notice of Error Flag

-

MICROFILMED

JAN 21 1993

Deeded use was for irrigation
 As the use would require
 a separate claim.

- Veerenda purchased lots from
 Veerenda now owned by Strobel
 Veerenda? check 39B

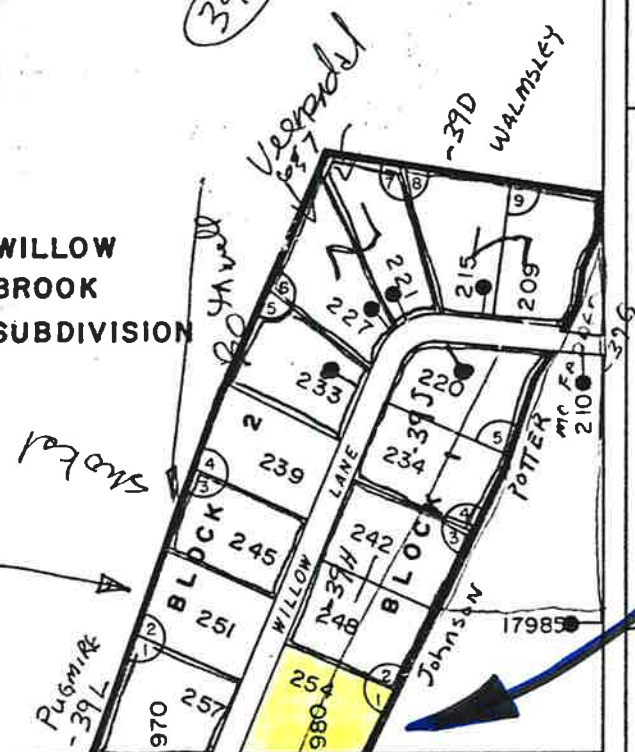


ROCK LODGE
 SUBDIVISION

MICROFILM
 SEC II,
 JAN 21 1991

WILLOW
 BROOK
 SUBDIVISION

FRIESEN
 39M



17951
 17958 A
 17958 B
 17958 C

17966

A36-00039N

KINNISON

* per file
 7-2
 S

PIONEER ROAD

No Use found
 Per field Exam
 7-24-90
 SC

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

George J. Korbia
5721 So. 1080 East
Salt Lake City, UT 84121



RECEIVED

FEB 10 1993

Department of Water Resources
Southern Region Office

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

MICROFILMED

George J. Korbia
5721 So. 1080 East
Salt Lake City, UT 84121



RECEIVED

JAN 19 1993

Department of Water Resources
Southern Region Office

IDAHO DEPT. OF WATER RES
222 SHOSHONE ST. EAS
TWIN FALLS,
IDAHO
83301

MICROFILMED