

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 36-00047
Date Received _____
Receipt Number 5020752 590

RECEIVED

DEC 08 1997

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

Please type or print clearly

1. Name of Claimant (s) C-CAN Partners (Norris, Cropp & Anderson) Phone (208) 788-4903 or
Mailing Address P.O. Box 669 Hailey, ID Zip 83333

2. Date of Priority (Only one (1) per claim) July 26, 1910

3. Source of water supply (a) Sherman Springs
which is tributary to (b) Billingsley Creek

4. a. Location of existing point of diversion is: Township 7S Range 13E Section 18.
NW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Gooding

Additional points of diversion if any: _____

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. concrete collection box and headgate
into pipeline.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from Irrigation Season amount 1.6 or _____

For Irrigation Maintenance purposes from 1/1 to 12/31 amount 1.0 or _____

For Wildlife, Recreation, Aesthetics purposes from 1/1 to 12/31 amount 1.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.6 (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.) EM: water must be kept in pipeline to prevent damage; WRA the ground is irrigated

10. Description of place of use: to provide feed & cover for wildlife and recreation during the non-growing season
the crop land is flooded to provide additional habitat

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	
7S	13E	13													30				30
"	"	"													WRA				
"	"	"													(10A) irrig season				10

Total number of acres irrigated 40A

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

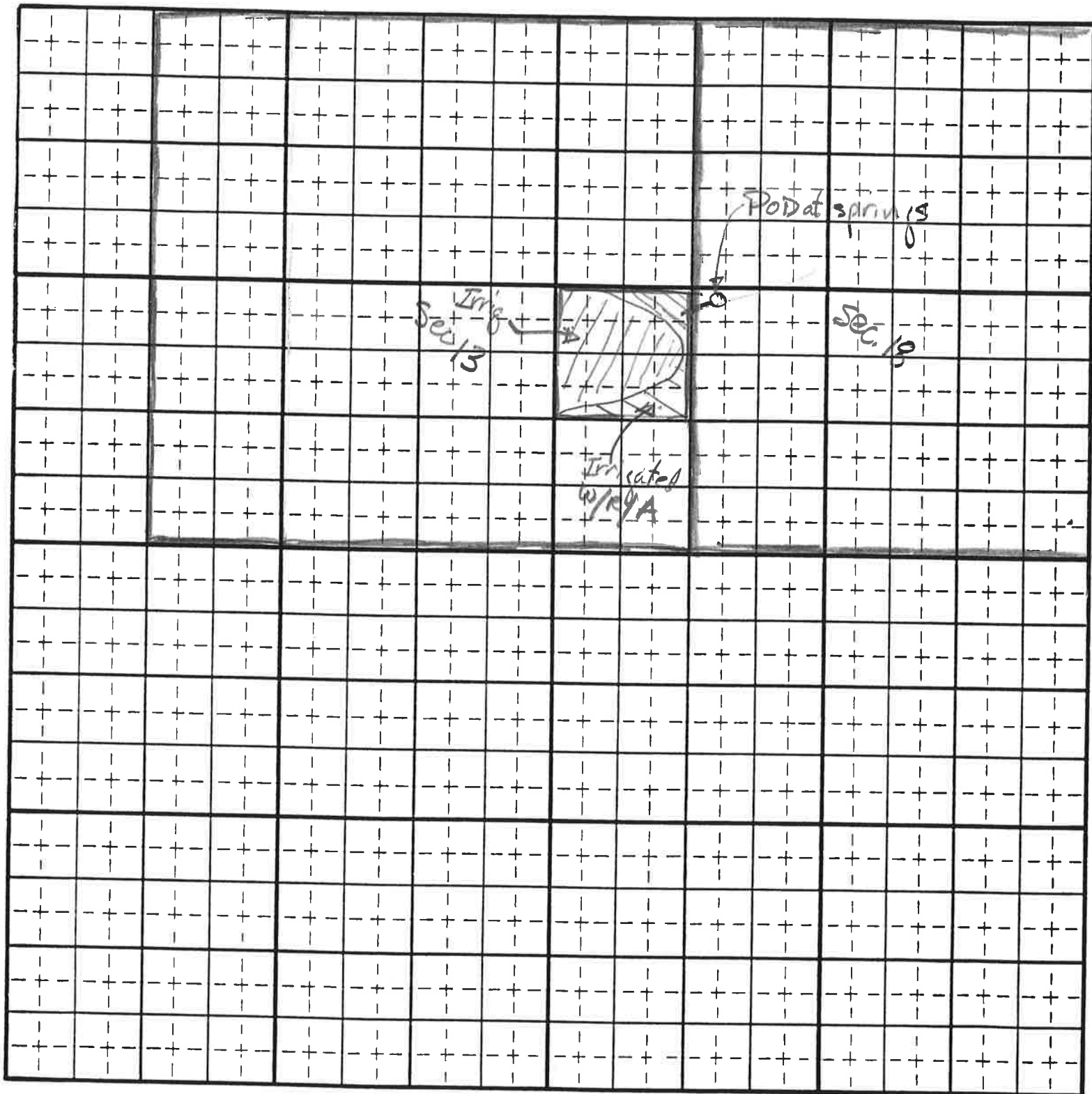
12. Do you own the property listed above as place of use? Yes ☒ No ☐
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

14. Remarks:

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

Scale: 2 inches equals 1 mile



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

If applicable provide IDWR Water Right Number 36-00047

Court _____ Case Number _____ Decree Date 3/22/32

Plaintiff vs Defendant New Int'l Mortgage Bank v. Idaho Power Co.

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

Signature of Claimant (s) [Signature] for C-CAN Partners Date 12/2/97

Date _____

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 2nd day of December 19 97

SEAL

Notary Public Leana L. McMillan

Residing at Jerome, Id

My Commission Expires 8/24/2001

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Patrick D. Brown, Hopworth, Lezaniz 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 [Signature]

Address P.O. Box 389
33 Shoshone St North, Twin Falls ID 83303

Date 12/2/97

Last Name C-CAN Partners Ident. Number 36-00047

Copies White-State, Yellow-Claimant

DEC 23 '97 01:04PM HEPWO

P.1/2

POWER OF ATTORNEY**KNOW ALL MEN BY THESE PRESENTS:**

That We, C-CAN Partners, of Hailey, County of Blaine, State of Idaho, have made, constituted and appointed and by these presents do make, constitute and appoint Patrick D. Brown of the law firm of Hepworth, Lezamiz & Hohnhorst, Chtd. of Twin Falls, Idaho, as power of attorney.

Said attorney is to act in our name, place and stead, and for our use and benefit in regard to all matters involving our ownership, or the adjudication thereof, of water rights pursuant to claim(s) filed in the Snake River Basin Adjudication, Civil Case No. 39576, Fifth Judicial District, State of Idaho.

My attorney is specifically authorized to execute all necessary or proper documents on our behalf in regard to the adjudication of the above mentioned water rights or claim(s), and to negotiate, compromise, or settle all matters relating to the Snake River Basin Adjudication.

This Power of Attorney shall remain in full force and effect until written notice of its revocation or notice of our death is received by any party relying upon this document.

This Power of Attorney shall be not be affected by our disability. It is our intent that this Power of Attorney shall continue in full force and effect in the event of our incapacity.

We further provide that photocopies of this Power of Attorney are to be given equal dignity, full affect, and recognition as if it were the original.

POWER OF ATTORNEY - 1



12-8-97

DEC 08 '97 01:04PM HEPWOR

P.2/2

WITNESS my hand this 8th day of December, 1997.

C-CAN Ptas. D. C. Cropper
 C-CAN Partners
 by David C. Cropper, D. C. Cropper
 L.
 S.D.

STATE OF IDAHO)
 County of BLAINE) ss.

On this 8th day of December, 1997, before me, the undersigned, a notary public in and for said county and state, personally appeared David C. Cropper, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

Jan K. Lytle
 NOTARY PUBLIC FOR IDAHO
 Residing at: Nailey Rd
 My Commission Expires: 01-16-98

(61137poa.)llm

POWER OF ATTORNEY - 2

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 36-00047
Date Received _____
Receipt Number 5020252 590

RECEIVED

DEC 08 1997

Department of Water Resource

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 04 1997

Department of Water Resource
Southern Region

Please type or print clearly

1. Name of Claimant (s) C-CAN Partners (Norris, Cropp & Anderson) Phone (208) 788-4903 or
Mailing Address PO Box 669 Hailey, ID 208 726-5300
Zip 23333

2. Date of Priority (Only one (1) per claim) July 26, 1910

3. Source of water supply (a) Sherman Springs
which is tributary to (b) Billingsley Creek

4. a. Location of existing point of diversion is: Township 7S Range 13E Section 18
NW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Gooding

Additional points of diversion if any: _____

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. concrete collection box and headgate
into pipeline.

6. Water is claimed for the following purposes:

For Irrigation purposes from Irrigation Season (both dates are inclusive) amount 1.6 (cfs) or _____ (acre feet)
 For Irrigation Maintenance purposes from 1/1 to 12/31 amount 1.0 (cfs) or _____ (acre feet)
 For Wildlife, Recreation, Aesthetics purposes from 1/1 to 12/31 amount 1.6 (cfs) or _____ (acre feet)
 For _____ purposes from _____ to _____ amount _____ (cfs) or _____ (acre feet)

7. Total quantity claimed (a) 1.6 (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.) EM: water must be kept in pipeline to prevent damage; WRA the ground is irrigated to provide feed & cover for wildlife and recreation during the non growing season

10. Description of place of use: the crop land is flooded to provide additional habitat
 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	
7S	13E	13													30				30
"	"	"																	
"	"	"													(10A) in irrig season				10

Total number of acres irrigated 40A

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

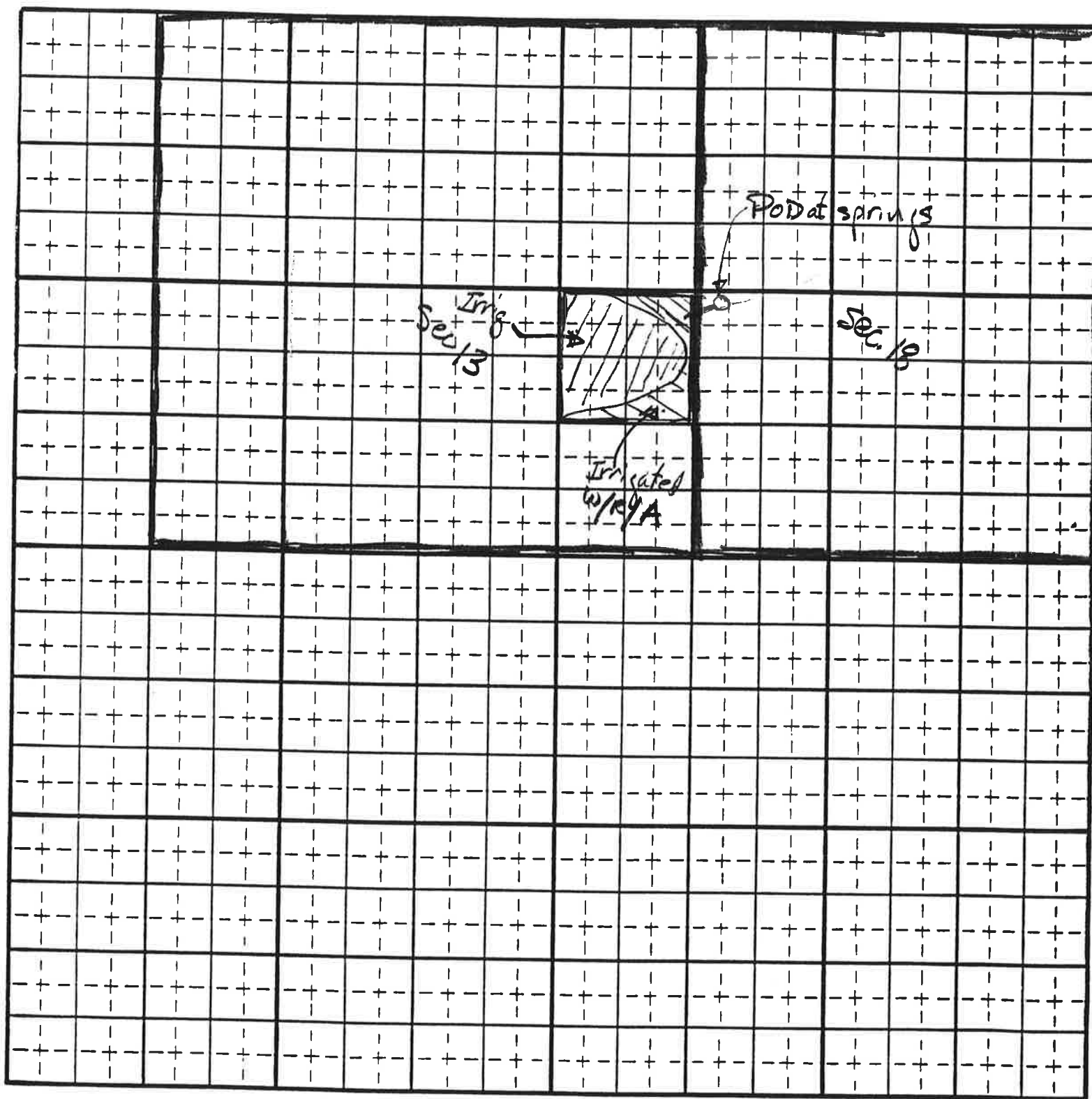
12. Do you own the property listed above as place of use? Yes X No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

14. Remarks:

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

Scale: 2 inches equals 1 mile



Last Name C-CAN Partners

Ident No. 36-00047

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 36-00047

Court _____ Case Number _____ Decree Date 3/22/32

Plaintiff vs Defendant New Int'l Mortgage Bank v Idaho Power Co.

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

Signature of Claimant (s) [Signature] for C-CAN Partners Date 12/2/97

Date _____

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 Idaho/or _____)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 2nd day of December 19 97

SEAL

Notary Public Leana L McMillan

Residing at Jerome, Id

My Commission Expires 8/24/2001

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Patrick D. Brown, Hepworth Lezaniz 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 [Signature]

Address PO Box 389
133 Shoshone St. North, Twin Falls ID 83303

Date 12/2/97

Last Name C-CAN Partners Ident. Number 36-00047

Copies White-State, Yellow-Claimant

SUBCASE NO. 36-00047

	CLAIM (7/21/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Dixie Adamson *	N/A	Dixie Adamson	Dixie Adamson *
BASIS OF CLAIM	Decree +		Decree	
SOURCE	Sherman Springs		Sherman Springs	
QUANTITY	1.60 cfs		0.60 cfs	XX - requests maximum quantity as decreed - 1.6 cfs.
PRIORITY DATE	7/26/1910		7/26/1910	
PURPOSE OF USE	Irrigation		Irrigation	XX - requests that stockwater be added. MSJ requests irrigation, stockwater, wildlife, recreation, aesthetics and "diversion system maintenance"
PERIOD OF USE	3/15 - 11/15		3/15 - 11/15	XX - requests year round for both uses. MSJ requests Irrigation Season for irrigation and year round for other uses
POINT OF DIVERSION	T07S R14E S18		T07S R14E S18	XX - requests that POD be added: R07S R13E S13 for stockwater
PLACE OF USE	T07S R13E S13 30.0 acres		T07S R13E S13 30.0 acres	MSJ requests 39.8 acres
remarks	"Originally water right #36-02006 then renumbered as decreed water right #36-00047. Transfer #403."			

* Change in Ownership - 4/21/1994 - Bruce & Mary Bothwell

Substitution of Party filed 3/96 - Bothwell to William Norris, David Cropper, Linda Cropper, Blain R. Cropper, Vivan Cropper, Dave Anderson and Nancy Anderson

+ License #4504 - 9/14/1918 - right no. 36-00047

CLAIM NUMBERS 36-00047

DATE 10/16/97
AGENT [Signature]

TRANSFER NUMBER _____
OBJECTION FILED ☒
TOTAL ACRES FROM RECOMMENDATION 30
GEOGRAPHIC INFO SYSTEM 30

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	07S	13E	13													30			30
GIS																30.05			30.05
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED POLYGON # UPDATED

B36-DBPOU.DBF 588
B36-DBPOD.DBF 584 ✓

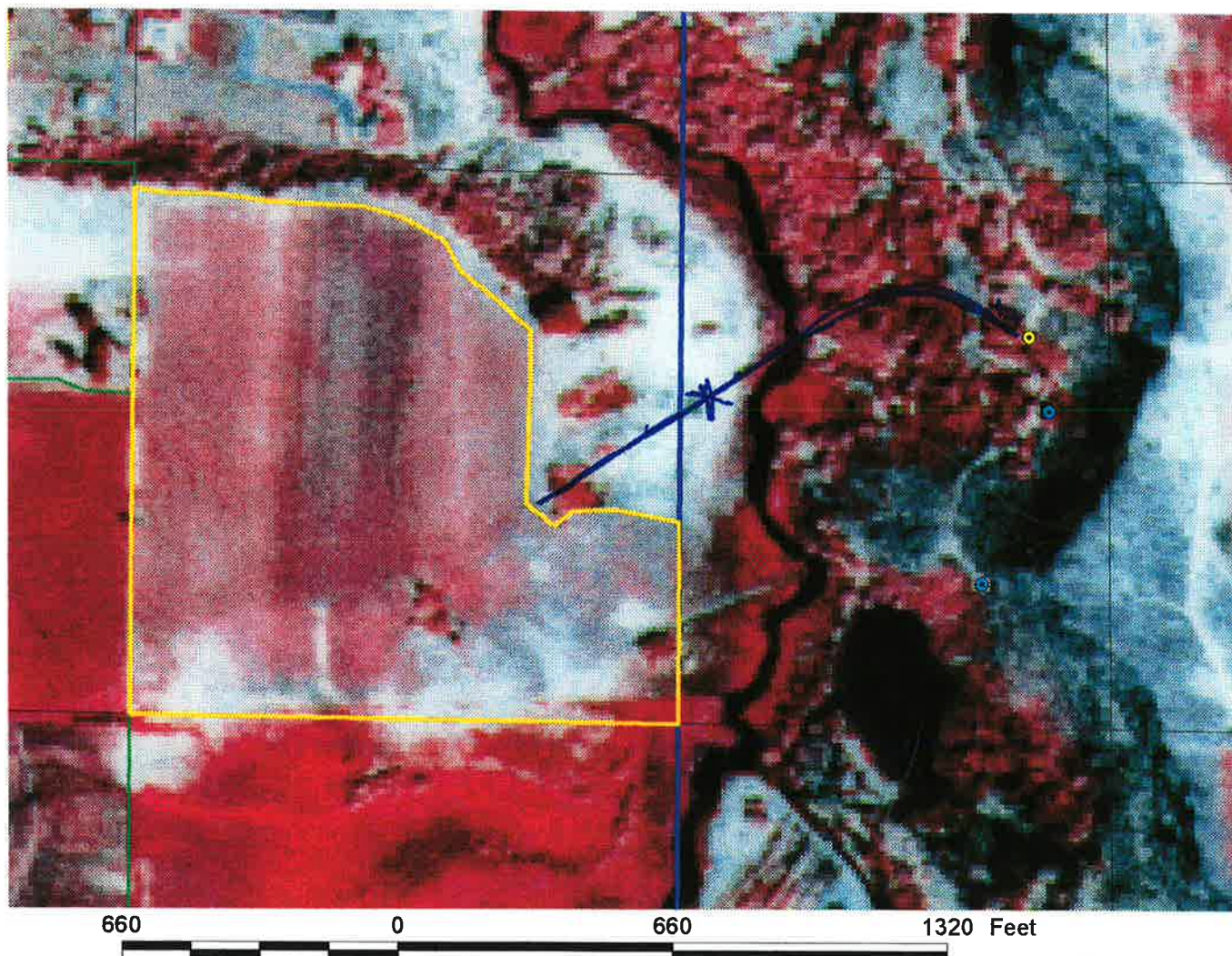
POLYGON CREATED ON 604 (✓)
ATTRIBUTES OF B36-POU.SHP (588)
ATTRIBUTES OF B36-POD.SHP (584) NWNWSW-18
11 (Sherman Springs)

NENWSW

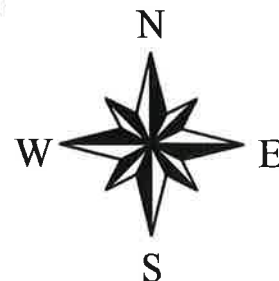
P/U CONFLICT yes () no (✓)
P/D CONFLICT yes (✓) no ()
READY FOR DECREE yes () no ()
SENT FOR DECREE yes () no ()

IDAHO DEPARTMENT OF WATER RESOURCES

36-000647
DIXIE ADAMSON



TNS 7S, RNG 13E, SEC 13



⊙ 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

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: **A36-00047**
Date Received: 7/21/1988
Receipt No: S001032
Received By: _____

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

1. Name: DAVID L CROPPER 208-788-4903
Address: PO BOX 516
HAILEY ID 83333
AND
Name: BLAINE RICHARD CROPPER 208-788-4903
Address: PO BOX 516
HAILEY ID 83333
AND
Name: WILLIAM E NORRIS 208-788-4903
Address: PO BOX 516
HAILEY ID 83333
AND
Name: DAVID D ANDERSON 208-788-4903
Address: PO BOX 516
HAILEY ID 83333

2. Date of Priority: JUL 26, 1910

3. Source: SHERMAN SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	14E	18	NW	NW	SW		GOODING

5. Description of diverting works:
CONCRETE HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	13	NE	SE		IRR	30.0
Section Acres							30.0
Total Acres							30.0

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:

ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047.
TRANS. #403

SF3 OWNERSHIP CHANGE REC'D 05/13/1994, ADAMSON TO BOTHWELL,
06/27/1994 SS.

CHANGE OF OWNERSHIP REC'D 01/31/95, BOTHWELL TO CROPPER, CROPPER,
NORRIS & ANDERSON JG.

15. Basis of Claim: DECREED

Water Right Number: 4504

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER COMPANY
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 6/1/94

RECEIVED

LEGAL DESCRIPTION OF PROPERTY: Township 7 South Range 13, East
Section 13, NE 1/4 of SE 1/4 of 1/4, Govt. Lot DBM

JAN 27 1995

Lot _____, Block _____, Subdivision/Townsite _____

Department of Water Resources

If you have additional legal descriptions, please attach separate sheet.

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s)
Assigned by IDWR: A36-00047
- [] Name and Address of Former Owner/Claimant(s)(Seller):
Bruce R. & Mary L. Bothwell
P.O. Box 444
Hagerman, ID 83332
- [] New Owner/Claimant (Purchaser):
David L. Cropper; Blaine Richard Cropper; William E. Norris
and David D. Anderson
- [] New Mailing Address:
P.O. Box 516
Hailey, ID 83333
- [] New Telephone Number: (208) 788 - 4903
- [] 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:

RECEIVED

JAN 31 1995

Department of Water Resources
Southern Region

- [] Attach proof of ownership, describe proof attached: 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):
David L. Cropper Date 5/27/94
Blaine Richard Cropper Date 5/27/94
William E. Norris Date 5/27/94
David D. Anderson Date 5/27/94
- [] Signature of Former Owner/Claimant(s):
Bruce R. Bothwell Date 5/24/94
Mary L. Bothwell Date 5/24/94

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 1/31/95 By: AL

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 1/31/95 By: AL

Claim Numbers of Split, if any:

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



ate 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

February 1, 1995

DAVID L CROPPER & BLAINE RICHARD CROPPER
WILLIAM E NORRIS
PO BOX 516
HAILEY ID 83333

RE: Snake River Basin Adjudication (SRBA) Change of Ownership
No. 36-00047 - BRUCE R. & MARY L. BOTHWELL

Dear Claimant(s):

Thank you for notifying us of your change in Ownership on the water right claim(s) referenced above. I have changed the records in our computer system, please find enclosed a copy. Please note that the Director's report for Basin 36 has been filed with the court and the recommendations for the above-listed right(s) remain listed in the former owners name.

If you have not filed the Standard Form #No 3 (form enclosed) with the Adjudication Court here in Twin Falls, you will need to do so, since this is part of the process now in the Change of Ownership(s) in Basin 36.

Should you have any questions, you can contact this office, the SRBA District Court (736-3011).

Sincerely,


Judy Givens
Technical Records Specialist

jg

Enclosures - Proof Report



WARRANTY DEED

RECEIVED

JAN 27 1995

For Value Received

Bruce R. Bothwell and Mary L. Bothwell, husband and wife,
hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

David L. Cropper and Linda C. Cropper, Husband and Wife, as to an undivided one-quarter interest; Blaine Richard Cropper and Vivian Latimer Cropper, Husband and Wife, as to an undivided one-quarter interest; William E. Norris, Trustee of the William E. Norris Separate Property Trust, dated February 15, 1991, as to an undivided one-quarter interest; and David D. Anderson and Nancy Jo Anderson, Trustees of the Declaration of Trust dated February 1, 1987, as to an undivided one-quarter interest

hereinafter referred to as Grantee, whose current address is

P.O. Box 516, Hailey, ID 83333

the following described premises, to-wit:

SEE ATTACHED EXHIBIT A

SUBJECT TO A Real Estate Mortgage dated April 21, 1994 to secure an indebtedness in the principal sum of \$130,000.00 and any other amounts and/or obligations secured thereby.

Recorded: April 21, 1994, Instrument No. 156632

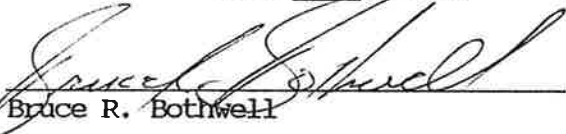
Mortgagor: Bruce R. Bothwell and Mary L. Bothwell, Husband and Wife

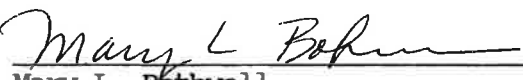
Mortgagee: Dixie L. Adamson Dennis, a married woman as her sole and separate property

WHICH GRANTEES HEREIN 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, 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 24} ~~June~~ 24, 1994.

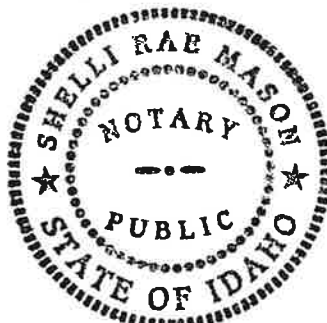

Bruce R. Bothwell


Mary L. Bothwell

STATE OF IDAHO

COUNTY OF GOODING

On This 24 day of ^{MAY} ~~June~~, in the year 1994, before me, a Notary Public in and for said State, personally appeared Bruce R. Bothwell and Mary L. Bothwell, 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.




Notary Public for Idaho

Residing at Gooding, Idaho

Commission Expires: ~~10-16-98~~

6-24-99

First American Title Company of Idaho



EXHIBIT A

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho.

Section 13: A parcel of land known as the NE1/4 SE1/4, being more particularly described as follows:

BEGINNING at the Southeast corner of said Section 13, said point being monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";
Thence along the Easterly boundary line of said Section North 00° 06' 16" East, 2633.53 feet to the Northeast corner of said southeast Quarter of Section 13, said point lies South 00° 06' 16" West, 2633.53 feet from a 1" pipe and brass cap marking the Northeast corner of said Section 13, said point being the TRUE POINT OF BEGINNING;
Thence along the Northerly boundary line of said Southeast Quarter of Section 13 North 89° 57' 11" West, 1312.16 feet to the Northwest corner of said Northeast Quarter of the Southeast Quarter, said point being monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";
Thence along the Westerly boundary line of said Northeast Quarter of the Southeast Quarter South 00° 01' 23" West, 1316.89 feet to a point monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";
Thence along the Southerly boundary line of said Northeast Quarter of the Southeast Quarter South 89° 57' 31" East, 1310.28 feet to a point on the Easterly boundary line of said Northeast Quarter of the Southeast Quarter of Section 13, said point being monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";
Thence along said Easterly boundary line of said Northeast Quarter of the Southeast Quarter North 00° 06' 16" East, 1316.76 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH a right of way for road purposes across the North 16 feet of the South 24 acres of the NW1/4SE1/4 as contained in Quitclaim Deed, recorded February 11, 1929 in Book 18 of Deeds, Page 364 as Instrument No. 47626, Gooding County, Idaho records.

Water Right Number - 36-00047

Prefix Translation: WATER RIGHT

Old (D) Number - 4504

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

*** C - CURRENT OWNER ***

BOTHWELL

MARY L

1 - PO BOX 444

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-000-0000

BOTHWELL

BRUCE R

1 - PO BOX 444

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-000-0000

*** D - DIR RPT OWNER ***

ADAMSON

DIXIE L

1 - PO BOX 998

2 -

3 -

City- TWIN FALLS

State- ID Zip- 83301

Phone - 208-734-7136

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/26/1910 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SHERMAN SPRINGS BILLINGSLEY CREEK+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 14E 18 NW NW SW (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.600+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.600 90.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 13 NE SE 30.0 01 IRRIGATION (47) GOODING

Total Acres: 30.0

+ - - Diversion Means - CONCRETE HEADGATE, PIPELINE, PUMP & SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

Water right number - 36-00047

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - -
No Remarks found.

+ - - - - Old Water Right Numbers - - - - -
3600047

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

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK IDAHO POWER COMPANY 00/00/0000

+ - - - - Comments - - - - -
Date: 08/03/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS
ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047. TRANS. #403
Date: 06/27/1994 User Id: SSHERMAN Subject: OWNERSHIP CHANGE
OWNERSHIP CHANGE, ADAMSON TO BOTHWELL.

+ - - Audit Fields - - +
00/00/00

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

Court Report Filing	- 11/02/1992	Field Inspection Made	- 07/27/1990	Civil Case Number	- 39576
Objection Filed Date	- 04/30/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 09/10/1993	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 07/21/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001032	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

Water Right Number - 36-00047

Prefix Translation: WATER RIGHT

Old (D) Number - 4504

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

*** C - CURRENT OWNER ***

CROPPER

DAVID L

1 - PO BOX 516

2 -

3 -

City- HAILEY

State- ID Zip- 83333

Phone - 208-788-4903

CROPPER

BLAINE RICHARD

1 - PO BOX 516

2 -

3 -

City- HAILEY

State- ID Zip- 83333

Phone - 208-788-4903

NORRIS

WILLIAM E

1 - PO BOX 516

2 -

3 -

City- HAILEY

State- ID Zip- 83333

Phone - 208-788-4903

ANDERSON

DAVID D

1 - PO BOX 516

2 -

3 -

City- HAILEY

State- ID Zip- 83333

Phone - 208-788-4903

*** D - DIR RPT OWNER ***

ADAMSON

DIXIE L

1 - PO BOX 998

2 -

3 -

City- TWIN FALLS

State- ID Zip- 83301

Phone - 208-734-7136

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/26/1910 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SHERMAN SPRINGS BILLINGSLEY CREEK+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 14E 18 NW NW SW (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
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Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 13 NE SE 30.0 01 IRRIGATION (47) GOODING

Total Acres: 30.0

Court Report Filing	- 11/02/1992	Field Inspection Made	- 07/27/1990	Civil Case Number	- 39576
Objection Filed Date	- 04/30/1993	Field Inspection Flag	-	Old Case Number	-
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Claim Received Date	- 07/21/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001032	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	-
				Notice of Error Flag	-

AJ0749NP
No. 36-00047

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

DATE: 01/31/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID L CROPPER	07/26/1910	IRRIGATION	03-15 11-15	0.60 CFS	
C	BLAINE RICHARD CROPPER					
C	WILLIAM E NORRIS					
C	DAVID D ANDERSON					
				TOTAL DIVERSION:	0.60 CFS	
				CONSUMPTIVE USE:		90.00 AFA

Water Source: SHERMAN SPRINGS

Tributary to: BILLINGSLEY CREEK

Stage: DECREED

Point(s) of Diversion:

T07S R14E S18

NWNWSW

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	13E	13	:																	:	30.0
																			TOTAL ACRES	:	30.0

POU County: GOODING

Other Rights: NONE

Dates: Exam Made Date: 07/27/1990 Verified Date:

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

SD-0601-2 Last Name: BOTHWELL

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
BOTHWELL							
	MARY	C	36-00103A	09/10/1884	BILLINGSLEY	0.060	01 IRR
	BRUCE R	C	A36-00039P	01/02/1891	BILLINGSLEY	0.120	01 IRR 04 STOCK 52 AES
	BRUCE R	C	36-00039P	01/02/1891	BILLINGSLEY	0.040	43 DOMEST
	MARY L	C	36-00039P	01/02/1891	BILLINGSLEY	0.040	43 DOMEST
	BRUCE R	C	A36-00047	07/26/1910	SHERMAN SPR	1.600	01 IRR
	MARY L	C	36-00047	07/26/1910	SHERMAN SPR	0.600	01 IRR
	BRUCE R	C	36-00047	07/26/1910	SHERMAN SPR	0.600	01 IRR
	MARY L	C	A36-00047	07/26/1910	SHERMAN SPR	1.600	01 IRR
	BRUCE	C	R36-00108M	09/10/1884	BILLINGSLEY	2.950	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu)

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: **A36-00047**

Date Received: 7/21/1988

Receipt No: S001032

Received By:

COO by S. Sherman

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

1. Name: BRUCE R BOTHWELL
Address: PO BOX 444
HAGERMAN ID 83332

Name: MARY L BOTHWELL
Address: PO BOX 444
HAGERMAN ID 83332

2. Date of Priority: JUL 26, 1910

3. Source: SHERMAN SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	14E	18	NW	NW	SW		GOODING

5. Description of diverting works:
CONCRETE HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	13E	13	NE	SE		IRR	30.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	30.0
					Total Acres	30.0

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:

ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047.
TRANS. #403
SF3 OWNERSHIP CHANGE REC'D 05/13/1994, ADAMSON/BOTHWELL.
06/27/1994 SS.

15. Basis of Claim: DECREED

Water Right Number: 4504

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER COMPANY
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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OCT 11 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

MAY 11 1994

DATE OF CLOSING: 4-21-94

LEGAL DESCRIPTION OF PROPERTY: Township 7 South Range 13 East B.M.

Section 13, 1/4 of NE 1/4 of SE 1/4 Govt. Lot N/A, B.M.

Lot N/A, Block, N/A, Subdivision/Townsite N/A.

If you have additional legal descriptions, please attach separate sheet.

Resources
Region Office

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

☒ Water Right Number(s)
Assigned by IDWR: #A36-00047

☒ Name and Address of Former Owner/Claimant(s)(Seller):
Dixie L. Adamson
P. O. Box #998
Twin Falls, Idaho 83301

☒ New Owner/Claimant (Purchaser):
Bruce R. Bothwell and/or Mary L. Bothwell

☒ New Mailing Address:
P. O. Box #144
Hagerman, Idaho 83332

☒ New Telephone Number: (208) 837 - 6402

☒ 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): Mary L. Bothwell Date 4/21/94

☐ Signature of Former Owner/Claimant(s): _____ 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: 6/22/94 By: SShorman

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

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

OCT 11 1994

6002900



WARRANTY DEED

For Value Received

Dixie L. Adamson Dennis, who acquired title as Dixie L. Adamson,
a married woman, as her sole and separate property,

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

Bruce R. Bothwell and Mary L. Bothwell, husband and wife,

hereinafter referred to as Grantee, whose current address is

P.O. Box 444, Hagerman, ID, 83332

the following described premises, to-wit:

SEE ATTACHED EXHIBIT A

156631

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN TITLE

42 min. past 4 o'clock p.m. this 21
of April, 1994 6.00

JOHN A. MYERS Recorder

By Christa Solis Deputy

TOGETHER WITH IDAHO STATE DEPARTMENT OF WATER RESOURCES WATER RIGHT #A36-00047.

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: April 21, 1994.

Dixie L. Adamson-Dennis
Dixie L. Adamson Dennis

STATE OF IDAHO

COUNTY OF GOODING

On This 21st day of April, in the year 1994, before me, a Notary Public in and for said State, personally appeared Dixie L. Adamson Dennis, known or identified to me to be the person whose name is subscribed to the within Instrument, and acknowledged to me that She executed the same.



Susan M. Bolton
Notary Public for Idaho
Residing at Gooding, Idaho
Commission Expires: 10-16-98

First American Title Company of Idaho

EXHIBIT A

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho.

Section 13: A parcel of land known as the NE1/4 SE1/4, being more particularly described as follows:

BEGINNING at the Southeast corner of said Section 13, said point being monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";
Thence along the Easterly boundary line of said Section North 00° 06' 16" East, 2633.53 feet to the Northeast corner of said southeast Quarter of Section 13, said point lies South 00° 06' 16" West, 2633.53 feet from a 1" pipe and brass cap marking the Northeast corner of said Section 13, said point being the TRUE POINT OF BEGINNING;
Thence along the Northerly boundary line of said Southeast Quarter of Section 13 North 89° 57' 11" West, 1312.16 feet to the Northwest corner of said Northeast Quarter of the Southeast Quarter, said point being monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";
Thence along the Westerly boundary line of said Northeast Quarter of the Southeast Quarter South 00° 01' 23" West, 1316.89 feet to a point monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";
Thence along the Southerly boundary line of said Northeast Quarter of the Southeast Quarter South 89° 57' 31" West, 1310.28 feet to a point on the Easterly boundary line of said Northeast Quarter of the Southeast Quarter of Section 13, said point being monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";
Thence along said Easterly boundary line of said Northeast Quarter of the Southeast Quarter North 00° 06' 16" East, 1316.76 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH a right of way for road purposes across the North 16 feet of the South 24 acres of the NW1/4SE1/4 as contained in Quitclaim Deed, recorded February 11, 1929 in Book 18 of Deeds, Page 364 as Instrument No. 47626, Gooding County, Idaho records.

MICROFILMED
OCT 11 1994
del

AJ0749NP
No. 36-00047

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

DATE: 06/28/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BRUCE R BOTHWELL	07/26/1910	IRRIGATION	03-15 11-15	0.60 CFS	
C	MARY L BOTHWELL PO BOX 444 HAGERMAN ID 83332				0.60 CFS	
				TOTAL DIVERSION:		90.00 AFA
				CONSUMPTIVE USE:		
D	DIXIE L ADAMSON 239 CLINTON DR TWIN FALLS ID 83301 (208) 734-7136					

Water Source: SHERMAN SPRINGS

Tributary to: BILLINGSLEY CREEK

Stage: DECREED

Point(s) of Diversion:

T07S R14E S18

NWNWSW

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	13E	13	:																	:	30.0
																			TOTAL ACRES	:	30.0

POU County: GOODING

Other Rights: NONE

Dates: Exam Made Date: 07/27/1990 Verified Date:

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

MICROFILMED
OCT 11 1994

SD-0420-1
SELECT SUBJECT

Idaho Department of Water Resources
Modify Comment--Selection

Date: 06/28/94
Time: 11:15:36

Water Right Number: 36-00047

FIRST PAGE

	Date	User	Subject
-	8/ 3/1992	CLELLAND	COPIED FROM REMARKS
-	6/27/1994	SSHerman	OWNERSHIP CHANGE
-	/ /		
-	/ /		
-	/ /		
-	/ /		
-	/ /		
-	/ /		
-	/ /		
-	/ /		
-	/ /		
-	/ /		
-	/ /		
-	/ /		

(Enter=Select/Exit) (Gold1=Add Comment)

(Gold4=Prev) (Gold5=Next)

MICROFILMED
OCT 11 1994

MICROFILMED
OCT 11 1994

Water Right Number - 36-00047 Prefix Translation: WATER RIGHT Old (D) Number - 4504

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

*** C - CURRENT OWNER ***

BOTHWELL BRUCE R 1 - PO BOX 444
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-000-0000

BOTHWELL MARY L 1 - PO BOX 444
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-000-0000

*** D - DIR RPT OWNER ***

ADAMSON DIXIE L 1 - 239 CLINTON DR
2 -
3 -
City- TWIN FALLS State- ID Zip- 83301
Phone - 208-734-7136

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

07/26/1910 17 SOUTHERN D - DECREED

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

SHERMAN SPRINGS BILLINGSLEY CREEK

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

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	14E	18	NW NW SW		(47)	GOODING

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

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	0.600	

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

0.600 90.0

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

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	13	NE SE		30.0	01	IRRIGATION	(47) GOODING

Total Acres: 30.0

+ - - Diversion Means - CONCRETE HEADGATE, PIPELINE, PUMP & SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

Water right number - 36-00047

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - -
No Remarks found.

+ - - - - Old Water Right Numbers - - - - -
3600047

+ - - - - Conditions of Approval - - - - -
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+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK IDAHO POWER COMPANY 00/00/0000

+ - - - - Comments - - - - -
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ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047. TRANS. #403
Date: 06/27/1994 User Id: SSHERMAN Subject: OWNERSHIP CHANGE
OWNERSHIP CHANGE, ADAMSON TO BOTHWELL.

+ - - Audit Fields - - +
00/00/00

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

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		Receipt Number	- S001032	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED

00111000

Water Right Number - A36-00047

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 4504

+ - - - - 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 ***
ADAMSON

DIXIE L

1 - 239 CLINTON DR
2 -
3 -
City- TWIN FALLS
Phone - 208-734-7136

State- ID Zip- 83301

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/26/1910 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
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TwN Rng Sec Tract Lot RFlg County
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Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 1.600+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.600 90.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 13E 13 NE SE 30.0 01 IRRIGATION (47) GOODING

Total Acres: 30.0

+ - - Diversion Means - CONCRETE HEADGATE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047.
TRANS. #403MICROFILMED
OCT 11 1994

Water right number - A36-00047

Prefix Translation: ADJUDICATION CLAIM

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

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

No Old Water Right Numbers Found

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

No Conditions of Approval found.

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

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

+ - Decree Date - +
00/00/0000

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

No Comments Found

+ - - Audit Fields - - +
00/00/00

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 07/21/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001032	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
OCT 11 1994

1 13 15 17 19 21 23 25 27 29 31

JUN 30 1994

Department of Water Resource
Twin Falls Region Office

RECEIVED

MAY 13 1994

Department of Water Resources
Adjudication Bureau

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

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

Case No. 39576

STANDARD FORM 3

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

STANDARD FORM FOR NOTICE
OF CHANGE IN ADDRESS

OR

Petitioner,

CONSENT TO SUBSTITUTION OF
PARTY

vs.

The United States; the State of Idaho; and
all Claimants to the Use of Water From
the Snake River Basin Water System,

Respondents.

36-00047

AS + blank fixed.

6-28-94

profile + proof
attached.

INSTRUCTIONS FOR USE

This form must be used to provide notice of change in address or to substitute a party whose water right recommendation is in a director's report which has been filed with the court. The filing of Standard Form 3 cannot result in a contested matter. A hearing will not be scheduled.

This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4A, which may be consulted for further information.

Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) where a water right recommendation is not before the court.

As used in this form, the term "prior claimant/seller" means any person who, pursuant to I.C. § 42-1409(2), (3) and (6), 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 a "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.

Check either the *Change in Address* or *Consent to Substitution of Party* box and fill in the requested 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 the court will not accept it for filing. The Verification and the Certificate of Mailing must be completed.

The standard form may be obtained from the Idaho Department of Water Resources and the court. You must provide a copy of this form to each party, or to their legal counsel, in any subcase in which you are a party.

☐ CHANGE IN ADDRESS

My name is _____

I am the claimant of _____

(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 _____

My phone number is: Work _____ Home _____

RECEIVED

☒ **CONSENT TO SUBSTITUTION OF PARTY**

My name is Dixie L. Adamson

My address is P. O. Box #998

Twin Falls, Idaho 83301

My phone number is: Work 208-733-5543 Home 208-734-7136

The name and address of the party who I wish to be substituted for are:

Bruce R. Bothwell and/or Mary L. Bothwell

P. O. Box #444, Hagerman, Idaho 83332

I am the new claimant/purchaser of #A36-00047 and
(Insert each water right number)

I am submitting proof of acquisition of the interest of the prior claimant/seller, *which is required by the court* to support my *Substitution*. Proof must contain a legal description of the property, including the water right numbers conveyed. You must describe the documents you are submitting.

Copy of the recorded Warranty Deed.

Dixie L. Adamson
(Signature of prior claimant/seller)

Bruce R. Bothwell
(Signature of new claimant/purchaser)

☐ **ATTORNEY OF RECORD COMPLETING FORM**

My name is _____

I am the attorney of record for _____
(Identify party/claimant)

My address and phone number are _____

VERIFICATION

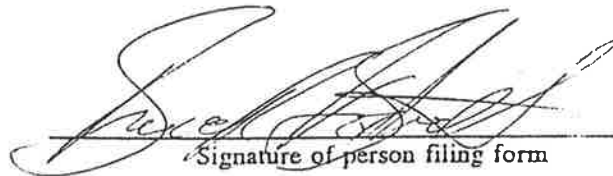
(Must be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of IDAHO

County of Gooding

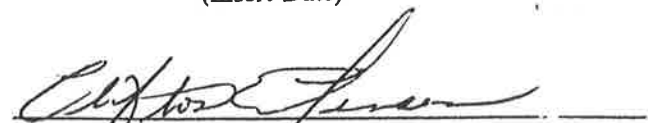
Bruce R. Bothwell, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

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); and that I have read this form, know its contents and that the statements are true to the best of my knowledge and belief.


Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on April 21, 1994
(Insert Date)


Notary Public for State of Idaho
Residing at: Hagerman, Idaho
My Commission expires: 5-10-97

INSTRUCTIONS FOR MAILING

You must 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 May 10, 1994, 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* must be served on each party, or their attorney, in each subcase in which you are a party at the following address(es):

3. A *Consent to Substitution of Party* must be served on the prior claimant/seller or their attorney at the following address:

Hepworth, Lezamiz & Hohnhorst Attn: Pat Brown
133 Shoshone Street North, P. O. Box #389
Twin Falls, Idaho 83303-0389

4. A *Consent to Substitution of Party* must be served on each party, or their attorney, to each subcase in which the prior claimant/seller is a party at the following address(es):

4. One copy to:

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

5. One copy to:

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



(Signature of person or attorney mailing this form)



WARRANTY DEED

For Value Received

Dixie L. Adamson Dennis, who acquired title as Dixie L. Adamson,
a married woman, as her sole and separate property,

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

Bruce R. Bothwell and Mary L. Bothwell, husband and wife,

hereinafter referred to as Grantee, whose current address is

P.O. Box 444, Hagerman, ID, 83332

the following described premises, to-wit:

SEE ATTACHED EXHIBIT A

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of **FIRST AMERICAN TITLE**

156631
42 min. past 4 o'clock P.m. this 21
of April, 1994 6.00

JOHN A. MYERS Recorder

By

Quinta Silis

Deputy

TOGETHER WITH IDAHO STATE DEPARTMENT OF WATER RESOURCES WATER RIGHT #A36-00047.

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: April 21, 1994.

Dixie L. Adamson-Dennis
Dixie L. Adamson Dennis

STATE OF IDAHO

COUNTY OF GOODING

On This 21st day of April, in the year 1994, before me, a Notary Public in and for said State, personally appeared Dixie L. Adamson Dennis, known or identified to me to be the person whose name is subscribed to the within Instrument, and acknowledged to me that She executed the same.



Susan M. Bolton
Notary Public for Idaho
Residing at Gooding, Idaho
Commission Expires: 10-16-98

First American Title Company of Idaho

EXHIBIT A

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho.

Section 13: A parcel of land known as the NE1/4 SE1/4, being more particularly described as follows:

BEGINNING at the Southeast corner of said Section 13, said point being monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";
Thence along the Easterly boundary line of said Section North 00° 06' 16" East, 2633.53 feet to the Northeast corner of said southeast Quarter of Section 13, said point lies South 00° 06' 16" West, 2633.53 feet from a 1" pipe and brass cap marking the Northeast corner of said Section 13, said point being the TRUE POINT OF BEGINNING;
Thence along the Northerly boundary line of said Southeast Quarter of Section 13 North 89° 57' 11" West, 1312.16 feet to the Northwest corner of said Northeast Quarter of the Southeast Quarter, said point being monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";
Thence along the Westerly boundary line of said Northeast Quarter of the Southeast Quarter South 00° 01' 23" West, 1316.89 feet to a point monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";
Thence along the Southerly boundary line of said Northeast Quarter of the Southeast Quarter South 89° 57' 31" West, 1310.28 feet to a point on the Easterly boundary line of said Northeast Quarter of the Southeast Quarter of Section 13, said point being monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";
Thence along said Easterly boundary line of said Northeast Quarter of the Southeast Quarter North 00° 06' 16" East, 1316.76 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH a right of way for road purposes across the North 16 feet of the South 24 acres of the NW1/4SE1/4 as contained in Quitclaim Deed, recorded February 11, 1929 in Book 18 of Leeds, Page 364 as Instrument No. 47626, Gooding County, Idaho records.

MICROFILMED
OCT 1 1994

1 Hagerman Water Right Owners, Inc. and its individual members, the
2 following individuals:

3	Alice A. & Paul J. Anderton	✓A36-10223 ^x
	Fay Coates and/or Fred Beckstead	✓A36-07298 ^x
4	Fay Coates and/or Fred Beckstead	✓A36-00066B ^x
	Fay Coates and/or Fred Beckstead	✓A36-10169 ^x
5	Fay Coates and/or Fred Beckstead	✓A36-00065 ^x
	Fay Coates and/or Fred Beckstead	✓A36-00067 ^x
6	Dairy West Associates	✓A36-10815 ^x
	Michael J. Fleming	✓A36-15094 ^x
	Michael J. Fleming	✓A36-10446 ^x
7	Salmon Falls Land & Livestock	✓A36-00194 ^x
	Salmon Falls Land & Livestock	✓A36-02046 ^x
8	Salmon Falls Land & Livestock	✓A36-02166 ^x
	Salmon Falls Land & Livestock	✓A36-02178 ^x
9	Salmon Falls Land & Livestock	A36-00136B ^x
	Salmon Falls Land & Livestock	A36-00136A ^x
10	Salmon Falls Land & Livestock	✓A36-10035 ^x
	Salmon Falls Land & Livestock	✓A36-10033 ^x
11	Spring Valley Ranch, Inc.	✓A36-00004 ^x
	Dixie Adamson	✓A36-00047 ^x

12 Dated this 10 day of May, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ,
14 CHARTERED

15 By: 
16 Patrick D. Brown
17 Attorneys for Respondents
18
19
20
21
22
23



Hepworth,
Nungester,
& Lezamiz

MICROFILMED
OCT 11 1994

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 (PDB\21530SUP.NO6\crh)
9

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

13 * * * * *

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

Case No. 39576

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

HAGERMAN WATER RIGHT OWNERS,
INC. AND ITS INDIVIDUAL
MEMBERS' SIXTH SUPPLEMENTAL
NOTICE OF APPEARANCE

23 Petitioner,

vs.

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

28 Respondents.
29

30 * * * * *

31 COMES NOW the law firm of Hepworth, Nungester & Lezamiz
32 and supplements its Notice of Appearance to add on behalf of
33



Hepworth,
Nungester,
& Lezamiz

SIXTH SUPPLEMENTAL NOTICE OF APPEARANCE - 1

MICROFILMED

OCT 11 1994

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

MICROFILMED
OCT 11 1994

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

MICROFILMED
OCT 11 1994

Water Right Number - 36-00047 Prefix Translation: WATER RIGHT Old (D) Number - 4504

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

*** C - CURRENT OWNER ***

BOTHWELL BRUCE R 1 - PO BOX 444
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-000-0000

BOTHWELL MARY L 1 - PO BOX 444
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-000-0000

*** D - DIR RPT OWNER ***

ADAMSON DIXIE L 1 - 239 CLINTON DR
2 -
3 -
City- TWIN FALLS State- ID Zip- 83301
Phone - 208-734-7136

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

07/26/1910 17 SOUTHERN D - DECREED

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

SHERMAN SPRINGS BILLINGSLEY CREEK

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

Tw	Rng	Sec	Tract	Lot	RFlg	County
07S	14E	18	NW NW SW		(47)	GOODING

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

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	0.600	

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

0.600 90.0

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

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	13	NE SE		30.0	01	IRRIGATION	(47) GOODING

Total Acres: 30.0

+ - - Diversion Means - CONCRETE HEADGATE, PIPELINE, PUMP & SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

Water right number - 36-00047

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +
3600047

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

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK IDAHO POWER COMPANY 00/00/0000

+ - - - - Comments - - - - - +
Date: 08/03/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS
ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047. TRANS. #403
Date: 06/27/1994 User Id: SSHERMAN Subject: OWNERSHIP CHANGE
OWNERSHIP CHANGE, ADAMSON TO BOTHWELL.

+ - - Audit Fields - - +
06/27/94 SSHERMAN

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

Court Report Filing	- 11/02/1992	Field Inspection Made	- 07/27/1990	Civil Case Number	- 39576
Objection Filed Date	- 04/30/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 09/10/1993	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 07/21/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001032	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
OCT 11 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00047
Date Received: 7/21/1988
Receipt No: S001032
Received By: SCC

This Copy For Your Records
DO NOT RETURN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DIXIE L. ADAMSON
Address: ~~P.O. BOX 998~~ *239 Clinton Dr. 6/14/93* 208-734-7136
TWIN FALLS, ID 83301 *SC*

2. Date of Priority: JUL 26, 1910

3. Source: SHERMAN SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	14E	18	NW	NW	SW		GOODING

5. Description of diverting works:
CONCRETE HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	13E	13	NE	SE		IRR	30.0

Section Acres 30.0

Total Acres 30.0

A36-00047

Page 1

Date: 07/21/88

MICROFILMED
OCT 11 1994

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:

ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047.
TRANS. #403

15. Basis of Claim: DECREED

Water Right Number: 4504

Case Number:

Court :

Decree date:

NEW INTERNATIONAL MORTGAGE BAN

Decree Plaintiff

vs

IDAHO POWER COMPANY

Decree Defendant

(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 X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

MICROFILMED
OCT 11 1994

T683
C256
(675c)

C321
(688c)

A
19.6

T715

P/u

TS
13E
SEC. 13

C107

A36-00047

MICROFILMED
OCT 11 1984

Water Right Number - 36-00047 Prefix Translation: WATER RIGHT Old (D) Number - 4504

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

*** A - ATTORNEY ***
BROWN PATRICK D 1 - HEPWORTH NUNGESTER LEZAMIZ
2 - 133 SHOSHONE ST N
3 - PO BOX 389 State- ID Zip- 833030389
City- TWIN FALLS
Phone - 208-734-7510

*** C - CURRENT OWNER ***
ADAMSON DIXIE L 1 - 239 CLINTON DR
2 -
3 -
City- TWIN FALLS State- ID Zip- 83301
Phone - 208-734-7136

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/26/1910 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SHERMAN SPRINGS BILLINGSLEY CREEK

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 14E 18 NW NW SW (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.600

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.600 90.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 13 NE SE 30.0 01 IRRIGATION (47) GOODING

Total Acres: 30.0

+ - - Diversion Means - CONCRETE HEADGATE, PIPELINE, PUMP & SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
No Remarks found.

MICROFILMED
OCT 11 1994

Water right number - 36-00047

Prefix Translation: WATER RIGHT

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

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

3600047

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

No Conditions of Approval found.

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

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

+ - Decree Date - +
00/00/0000

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

No Comments Found

+ - - Audit Fields - - +

05/17/93 GIVENS

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

Court Report Filing	- 11/02/1992	Field Inspection Made	- 07/27/1990	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	- 07/21/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001032	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
OCT 11 1994

MICROFILMED
OCT 11 1994

Water Right Number - A36-00047

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 4504

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

*** A - ATTORNEY ***
BROWN

PATRICK D

1 - HEPWORTH NUNGESTER LEZAMIZ
2 - 133 SHOSHONE ST N
3 - PO BOX 389
City- TWIN FALLS State- ID Zip- 833030389
Phone - 208-734-7510*** C - CURRENT OWNER ***
ADAMSON

DIXIE L

1 - 239 CLINTON DR
2 -
3 -
City- TWIN FALLS State- ID Zip- 83301
Phone - 208-734-7136+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
07/26/1910 17 SOUTHERN D - DECREED+ - - - - - Source - - - - - + + - - - - - Tributary - - - - - +
SHERMAN SPRINGS BILLINGSLEY CREEK+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 14E 18 NW NW SW (47) GOODING+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 1.600+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.600 90.0+ - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 13 NE SE 30.0 01 IRRIGATION (47) GOODING

Total Acres: 30.0

+ - - Diversion Means - CONCRETE HEADGATE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +
ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047.
TRANS. #403

Water right number - A36-00047

Prefix Translation: ADJUDICATION CLAIM

```

+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
    No Old Water Right Numbers Found

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

+ - - - - Decree Plaintiff - - - +          + - - - - Decree Defendant - - - +          + - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK              IDAHO POWER COMPANY              00/00/0000

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

+ - - Audit Fields - - +
    05/17/93 GIVENS

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

    Court Report Filing - 00/00/0000   Field Inspection Made - 00/00/0000   Civil Case Number - 39576
    Objection Filed Date - 00/00/0000   Field Inspection Flag - - - - -         Old Case Number - -
    Response Filed Date - 00/00/0000     Verified Date - 00/00/0000             Old Judicial District -
    Claim Received Date - 07/21/1988     Last Amended Date - 00/00/0000         Temporary Right - P
                                           Receipt Number - S001032              Water District - 36A
                                           POU Ownership Flag - Y                Federal/State Indicator - S
                                           Name Connector - - - - -              Presumption Flag -
                                           - - - - -                            Notice of Error Flag -
  
```

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OCT 11 1994

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): 36-00047

[] Old Mailing Address: DIXIE ADAMSON

P.O. Box 998

TWIN FALLS, ID 83303

[] New Mailing Address: DIXIE ADAMSON

239 CLINTON DR

TWIN FALLS, ID 83301

New Telephone Number: (208) 734-7136

[] Signature of Claimant: Dixie L. Adamson

Date: 4/29/93

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 5/17/93 By: SL

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

RECEIVED

APR 29 1993

Department of Water Resources
Southern Region Office

MICROFILMED
OCT 11 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

July 23, 1987

Thomas D. Kershaw, Jr.
Attorney at Law
MAY & MAY LAW OFFICES
P.O. Box 1846
Twin Falls, ID 83301

Re: Water Rights of Dixie Adamson Dennis

Dear Mr. Kershaw:

We have researched our records for water rights on the NE1/4 SE1/4, Section 13, Twp 7S, Rge 13E and have determined the following:

License 4504/36-2006, perfected in 1918, was transferred in 1927 by Edgar & Margaret Sherman to lands which included the NESE, Sec. 13.

In 1932, the licensed right was superceded by Decree of the right to Earl & Allison Mary Fish. The decreed right is numbered on our records as 36-0047, and is the current record of the water rights.

Copies of the transfer and excerpt from the Decree are enclosed.

If we can be of any further assistance, please let us know.

Very truly yours,

A handwritten signature in cursive script, reading "Loren O. Holmes", is written over the typed name.

Loren O. Holmes, P.E.
Southern Region Supervisor

LH:mb

Enclosures

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OCT 11 1994

INTER-DEPARTMENT MEMO — 1

FROM

Roberta

DATE

7-20-87

TO

Loren Holmes

SUBJECT

*letter of July 13, 1987 for response.**36-2006 - trans. 403**superseded by decree, right 36-0047.*

SIGNATURE

MICROFILMED
OCT 11 1994

*Superseded by license
36-0847*

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 403.

This is to certify that Edgar E. and Margaret Sherman, of Hagerman, County of Gooding, State of Idaho, have a right to the use of the waters of Sherman Springs, for irrigation and domestic purposes, and that said right was obtained by virtue of Water License No. 4504, issued by the State Engineer of the State of Idaho, September 14, 1918, wherein 1.6 second feet of the waters of Sherman Springs, with date of priority of July 26, 1910, were dedicated to the Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 13, and Southeast quarter of the Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 14, Township 7 South, Range 13 East, B. M., said license having been entered in the records of the Department of Reclamation of the State of Idaho in Book 5 of Water Licenses, page 2326; that upon the application of Edgar E. and Margaret Sherman for a transfer of water right made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 1.6 second feet of the waters of Sherman Springs is hereby abandoned upon the lands above described and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic use, is given below, limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

1.6 sec. ft., dated July 26, 1910.

NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and Tax Lot No. 4, in Sec. 13, Twp. 7 S., R. 13 E.B.M.

That the water to be transferred has heretofore been diverted in Tax Lot No. 3, Section 18, Township 7 S., Range 14 East, B.M., and that no change will be made in the said point of diversion.

No right to the use of water on the lands herein described exists at the date of this certificate except as herein stated.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of the State of Idaho.

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, this 25th day of February, 1927.

Commissioner of Reclamation.

*T-403
36-2006*

MICROFILMED

OCT 11 1994

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application
of Edgar E. and Margaret Sherman
for Transfer of Water Right; Water
District No. 63,
Case No. 192.

ORDER GRANTING TRANSFER

WHEREAS, On February 21, 1927, at the Department of Reclamation of the State of Idaho, at Boise, the matter of the application of Edgar E. and Margaret Sherman, for transfer of water right came regularly on for hearing, pursuant to the published notice;

WHEREAS, No one appeared, either in person or by affidavit, to protest said application and the evidence filed by the applicants shows that a greater duty of water would result by reason of the said transfer, and that no one would be injured thereby;

THEREFORE, IT IS HEREBY ORDERED, That the said application be granted, and that the certificate of transfer be issued to the applicants herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 25th day of February, 1927.

Commissioner of Reclamation.

T-403
36-2006

MICROFILMED

OCT 11 1994

RECEIVED

JUL 14 1987

MAY & MAY LAW OFFICES

JAY D. SUDWEEKS
J. DEE MAY
JON J. SHINDURLING
MARK D. STUBBS
L. JAY MITCHELL
THOMAS D. KERSHAW, JR.

SUDWEEKS, MAY
SHINDURLING, STUBBS & MITCHELL

P.O. BOX 1846 • 516 2ND STREET EAST
TWIN FALLS, IDAHO 83303-1846
(208) 733-7180

Department of Water Resources

J. ALFRED MAY
1902-1985

July 13, 1987

Ms. Roberta Garrett
Department of Water Resources
Statehouse Mail
Boise, ID 83720

Mr. Loren Holmes
Twin Falls Office
Department of Water Resources
2148 Fourth Avenue East
Twin Falls, ID 83301

RE: WATER RIGHTS OF DIXIE ADAMSON DENNIS

Dear Ms. Garrett and Mr. Holmes:

This firm has been asked by Mrs. Dixie Adamson Dennis to inquire about her water rights on certain property near Hagerman, Idaho. I have enclosed a legal description of this property with a notation "Exhibit A" on the bottom.

Apparently, when water rights were first granted, the owner of this parcel and other nearby parcels was a Mr. Edgar Sherman. The title passed from him to a Mr. Fish. from Fish to Mr. Fawcett, from Fawcett to Don Wallace and from Don Wallace to Doyle Wallace. My client received the property by inheritance from Doyle Wallace.

Mrs. Dennis gets all of her water from a spring nearby. So far as she knows, this is called Sherman Springs. She doesn't know of anyone else who uses this particular spring as a water source.

We have obtained a copy of a water license dated September 14, 1918. It grants to Edgar Sherman the right

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AUG 18 1987
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OCT 11 1994

Ms. Roberta Garrett
Mr. Lornen Holmes
July 13, 1987

to use the water from Sherman Springs on two nearby parcels of land. One of these parcels is in Township 7 South, Range 13 East and Section 13, like Mrs. Dennis' land. However, the license seems to apply to SW1/4SW1/4 of Section 13, while Mrs. Dennis' deed refers to NE1/4 SE1/4 of Section 13. For this reason, I am not at all sure that we have the correct license. I have enclosed a copy of this license for your information.

My purpose in writing this letter is twofold. First, I need accurate information about Mrs. Dennis' water rights to Sherman Springs, the source of these rights, the amount of water to which she is entitled and whether there are any conflicting claims to this particular source.

Second, Mrs. Dennis is anxious to know what, if anything, she needs to do to preserve and protect her water rights in the upcoming litigation involving water rights on the Snake River and all of its tributaries.

Any information which you could provide to us on these two subjects would be greatly appreciated. Responses can be sent to the above address. If any further information is needed, please call me at any time.

Yours truly,

Thomas D. Kershaw Jr.
THOMAS D. KERSHAW, JR.

TDK:cm3

cc: Dixie Dennis

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AUG 18 1987

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OCT 11 1994

...H parcel of land known as the NE 1/4 SE 1/4 of Section 13, Township 7 South, Range 13 East, Boise Meridian, Gooding County, Idaho; said parcel being more particularly described as follows:

Beginning at the Southeast corner of said Section 13, said point being monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260"; thence along the Easterly boundary line of said Section N 00°06'16" E, 2633.53 feet to the Northeast corner of said SE 1/4 of Section 13, said point lies S 00°06'16" W, 2633.53 feet from a 1" pipe and brass cap marking the Northeast corner of said Section 13; said point being the TRUE POINT OF BEGINNING;

Thence along the Northerly boundary line of said SE 1/4 of Section 13 N 89°57'11" W, 1312.16 feet to the Northwest corner of said NE 1/4 SE 1/4, said point being monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";

thence along the Westerly boundary line of said NE 1/4 SE 1/4 S 00°01'23" W, 1316.89 feet to a point monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";

thence along the Southerly boundary line of said NE 1/4 SE 1/4 S 89°57'31" W, 1310.28 feet to a point on the Easterly boundary line of said NE 1/4 SE 1/4 of Section 13, said point being monumented with a 5/8" iron rebar with surveyors cap marked "PELS 3260";

thence along said Easterly boundary line of said NE 1/4 SE 1/4 N 00°06'16" E, 1316.76 feet to the TRUE POINT OF BEGINNING.

Said described parcel contains 39.64 acres.



Exhibit A

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AUG 18 1987

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OCT 11 1994

AJ5811NP
SELECTION FILE: SHAFF-BROWN-NOA6

IDAHO DEPARTMENT OF WATER RESOURCES
SELECTION FILE CONTENTS

DATE: 05/13/93
TIME: 11:57:12
PAGE: 1

36-00004	36-00047	36-00065	36-00066B	36-00067	36-00136A	36-00136B	36-00194	36-02046	36-02166
36-02178	36-07298	36-10033	36-10035	36-10169	36-10223	36-10446	36-10815	36-15094	A36-00004
A36-00047	A36-00065	A36-00065B	A36-00066B	A36-00067	A36-00136	A36-00194	A36-02046	A36-02166	A36-02178
A36-07298	A36-10033	A36-10035	A36-10169	A36-10223	A36-10446	A36-10815	A36-15094		

TOTAL RECORDS IN SELECTION FILE: 38

MICROFILMED
OCT 11 1994

INPUT: AJ_SELECTION:SHAFF-BROWN-NOA6.SEL

TYPE OF ACTION: MODIFY

MODIFY ALL FIELDS FLAG: Y

LAST NAME: BROWN

ADDRESS LINE 1: HEPWORTH NUNGESTER LEZAMIZ

ADDRESS LINE 3: PO BOX 389

CITY: TWIN FALLS

FIRST NAME: PATRICK D

ADDRESS LINE 2:133 SHOSHONE ST N

STATE: ID ZIP: 833030389

PHONE NUMBER: (208) 734-7510

✓ 36-00004 SUCCESSFULLY CHANGED ON HOST
✓ 36-00047 SUCCESSFULLY CHANGED ON HOST
✓ 36-00065 SUCCESSFULLY CHANGED ON HOST
✓ 36-00066B SUCCESSFULLY CHANGED ON HOST
✓ 36-00067 SUCCESSFULLY CHANGED ON HOST
✓ 36-00136A SUCCESSFULLY CHANGED ON HOST
✓ 36-00136B SUCCESSFULLY CHANGED ON HOST
✓ 36-00194 SUCCESSFULLY CHANGED ON HOST
✓ 36-02046 SUCCESSFULLY CHANGED ON HOST
✓ 36-02166 SUCCESSFULLY CHANGED ON HOST
✓ 36-02178 SUCCESSFULLY CHANGED ON HOST
✓ 36-07298 SUCCESSFULLY CHANGED ON HOST
✓ 36-10033 SUCCESSFULLY CHANGED ON HOST
✓ 36-10035 SUCCESSFULLY CHANGED ON HOST
✓ 36-10169 SUCCESSFULLY CHANGED ON HOST
✓ 36-10223 SUCCESSFULLY CHANGED ON HOST
✓ 36-10446 SUCCESSFULLY CHANGED ON HOST
✓ 36-10815 SUCCESSFULLY CHANGED ON HOST
✓ 36-15094 SUCCESSFULLY CHANGED ON HOST
✓ A36-00004 SUCCESSFULLY CHANGED ON HOST
✓ A36-00047 SUCCESSFULLY CHANGED ON HOST
✓ A36-00065 SUCCESSFULLY CHANGED ON HOST
✓ A36-00065B SUCCESSFULLY CHANGED ON HOST
✓ A36-00066B SUCCESSFULLY CHANGED ON HOST
✓ A36-00067 SUCCESSFULLY CHANGED ON HOST
✓ A36-00136 SUCCESSFULLY CHANGED ON HOST
✓ A36-00194 SUCCESSFULLY CHANGED ON HOST
✓ A36-02046 SUCCESSFULLY CHANGED ON HOST
✓ A36-02166 SUCCESSFULLY CHANGED ON HOST
✓ A36-02178 SUCCESSFULLY CHANGED ON HOST
✓ A36-07298 SUCCESSFULLY CHANGED ON HOST
✓ A36-10033 SUCCESSFULLY CHANGED ON HOST
✓ A36-10035 SUCCESSFULLY CHANGED ON HOST
✓ A36-10169 SUCCESSFULLY CHANGED ON HOST
✓ A36-10223 SUCCESSFULLY CHANGED ON HOST
✓ A36-10446 SUCCESSFULLY CHANGED ON HOST
✓ A36-10815 SUCCESSFULLY CHANGED ON HOST
✓ A36-15094 SUCCESSFULLY CHANGED ON HOST

MICROFILMED
OCT 11 1994

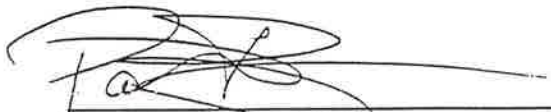
CERTIFICATE OF MAILING

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the respondents in this matter, certifies that he caused to be mailed a copy of the above and foregoing FIFTH SUPPLEMENTAL NOTICE OF APPEARANCE on the 10 day of May, 1993, to:

Snake River Adjudication (original)
District Court
P.O. Box 27070
Twin Falls, ID 83303-0126

Chief, Natural Resources Division (1)
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

The United States Department of Justice (1)
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83734


Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

MICROFILMED
OCT 11 1994


Sawtooth Title
P.O. Box 188, Ketchum, Idaho 83340

**BDI TR2

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE MAIL
BOISE, IDAHO 83720-9000

ATTN: ADJUDICATION BUREAU

RECEIVED

JAN 31 1995

Department of Water Resources
Southern Region

83720-9000



03/04/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 36-47

NAME AND ADDRESS: C-CAN PARTNERS
PO BOX 669
HAILEY ID 83333

SOURCE: SHERMAN SPRINGS

TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 1.60 CFS

THE PORTION OF THIS RIGHT IN EXCESS OF 0.60 CFS IS SUBORDINATED TO ALL GROUND WATER AND SURFACE WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER.

THE PORTION OF THIS RIGHT FOR IRRIGATION OF MORE THAN 30 ACRES IS SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999.

PRIORITY DATE: 07/26/1910

POINT OF DIVERSION:

T07S R14E S18 NENSW Lot 3 Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02/15 11/30	1.600 CFS

THE IRRIGATION USE UNDER THIS RIGHT IN EXCESS OF 0.60 CFS IS SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES OF DECEMBER 31, 1999 OR EARLIER.

PLACE OF USE: IRRIGATION Within GOODING County

T07S R13E S13	NESE	40.0	T07S R13E S13	NWSE	3.0
---------------	------	------	---------------	------	-----

43 ACRES TOTAL

IRRIGATION OF MORE THAN 30 ACRES UNDER THIS RIGHT IS SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999.

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

THE SUBORDINATED PORTION OF THIS WATER RIGHT SHALL NOT BE ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE OR OTHERWISE RECOGNIZED AS VALID IF IT WOULD CAUSE OR REQUIRE EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION FROM ANY WATER RIGHTS WITH PRIORITY DATES EARLIER THAN DECEMBER 31, 1999. THE SUBORDINATION SHALL RUN WITH AND BE PERPETUAL SERVITUDES UPON THIS WATER RIGHT AND THE ASSOCIATED LANDS, INCLUDING ANY NEW LANDS TO WHICH ALL OR ANY PORTIONS OF THIS WATER RIGHT IS TRANSFERRED.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

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

Right Number: 36-00047

Name and Address: C-CAN Partners
P.O. Box 669
Hailey, ID 83333

Source: SHERMAN SPRINGS

Tributary: BILLINGSLEY CREEK

Quantity: 1.60 CFS

THE PORTION OF THIS RIGHT IN EXCESS OF 0.60 CFS IS SUBORDINATED
TO ALL WATER RIGHTS WITH PRIORITY DATES EARLIER THAN
DECEMBER 31, 1999.

THE PORTION OF THIS RIGHT FOR IRRIGATION OF MORE THAN 30
ACRES IS SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY
DATES EARLIER THAN DECEMBER 31, 1999.

Priority Date: 07/26/1910

Point of Diversion: T07S R14E S18 Lot 3 (NENWSW)

Within GOODING County

Purpose and
Period of Use:

Purpose of Use

Period of Use

Quantity

IRRIGATION

02/15 - 11/30

1.60 CFS

THE IRRIGATION USE UNDER THIS RIGHT IN EXCESS OF 0.60 CFS IS
SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES EARLIER
THAN DECEMBER 31, 1999.

Place of Use: IRRIGATION

Within GOODING County

T07S R13E S13 NESE 40 NWSE 3

43 ACRES TOTAL

IRRIGATION OF MORE THAN 30 ACRES UNDER THIS RIGHT IS
SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES EARLIER
THAN DECEMBER 31, 1999.

Other Provisions Necessary to Administer this Right:

THE SUBORDINATED PORTIONS OF THIS WATER RIGHT SHALL NOT BE
ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE OR
OTHERWISE RECOGNIZED AS VALID IF IT WOULD CAUSE OR REQUIRE

Handwritten signatures and initials:
RB
PB
DJK
M/C

EITHER DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR
MITIGATION FROM ANY WATER RIGHTS WITH PRIORITY DATES EARLIER
THAN DECEMBER 31, 1999. THE SUBORDINATION SHALL RUN WITH AND BE
A PERPETUAL SERVITUDE UPON THIS WATER RIGHT AND THE ASSOCIATED
LANDS, INCLUDING ANY NEW LANDS TO WHICH ALL OR ANY PORTIONS OF
THIS WATER RIGHT IS TRANSFERRED.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6) IDAHO CODE.

Explanatory Material: BASIS OF CLAIM - DECREE

MCC

CERTIFICATE OF SERVICE

I certify that on 9-13, 2000, I mailed and/or delivered the original and copies of this Standard Form 5, to the following interested parties, in the manner indicated and addressed as follows:

1. Original to:

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

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

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

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

Dana L. Hofstetter
Beeman Hofstetter
P.O. Box 1427
Boise, ID 83701-1427

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

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

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

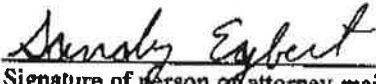
Michael C. Creamer
Givens Pursley, LLP
P.O. Box 2720
Boise, ID 83701-2720

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

STANDARD FORM 5 - STIPULATED ELEMENTS OF A WATER RIGHT

Peter J. Ampe
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

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


Signature of person or attorney mailing the form

STANDARD FORM 5 - STIPULATED ELEMENTS OF A WATER RIGHT

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-47 V2

WATER RIGHT NUMBER: 36-47 V2

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM E NORRIS PO BOX 146 SUN VALLEY, ID 83353
Original Owner	NANCY ANDERSON PO BOX 449 HAILEY, ID 83333 (208)788-2452
Original Owner	DAVID L CROPPER PO BOX 669 HAILEY, ID 83333 (208)788-4903
Original Owner	BLAINE RICHARD CROPPER 3216 AMERICAN SADDLER PARK CITY, UT 84060 (801)649-2923
Original Owner	LINDA C CROPPER PO BOX 669 HAILEY, ID 83333 (208)788-4498
Attorney	PATRICK D BROWN PARKER WARR & BROWN LLP 812 SHOSHONE ST E BUHL, ID 83316 (208)735-8812
Original Owner	VIVIAN CROPPER 3216 AMERICAN SADDLER PARK CITY, UT 84060 (801)649-8799
Current Owner	C-CAN PARTNERS ✓ PO BOX 669 HAILEY, ID 83333 (208)788-4903
Original Owner	DAVID D ANDERSON PO BOX 449 HAILEY, ID 83333 (208)788-2452
Original Owner	DIXIE L ADAMSON PO BOX 998 TWIN FALLS, ID 83301 (208)734-7136

Priority Date: 07/26/1910 ✓

Basis: Decreed

Status: Active

Source

SHERMAN SPRINGS ✓

Tributary

BILLINGSLEY CREEK ✓

Beneficial Use

IRRIGATION ✓

From To

2/15 to 11/30 ✓

Diversion Rate

1.050 CFS

Annual Volume

1.60

Total Diversion:

1.050 CFS

add Quant Remarks

DPL
3/4/2002

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 36-47 V2

Location of Point(s) of Diversion

SHERMAN SPRINGS
GOODING County

L3 NE1/4NW1/4SW1/4

Sec. 18, Twp 07S, Rge 14E, B.M. ✓

Place of Use

IRRIGATION

use / sub remark

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	13													30.0				30.0
															40	3			43 ac

Total Acres: 30

*irrigate / subord remark*Conditions of Approval:Remarks:*C-18 gen Subord Remark*Comments:

1. CLELLAND 8/3/1992 COPIED FROM REMARKS
Comment: ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047. TRANS. #403
2. SSHERMAN 6/27/1994 OWNERSHIP CHANGE
Comment: OWNERSHIP CHANGE, ADAMSON TO BOTHWELL.
3. JGIVENS 1/31/1995 OWNERSHIP CHANGE
Comment: CHANGE OF OWNERSHIP RECEIVED 1/31/95 DECREED OWNER DIXIE L. ADAMSON FORMER OWNERS MARY L. & BRUCE R. BOTHWELL, NEW OWNERS DAVID L. CROPPER, BLAINE RICHARD CROPPER, WILLIAM E. NORRIS & DAVID D. ANDERSON. ORIGINAL OWNERS SIGNATURE ON FORM AND COPY OF WARRANTY DEED SUBMITTED WITH FORM.
4. SSHERMAN 3/19/1996 ADDRESS CHANGE
Comment: ADDRESSES OF CURRENT OWNERS CHANGED VIA SF3. ATTORNEY IS NOW PATRICK D BROWN PER NOTICE OF APPEARANCE.
5. DSHAFF 3/19/1996 DATA ENTRY
Comment: LAST MINUTE CHANGES FOR SS RE: SF3 CHANGES. ADD ATTORNEY NAME NOTICE OF APPEARANCE RECEIVED 3/18/96
6. SCLELLAN 1/28/1998 REFORMAT UPDATE PER EXAM
Comment: EXAM OF 1/16/98 BY SCC VIA AMENDED CLAIM.
7. SSHERMAN 4/28/1998 NAME CHANGE AND SUBSTITUTION OF COUNSEL
Comment: NAME CHANGE TO C-CAN PARTNERS BASED ON VERBAL DETERMINATION BY SPECIAL MASTER HAEMMERLE AT 11/18/1997 INITIAL HEARING AND AT DIRECTION TO ME BY DAVE TUTHILL AND NICK SPENCER. C-CAN PARTNERS SUBMITTED AMENDED CLAIM REFLECTING NEW NAME TO COURT. SUBSTITUTION OF COUNSEL REC'D 4/16/1998 FROM PATRICK D BROWN REPRESENTING C-CAN PARTNERS.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 36-47 V2

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number: 36A
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SubCase:

SubCase Number: 36-47
Class: 2
SF5 Filed Date: 9/14/2000
Special Master Recom Signed Date: 9/14/2000
Attorney Assigned: NICHOLAS B SPENCER
Adjudication Agent:
Basis of Claim:
Date Filed: 7/31/1998 Objection Status: Active
Date Filed: 4/30/1993 Objection Status: Active

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

In Re SRBA

Case No. 39576

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

Water Right 36-00047

200 NOV -1 PM 3:42

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

NAME AND ADDRESS:

C-CAN PARTNERS
PO BOX 669
HAILEY, ID 83333

SOURCE:

SHERMAN SPRINGS

TRIBUTARY: BILLINGSLEY CREEK

QUANTITY:

1.60 CFS

THE PORTION OF THIS RIGHT IN EXCESS OF 0.60 CFS IS
SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES EARLIER
THAN DECEMBER 31, 1999.

THE PORTION OF THIS RIGHT FOR IRRIGATION OF MORE THAN 30
ACRES IS SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES
EARLIER THAN DECEMBER 31, 1999.

PRIORITY DATE:

07/26/1910

POINT OF DIVERSION:

T07S R14E S18 LOT 03 (NENWSW)

Within Gooding County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
02-15 TO 11-30

QUANTITY
1.60 CFS

THE IRRIGATION USE UNDER THIS RIGHT IN EXCESS OF 0.60 CFS IS
SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES EARLIER THAN
DECEMBER 31, 1999.

PLACE OF USE:

Irrigation

T07S R13E S13

NESE 40.0

Within Gooding County

NWSE 3.0

43.0 Acres Total

IRRIGATION OF MORE THAN 30 ACRES UNDER THIS RIGHT IS
SUBORDINATED TO ALL WATER RIGHTS WITH PRIORITY DATES EARLIER THAN
DECEMBER 31, 1999.

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

THE SUBORDINATED PORTIONS OF THIS WATER RIGHT SHALL NOT BE
ASSERTED, DELIVERED, HONORED, USED, ENFORCED, EFFECTIVE OR
OTHERWISE RECOGNIZED AS VALID IF IT WOULD CAUSE OR REQUIRE EITHER
DIRECTLY OR INDIRECTLY, CURTAILMENT OF, INJURY TO, OR MITIGATION
FROM ANY WATER RIGHTS WITH PRIORITY DATES EARLIER THAN
DECEMBER 31, 1999. THE SUBORDINATIONS SHALL RUN WITH AND BE
PERPETUAL SERVITUDES UPON THIS WATER RIGHT AND THE ASSOCIATED
LANDS, INCLUDING ANY NEW LANDS TO WHICH ALL OR ANY PORTIONS OF
THIS WATER RIGHT IS TRANSFERRED.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

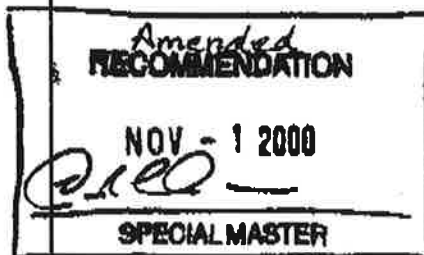
SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-00047

PAGE 1
Oct-31-2000

RULE 54(b) CERTIFICATE

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

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



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MAR 04 2002

Department of Water Resources
Southern Region

200 NOV -1 PM 3:42

DISTRICT COURT-SRBA

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

) AMENDED SPECIAL MASTER'S
) REPORT AND RECOMMENDATION

) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW

) FOR WATER RIGHT: 36-00047

I. FINDINGS OF FACT

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

All objections to this water right were resolved with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

An *Special Master's Report and Recommendation* was issued September 14, 2000. *Motions to Alter or Amend* were timely filed by the State of Idaho, North Snake Ground Water District, and Cranney Bros., Doug Grant, and Kevin Michaelson seeking inclusion of the subordination language on the face of the *Partial Decree*. A hearing on the *Motions to Alter or Amend* was held on October 31, 2000. At hearing, counsel for IDWR asserted that such language was necessary to administer this right in the event of an indirect call.

II. CONCLUSIONS OF LAW

Therefore, this Special Master finds that the subordination language constitutes "such remarks and other matters as are necessary for definition of the right, for clarification of any element of a right, or for administration of the right by the director." I.C. § 42-1411(2) (emphasis added). IT IS RECOMMENDED that water right 36-00047 be decreed with the elements as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-00047*.

DATED: November 1, 2000.



THOMAS R. CUSHMAN, Special Master
Snake River Basin Adjudication

200 NOV -1 PM 3:42

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)

CERTIFICATE OF MAILING

Water Right(s): 36-00047

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on November 01, 2000, with sufficient first-class postage prepaid to the following:

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

CRANNEY BROS
DOUG GRANT
KEVIN MICHAELSON
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

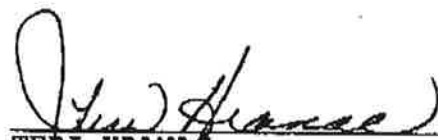
NORTH SNAKE GROUND WATER DIST
Represented by:
JOSEPHINE P. BEEMAN
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

CERTIFICATE OF MAILING

PAGE 1
11/01/00

C-CAN PARTNERS
WILLIAM E. NORRIS
Represented by:
PATRICK D. BROWN
109 S ADAMS ST
JEROME, ID 83338
Phone: 208-644-1967

IDAHO DEPT OF FISH & GAME
STATE OF IDAHO
Represented by:
PETER J. AMPE
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-2400


TERI HRANAC
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 2
11/01/00

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NOV 03 2000

Department of Water Resources

200 NOV -1 PM 3:42

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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

In Re SRBA

Case No. 39576

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

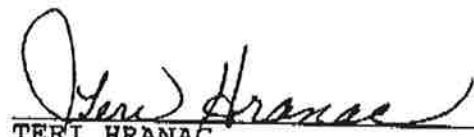
Water Right(s): 36-00047

On November 01, 2000, Special Master THOMAS R CUSHMAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

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

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

DATED November 01, 2000.


TERI HRANAC
Deputy Clerk

NOTICE OF ISSUANCE

PAGE 1
11/01/00

RECEIVED

OCT 26 2000

Department of Water Resources

North Snake Ground Water District

Josephine P. Beeman
Dana L. Hofstetter
BEEMAN & HOFSTETTER, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, ID 83701-1427
(208) 388-8900
(208) 388-8400 (Facsimile)
beehof@micron.net
ISB Nos. 1806 and 3867

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

In Re SRBA

Case No. 39576

) Subcase Nos. 36-00006, 36-00007, 36-00008,
) 36-00047, and 36-00106
)
)
)
)
)

**Motion to Alter or Amend
and Motion for Hearing on
Standard Form 5**

The North Snake Ground Water District ("NSGWD"), by and through its counsel of record, Josephine P. Beeman and Dana L. Hofstetter of Beeman & Hofstetter, P.C., hereby moves this Court, pursuant to SRBA Administrative Order No. 1, Section 13a, and Rules 7(b)(1) and 7(b)(3), I.R.C.P., to alter or amend the Special Master's recommendation and to set a hearing on the Standard Form 5. In support of these motions, the NSGWD adopts and incorporates by reference as if set forth in full herein its Brief in Support of Motion to Alter or Amend and Motion for Hearing on Standard Form 5 filed in Subcase No. 36-00021B, and the State of

MOTION TO ALTER OR AMEND AND MOTION FOR HEARING ON STANDARD FORM 5 (36-00006 et al.) — Page 1

Idaho's Brief on Motion to Alter or Amend filed in Subcase No. 36-00021B. Oral argument is requested.

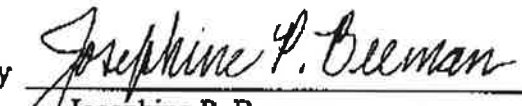
The grounds for these motions are as follows:

1. A portion of Standard Form 5 settlement language was deleted from the Special Master's Report and Recommendation.
2. A hearing on the Standard Form 5 should be held to provide the Court information about why the deleted language is necessary.
3. If, after hearing, the Standard Form 5 settlement is not approved, a trial should be scheduled to resolve the outstanding objections and responses.

DATED this 24th day of October, 2000.

BEEMAN & HOFSTETTER, P.C.

By


Josephine P. Beeman

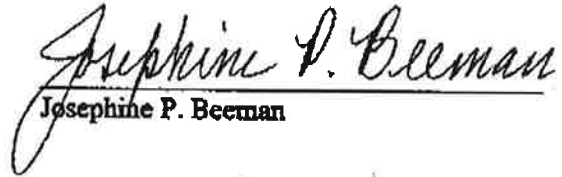
CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of October, 2000, I caused to be served copies of the foregoing **Motion to Alter or Amend and Motion for Hearing on Standard Form 5** by depositing a copy thereof in the U.S. mail, postage prepaid, upon:

Patrick D. Brown (Certified Mail)
109 S. Adams Street
Jerome, ID 83338

Clive Strong
Deputy AG, Natural Resources
Office of Atty General
P. O. Box 44449
Boise, ID 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098


Josephine P. Beeman

D:\1780\2b\11\4124

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

In Re SRBA

Case 39576

Subcase No.: 36-00047

STANDARD FORM 5

STIPULATED ELEMENTS
OF A WATER RIGHT

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

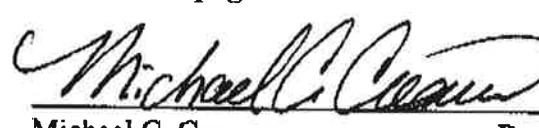
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions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

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described in the attached Recommendation. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.


Patrick D. Brown

Attorney for C-CAN Partners

9/11/00
Date


Michael C. Creamer

8/23/00
Date

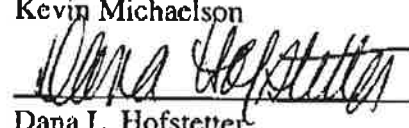
Givens Pursley LLP

Attorney for Cranney Bros., Doug Grant and
Kevin Michaelson


Peter J. Ampe

Deputy Attorney General, State of Idaho
Attorney for Idaho Department of Fish &
Game

9/8/00
Date


Dana L. Hofstetter

9/5/00
Date

Beeman and Hofstetter, P.C.

Attorney for North Snake Ground Water
District


IDWR Concurrence

9/12/00
Date



State Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DICK KEMPTER
GOVERNOR

KARL E. DRENNER
DIRECTOR

FAX Transmittal Cover Sheet

Number of pages including this one: 15

RECEIVED

MAR 04 2002

Department of Water Resources
Southern Region

Date: 3/4/02

To: Vickie

Fax No.: _____

From: Vicki

Fax No.: _____

Phone No.: 327-5458

Subject: Looks like the Motion to Alter/Amend the SMR was granted from the bench with no order issued. Call if this doesn't clear it up for you!!! Thanks -V

In Addition: There is now a way to research water rights over the Internet. The system is a graphical or text query system and can be accessed from the IDWR home page:

<http://www.idwr.state.id.us>

From that link, select "Snake River Basin Adjudication" toward the lower left hand of the screen. Then select "Map" or "Text" on the next page.

"TEXT" lets you search water rights via Name, Legal, Source, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search"

"MAP" allows you to search water rights graphically.

Use the tools on the Left side of the screen to Zoom in and out. To find out what each button does, hold the cursor over the button for a second. To the Right side of the screen are different layers that can be turned on or off. As you zoom in to your place in question, different layers will appear on the right side of the screen.

A HELP function is available within the application or you can call 1-800-451-4129 or (208) 327-7906 for help.

PATRICK D. BROWN, P.C.
LAW OFFICES

October 11, 1999

Mr. David Tuthill
Idaho Department of Water Resources
1341 Fillmore Street, suite 200
Twin Falls, ID 83301-3380

RECEIVED

OCT 13 1999

Department of Water Resources
Southern Region

RE: SUBCASE NO. 36-00047, C-CAN PARTNERS

Dear Mr. Tuthill:

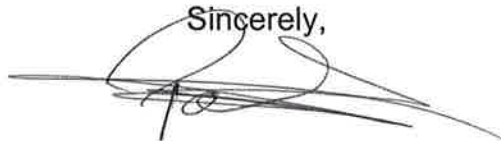
According to testimony you gave at the August 11, 1999 trial in subcase No. 36-00039D it is, and has been since 1998, IDWR's statewide policy to recommend quantities based on gravity irrigation, not on sprinkler irrigation, if the right was established by gravity irrigation.

My understanding is the recommendation in this subcase was based on a sprinkler analysis. I ask that you amend the Director's Report to reflect the quantity of water IDWR believes reasonable and necessary for flood irrigation, as of the time the right was established.

Please let me know immediately if you will amend the Director's Report accordingly or if you need any information from my client in order to do so.

Also, if for some reason you cannot or will not amend the Director's Report, please let me know, including any reasons. I look forward to hearing from you.

Sincerely,



Patrick D. Brown
Attorney at Law

pdb/tf

SCC

RECEIVED

APR 06 1999

Department of Water Resources
Southern Region

Movant: Idaho Department of Fish and Game

ALAN G. LANCE
ATTORNEY GENERAL

CLIVE STRONG
Deputy Attorney General
Chief, Natural Resources Division

JOHN MARSHALL
PETER J. AMPE
Deputy Attorney General
Natural Resources Division
700 W. Jefferson Street, Room 210
P. O. Box 44449
Boise, ID 83720-4449
Telephone: (208) 334-2400
Facsimile: (208) 334-2690

Movants: North Snake Groundwater
District, May Farms, Ltd., and
Faulkner Land and Livestock Co.

DANA L. HOFSTETTER
BEEMAN & HOFSTETTER, P.C.
P.O. Box 1427
Boise, ID 83701-1427
Telephone: (208) 388-8900
Facsimile: (208) 388-8400

Movants: Cranney Brothers,
Doug Grant and Kevin Michaelson

JEFFERY C. FEREDAY
MICHAEL C. CREAMER
GIVENS PURSLEY LLP
P.O. Box 2720
Boise, ID 83701-2720
Telephone: (208) 388-1200
Facsimile: (208) 388-1201

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

In Re: SRBA)
Case No. 39576)
_____)

Subcase No. 36-00047

JOINT NOTICE OF SERVICE OF THE
EXPERT REPORT OF MICHAEL CISCELL

COPY

Respondents Idaho Department of Fish and Game, North Snake Groundwater District, May Farms, Ltd., Faulkner Land and Livestock Co., Cranney Brothers, Doug Grant and Kevin Michaelson, on the 26th day of March 1999, served a true and correct copy of the *Expert Report of Michael Ciscell, Regarding Claim to Water Right No. 36-00047 in the Snake River Basin Adjudication* as follows:

By First Class Mail, Postage Prepaid to:

Patrick D. Brown
Parker, Warr & Brown, LLP
812 Shoshone Street East
Twin Falls, Idaho 83301

DATED this 31 day of March, 1999.

DATED this 31 day of March, 1999.

ALAN G. LANCE
Attorney General

BEEMAN & HOFSTETTER, P.C.


PETER J. AMPE
Deputy Attorney General
Natural Resources Division
Attorneys for Idaho Department of
Fish and Game


DANA L. HOFSTETTER
Attorneys for North Snake
Groundwater District, May
Farms, Ltd. and Faulkner Land
and Livestock Co.

DATED this 31 day of March, 1999.

GIVENS PURSLEY LLP


MICHAEL C. CREAMER
Attorneys for Cranney Bros.,
Doug Grant and Kevin Michaelson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31 day of March, 1999, I caused to be served a true and correct copy of the foregoing JOINT NOTICE OF SERVICE OF EXPERT REPORT OF MICHAEL CISCELL by the method indicated

Patrick D. Brown
Parker, Warr & Brown LLP
812 Shoshone Street East
Twin Falls, Idaho 83301

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Michael C. Creamer
Givens Pursley LLP
P.O. Box 2720
Boise, Idaho 83701-2720

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Josephine Beeman
Beeman & Hofstetter
P.O. Box 1427
Boise, Idaho 83701-1427

- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☒ Statehouse Mail



PETER J. AMPE
Deputy Attorney General

AMENDED DIRECTOR'S REPORT

Subcase No. 36-00047

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

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

March 31, 1999

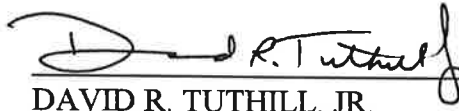
DESCRIPTIVE SUMMARY

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

DISCUSSION

Pursuant to Special Master Haemmerle's Bench Order of February 4, 1999, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase.

Respectfully submitted this 31st day of March, 1999.



DAVID R. TUTHILL, JR.
Adjudication Bureau Chief

AJ5856NP

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

DATE: MAR-31-1999
PAGE: A-1

RIGHTS FROM:	SOURCE: SHERMAN SPRINGS	TRIBUTARY: BILLINGSLEY CREEK	

RIGHT NUMBER:	36-00047		
NAME & ADDRESS:	C-CAN PARTNERS PO BOX 669 HAILEY ID 83333		
SOURCE:	SHERMAN SPRINGS	TRIBUTARY: BILLINGSLEY CREEK	
QUANTITY:	1.05 CFS		
PRIORITY DATE:	07/26/1910		
POINT OF DIVERSION:	T07S R14E S18	NWNWSW	Within GOODING County
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE IRRIGATION	PERIOD OF USE 03-15 11-15	QUANTITY 1.05 CFS
PLACE OF USE:	IRRIGATION T07S R13E S13 30 ACRES TOTAL	Within GOODING County NESE 30	
EXPLANATORY MATERIAL:	BASIS OF CLAIM - DECREE		

CERTIFICATE OF MAILING

I certify that on 3-31, 1999, I mailed and/or delivered the original and copies of this form, including all attachments, to the following interested parties, by placing them in sealed envelopes, addressed as follows:

1. Original to:

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

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

2. Copies to:

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

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

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street MSC 033
Boise, ID 83724

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

Gooding County Clerk
624 Main Street
Gooding, ID 83330

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

Patrick D. Brown
Parker, Warr & Brown LLP
812 Shoshone Street East
Twin Falls, ID 83301

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

Jeffrey C. Fereday
Given Pursley LLP
P.O. Box 2720
Boise, ID 83701-1427

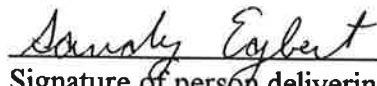
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Josephine Beeman
Beeman & Hofstetter
P.O. Box 1427
Boise, ID 83701-1427

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

John Marshall
Peter Ampe
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

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



Signature of person delivering form

TRANSMISSION VERIFICATION REPORT

TIME : 03/31/1999 16:42
NAME : IDWR
FAX : 3275400
TEL : 3277906

DATE, TIME
FAX NO. / NAME
DURATION
PAGE(S)
RESULT
MODE

03/31 16:40
SRBA COURT
00:01:56
05
OK
STANDARD
ECM

C-Car

36-00047

Expert Witness Report

SRBA Case No 39576

Subcases 36-000047

C-Can

March 26, 1999

C.E. Brockway P.E. PhD.

Brockway Engineering P.L.L.C.

The property owned by C-Can lies in the NE1/4 SE1/4 Sec 13 T 7S R 13E. It consists of parcels irrigated with diversion from Sherman Springs and pipeline across Billingsley Creek to the property. . Examination of aerial photos including 1987 aerial photos from the FSA, USDA NRCS soils maps and farm maps the estimated minimum irrigated area amenable to surface irrigation includes 29.4 acres. An additional 10.8 acres is currently irrigated with sprinkler and may have been irrigated prior to 1987. The total irrigated would therefore be 40.2 acres.

Waster supply from the springs was conveyed by contour earthen ditches. The ditches ran north and south from the high point of the farm. From there water was conveyed in earthen ditches throughout the farm. The 1987 SCS aerial photo map attached shows the ditch and field system in place at that time.

Soil permeability and infiltration rates are high, up to 20 in./hr. USDA NRCS soil classifications include Quincy fine sand (QUB) and Fathom-Kudlac-Anchustequi complex (FKE) soils. Surface irrigation consisted of furrow application from ditches throughout the area. Field slopes and run lengths are highly variable with steeper slopes on the areas near Billingsley Creek.

Based on data supplied by Ms Adamson and Dave Cropper, irrigation has historically utilized primarily 12 hour sets. Historically, control of furrow flows was likely accomplished with cutouts from earthen ditches and later from siphon tubes.

The duty of water for surface irrigation lands of these lands is in excess of 0.02 cfs/acre (1 miner's inch/acre). In order to estimate the irrigation requirement for the farm, an analysis using procedures developed by Hubble Engineering for the Idaho Department of

Water Resources was utilized. The procedures were incorporated in a computer program developed by C.W. Robison P.E. which has been reviewed by IDWR and utilized previously in numerous "excess flow analyses". Input data sets and computer output for each analysis are included in Appendix A to this report. NRCS soils data are also included in Appendix A.

Farm delivery requirement(duty of water) was calculated using set times and furrow flows as reported or appropriate for the run lengths (field length) and soil types. Project irrigation diversion requirements were calculated for the analysis period utilizing the Bliss weather data set modified for Hagerman and utilizing an 80% probability level of crop consumptive use. Calculations were also performed for the peak period consumptive use.

Estimated irrigation requirements using the Hubble approach or any other method are sensitive to irrigation management procedures. Irrigation efficiency and water requirements are very sensitive to the length of time water is left on the field (set time) and the discharge that is set in each furrow, either from siphon tubes or cutouts. Furrow infiltration rates are highly variable due to soil property variability, slope inconsistencies, antecedent moisture conditions, and crop litter in the furrow. Irrigator's judgement as to how long to leave water on the field or how 'strong' to set the tubes varies from person to person. Estimates of irrigation requirements are therefore best utilized to provide a guideline as to the range of expected requirements rather than to precisely determine what flows early irrigators should have used.

For the estimated surface irrigated area (29.4 acres) the estimated base peak project diversion requirement is 2.12 inches/acre(1.25 cfs) and the analysis period (maximum monthly with 80% probability) project irrigation requirement is 1.85 inches/acre (1.09 cfs). This assumes approximately 64% alfalfa, 22% pasture on steeper slopes, and 14% grain on the three major fields.

The project irrigation requirement does not include ditch losses from the springs to the property or on-farm ditches.

A sensitivity analysis was performed to show the effect on calculated irrigation water requirements if the irrigator chooses different set times or furrow flows. That analysis is shown in Appendix A. The furrow flow rates were varied from 80% to 160% of the base

furrow flow and the set time was calculated for 12, 18, and 2 hours. The table in Appendix A shows that the required peak project diversion rate from all sources could vary be as high as 3.32 cfs or 5.64 miner' inches per acre depending on the level of irrigation management.

Based on the irrigation requirements analysis, the historic on-farm duty of water under 37-00047 for surface irrigation, is at least 2.12 in/acre(1.25 cfs); however, depending on irrigation management levels, crop selection, or local weather conditions, the irrigation requirement could be as much as 5.64 in/acre. The SRBA claim for the property of 1.6 cfs is within the range of expected water requirements for surface irrigation of these soils. A 10.8 acre parcel on the east side of this 46 acre tract lies on a relatively steep slope toward Billingsley Creek. This parcel was not assumed irrigated in the excess flow analysis of the 29.4 acre area. It is possible that this parcel was irrigated historically from the ditch system, although it is difficult to determine at this time. If this parcel was surface irrigated, the efficiency would have been low due to the steep slope and the estimated irrigation water requirement including the additional 10.8 acres would be at least 1.71 cfs on 40.2 acres assuming the 2.12 miner's inches/acre is applicable.

APPENDIX A

Irrigation Water Requirements Analysis
Version 1.25
1999-03-28 @ 17:08:49

C-Can Excess Flow Analysis
Brockway Engineering and C. W. Robison
No canal/lateral/ditch losses

PROJECT IRRIGATION DIVERSION REQUIREMENTS
SUMMARY

Total Irrigated Area: 29.40 acres

Based on analysis period irrigation requirement

Max Project Diversion: 1.09 cfs(1.846 mi/ac)

Based on analysis period peak consumptive use

Peak Project Diversion: 1.25 cfs(2.124 mi/ac)

C-Can Excess Flow Analysis
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No canal/lateral/ditch losses

****SENSITIVITY ANALYSIS****

Run Date: 03-28-1999
Base file: ccan.dat

PEAK PROJECT DIVERSION IN CFS
Furrow flow in FRACTION OF BASE. Set time in HOURS.

		Set time		
F Flow	12	18	24	
0.80	0.92	1.38	1.83	
1.00	1.04	1.55	2.07	
1.20	1.24	1.87	2.49	
1.40	1.45	2.18	2.90	
1.60	1.66	2.49	3.32	

PEAK PROJECT DIVERSION IN MINER'S INCHES PER ACRE
Furrow flow in FRACTION OF BASE. Set time in HOURS.

		Set time		
F Flow	12	18	24	
0.80	1.56	2.34	3.12	
1.00	1.76	2.64	3.53	
1.20	2.12	3.17	4.23	
1.40	2.47	3.70	4.93	
1.60	2.82	4.23	5.64	

C-Can Excess Flow Analysis
 Brockway Engineering and C. W. Robison
 No canal/lateral/ditch losses
 hagerman.cir

	1	3	2	3	0
0.8					
Effective Div.	0.	0.000	0.	0	0. 0.00
FURROW FLD.1	48.	18.	7.0	920.	.006
FURROW FLD.2	48.	12.	5.0	460.	.020
FURROW FLD.3	48.	12.	3.0	300.	.050
QUB	2.0	0.94	1.84	2.74	3.64 4.54
FKE	2.0	1.30	2.58	3.87	5.15 6.44
Alfalfa Hay	50.0	2.5	.10		
Spring Grain	50.0	2.5	.10		
Pasture	50.0	2.5	.10		
1					
Alfalfa Hay	18.9	0.0	0.0		
Spring Grain	0.0	0.0	0.0		
Pasture	0.0	0.0	6.6		
2					
Alfalfa Hay	0.0	0.0	0.0		
Spring Grain	0.0	3.9	0.0		
Pasture	0.0	0.0	0.0		
Effective Div.	1.0	1.0			

Irrigation Water Requirements Analysis
Version 1.00
1999-03-28 @ 17:08:49

C-Can Excess Flow Analysis
Brockway Engineering and C. W. Robison
No canal/lateral/ditch losses

Crop Water Requirements Datafile: hagerman.cir
Probability Level for Analysis: 80.0
Number of Canal/Lateral Segments: 1
Number of Irrigation Methods: 3
Number of Soil Types: 2
Number of Crops: 3
Number of Analysis Periods: 8

CANAL/LATERAL INFORMATION

#	Name	Segment	miles	Width feet	F-Area sq-ft	Seepage Method
1	Effective Div.	0	.00	.0	.0	Specified S= .00 cfs/mi

IRRIGATION SYSTEM INFORMATION

Name	Assumed Efficiency	Set Time	Run Flow	Run Length	Slope-Furrows Width-Others
FURROW FLD.1	48.0	18.	7.0	920.	.006
FURROW FLD.2	48.0	12.	5.0	460.	.020
FURROW FLD.3	48.0	12.	3.0	300.	.050

SOILS INFORMATION

Name	Intake Family	Water Holding Capacity				
		1ft	2ft	3ft	4ft	5ft
QUB	2.0	.94	1.84	2.74	3.64	4.54
FKE	2.0	1.30	2.58	3.87	5.15	6.44

CROP SYSTEM INFORMATION

Name	Allowable Deficit	Furrow Spacing	Roughness
Alfalfa Hay	50.0	2.500	.100
Spring Grain	50.0	2.500	.100
Pasture	50.0	2.500	.100

Irrigation Water Requirements Analysis

Version 1.00

1999-03-28 @ 17:08:49

C-Can Excess Flow Analysis

Brockway Engineering and C. W. Robison

No canal/lateral/ditch losses

CROP DISTRIBUTION FOR QUB					by Irrigation System
Crop	Total	01	02	03	
Alfalfa Hay	18.9	18.9	.0	.0	
Spring Grain	.0	.0	.0	.0	
Pasture	6.6	.0	.0	6.6	

CROP DISTRIBUTION FOR FKE					by Irrigation System
Crop	Total	01	02	03	
Alfalfa Hay	.0	.0	.0	.0	
Spring Grain	3.9	.0	3.9	.0	
Pasture	.0	.0	.0	.0	

Irrigation System Key

01 - FURROW FLD.1

02 - FURROW FLD.2

03 - FURROW FLD.3

Project/Farm Irrigation Water Requirement Analysis
Version 1.00

Crop Irrigation Requirements (mm/day)

Datafile: hagerman.cir

Title: Bliss Consumptive Use (Allen and Brockway) Adjusted to Hagerman

INPUT DATA

	Total	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Alfalfa Hay									
Root Depth	.0	.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00
Mean CU	1087.0	.00	3.52	6.58	7.62	7.19	5.60	3.84	1.34
Mean IR	1007.0	.00	3.05	5.94	6.99	7.03	5.46	3.60	1.02
Std Dev CU	30.0	.00	.29	.46	.41	.21	.25	.27	.12
Std Dev IR	54.0	.00	.57	.77	.89	.37	.51	.49	.39
Spring Grain									
Root Depth	.0	.00	.50	1.50	3.00	3.00	3.00	3.00	3.00
Mean CU	751.5	.00	1.76	5.34	8.73	7.30	1.52	.00	.00
Mean IR	700.5	.00	1.40	4.83	8.15	7.17	1.42	.00	.00
Std Dev CU	23.0	.00	.15	.37	.47	.22	.07	.00	.00
Std Dev IR	46.0	.00	.38	.62	.89	.34	.27	.00	.00
Pasture									
Root Depth	.0	.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
Mean CU	1090.0	.00	3.49	5.47	6.73	6.81	5.73	4.52	3.07
Mean IR	1015.0	.00	3.04	4.89	6.16	6.67	5.58	4.28	2.73
Std Dev CU	29.0	.00	.29	.38	.36	.20	.25	.32	.27
Std Dev IR	51.0	.00	.55	.67	.80	.34	.50	.53	.51

Project/Farm Irrigation Water Requirement Analysis
Version 1.00

Crop Requirements (in/day)
Crop Rooting Depths (ft)

BASED ON NORMAL DISTRIBUTION

Adjusted Crop Water Requirements for 80.0% probability level									
	Total	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Alfalfa Hay									
---CU---	43.8	.000	.148	.274	.314	.290	.229	.160	.057
---IR---	41.4	.000	.139	.259	.305	.289	.232	.158	.053
Root Depth		.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Spring Grain									
---CU---	30.3	.000	.074	.222	.359	.295	.062	.000	.000
---IR---	29.1	.000	.068	.211	.350	.294	.065	.000	.000
Root Depth		.0	.5	1.5	3.0	3.0	3.0	3.0	3.0
Pasture									
---CU---	43.9	.000	.147	.228	.277	.275	.234	.189	.130
---IR---	41.7	.000	.138	.215	.269	.274	.236	.186	.124
Root Depth		.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0

CU Peak to Ave Ratio vs Application Depth Curve (11 pts)

App.Depth(in)	.61	1.06	1.51	2.12	2.73	3.63	4.54	5.60	6.36
	6.96	7.57							
Peak:Average	1.154	1.138	1.123	1.108	1.092	1.077	1.061	1.046	1.038
	1.031	1.023							

Irrigation Water Requirements Analysis
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C-Can Excess Flow Analysis
Brockway Engineering and C. W. Robison
No canal/lateral/ditch losses

Peak Consumptive Use based on Peak:Mean(ASWD)
80.0 Percent Probability Level of CU

	SOIL CATAGORY: QUB							
Crop	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Alfalfa Hay	--	.164	.303	.346	.320	.253	.177	.063
Spring Grain	--	.087	.256	.405	.332	.070	--	--
Pasture	--	.168	.261	.316	.314	.267	.216	.148

	SOIL CATAGORY: FKE							
Crop	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Alfalfa Hay	--	.161	.297	.340	.314	.248	.173	.061
Spring Grain	--	.086	.254	.400	.328	.069	--	--
Pasture	--	.166	.258	.313	.310	.264	.213	.147

Irrigation Water Requirements Analysis
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C-Can Excess Flow Analysis
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No canal/lateral/ditch losses

Irrigation System Analysis FOR SOIL QUB

Irrigation System Efficiency Analysis: FURROW FLD.1
Furrow Irrigation-> 18.Hours @ 7.0gpm on 920.ft @ .006ft/ft
CROP Mar Apr May Jun Jul Aug Sep Oct
Alfalfa Hay --- 43.1 43.1 43.1 43.1 43.1 43.1 43.1

Note the following symbol meanings
@@@ = Water did not reach end of furrow
* = End-of-Furrow application insufficient

On-Farm Diversion Requirements -- miner inches/ac
With a 80.0 percent probability level

Based on analysis period irrigation requirement

CROP Mar Apr May Jun Jul Aug Sep Oct
Alfalfa Hay .000 .678 1.265 1.486 1.410 1.131 .771 .259

Based on analysis period peak consumptive use

CROP Mar Apr May Jun Jul Aug Sep Oct
Alfalfa Hay .000 .798 1.477 1.689 1.562 1.232 .862 .306

Irrigation Water Requirements Analysis
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C-Can Excess Flow Analysis
Brockway Engineering and C. W. Robison
No canal/lateral/ditch losses

Irrigation System Analysis FOR SOIL QUB

Irrigation System Efficiency Analysis: FURROW FLD.3
Furrow Irrigation-> 12.Hours @ 3.0gpm on 300.ft @ .050ft/ft
CROP Mar Apr May Jun Jul Aug Sep Oct
Pasture --- 19.9 19.9 19.9 19.9 19.9 19.9 19.9

Note the following symbol meanings
@@@ = Water did not reach end of furrow
* = End-of-Furrow application insufficient

On-Farm Diversion Requirements -- miner inches/ac
With a 80.0 percent probability level

Based on analysis period irrigation requirement

CROP Mar Apr May Jun Jul Aug Sep Oct
Pasture .000 1.454 2.264 2.837 2.888 2.491 1.962 1.312

Based on analysis period peak consumptive use

CROP Mar Apr May Jun Jul Aug Sep Oct
Pasture .000 1.772 2.747 3.337 3.311 2.819 2.273 1.565

Irrigation Water Requirements Analysis
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C-Can Excess Flow Analysis
Brockway Engineering and C. W. Robison
No canal/lateral/ditch losses

Irrigation System Analysis FOR SOIL FKE

Irrigation System Efficiency Analysis: FURROW FLD.2
Furrow Irrigation-> 12.Hours @ 5.0gpm on 460.ft @ .020ft/ft
CROP Mar Apr May Jun Jul Aug Sep Oct
Spring Grain --- 6.5 19.4 38.5 38.5 38.5 38.5 38.5

Note the following symbol meanings
@@@ = Water did not reach end of furrow
* = End-of-Furrow application insufficient

On-Farm Diversion Requirements -- miner inches/ac
With a 80.0 percent probability level

Based on analysis period irrigation requirement

CROP	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Spring Grain	.000	2.197	2.279	1.909	1.600	.353	.000	.000

Based on analysis period peak consumptive use

CROP	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Spring Grain	.000	2.804	2.746	2.178	1.787	.377	.000	.000

Irrigation Water Requirements Analysis
Version 1.25
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C-Can Excess Flow Analysis
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No canal/lateral/ditch losses

Overall Project On-Farm Diversion Requirement

With a 80.0% Water Requirement Probability Level

Based on analysis period irrigation requirement

CROP	Total	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
	ac-ft								
					miners	inches	per ac.		
Alfalfa Hay	152.	.000	.678	1.265	1.486	1.410	1.131	.771	.259
Spring Grain	38.	.000	2.197	2.279	1.909	1.600	.353	.000	.000
Pasture	115.	.000	1.454	2.264	2.837	2.888	2.491	1.962	1.312
*Entire Project	305.	.000	1.054	1.624	1.846	1.767	1.333	.936	.461

Based on analysis period peak consumptive use

CROP	Total	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
	arces								
					miners	inches	per ac.		
Alfalfa Hay	19.	.000	.798	1.477	1.689	1.562	1.232	.862	.306
Spring Grain	4.	.000	2.804	2.746	2.178	1.787	.377	.000	.000
Pasture	7.	.000	1.772	2.747	3.337	3.311	2.819	2.273	1.565
*Entire Project	29.	.000	1.283	1.931	2.124	1.984	1.475	1.065	.548

Irrigation Water Requirements Analysis
Version 1.25
1999-03-28 @ 17:08:49

C-Can Excess Flow Analysis
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No canal/lateral/ditch losses

Fraction of Soil Type Area served by Canal/Lateral Segment

Canal\Soil Class	01	02
Effective Div.	1.000	1.000

Table Soil Type Key

01 - QUB	02 - FKE
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Irrigation Water Requirements Analysis
Version 1.25
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C-Can Excess Flow Analysis
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Canal/Lateral Discharge Summary
(cubic feet per second)

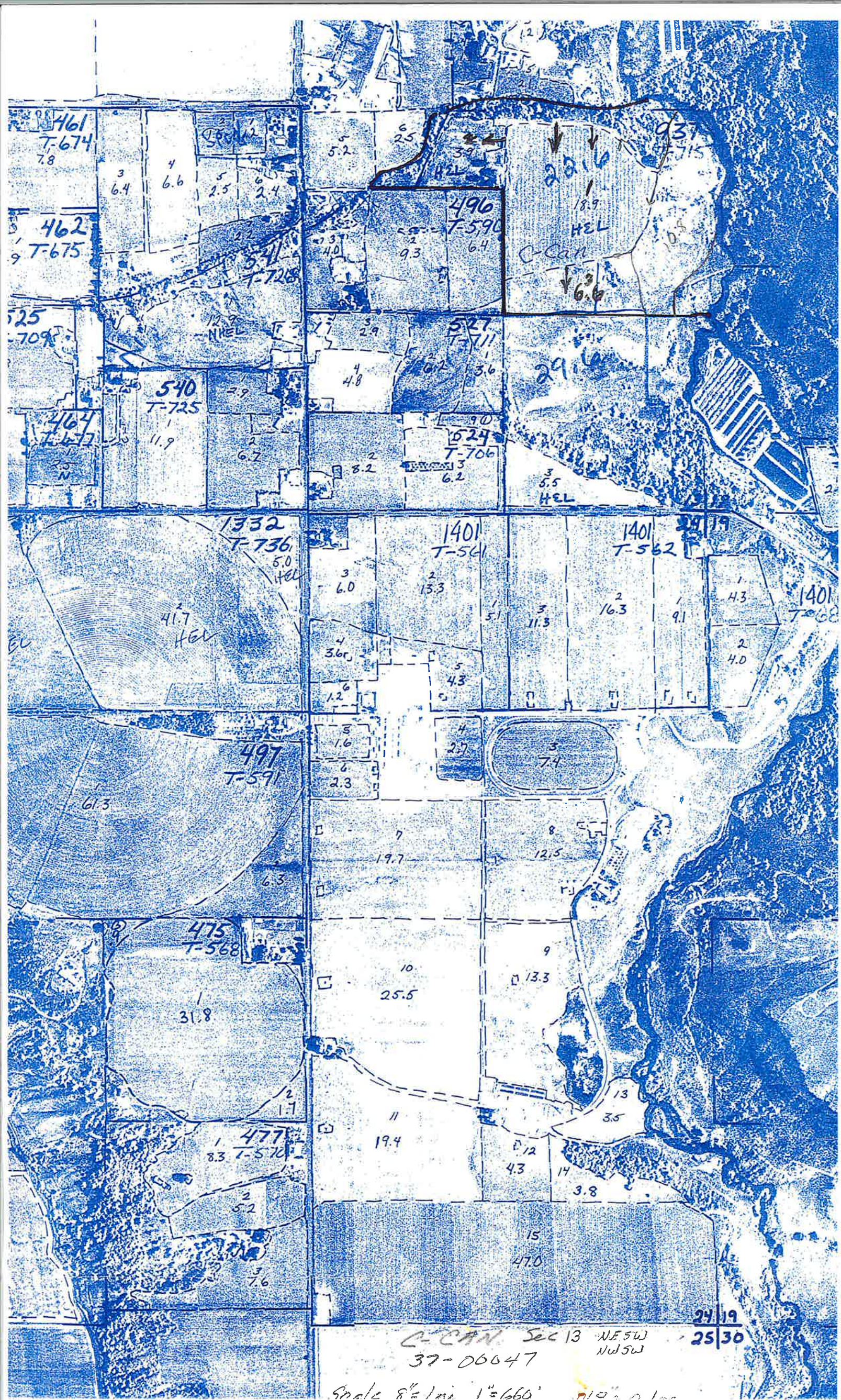
Canal/Lateral	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Effective Div.	**** Seepage Rate: .00 cfs/mi or .00 cfs ****							

Based on analysis period irrigation requirement

DS Delivery	.0	.0	.0	.0	.0	.0	.0	.0
On-Farm Div.	.0	.6	1.0	1.1	1.0	.8	.6	.3
Seepage Loss	.0	.0	.0	.0	.0	.0	.0	.0
US Div. Req.	.0	.6	1.0	1.1	1.0	.8	.6	.3

Based on analysis period peak consumptive use

DS Delivery	.0	.0	.0	.0	.0	.0	.0	.0
On-Farm Div.	.0	.8	1.1	1.2	1.2	.9	.6	.3
Seepage Loss	.0	.0	.0	.0	.0	.0	.0	.0
US Div. Req.	.0	.8	1.1	1.2	1.2	.9	.6	.3



C-CAN Sec 13 NE5W NW5W
37-06047

Scale 8"=1mi 1"=1660'

24/19
25/30





Q4B

QUB Quincy fine sand, 1 to 4 percent slopes

COMPOSITION

Quincy soil - 85 percent

Inclusions - 15 percent

QUINCY SOIL

Positions on landscape: basalt plains

Elevation: 3200 to 3500 feet

Climatic data: (average annual)

precipitation - about 9 inches

air temperature - about 50 degrees F.

frost free period - about 115 days

Typical profile:

0 to 2 inches - brown fine sand

2 to 43 inches - yellowish brown fine sand and loamy fine sand

43 to 61 inches - pale brown loamy fine sand

Depth class: very deep (more than 60 inches)

Drainage class: excessively drained

Permeability: rapid

Available water capacity: low; 3 to 6 inches

Potential rooting depth: 60 or more inches

Runoff: very slow

Hazard of erosion:

by water - none

by wind - very severe

INCLUDED AREAS

Contrasting inclusions:

10 percent Walco fine sand on convex positions

Similar inclusions:

5 percent Fathom fine sand

INTERPRETATIVE GROUPS

Capability classification:

IVe irrigated, VIIe nonirrigated

Abbreviated version - subject to change.

FKE Fathom - Kudlac - Anchustequi complex, 8 to 35 percent slopes

COMPOSITION

Fathom soil - 40 percent
Kudlac soil - 15 percent
Anchustequi - 15 percent

SETTING

Positions on landscape: concave positions and toe slopes of basalt escarpments

Elevation: 2700 to 3000 feet

Climatic data: (average annual)

- * precipitation - about 9 inches
- * air temperature - about 50 degrees F.
- * frost free period - about 130 days

FATHOM SOIL

Typical profile:

0 to 7 inches - brown loamy fine sand
7 to 20 inches - brown loamy fine sand
20 to 61 inches - pale brown loamy fine sand

Depth class: very deep (more than 60 inches)

Drainage class: excessively drained

Permeability: rapid

Available water capacity: low; 3 to 6 inches

Potential rooting depth: 60 or more inches

Runoff: very slow

Hazard of erosion: by water - none
by wind - severe

KUDLAC SOIL

Positions on landscape: convex positions and midslopes on - basalt plains

Typical profile:

0 to 3 inches - pale brown silt loam
3 to 12 inches - pale brown silt loam
12 to 18 inches - light gray silt loam
18 to 23 inches - very pale brown silty clay loam
23 to 29 inches - pale brown silt loam
29 to 60 inches - very pale brown silty clay loam

Depth class: very deep (more than 60 inches)

Drainage class: excessively drained

Permeability: very slow

Available water capacity: low; 3 to 6 inches

Potential rooting depth: 60 or more inches

Runoff: very rapid

Hazard of erosion: by water - very severe
by wind - slight

ANCHUSTEQUI SOIL

Position on landscape: lacustrine terraces

Typical profile:

0 to 7 inches - pale brown loam

7 to 11 inches - very pale brown loam

11 to 60 inches - white to pale brown stratified silty clay loam to fine sand

Depth class: very deep (60 inches or more)

Drainage class: poorly drained

Permeability: moderately slow

Water table depth: 6 to 60 inches

Available water capacity: high; 9 to 12 inches

Potential rooting depth : 60 inches or more

Restriction to rooting depth: water table at 6 to 60 inches

Runoff: slow

Hazard of erosion: by water - slight; by wind - slight

INCLUDED AREAS

Similar inclusions:

Bahem fine sandy loam in concave positions

Kecko fine sandy loam in concave positions

INTERPRETATIVE GROUPS

Capability classification:

IIIe irrigated, VIe nonirrigated

PHYSICAL PROPERTIES OF SOILS
Brockway

(Entries under "Erosion factors--T" apply to the entire profile. Entries under "Wind erodibility group" and "Wind erodability index" apply only to the surface layer)

Map symbol and soil name	Depth	Clay	Moist bulk density	Permea- bility	Available water capacity	Shrink- swell potential	Organic matter	Erosion factors			Wind erodi- bility group	Wind erodi- bility index
								K	Kf	T		
	In	Pct	g/cc	In/hr	In/in		Pct					
14: Bahem-----	0-11	8-18	1.40-1.50	0.60-2.00	0.13-0.17	Low	1.0-2.0	0.43	0.43	5	3	86
	11-41	10-18	1.30-1.45	0.60-2.00	0.14-0.19	Low	0.0-0.5	0.49	0.49			
	41-60	0-8	1.45-1.55	2.00-6.00	0.09-0.12	Low	0.0-0.5	0.37	0.37			
31: Chijer-----	0-17	5-8	1.40-1.60	>20.00	0.07-0.09	Low	0.6-1.0	0.17	0.17	3	2	134
	17-43	8-18	1.35-1.55	0.60-2.00	0.10-0.18	Low	0.0-0.5	0.49	0.49			
	43-60	---	---	---	---	---	---	---	---			
32: Chijer-----	0-10	8-18	1.30-1.50	0.60-2.00	0.10-0.12	Low	0.6-1.0	0.24	0.24	3	3	86
	10-51	8-18	1.35-1.55	0.60-2.00	0.10-0.18	Low	0.0-0.5	0.49	0.49			
	51-55	8-13	1.35-1.55	0.60-2.00	0.10-0.12	Low	0.0-0.5	0.24	0.28			
	55-61	---	---	---	---	---	---	---	---			
53: Ephrata-----	0-5	10-17	1.30-1.50	2.00-6.00	0.10-0.14	Low	0.5-1.0	0.32	0.37	3	3	86
	5-26	10-17	1.25-1.50	2.00-6.00	0.10-0.15	Low	0.0-0.5	0.37	0.43			
	26-61	0-8	1.55-1.75	>20.00	0.03-0.06	Low	0.0-0.5	0.15	0.20			
55: Fathom-----	0-7	0-5	1.40-1.60	6.00-20.00	0.09-0.10	Low	0.6-0.9	0.20	0.20	5	2	134
	7-61	0-5	1.40-1.60	6.00-20.00	0.09-0.10	Low	0.0-0.5	0.20	0.20			
56: Fathom-----	0-7	0-5	1.40-1.60	6.00-20.00	0.09-0.10	Low	0.6-0.9	0.20	0.20	5	2	134
	7-61	0-5	1.40-1.60	6.00-20.00	0.09-0.10	Low	0.0-0.5	0.20	0.20			
59: FKE Fathom-----	0-7	0-5	1.40-1.60	6.00-20.00	0.09-0.10	Low	0.6-0.9	0.20	0.20	5	2	134
40% 70%	7-61	0-5	1.40-1.60	6.00-20.00	0.09-0.10	Low	0.0-0.5	0.20	0.20			
Kudlac 15%	0-3	20-25	1.15-1.25	0.20-0.60	0.14-0.16	Low	0.5-1.0	0.43	0.43	5	4L	86
	3-60	25-35	1.50-1.65	0.00-0.06	0.12-0.16	Moderate	0.0-0.5	0.43	0.43			
Anchustequi 15%	0-7	20-27	1.30-1.40	0.50-2.00	0.13-0.15	Low	1.0-2.0	0.43	0.43	5	6	48
	7-60	5-35	1.25-1.45	0.20-20.00	0.07-0.19	Moderate	0.0-1.0	0.37	0.37			

- loamy fine sand

- silt loam

- loam

PHYSICAL PROPERTIES OF SOILS--Continued
Brockway

Map symbol and soil name	Depth	Clay	Moist bulk density	Permea- bility	Available water capacity	Shrink- swell potential	Organic matter	Erosion factors			Wind erodi- bility group	Wind erodi- bility index
								K	Kf	T		
	In	Pct	g/cc	In/hr	In/in		Pct					
101: Rock Outcrop.												
Kecko-----	0-6	3-8	1.40-1.60	6.00-20.00	0.08-0.10	Low	0.5-1.0	0.10	0.10	5	2	134
	6-18	10-18	1.25-1.50	2.00-6.00	0.12-0.14	Low	0.0-0.5	0.24	0.24			
	18-26	3-18	1.25-1.60	2.00-6.00	0.08-0.13	Low	0.0-0.5	0.10	0.10			
	26-60	10-18	1.25-1.45	2.00-6.00	0.12-0.17	Low	0.0-0.5	0.10	0.10			
Vining-----	0-4	0-7	1.50-1.70	6.00-20.00	0.05-0.08	Low	0.4-1.0	0.10	0.10	2	2	134
	4-25	7-18	1.40-1.60	2.00-6.00	0.09-0.12	Low	0.0-0.5	0.20	0.32			
	25-29	---	---	---	---	---	---	---	---			
139: Paulville-----	0-6	16-24	1.25-1.35	0.60-2.00	0.19-0.21	Low	1.0-2.0	0.37	0.37	5	6	48
	6-30	18-31	1.30-1.40	0.20-0.60	0.19-0.21	Moderate	0.0-0.5	0.49	0.49			
	30-47	10-15	1.30-1.45	0.60-2.00	0.15-0.17	Low	0.0-0.5	0.55	0.55			
	47-64	5-10	1.50-1.65	2.00-6.00	0.11-0.13	Low	0.0-0.5	0.24	0.24			
153: QUB Quincy-----	0-2	1-6	1.35-1.50	6.00-20.00	0.08-0.11	Low	0.5-1.0	0.15	0.15	5	1	310
	2-61	1-7	1.45-1.60	6.00-20.00	0.06-0.09	Low	0.5-1.0	0.28	0.28			fine sand
160: Rubbleland.												
Typic Calciorthids---	0-7	0-5	1.45-1.55	6.00-20.00	0.08-0.09	Low	0.5-1.0	0.20	0.28	5	8	---
	7-60	2-10	1.40-1.50	2.00-20.00	0.06-0.13	Low	0.0-0.5	0.28	0.28			
201: Tupper-----	0-13	12-20	1.35-1.55	2.00-6.00	0.07-0.10	Low	0.7-1.0	0.10	0.32	3	8	---
	13-29	12-20	1.35-1.55	2.00-6.00	0.07-0.10	Low	0.0-0.5	0.24	0.32			
	29-60	5-15	1.40-1.60	6.00-20.00	0.05-0.09	Low	0.0-0.5	0.20	0.32			
202: Tupper-----	0-7	12-20	1.35-1.55	2.00-6.00	0.07-0.10	Low	0.7-1.0	0.10	0.32	3	8	---
	7-30	12-20	1.35-1.55	2.00-6.00	0.07-0.10	Low	0.0-0.5	0.24	0.32			
	30-66	5-15	1.40-1.60	6.00-20.00	0.05-0.09	Low	0.0-0.5	0.20	0.32			

Guidelines for the Evaluation of Irrigation Diversion Rates

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IRRIGATION WATER DIVERSION REQUIREMENTS PROGRAM

by
Clarence W. Robison

INTRODUCTION

The rate and volume water requirements for an irrigation diversion are driven by three aspects of crop production: crop consumptive use, leaching of soil salts, and frost protection. The primary aspect is to supply the crop's consumptive use requirements. Losses associated with the inefficiency of irrigation applications systems typically meet the leaching requirements. There have been many studies quantifying the amount of water consumed by individual crops and procedures for estimating the usage from weather or climatic data. These procedures are explained in many irrigation texts and engineering reference materials such as Jensen, et al.¹ The State of Idaho Department of Water Resources commissioned a study with the University of Idaho evaluated the methods of estimating consumptive use and irrigation requirements for the various agricultural crops produced in the state. The study recommended the FAO-Blaney-Criddle method for estimates of crop consumptive use for the state.² Utilization of the crop consumptive use estimates and the associated cropped areas will not yield the required diversion rate to irrigate those crops. The required diversion rates and volumes will depend on the soil characteristics, the irrigation application and delivery system, and system management.

For the purposes of water allocation, some have suggested that the crop with the highest annual consumptive irrigation requirement should determine the diversion rate and volume under a mono cropping assumption. This would yield conservative estimates of the potential diversion requirements; but, are unrealistic. For long term profitability, agriculture requires crop rotations to maintain land productivity and product quality. Secondly, mean consumptive use or irrigation requirement would reflect a diversion rate and volume that would be inadequate fifty percent of the time. Therefore, the program uses crop patterns in conjunction with soil and on farm management practices for project areas.

A computer program was developed to estimate the peak and annual diversion requirements for an irrigated area. The program computes rate and volume requirements for an irrigated area given information describing the area. The procedure requires information describing the irrigation and delivery systems, the soils, and the crops. The program does not estimate or compute crop consumptive use or irrigation requirement. The program uses this data in conjunction with soils and irrigation system information. The procedure used by the program is similar to that described by the Hubble Report, "Guidelines for the Evaluation of Irrigation Diversion Rates."³ The program consists of four major areas: water requirements, application requirements, system efficiencies, and distribution losses.

The following definitions are offered to assist in clarifying the procedures used in the program.

Consumptive Use (*cu*): The amount of water transpired by an activity growing crop plus the amount water evaporated from the soil surface and foliage occupying the area around the growing crop. Typically expressed as a depth per time (mm/day or in/day).

Consumptive Irrigation Requirement (*cir*): The amount of irrigation water required to meet the consumptive use of a crop after accounting for natural precipitation. It typically has the units of depth per time (in/day).

Available Water Holding Capacity (*awhc*): The amount of water held by the soil profile after draining. It typically has the units of depth per unit depth (in/foot).

Allowable Soil Moisture Depletion (*asmd*): The amount of soil moisture which can be depleted from the root zone before the crop suffers stress which would impact crop yield and quality. It typically is a percentage or fraction of the available water holding capacity.

Irrigation Application Depth (*iad*): The amount of water required to replenish the soil moisture in the crop root zone to holding capacity. (in)

Irrigation Return Period (*irp*): The time between irrigations (days).

Irrigation Application Efficiency: The percentage of applied irrigation water stored in the root zone and used by the crop to satisfy crop consumptive use. It is typically a percentage.

METHODS

Irrigation Application Depth

The purpose of irrigation is to supply the crop with its water requirements and any leaching requirements based on the soils and irrigation water. Each irrigation should replenish the soil moisture in the crops root zone. The amount of soil moisture to be replenished by irrigation is the irrigation application depth. The soil moisture capacity, crop rooting depth, and allowable soil moisture depletion for a crop determines the application depth.

$$iad_{crop\ soil} = asmd_{crop} * arzsm_{crop\ soil} \dots\dots\dots [1]$$

where:

$iad_{crop\ soil}$ Irrigation application requirement, depth

$asmd_{crop}$ Allowable soil moisture depletion, fraction.

$arzsm_{crop\ soil}$ Available root zone soil moisture, depth.

The program computes the available root zone soil moisture from the soil moisture profile given by the user and the crop rooting depth using a linear interpolation procedure. For example a soil moisture capacity curve for a Bruneau area soil is shown in Figure 1. The program expects the cumulative soil moisture for 0 to 5 feet by 1 foot intervals. If the soil profile does not extend six feet in depth, the portion beyond the end of the profile should be treated as a soil without any moisture holding capability.

The user supplies the rooting depth over the season and allowable soil moisture deficit for each crop. For perennial crops (alfalfa, pasture grasses, and orchards) the crop rooting depth changes from year to year. The user should select a rooting depth typical of average crop age. Table 1 summarizes typical rooting depths for

Table 1. Rooting depths and allowable soil moisture depletion for various crops.^{3,4,5}

Crop	Rooting Depth	Time to Reach	Allowable Depletion
Alfalfa	4 - 5ft	-- Perennial --	50-60%
Dry Beans	2 - 2.5 ft	50 days after planting	40-50%
Clover	2 - 3 ft	-- Perennial --	40-50%
Corn	3 - 4 ft	10 days after tasseling	50%
Corn, Sweet	2.5 - 3 ft	10 days after tasseling	40%
Grapes	3 ft	-- Perennial --	65%
Hops	5 ft		50%
Mint	2 - 3ft		40-50%
Onions	1.5 ft		30%
Orchard	5 - 6 ft	-- Perennial --	50-65%
Potatos	2 - 3 ft	80 days after planting	30-40%
Pasture/Turf	2 - 3 ft	-- Perennial --	50-60%
Peas	2 - 3 ft		50%
Small Grains	3 - 4 ft	heading	50-60%
Sugar Beets	2 - 5 ft	10-60 days after planting	50%

various crops. For example, a mature alfalfa hay crop typically has a rooting depth of 4 feet with an allowable soil moisture depletion of 50 percent which would result in an irrigation application depth of 2.75 inches for the soil shown in Figure 1.

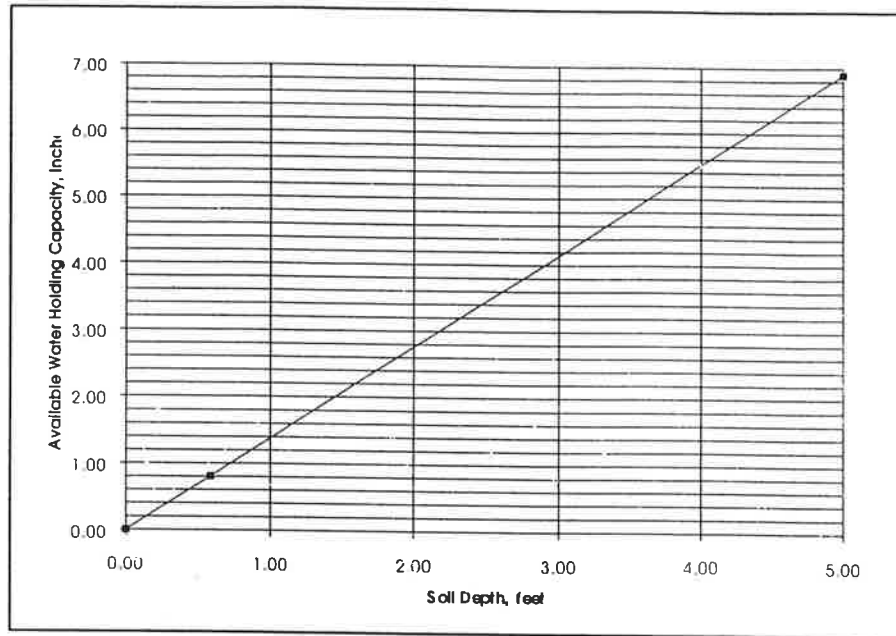


Figure 1. Available soil moisture versus for a Bruneau area soil.

Crop Water Requirements

The program requires crop consumptive use and irrigation requirement data in conjunction with a user specified probability level for meeting the crop needs. Allen and Brockway³ prepared consumptive irrigation requirements for various areas of the State of Idaho based upon the FAO Blaney-Criddle method of estimating crop evapotranspiration. The numbers in their report reflect the mean (average) consumptive irrigation requirements based upon the weather data available for the area. Thus, their published number reflects that fifty percent of the time the actual requirement will be greater than that published. In determination of an irrigation water right or permit, the mean requirement is probably not adequate. Irrigated farm operators would prefer an estimate that is met more than fifty percent of the time. The program combines the consumptive use and irrigation requirement with the published standard deviations and a risk level specified by the user. The current version of the program assumes that the consumptive uses and irrigation requirements are normally distributed.

Peak Consumptive Use

The peak diversion rate for a system is associated with a peak daily consumptive use. The daily consumptive use is also associated with the irrigation return period or irrigation application depth. The higher the soil moisture holding capacity, longer irrigation return intervals, the peak consumptive use approaches the monthly consumptive use. In determining the peak consumptive for a crop, the monthly consumptive reported by Allen and Brockway³ is first adjusted for the level or risk assuming a normal distribution according to the following formula⁶:

$$cu_{crop} = \overline{cu_{crop}} + std_{cu} * z \dots\dots\dots [2]$$

where:

$\overline{cu_{crop}}$ Crop consumptive use associated with a level of risk.

cu_{crop} Published crop monthly mean consumptive use.

std_{cu} Published standard deviation of the crop consumptive use.

z Standardized normalized variate associated with a given probability.

The consumptive use is then adjusted for the irrigation return interval period by the irrigation application depth for the crop. The procedure use for adjusting the consumptive use is outlined in Jensen².

$$pcu_{crop\ soil} = cu_{crop} * f(iad_{crop\ soil}) \dots\dots\dots [3]$$

where:

$pcu_{crop\ soil}$ Peak crop consumpitve use associated with a level of risk.

$f(iad_{crop\ soil})$ Function relating allowable soil moisture depletion for crop on a soil and monthly
.....consumptive use to peak consumptive use, Figure 6.6, page 223, Jensen².

The function yields values of x.xx, x.xx, and x.xx for allowable depletions of x.xx, x.xx, and x.xx inches respectively.

Irrigation Requirement

The monthly and annual diversion requirement (volume) is based on the crop irrigation requirement. To adjust the published mean daily irrigation requirement for the level of risk the following formula is applied:

$$cir_{crop} = \overline{cir_{crop}} + std_{cr} * z \dots\dots\dots [4]$$

where:

$\overline{cir_{crop}}$ Consumpitve irrigation requirement associated with a level of risk.

$\overline{cir_{crop}}$ Published mean consumptive irrigation requirement.

std_{cr} Published standard deviation of the consumptive irrigation requirement.

z Standardized normalized variate associated with a given probability.

For example, the mean alfalfa hay consumptive irrigation requirment for June is 0.25 inches per day⁷ in the Bruneau area with a standard deviation of 0.04. Thus, the requirement associated with the 80 percent risk level (is not exceeded eighty percent of time) is 0.28 inches per day (12 percent increase).

Soil Infiltration and Intake Families

The analysis of irrigation system efficiency requires an estimate of the infiltration rate for the soil. The methods that will be used to determine system efficiency are based on the USDA - NRCS (SCS) intake family infiltration. The cummulative infiltration function is expressed as:

$$F_n = aT_n^b + c \dots\dots\dots [5]$$

where:

T_n time for infiltration, minutes

F_n cummulative infiltration, inches, for time

a, b, c infiltration coefficients associated with an intake family.

There are two intake families. The first intake family is referred to as the flood intake family and the second is referred as the furrow intake family. The flood intake family is used in border irrigation system analysis and the second is used in furrow and corrugate irrigation systems analysis. The two families are related to each other by the following equation*:

$$frw_{family} = 0.28 + 0.14 * fld_{family} \dots\dots\dots [6]$$

where:

fld_{family} flood intake family

frw_{family} furrow intake family

Infiltration coeeficients based on the intake family are computed based upon the standard equations published by the USDA-NRCS. The coffecients for the flood intake family are computed with the following equation:

$$a = \left(\frac{fld_{family} + 3.1877}{339.06} \right)^{0.71638} \dots\dots\dots [7]$$

$$b = \left(\frac{fld_{family} + 1.8572}{238.32} \right)^{0.06862} \quad \text{for } fld_{family} < 5.14 \dots\dots\dots [8]$$

$$b = \left(\frac{fld_{family} - 2.5696}{237890} \right)^{0.021171} \quad \text{for } fld_{family} \geq 5.14$$

The infiltration coefficients associated with the furrow intake family are computed with the following equations:

$$a = \left(\frac{frw_{family} + 0.166281}{47.467904} \right)^{0.716378} \dots\dots\dots [9]$$

$$b = \left(\frac{frw_{family} - 0.02}{33.364573} \right)^{0.06862} \quad \text{for } frw_{family} < 1.0 \dots\dots\dots [10]$$

$$b = \left(\frac{frw_{family} - 0.639737}{33304.67292} \right)^{0.021171} \quad \text{for } frw_{family} \geq 1.0$$

Also associated with the furrow intake families are coefficients describing the irrigation water advance through the furrow to the end of the field. These coefficients are usually determined with the following equations:

$$f = 23211 - 5.8653 \cdot frw_{family} \dots\dots\dots [11]$$

$$g = 4.4685 \cdot 10^{-4} + 0.0015764 \cdot frw_{family} \dots\dots\dots [12]$$

Irrigation System Application Efficiency

The on farm irrigation diversion requirement has to reflect losses in the application of the irrigation water on the field where the crop is grown. There are many various methods of applying irrigation water: furrow, border, sprinkler, flood, etc. Each of the methods have their advantages and disadvantages and efficiencies. Typically, the largest factor influencing each application method efficiency is the irrigator which is difficult to quantify. The current version of the program has provisions to handle furrow irrigation, level border irrigation, handline - wheel-line sprinkler irrigation, center pivot irrigation, and contour ditch (wild flooding).

Contour Ditch

The program computes irrigation efficiencies for the contour ditch (wild flooding) method of irrigation by a simple mass balance. The user is expected to enter information regarding the length of run, typical flow rate and associated ditch length (field width) irrigated per set, and the time associated with set. The application efficiency is computed with the following equation:

$$AE = \frac{iad \cdot fl \cdot sw}{12 \cdot Q \cdot T_{set} \cdot 3600} \cdot 100 \dots\dots\dots [13]$$

where:

AE application efficiency, percent

Q typical flow rate, cfs.

T_{set} set time, hours.

fl field run length, feet

sw set width, feet

No checks are performed to applicability of the method, nor, adequate distribution. The user is advised to refer to local NRCS design guidelines for reasonable efficiencies. For example, on moderately smooth topography conditions and a net irrigation application depth of 3 inches, the USDA NRCS (SCS) has estimated efficiencies for contour ditch irrigation⁸ as shown in Table 2.

Table 2. Efficiency of Contour Ditch Irrigation, Percent

Flood Intake Family	Land Slope (Percent)				
	1 - 2	2 - 4	4 - 8	8 - 16	16 - 32
0.1	8	5	4	3	2
0.3	21	15	11	8	5
0.5	26	18	13	9	6
1.0	54	38	39	20	13
1.5	55	55	39	28	15
2.0	53	55	50	37	25
3.0	52	55	58	52	35

Furrow Irrigation

The program utilizes procedures outlined in Chapter 5, Section 15 Irrigation, of the USDA NRCS (SCS) National Engineering Handbook⁹ to evaluate the furrow irrigation system efficiency. The program does not attempt to determine the optimum furrow inflow; however, it attempts to estimate the efficiency of the system based on the supplied system management. The equations utilized are the equivalent intake depth equation and the time of advance equation.

$$AE = \frac{1.039 * iad * fw * fl}{q * T_{set}} \quad [14]$$

where

AE irrigation application efficiency, percent
iad gross irrigation application depth, inches
fw furrow spacing, feet
fl furrow spacing, feet
q furrow inflow, gpm
T_{set} set time, minutes

To evaluate the adequacy of the irrigation, the amount of water infiltrated at the end of the furrow must be determined. This requires computing the infiltration opportunity time at the end of the furrow and then computing the amount infiltrated.

$$T_o = T_{set} - T_{adv} \quad [15]$$

where

T_o infiltration opportunity time at end of furrow, minutes
T_{adv} advance time for water to reach end of furrow, minutes

$$T_{adv} = \frac{fl}{f} e^{\frac{q * fl}{q * S^{0.5}}} \quad [16]$$

where

f, g soil furrow intake family advance coefficients
S furrow slope, feet/feet

If the opportunity time, T_o, is less than zero, then the end of field was not irrigated. If the opportunity time is greater than zero, then the amount infiltrated at the furrow end is estimated with the following equation:

$$F_o = \frac{[a * T_o^b + c]}{fw} * \left(0.269 * \left(\frac{q * n}{S^{0.5}} \right)^{0.425} + 0.746 \right) \quad [17]$$

where

F_o infiltrated depth at the furrow end, inches
a, b, c soil furrow intake family infiltration coefficients
n Manning's roughness coefficient for furrow or corrugation.

If the end of furrow infiltrated depth, F_o , is less than the desired irrigation application depth (iad), then the furrow end was not adequately irrigated.

Border Irrigation

Border irrigation systems consist of level or gradient borders with or without end stops. The current version of the program does compute efficiency for level and gradient borders without end stops. The equations for estimating border irrigation efficiency are based on inflow rates per unit width. The unit inflow rate is estimated from the following equation and assumes that the entire border is irrigated with the specified flow.

$$q_u = Q / W \quad [18]$$

where

q_u flowrate per unit width, ft²/sec

Q border inflow rate, cfs

W border width, feet

The program assumes that level borders have slopes less than 0.4 percent (0.004 ft/ft) while gradient borders have slopes 0.4 percent or greater. For level borders the recession time (lag time), T_L , is zero. For gradient borders the recession time is estimated from the following equation:

$$T_L = \frac{0.0897 * q_u^{0.2} * n^{1.2}}{S_o^{0.5}} \quad [19]$$

where

S_o border strip slope, ft/ft

n Mannings roughness coefficient

The time, T_n , required to infiltrate the desired application depth, iad , is estimated from the flood intake family infiltration function:

$$T_n = \left(\frac{iad - c}{a} \right)^{1/b} \quad [20]$$

where

T_n infiltration opportunity time, minutes

iad desired infiltration depth, inches

a, b, c flood intake family coefficients

The adequacy of border irrigation is determined by comparing the irrigation set with the time of application. The set time should be greater than or equal to the required application time. The required application time is estimated by:

$$T_s \geq T_a = T_n - T_L \quad [21]$$

where

T_s set (inflow) time, minutes

T_a required application time, minutes

The efficiency is estimated by the following equation:

$$AE = \frac{iad * L}{7.2 * q_u * T_s} \quad [22]$$

where

AE irrigation application efficiency, percent

L border length, feet

Sprinkler Irrigation

Irrigation efficiencies with sprinkler systems are usually between 60 and 90 percent. Table 3 shows typical efficiencies for various sprinkler systems. For center pivot and linear move systems efficiencies are not estimated, these are expected to be specified in the input dataset. For the other systems the program estimates the efficiency from lateral spacings and lengths (area), set time, and lateral flowrates using the following equation:

Table 3. Sprinkler System Irrigation Efficiencies

Sprinkler System Type	Efficiency Range
Hand Move	60 - 85%
Solid Set	60 - 90%
Side Roll	60 - 85%
Linear Move	80 - 90%
Center Pivot	75 - 88%

$$AE = \frac{1.039 * iad * L * W}{Q * T} \dots\dots\dots [23]$$

where

AE irrigation application efficiency, percent
 Q lateral inflow rate, gallons per minute
 T set time, hours
 L lateral line length, feet
 W spacing between lateral risers, feet
 iad irrigation application depth, inches

Irrigation Delivery System Losses

There are losses associated with canals and laterals which delivery the irrigation water from the source to the farm, field, were it is applied. The are several methods for determining the seepage loss from a channel. These include field measurement of the loss or estimation with a seepage formula. Three estimation methods are incorporated into the program: the Mortiz, Etchverry, and Wortstell seepage formulas. These formulas are as follows:

$$S_m = 0.2 * C * \sqrt{Q/V} \dots\dots\dots [24]$$

where

S_m Mortiz seepage loss estimate, cfs/mile
 C factor representing canal (lateral) seepage characteristic, ft/day
 Q canal (lateral) discharge, cfs
 V canal (lateral) velocity, ft/sec

$$S_e = K * i * \sqrt{Q/V} \dots\dots\dots [25]$$

where:

S_e Etchverry seepage loss estimate, cfs/mile
 K canal shape constant
 i canal (lateral) seepage intensity, ft/day
 Q canal (lateral) discharge, cfs
 V canal (lateral) velocity, ft/sec

$$S = 0.0667 * i * W \dots\dots\dots [26]$$

where:

S_w Wortstell seepage loss estimate, cfs/mile
 i canal (lateral) seepage intensity, ft/day
 W canal (latc:

In the methods where a discharge is required for estimating the seepage loss, the downstream flow and any diversions are combined for the discharge. Regardless of how the seepage estimate is determined, the seepage loss for a canal, lateral, segment is computed by:

$$loss_l = S_l * length_l \quad [27]$$

where:

$loss_l$ conveyance loss for lateral (canal), cfs

S_l lateral (canal) seepage rate, cfs/mile

$length_l$ lateral (canal) segment length, miles

On Farm/Field Delivery Requirements

For each time step associated with the consumptive use data, the on farm, field, irrigation delivery requirement is determined from estimated irrigation system application efficiencies, crop requirements and areas of each crop, soil, and irrigation system combination. The peak delivery requirement is computed by:

$$ofpr_{crop,soil,system} = \frac{cu_{crop}}{AE_{crop,soil,system}} * area_{crop,soil,system} \quad [28]$$

where:

$ofpr$ on farm, field, peak delivery rate for given crop, soil, and irrigation system, ac-in/day

cu peak crop consumptive use for given risk level, inches/day

AE irrigation efficiency for given crop, soil, and irrigation system combination, percent

$area$ area associated with given crop, soil, and irrigation system, acres

The delivery volume for the time period associated with the crop water use data is determined from the following equation:

$$ofdr_{crop,soil,system} = \frac{cir_{crop}}{AE_{crop,soil,system}} * area_{crop,soil,system} \quad [29]$$

where:

$ofdr$ on farm, field, diversion volume for given crop, soil, and irrigation system, ac-in/day

cir crop irrigation requirement for given risk level, inches/day

AE irrigation efficiency for given crop, soil, and irrigation system combination, percent

$area$ area associated with given crop, soil, and irrigation system, acres

Aggregation

The program does not compute requirements on an individual field or farm basis. Instead, the program computes requirements on each combination of crop, soil, and irrigation system for each consumptive use time period. Once the on farm, field, requirement is determined, the program aggregates the peak diversion rate and period diversion volume based on the soil types for each time period.

$$fpr_{soil} = \sum_{crop} \sum_{system} ofpr_{crop,soil,system} \quad [30]$$

where

$ofpr$ on farm, field, peak delivery rate for given crop, soil, and irrigation system, ac-in/day

fpr on farm, field, peak delivery rate for a soil classification, ac-in/day

$$fdr_{soil} = \sum_{crop} \sum_{system} ofdr_{crop,soil,system} \quad [31]$$

where

$ofdr$ on farm, field, diversion volume for given crop, soil, and irrigation system, ac-in/day

fdr on farm, field, diversion volume for a soil classification, ac-in/day

To translate aggregated on farm, field, requirements to the point of diversion; the program expects for each defined lateral segment the percentage of each soil type served by it and the lateral segment which supplies it with water. A lateral segment is not required to serve any soil type or any down stream lateral segment. For example in figure x, lateral segments are shown as numbered line segments and soils are shown as lettered areas. Lateral segment number 1 only delivers water to lateral segment number 2. The area defined as soil a is serviced by lateral segments 2 and 3. Lateral segment 3 delivers water to two lateral segments in addition to delivering water to a portion of soil a. Lateral segment 6 delivers water to lateral segment 7 and delivers water to a portion of soils e and c and all of soil d. Starting with the downstream segments, the program applies the following formula to determine the inflow into each lateral segment.

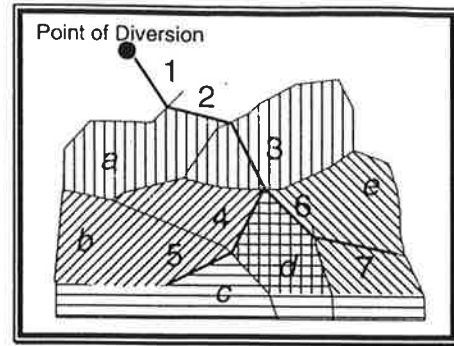


Figure x. Soils and Laterals Representation.

$$Q_i = \sum Q_d + \sum_{\text{soil}} psl_{i,\text{soil}} * fdr_{\text{soil}} h_{loss} \dots \dots \dots [32]$$

where

- Q_i require inflow into lateral segment i,
- Q_d downstream lateral delivery requirements for segment i
- $psl_{i,\text{soil}}$ percent of soil classification served by segment i.

PROGRAM IMPLEMENTATION

The methods describe in the preceeding section were implemented in a FORTRAN program. The listing of the program is found in Appendix A. The program uses dynamic allocation of array space and thus requirements for running the program will depend on the amount of detail required to describe the irrigated area. The program was compiled using the Microsoft FORTRAN PowerStation Version 1 compiler.

PROGRAM OPERATION

The program is configured to operate on matrixes describing the various cropping, soil, and irrigation system patterns for each consumptive use period. The program utilizes two input data files. The first data file is unique for the system, area, which irrigation diversion requirements are being determined for. The file contains crop, soil, and irrigation system mixtures and characteristics. Also, the file contains the data describing the delivery system network of canals and laterals. The second data file describes the crop water use data and rooting depth data as a function of time. This file is not unique to a system, it should describe the crop water use and rooting depths for a climatic region and may be used with other system analyses within the same climatic region. The two files are linked via the crop names found within the two files. The second file may contain more crops than the first file; however, each crop specified in the first file must be defined in the second file.

Regional Crop Water Use Data File

The regional crop water use data file is constructed from published information on crop water use such as Allen and Brockway³. The file contains several data areas of which five are repeated for each crop and vary throughout the irrigation season. The first area is simple documentation. The second area describes the relationship between the mean use value in the data set and an estimated peak use due soil moisture holding capacity. The five data areas specific to the crops are found next for each crop. Finally, the end of data is signal by a single record with the contents "END OF FILE" as the last record. The format of the data file is describe in Table x. The first record of the data file is an alphanumeric record for documenting the crop water use data. It suggested that the source of the data be included in the descriptive title. The next record indicates the number of points used to describe the mean to peak usage relationship. Record three contains irrigation application depths and record four contains peak to mean ratios associated with the depths. The fifth record identifies the water use periods that are represented by the data. Records 6 through 11 describe the data for a specific crop which is identified in record 6. An example data file is shown in Figure x.

System Definition File

Table x. Regional Crop Water Use Data File Format

Line	Format	Description
1	A80	Data set descriptive title
2	2I5	Number of mean to peak values followed by number of water use periods for the crops
3	10X,11F6.0	
4	10X,11F6.0	
5	10X,11A6	Water Use Period Descriptors
6	A15	Crop Name for next 5 records
7	15X,11F6.2	Crop rooting depth by period, feet
8	15X,11F6.2	Consumptive Use, in/day/period
9	15X,11F6.2	Irrig. Requirement, in/day/period
10	15X,11F6.2	Consumptive Use standard dev.
11	15X,11F6.2	Irrig. Requirement standard dev
Repeat Line 6 through 11 for remaining crops.		
LAST	A15	END-OF-FILE

Bruneau Consumptive Use from Allen and Brockway 83												
11	8											
App.Depth	15.38	26.92	38.46	53.85	69.23	92.31	115.4	142.1	161.5	176.9	192.3	
Peak to M	1.154	1.138	1.123	1.108	1.092	1.077	1.061	1.046	1.038	1.031	1.023	
	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Total			
Alfalfa Hay												
Root Depth	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00				
MEAN CU	2.72	6.08	7.23	6.98	5.36	3.43	1.20	1011.				
MEAN IR	2.18	5.62	6.39	6.79	5.16	3.17	0.94	926.0				
STDEV CU	0.26	0.66	0.44	0.28	0.25	0.27	0.10	29.0				
STDEV IR	0.48	0.66	0.98	0.32	0.64	0.44	0.31	57.0				
Alfalfa Seed												
Root Depth	4.00	4.00	4.00	4.00	4.00	4.00	4.00					
MEAN CU	3.26	5.90	7.27	6.20	3.23	1.68	0.59	861.0				
MEAN IR	2.69	5.45	6.42	6.01	3.05	1.44	0.34	778.0				
STDEV CU	0.31	0.38	0.44	0.25	0.15	0.13	0.05	25.0				
STDEV IR	0.53	0.65	0.98	0.29	0.51	0.33	0.28	52.0				
Dry Beans												
Root Depth	0.00	0.50	1.00	1.75	2.50	0.00	0.00					
MEAN CU	1.97	4.39	7.93	3.25				541.0				
MEAN IR	1.67	3.79	7.75	3.13				505.0				
STDEV CU	0.13	0.26	0.32	0.15				17.0				
STDEV IR	0.34	0.68	0.34	0.45				35.0				
Field Corn												
Root Depth	0.00	0.75	1.50	3.00	3.00	3.00	3.00					
MEAN CU	1.97	1.61	7.72	6.58	4.05	1.05	767.0					
MEAN IR	1.64	2.96	7.52	6.37	3.79	0.80	709.0					
STDEV CU	0.13	0.22	0.31	0.30	0.31	0.08	23.0					
STDEV IR	0.37	0.68	0.34	0.70	0.48	0.08	42.0					
Silage Corn												
Root Depth	0.00	0.75	1.50	3.00	3.00	3.00	3.00					
MEAN CU	1.97	1.61	7.72	6.58	4.05		734.0					
MEAN IR	1.64	2.96	7.52	6.37	3.79		686.0					
STDEV CU	0.13	0.22	0.31	0.30	0.31		24.0					
STDEV IR	0.37	0.68	0.34	0.70	0.48		45.0					
Potatoes												
Root Depth	0.50	1.00	2.00	2.00	2.00	2.00	2.00					
MEAN CU	1.45	2.58	6.40	7.13	5.32	2.66		783.0				
MEAN IR	1.12	2.31	5.81	6.98	5.16	2.46		731.0				
STDEV CU	0.14	0.17	0.35	0.29	0.24	0.21		23.0				
STDEV IR	0.31	0.34	0.74	0.30	0.52	0.32		44.0				
Sugar Beets												
Root Depth	0.50	1.50	3.00	3.00	3.00	3.00	3.00					
MEAN CU	1.49	2.00	4.82	8.52	6.88	4.51	2.23	935.0				
MEAN IR	1.30	1.66	4.12	8.32	6.66	4.24	1.96	857.0				
STDEV CU	0.14	0.13	0.29	0.35	0.32	0.35	0.18	24.0				
STDEV IR	0.39	0.37	0.78	0.37	0.73	0.52	0.36	50.0				
Spring Grain												
Root Depth	0.50	1.50	3.00	3.00	3.00	3.00	3.00					
MEAN CU	0.76	1.26	5.07	8.28	5.42	1.62		713.0				
MEAN IR	0.48	1.32	5.39	7.43	5.42	1.00		649.0				
STDEV CU	0.09	0.17	0.37	0.50	0.23	0.25		25.0				
STDEV IR	0.29	0.39	0.59	0.95	0.25	0.34		48.0				
Winter Grain												
Root Depth	1.00	1.50	3.50	3.50	3.50	3.50	3.50					
MEAN CU	1.24	4.71	6.56	6.27	5.63	2.13		546.0				
MEAN IR	1.03	4.14	6.13	7.43	5.47	0.89		774.0				
STDEV CU	0.16	0.45	0.43	0.50	0.23	0.05						
STDEV IR	0.35	0.61	0.67	1.02	0.26	0.30		53.0				
Forage												
Root Depth	2.50	2.00	2.00	2.00	2.00	2.00	2.00					
MEAN CU	2.84	5.05	6.37	6.51	5.49	4.16	2.30	1024.				
MEAN IR	2.32	4.64	5.60	6.43	5.25	3.36	2.61	944.0				
STDEV CU	0.27	0.33	0.38	0.27	0.25	0.32	0.23	26.0				
STDEV IR	0.48	0.57	0.88	0.30	0.63	0.49	0.40	53.0				
Orchard												
Root Depth	5.00	5.00	5.00	5.00	5.00	5.00	5.00					
MEAN CU	2.16	4.31	6.85	7.30	6.06	4.43	2.30	1024.				
MEAN IR	1.66	3.92	6.06	7.11	5.86	4.17	2.03	943.0				
STDEV CU	0.21	0.28	0.41	0.30	0.28	0.34	0.19	27.0				
STDEV IR	0.43	0.52	0.92	0.33	0.66	0.51	0.36	54.0				
END_OF_FILE												

Figure x. Example Regional Crop Water Use Data File

The irrigated area system definition file defines the physical characteristics of the area and the irrigation management features, and the cropping information. The file contains several different data areas. The overall format specification for the individual records in the file are listed in Table xx and an example data file is shown in figure xx. The first data area is simple documentation of the data file. It consists of three alpha-numeric records. The second data area defines the number of irrigation systems, the number of crops, the number of soil types, and the number canal (lateral) segments and the risk level associated with the analysis.

The third data area of the file supplies the physical information concerning the canal -- lateral distribution system. For each later segment information describing the segment is given. The lateral segments must be entered starting at with the furthest downstream segment. The last segment entered should be the canal should be the one associated with the point of diversion. The numbering of the segments corresponds to the order they are entered in the data file. Currently, there are four options for seepage loss computations. The options are identified by numerical values of LMETHD. The first method associated with a value of 0 for LMETHD assumes a measured loss. This measured loss is entered as FAC1. The second method associated with a LMETHD value of 1 is based on the Moritz equation. The program uses the FAC1 value as the Moritz seepage coefficient C and assumes that it has the units of feet per day. The third method associated with a LMETHD value of 2 is based on the Etchverry formula. With this method, FAC1 is assumed to be i (ft/day) and FAC2 equals the Etchverry K value. The last method associated with a LMETHD value of 3 uses the Worstell method where LFAC1 equals the seepage factor i (ft/day). This data area starts with record 5 and ends when all the lateral segments have been defined. Line A shown in Table x.x describes the format associated with each lateral segment record.

The next data area describes the various irrigation systems used in the area of interest. For each irrigation system, a record with the format shown in Table x.x for line B should be found in the data area. The first three characters of the irrigation system name control how the program computes the application efficiency. Currently, the program handles furrow (FUR), gradient border (BOR), contour ditch (___), sprinkler (SPR), and center pivot (PIV) irrigation systems. The estimated efficiency is only used with the center pivot irrigation system. The remaining data elements depend on the type of irrigation system specified. For furrow irrigation systems the estimated

Table xx. System Definition File Format Specifications.

Line	Format	Description
1,2,3	A80	Dataset documentation, title, etc.
4	4I5,F5.0	NSEG,NSYS,NSOIL,NCROP,RISK
A	A15,7F5.2	Canal/Lateral Information Name -- 15 character identifier UPSEG -- Upstream segment number LENGTH -- Length of segment (miles) WIDTH -- Top width of segment (feet) XFAREA -- Cross sections flow area (sq. ft) LMETHD -- Method of seepage loss computation CFAC1 -- Factor associated with seepage comp. CFAC2 -- Facotr associated with seepage comp
B	A15,6F5.2	Irrigation System Information Name -- Irrigation System Name and Code ESTEFF -- Estimated system efficiency, % SETIME -- Set time, hours FLOW -- Inflow, gpm LENGTH -- length associated with system, feet SFAC1 -- System dependent factor SFAC2 -- System deperndent factor
C	A15,7F5.2	Soil Information Name -- Soil Classification Identifier INFAM -- NRCS Flood Intake Family AWHC1 -- Water holding capacity 0 -- 1 ft, inches AWHC2 -- Water holding capacity 0 -- 2 ft, inches AWHC3 -- Water holding capacity 0 -- 3 ft, inches AWHC4 -- Water holding capacity 0 -- 4 ft, inches AWHC5 -- Water holding capacity 0 -- 5 ft, inches AWHC6 -- Water holding capacity 0 -- 6 ft, inches
D	A15,9F5.2	Crop Information Name -- Crop Identifier (Linkage to CU Data) ADEF -- Allowable soil moisture depletion, % FUR -- Furrow spacing, ft NROF -- Mannings roughness coefficient
E	A80	Consumptive Use File Descriptor
F.1	I5	Soil Classification Position (Section C)
F.2	A15,10F5.1 15X,10F5.1	Crop Area Mix for soil specified in F.1 CNAME -- Crop Identifier Area.1 -- Crop Area using Irrig.Sys. 1 for soil Area.2 -- Crop Area using Irrig.Sys. 2 for soil Area.3 -- Crop Area using Irrig.Sys. 3 for soil ... Area.N -- Crop Area using Irrig.Sys. N for soil
G	A15,10F5.1	Soil Classification service by lateral segments LName -- Lateral Segment Identifier Frac.1 -- Fraction of soil class 1 served by lateral Frac.2 -- Fraction of soil class 2 served by lateral Frac.3 -- Fraction of soil class 3 served by lateral ... Frac.N -- Fraction of soil class N served by lateral

efficiency is not used. The next three elements: SETIME, FLOW, and LENGTH, describe individual furrow characteristics of set time, furrow inflow, and furrow length. The furrow slope is given as SFAC1. The data element identified as SFAC2 is not used for furrow systems. For gradient border irrigation systems, the first data element, ESTEFFF, is not used. The next three elements (SETIME, FLOW, and LENGTH) describe the individual border strip characteristics of inflow time (set time), inflow rate, and border length. The data elements SFAC1 and SFAC2 describe the border width and border slope respectively. Contour ditch or wild flooding irrigation methods do not utilize the ESTEFFF data element. The next three data elements refer to contour ditch characteristics based the length of ditch used during an irrigation set. For sprinkler irrigation systems which are not linear move or center pivots; the first data element is not used and the remaining element describe a sprinkler lateral line. The spacing between laterals is given as SFAC1. SFAC2 is not used. For center pivot and linear move systems, the program assumes that the application efficiency is readily known and is entered as the first data element.

Following the irrigation system specification, the next data area (Line C, Table x.x) characterizes the various soil classifications within the area of interest. For each soil class there should be a record corresponding to Line C in the data file and there should also be NSOIL records. Each soil classification should be given an identifier followed by the USDA-NRCS flood intake family number and the available water holding capacity of the soil in one foot intervals to 6 feet. If the soil depth is less than 6 feet the user should still enter values which reflect no additional water holding capacity.

The fifth data area which follows the soils information is the cropping information. For each crop grown in the area of interest there should be a record corresponding to Line D from Table x.x. The crop identifier used must be the same identifier used in the water requirements data file. The additional elements of allowable depletion, furrow spacing, and roughness coefficient should reflect local cropping practices.

The next data record specifies the water requirements data file descriptor. The data file descriptor may or may not contain the path specification depending on the user's installation and file storage procedures.

Up to this point, the data file has been defining the individual characteristics of lateral segments, soils, irrigation systems, and crops. The remainder of the data file specifies the mix of crops, irrigation systems, soils and how the lateral segments serve the irrigated area. First for each soil classification found in the fifth data area, the area for each crop under an irrigation system is specified in blocks. The first data record (Line F.1, Table x.x) of the block identifies the soil classification record position with the soils definition area. It is followed by a record (Line F.2, Table x.x) for each crop grown within the system identifying the number of acres grown under each irrigation system. The areas should correspond to the order in which the irrigation systems were

```

Bruneau Buckaroo Ditch Irrigation Water Diversion Requirements
Brockway Engineering -- C.E. Brockway and C.W. Robison
Dataset Created 12/29/94 -- Modified 4/20/96
bruneau.dat
3      5      11      3
.80
Hutch. to End      2.0 2.37 7.50 12.0 0.00 .784
Jones to Hutch      3.0 4.53 9.00 13.0 0.00 .784
Div. to Jones       0.0 4.57 10.0 14.5 0.00 .784
SPRINKLER           80.0 24.0 165.1320. .50.
FURROW .5%          40.0 24.0 12.01320. .005
FURROW 1.%          40.0 24.0 12.01320. .010
FURROW 2.%          40.0 24.0 12.01320. .020
FURROW 4.%          40.0 24.0 12.01320. .040
Map Unit 10         2.0 1.40 2.80 4.15 5.50 6.90 6.90
Map Unit 11         2.0 1.80 2.92 4.04 5.50 7.00 7.00
Map Unit 12         1.2 2.40 4.80 7.20 9.50 11.7 11.7
Map Unit 50         1.9 1.75 3.55 4.30 4.85 5.40 5.40
Map Unit 60         1.4 1.85 3.40 5.00 6.55 7.90 7.90
Map Unit 65         1.5 2.22 4.40 6.60 8.65 10.8 10.8
Map Unit 70         1.4 2.25 4.65 7.05 9.05 11.1 11.1
Map Unit 71         1.5 2.30 4.50 6.60 8.80 10.8 10.8
Map Unit 96         1.6 1.48 2.85 4.20 5.60 7.00 7.00
Map Unit 100        2.0 1.50 2.90 4.30 5.80 7.40 7.40
Map Unit 101        2.2 1.20 2.30 3.40 4.60 5.70 5.70
Alfalfa Hay         60.0 2.50 0.10
Silage Corn         50.0 2.50 0.04
Spring Grain        50.0 2.50 0.04
00001               ! Map Unit 10 -- 205
Alfalfa Hay         0. 0. 184. 0. 0.
Silage Corn         0. 0. 8. 0. 0.
Spring Grain        0. 0. 13. 0. 0.
00002               ! Map Unit 11 -- 832
Alfalfa Hay         0. 0. 745. 0. 0.
Silage Corn         0. 0. 35. 0. 0.
Spring Grain        0. 0. 52. 0. 0.
00003               ! Map Unit 12 -- 144
Alfalfa Hay         0. 129. 0. 0. 0.
Silage Corn         0. 6. 0. 0. 0.
Spring Grain        0. 9. 0. 0. 0.
00004               ! Map Unit 50 -- 76
Alfalfa Hay         0. 0. 0. 68. 0.
Silage Corn         0. 0. 0. 3. 0.
Spring Grain        0. 0. 0. 5. 0.
00005               ! Map Unit 60 -- 545
Alfalfa Hay         0. 488. 0. 0. 0.
Silage Corn         0. 23. 0. 0. 0.
Spring Grain        0. 34. 0. 0. 0.
00006               ! Map Unit 65 -- 650
Alfalfa Hay         0. 0. 0. 582. 0.
Silage Corn         0. 0. 0. 27. 0.
Spring Grain        0. 0. 0. 41. 0.
00007               ! Map Unit 70 -- 153
Alfalfa Hay         0. 0. 0. 137. 0.
Silage Corn         0. 0. 0. 6. 0.
Spring Grain        0. 0. 0. 10. 0.
00008               ! Map Unit 71 -- 129
Alfalfa Hay         0. 0. 0. 45. 0.
Silage Corn         0. 0. 0. 5. 0.
Spring Grain        0. 0. 0. 8. 0.
00009               ! Map Unit 96 -- 39
Alfalfa Hay         0. 0. 0. 35. 0.
Silage Corn         0. 0. 0. 2. 0.
Spring Grain        0. 0. 0. 2. 0.
00010               ! Map Unit 100 -- 330
Alfalfa Hay         0. 0. 0. 295. 0.
Silage Corn         0. 0. 0. 14. 0.
Spring Grain        0. 0. 0. 21. 0.
00011               ! Map Unit 101 -- 11
Alfalfa Hay         0. 0. 0. 0. 9.
Silage Corn         0. 0. 0. 0. 1.
Spring Grain        0. 0. 0. 0. 1.
Hutch. to End      0.333 .333 .333 .333 .333 .333 .333 .333 .333 .333
Jones to Hutch      0.333 .333 .333 .333 .333 .333 .333 .333 .333 .333
Div. to Jones       0.334 .334 .334 .334 .334 .334 .334 .334 .334 .334

```

Figure xx. System Definition Data File

defined. If there are five irrigation systems defined there should be five areas specified for the crop. Again, the crop record is repeated until all the crop areas have been defined for the soil and the data block is repeated for all the soil types.

The last data area, identifies the irrigated areas served by each lateral segment. Each lateral segment requires a record corresponding to Line G in Table x.x in the data file. The sequence of the data records must correspond to the sequence in definition area. The record contains the lateral segment identifier followed by the percentage of each soil classification area served by the lateral segment. The percentages must be in the order which the soils were defined.

Program Output

The output from the program consists of the input data sets, the computed crop requirements based on the risk level specified, the on field (farm) application requirements for each crop, irrigation system, and soil type, a summary of the on field (farm) application requirements for the entire area, the flow and loss characteristics associated with each lateral segment for delivery of the on field (farm) application requirements, and a summary diversion requirements for the irrigated area including losses associated with the canal -- lateral distribution network.

¹Jensen, M. E., et al., 1980. Design and Operation of Farm Irrigation Systems, an ASAE Monograph. American Society of Agricultural Engineers, St. Joseph, Michigan 49085.

²Allen, R. G. and C. E. Brockway, 1983. "Estimating Consumptive Irrigation Requirements for Crops in Idaho", Research Technical Completion Report. Idaho Water and Energy Resources Research Institute, University of Idaho, Moscow, Idaho 83843.

³_____, 1991. "Guidelines for the Evaluation of Irrigation Diversion Rates", Hubble Engineering, Inc. and Associated Earth Sciences, 7025 Emerald, Boise, Idaho 83704.

⁴Trimmer, W. L. and H. J. Hansen, 1986. "Irrigation Scheduling", A Pacific Northwest Extension Publication, PNW 288. Oregon State University Extension Service, University of Idaho Cooperative Extension Service, and Washington State University Cooperative Extension Service.

⁵Larsen, Dorrel C. 1989. "Evapotranspiration Checkbook Method of Irrigation Scheduling for Surface Irrigators", in Proceedings 1989 Energy Efficient Irrigation Practices Handbook. University of Idaho Cooperative Extension Service, Moscow, Idaho 83843

⁶Kennedy, J. B. and A. M. Neville, 1976. Basic Statistical Methods for Engineers and Scientists, Second Edition. IEP, A Dun-Donnelley Publisher, New York, New York 10019.

⁷Allen, R. G. and C. E. Brockway, 1983. "Estimating Consumptive Irrigation Requirements for Crops in Idaho Appendix F", Research Technical Completion Report. Idaho Water and Energy Resources Research Institute, University of Idaho, Moscow, Idaho 83843.

⁸_____, 1970. Irrigation Guide for Southern and Southeastern Idaho. U. S. Department of Agriculture, Soil Conservation Service, Boise, Idaho.

⁹_____, 1984. National Engineering Handbook, Section 15 IRRIGATION, Chapter 5. Furrow Irrigation. United States Department of Agriculture, National Resource Conservation Service, Washington, D. C.

APPENDIX A

Project/Farm Irrigation Water Requirements Program
by Clarence W. Robison, PE
Initial Coding 15JUL94

Purpose: To compute the diversion volume and rate of water required to irrigate a specified crop distribution on a mix of soil types with various irrigation methods and delivery system at a specified probability level to meet crop water usage and leaching requirements.

Methodology: The Hubble report, Guidelines for the evaluation irrigation diversion rates, is used as the basis for the program. The produce outline by Hubble Engineering involves the following processes:

- Step 1 Collect acreage data on crop-soil-system distribution mix.
- Step 2 Referencing Allen and Brockway collect CU/IR data for area.
- Step 3 Apply level of risk probability based stdev of CU/IR
- Step 4 CU by AGAR Diagram Figure 6

Version 1.00 Initial Development

- 1.20 Add Peak ET to Mean ET Ratio as a function of App Depth.
- Compute peak diversion requirements based on CU
- Compute seasonal diversion requirements based on IR

Version 1.25 Added Contour Ditch Method Evaluation as outlined by the Hubble Report

```

PROGRAM          IRWTRREQ
INTEGER          NCANAL, NIRSYS, NSOILS, NCROPS, NPERID
INTEGER          NP2R
CHARACTER*72     ATITLE(1), DUMTIT
CHARACTER*32     ANDATE, TSTAMP
CHARACTER*72     CUFIL
CHARACTER*15     CRNAME(15), SLNAME(15), ISNAME(15), CLNAME(15)
CHARACTER*15     CRNAME[ALLOCATABLE](:),
                SLNAME[ALLOCATABLE](:),
                ISNAME[ALLOCATABLE](:),
                CLNAME[ALLOCATABLE](:)
CHARACTER*6      PRNAME(13)
CHARACTER*6      PRNAME[ALLOCATABLE](:)
REAL             CRDIST[ALLOCATABLE](:,:),
                CRSOIL[ALLOCATABLE](:,:),
                CRINFO[ALLOCATABLE](:,:),
                ISINFO[ALLOCATABLE](:,:),
                SLINFO[ALLOCATABLE](:,:),
                CLINFO[ALLOCATABLE](:,:),
                CRPUSE[ALLOCATABLE](:,:),
                ETPAPP[ALLOCATABLE](:),
                ETPRAT[ALLOCATABLE](:),
                ETP2ND[ALLOCATABLE](:),
                ADEFCT[ALLOCATABLE](:,:),
                PEAKCU[ALLOCATABLE](:,:),
                APPEFF[ALLOCATABLE](:,:),
                DIVREQ[ALLOCATABLE](:,:),
                PEAKRQ[ALLOCATABLE](:,:),
                CRPSUM[ALLOCATABLE](:)
INTEGER          I, J, K, L, FORCE
INTEGER          ERR
INTEGER*2        FUREFF, BOREFF, SPPEFF, CONEFF
LOGICAL          STRNCMP
REAL             CUPROB, X
EXTERNAL         TSTAMP

```

```

C
C *** Start things off with opening message.
WRITE(*,*) 'Project/Farm Irrig. Water Requirements'
WRITE(*,*) 'Clarence Robison, PE'
WRITE(*,*) 'Version 1.25'
WRITE(*,*) 'irwtrreq [-i:input] [-o:output]'
write(*,*) ' '
CALL STARTS

C
C *** Ok, Files have been opened -- time to proceed.
FORCE = 0
ANDATE = TSTAMP()
READ(5,10) ATITLE
WRITE(6,20) ' ', ANDATE, ATITLE

C
C *** Read in the filenames containing the cu/ir data
READ(5,10) CUFIL
OPEN(7, FILE=CUFIL, STATUS='OLD', IOSTAT=ERR)
IF( ERR.NE.0 ) THEN
    WRITE(6,999) 'I/O Error:', ERR, ' Opening '//CUFIL
    WRITE(*,999) 'I/O Error:', ERR, ' Opening '//CUFIL
    WRITE(*,10) 'Program terminating'
    STOP
ENDIF
READ(7,10) DUMTIT
READ(7,21) NP2R, NPERID
ALLOCATE( PRNAME(NPERID+1), STAT=ERR )
READ(7,10) DUMTIT
READ(7,10) DUMTIT
READ(7,30) (PRNAME(I), I=1, NPERID)
CLOSE(7, STATUS='KEEP')

C
C *** Read control info -- Number of classifications
READ(5,21) NCANAL, NIRSYS, NSOILS, NCROPS, FORCE
READ(5,22) CUPROB
WRITE(6,23) CUFIL, CUPROB*100.0, NCANAL, NIRSYS, NSOILS, NCROPS, NPERID

C
C *** Now, allocate memory category names, info., and data
ALLOCATE(
C
C     CLNAME(NCANAL),
C     ISNAME(NIRSYS),
C     SLNAME(NSOILS),
C     CRNAME(NCROPS),
C     CRPSUM(NCROPS),
C     ETPAPP(NP2R),
C     ETPRAT(NP2R),
C     ETP2ND(NP2R),
C     ISINFO(NIRSYS,5),
C     SLINFO(NSOILS,6),
C     CRINFO(NCROPS,3),
C     CLINFO(NCANAL,9),
C     CRDIST(NIRSYS,NCROPS,NSOILS),
C     CRSOIL(NCROPS,NSOILS),
C     CRPUSE(NCROPS,NPERID+1,3),
C     ADEFCT(NPERID,NCROPS,NSOILS),
C     DIVREQ(NPERID,NCROPS,NSOILS,NIRSYS),
C     PEAKRQ(NPERID,NCROPS,NSOILS,NIRSYS),
C     PEAKCU(NPERID,NCROPS,NSOILS),
C     APPEFF(NPERID,NCROPS,NSOILS,NIRSYS), STAT=ERR)
IF(ERR.NE.0) THEN
    WRITE(*,13) 'MEM Error:', ERR, ' allocating data space'
    GOTO 9000
ENDIF

C
C *** Read in category names and info -- same order as limits
C Canal/Lateral Info --
C     name, upseg, length, width, area, type, fac1, fac2
DO 1000 I=1,NCANAL
    DO J=1,12
        CLINFO(I,J) = 0.0
    ENDDO
    1000 READ(5,25) CLNAME(I), (CLINFO(I,J), J=1,7)
C irrsys ass.eff set.time flow.gpm length width slope

```

```

DO 1010 I=1,NIRSYS
  READ(5,25) ISNAME(I), (ISINFO(I,J), J=1,6)
C 1010 soil intake.fam awc.1 awc.2 awc.3 awc.4 awc.5
DO 1020 I=1,NSOILS
  READ(5,25) SLNAME(I), (SLINFO(I,J), J=1,6)
C 1020 crop all.def fur.spa fur.rough
DO 1030 I=1,NCROPS
  READ(5,25) CRNAME(I), (CRINFO(I,J), J=1,3)
C
C *** Write out Catagory Information
C Canal/Lateral Info
WRITE(6,32)
DO 1100 I=1, NCRNAL
  L = CLINFO(I,5)
  K = CLINFO(I,1)
  IF( L.EQ.0 ) WRITE(6,33) I,CLNAME(I),K, (CLINFO(I,J), J=2,4)
  # Specified S='CLINFO(I,6)', 'cfs/mi'
  IF( L.EQ.1 ) WRITE(6,33) I,CLNAME(I),K, (CLINFO(I,J), J=2,4)
  # Moritz C='CLINFO(I,6)' 'ft/day'
  IF( L.EQ.2 ) WRITE(6,33) I,CLNAME(I),K, (CLINFO(I,J), J=2,4)
  # Etchberry i='CLINFO(I,6)', 'ft/day K='
  # CLINFO(I,7)
  IF( L.EQ.3 ) WRITE(6,33) I,CLNAME(I),K, (CLINFO(I,J), J=2,4)
  # Worstell i='CLINFO(I,6)' 'ft/day'
  IF( L.LT.0 .OR. L.GT.3 ) WRITE(6,13) CLNAME(I), I
  # Error: Unknown Seepage Method'
1100 CONTINUE
C *** Irrigation System Information
WRITE(6,35)
DO 1110 I=1,NIRSYS
  IF( STRNCMP(ISNAME(I)(1:3), 'PIV') ) THEN
    K = 1
    WRITE(6,37) ISNAME(I), (ISINFO(I,J), J=1,K)
  ELSEIF( STRNCMP(ISNAME(I)(1:3), 'FUR') ) THEN
    K = 5
    WRITE(6,36) ISNAME(I), (ISINFO(I,J), J=1,K)
  ELSEIF( STRNCMP(ISNAME(I)(1:3), 'CON') ) THEN
    K = 5
    WRITE(6,36) ISNAME(I), (ISINFO(I,J), J=1,K)
    IF( ISINFO(I,3)/ISINFO(I,5)/4.488 .GT. 1.0 ) THEN
      WRITE(6,11) Warning: Q >= 1cfs/100ft'
    ENDIF
  ELSE
    K = 5
    WRITE(6,37) ISNAME(I), (ISINFO(I,J), J=1,K)
  ENDIF
1110 CONTINUE
WRITE(6,40)
DO 1120 I=1,NSOILS
  WRITE(6,42) SLNAME(I), (SLINFO(I,J), J=1,6)
  WRITE(6,45)
DO 1130 I=1,NCROPS
  WRITE(6,46) CRNAME(I), (CRINFO(I,J), J=1,3)
C
C *** Read crop mix by soil by crop by system
DO 1200 K=1,NSOILS
  READ(5,50) L
  DO 1200 J=1,NCROPS
    READ(5,52) (CRDIST(I,J,L), I=1,NIRSYS)
1200
C
C *** OUTPUT CROP DISTRIBUTION
DO J=1,NCROPS
  CRFSUM(J)=0.0
ENDDO
WRITE(6,20) CHAR(12), ANDATE, ATITLE
DO 1230 K=1,NSOILS
  WRITE(6,54) SLNAME(I) by Irrigation System (I=1,NIRSYS)
  DO 1220 J=1,NCROPS
    CRSOIL(J,K) = 0.0
  DO 1210 I=1,NIRSYS
    CRSOIL(J,K) = CRFSUM(J) + CRDIST(I,J,K)
    CRFSUM(J) = CRFSUM(J) + CRSOIL(J,K)
  END

```

```

1220 WRITE(6,56) CRNAME(J), CRSOIL(J,K), (CRDIST(I,J,K), I=1,NIRSYS)
1230 WRITE(6,10) ' '
WRITE(6,57)
WRITE(6,58) (I, ISNAME(I), I=1,NIRSYS)
C
C *** Ok, crop irrig reqs data
CALL IRREQP(CRPUSE, CUFIL, CUPROB, CRNAME, NCROPS, PRNAME, NPERID,
# NP2R, ETPAPP, ETPRAT)
C
C *** Ok, Now determine Allowable deficit for each crop and soil.
WRITE(6,20) CHAR(12), ANDATE, ATITLE
WRITE(6,60) 'Allowable Soil Water Deficit -- inches', CUPROB*100.0,
# 'IR'
DO 1400 K=1,NSOILS
  WRITE(6,62) SLNAME(K), (PRNAME(I), I=1,NPERID)
  CALL COMADF(NPERID, NCROPS, NSOILS, CRINFO, SLINFO, CRPUSE,
# ADEFCT, K, CRNAME)
1400 CONTINUE
C
C *** Compute Peak Consumptive Use Requirement
WRITE(6,20) CHAR(12), ANDATE, ATITLE
WRITE(6,60) 'Peak Consumptive Use based on Peak:Mean(ASWD)',
# CUPROB*100., 'CU'
C
C *** FIRST PERFORM SPLINE FIT ON THE PEAK ET TO APP DEP CURVE
CALL SPLINE( ETPAPP, ETPRAT, NP2R, 1.0E31, 1.0E31, ETP2ND)
DO 1500 K=1,NSOILS
  WRITE(6,62) SLNAME(K), (PRNAME(I), I=1,NPERID)
  DO 1480 J=1,NCROPS
    WRITE(6,65) CRNAME(J)
    DO 1460 I=1,NPERID
      IF( CRPUSE(J,I,2).LE.0 ) THEN
        PEAKCU(I,J,K) = 0
        WRITE(6,66) ' -- '
      ELSE
        CALL SPLINT(ETPAPP, ETPRAT, ETP2ND, NP2R, ADEFCT(I,J,K), X)
        PEAKCU(I,J,K) = CRPUSE(J,I,3)*X
        WRITE(6,67) PEAKCU(I,J,K)
      ENDIF
    ENDIF
  1460 CONTINUE
  1480 WRITE(6,10) ' '
  1500 CONTINUE
C
C *** Proceed with Irrigation Application Efficiency Analysis
DO 3000 L=1,NSOILS
  DO 2000 K=1,NIRSYS
C *** Loop for excluding printouts associated with zero acres
    zero = 0.0
    DO J=1,NCROPS
      zero = zero + crdist(k,j,1)
    ENDDO
    IF( zero .le. 0.001 ) goto 1900
    WRITE(6,20) CHAR(12), ANDATE, ATITLE
    WRITE(6,70) 'Irrigation System Analysis', SLNAME(L)
    WRITE(6,72) ISNAME(K)
    IF( ISNAME(K)(1:3).EQ.'FUR' ) THEN
      WRITE(6,80) (ISINFO(K,J), J=2,5)
      WRITE(6,79) '***CROP**', (PRNAME(I), I=1,NPERID)
      DO J=1,NCROPS
        IF( CRDIST(K,J,L).LE.0.0 ) THEN ! No crop
          ELSE
            WRITE(6,65) CRNAME(J)
            DO I=1,NPERID
              IF( ADEFCT(I,J,L).GT.0.0 ) THEN
                ERR=FUREFF(ADEFCT(I,J,L), ISINFO(K,5), CRINFO(J,2),
                # ISINFO(K,4), ISINFO(K,3), CRINFO(J,3), ISINFO(K,2),
                # SLINFO(L,1), EFF )
                IF( ERR.EQ.-1 ) THEN
                  WRITE(6,33) ' ### '
                  APPEFF(I,J,L,K) = ISINFO(K,1)
                ELSEIF( ERR.EQ.1 ) THEN
                  APPEFF(I,J,L,K) = EFF
                  WRITE(6,82) EFF, ' '
                END

```



```

ELSE
  APPEFF(I,J,L,K) = EFF
  WRITE(6,82) EFF, ' '
ENDIF
ENDIF
IF (FORCE.NE.0.AND.APPEFF(I,J,L,K).LE.ISINFO(K,1)) THEN
  DIVREQ(I,J,L,K)=CRDIST(K,J,L)/ISINFO(K,1)*100.0
  *CRPUSE(J,I,2)
  PEAKRQ(I,J,L,K)=CRDIST(K,J,L)/ISINFO(K,1)*100.0
  *PEAKCU(I,J,L)
ELSE
  DIVREQ(I,J,L,K)=CRDIST(K,J,L)/APPEFF(I,J,L,K)*100.0
  *CRPUSE(J,I,2)
  PEAKRQ(I,J,L,K)=CPDIST(K,J,L)/APPEFF(I,J,L,K)*100.0
  *PEAKCU(I,J,L)
ENDIF
ENDIF
ELSE
  APPEFF(I,J,L,K) = 0.0
  DIVREQ(I,J,L,K) = 0.0
  PEAKRQ(I,J,L,K) = 0.0
  WRITE(6,83) ' --- '
ENDIF
ENDDO
WRITE(6,10)
ENDIF
ENDDO
WRITE(6,10)
WRITE(6,84) 'Note the following symbol meanings'
WRITE(6,84) '   @@@ = Water did not reach end of furrow'
WRITE(6,84) '   * = End-of-Furrow application insufficient'
ELSEIF( ISNAME(K)(1:3).EQ.'BOR' ) THEN
  WRITE(6,85) (ISINFO(K,J),J=2,5)
  WRITE(6,79) '**CROP**', (PRNAME(I),I=1,NPERID)
DO J=1,NCRCPS
  IF( CRDIST(K,J,L).LE.0.0 ) THEN ! No crop
  ELSE
    WRITE(6,65) CRNAME(J)
    DO I=1,NPERID
      IF( ADEFCT(I,J,L).GT.0.0 ) THEN
        ERR=BOREFF(ADEFCT(I,J,L),ISINFO(K,2),ISINFO(K,3),
          ISINFO(K,4),ISINFO(K,5),EFF )
        IF( ERR.EQ.1 ) THEN
          APPEFF(I,J,L,K) = EFF
          WRITE(6,82) EFF, ' '
        ELSE
          APPEFF(I,J,L,K) = EFF
          WRITE(6,82) EFF, ' '
        ENDIF
      IF(FORCE.NE.0.AND.APPEFF(I,J,L,K).LE.ISINFO(K,1)) THEN
        DIVREQ(I,J,L,K)=CRDIST(K,J,L)/ISINFO(K,1)*100.0
        *CRPUSE(J,I,2)
        PEAKRQ(I,J,L,K)=CRDIST(K,J,L)/ISINFO(K,1)*100.0
        *PEAKCU(I,J,L)
      ELSE
        DIVREQ(I,J,L,K)=CRDIST(K,J,L)/APPEFF(I,J,L,K)*100.0
        *CRPUSE(J,I,2)
        PEAKRQ(I,J,L,K)=CRDIST(K,J,L)/APPEFF(I,J,L,K)*100.0
        *PEAKCU(I,J,L)
      ENDIF
    ENDIF
  ELSE
    APPEFF(I,J,L,K) = 0.0
    DIVREQ(I,J,L,K) = 0.0
    PEAKRQ(I,J,L,K) = 0.0
    WRITE(6,83) ' --- '
  ENDIF
ENDIF
ENDDO
WRITE(6,10)
ENDIF
ENDDO
WRITE(6,10)
WRITE(6,84) ' * = Insufficient application'
ELSEIF( ISNAME(K)(1:3).EQ.'SPR' ) THEN
  WRITE(6,86) (ISINFO(K,J),J=2,5)
  WRITE(6,79) '**CROP**', (PRNAME(I),I=1,NPERID)
DO J=1,NCRCPS
  IF( CRDIST(K,J,L).LE.0.0 ) THEN ! No crop
  ELSE
    WRITE(6,65) CRNAME(J)
    DO I=1,NPERID
      IF( ADEFCT(I,J,L).GT.0.0 ) THEN
        ERR=SPREFF(ADEFCT(I,J,L),ISINFO(K,2),ISINFO(K,3),
          ISINFO(K,4),ISINFO(K,5),EFF )
        IF( ERR.EQ.1 ) THEN
          APPEFF(I,J,L,K) = EFF
          WRITE(6,82) EFF, ' '
        ELSE
          APPEFF(I,J,L,K) = EFF
          WRITE(6,82) EFF, ' '
        ENDIF
      IF(FORCE.NE.0.AND.APPEFF(I,J,L,K).LE.ISINFO(K,1)) THEN
        DIVREQ(I,J,L,K)=CRDIST(K,J,L)/ISINFO(K,1)*100.0
        *CRPUSE(J,I,2)
        PEAKRQ(I,J,L,K)=CRDIST(K,J,L)/ISINFO(K,1)*100.0
        *PEAKCU(I,J,L)
      ELSE
        DIVREQ(I,J,L,K)=CRDIST(K,J,L)/APPEFF(I,J,L,K)*100.0
        *CRPUSE(J,I,2)
        PEAKRQ(I,J,L,K)=CRDIST(K,J,L)/APPEFF(I,J,L,K)*100.0
        *PEAKCU(I,J,L)
      ENDIF
    ENDIF
  ELSE
    APPEFF(I,J,L,K) = 0.0
    DIVREQ(I,J,L,K) = 0.0
    PEAKRQ(I,J,L,K) = 0.0
    WRITE(6,83) ' --- '
  ENDIF
ENDIF
ENDDO
WRITE(6,10)
ENDIF
ENDDO
WRITE(6,10)
WRITE(6,84) ' * = Insufficient application'
ELSEIF( ISNAME(K)(1:3).EQ.'CON' ) THEN
  WRITE(6,87) (ISINFO(K,J),J=2,5)
  WRITE(6,79) '**CROP**', (PRNAME(I),I=1,NPERID)

```

```

DO J=1,NCRCPS
  IF( CRDIST(K,J,L).LE.0.0 ) THEN ! No crop
  ELSE
    WRITE(6,65) CRNAME(J)
    DO I=1,NPERID
      IF( ADEFCT(I,J,L).GT.0.0 ) THEN
        ERR=CONEFF(ADEFCT(I,J,L),ISINFO(K,2),ISINFO(K,3),
          ISINFO(K,4),ISINFO(K,5),EFF )
        IF( ERR.EQ.1 ) THEN
          APPEFF(I,J,L,K) = EFF
          WRITE(6,82) EFF, ' '
        ELSE
          APPEFF(I,J,L,K) = EFF
          WRITE(6,82) EFF, ' '
        ENDIF
      IF(FORCE.NE.0.AND.APPEFF(I,J,L,K).LE.ISINFO(K,1)) THEN
        DIVREQ(I,J,L,K)=CRDIST(K,J,L)/ISINFO(K,1)*100.0
        *CRPUSE(J,I,2)
        PEAKRQ(I,J,L,K)=CRDIST(K,J,L)/ISINFO(K,1)*100.0
        *PEAKCU(I,J,L)
      ELSE
        DIVREQ(I,J,L,K)=CRDIST(K,J,L)/APPEFF(I,J,L,K)*100.0
        *CRPUSE(J,I,2)
        PEAKRQ(I,J,L,K)=CRDIST(K,J,L)/APPEFF(I,J,L,K)*100.0
        *PEAKCU(I,J,L)
      ENDIF
    ENDIF
  ELSE
    APPEFF(I,J,L,K) = 0.0
    DIVREQ(I,J,L,K) = 0.0
    PEAKRQ(I,J,L,K) = 0.0
    WRITE(6,83) ' --- '
  ENDIF
ENDIF
ENDDO
WRITE(6,10)
ENDIF
ENDDO
WRITE(6,10)
WRITE(6,84) ' * = Insufficient application'
ELSEIF( ISNAME(K)(1:3).EQ.'SPR' ) THEN
  WRITE(6,86) (ISINFO(K,J),J=2,5)
  WRITE(6,79) '**CROP**', (PRNAME(I),I=1,NPERID)
DO J=1,NCRCPS
  IF( CRDIST(K,J,L).LE.0.0 ) THEN ! No crop
  ELSE
    WRITE(6,65) CRNAME(J)
    DO I=1,NPERID
      IF( ADEFCT(I,J,L).GT.0.0 ) THEN
        ERR=SPREFF(ADEFCT(I,J,L),ISINFO(K,2),ISINFO(K,3),
          ISINFO(K,4),ISINFO(K,5),EFF )
        IF( ERR.EQ.1 ) THEN
          APPEFF(I,J,L,K) = EFF
          WRITE(6,82) EFF, ' '
        ELSE
          APPEFF(I,J,L,K) = EFF
          WRITE(6,82) EFF, ' '
        ENDIF
      IF(FORCE.NE.0.AND.APPEFF(I,J,L,K).LE.ISINFO(K,1)) THEN
        DIVREQ(I,J,L,K)=CRDIST(K,J,L)/ISINFO(K,1)*100.0
        *CRPUSE(J,I,2)
        PEAKRQ(I,J,L,K)=CRDIST(K,J,L)/ISINFO(K,1)*100.0
        *PEAKCU(I,J,L)
      ELSE
        DIVREQ(I,J,L,K)=CRDIST(K,J,L)/APPEFF(I,J,L,K)*100.0
        *CRPUSE(J,I,2)
        PEAKRQ(I,J,L,K)=CRDIST(K,J,L)/APPEFF(I,J,L,K)*100.0
        *PEAKCU(I,J,L)
      ENDIF
    ENDIF
  ELSE
    APPEFF(I,J,L,K) = 0.0
    DIVREQ(I,J,L,K) = 0.0
    PEAKRQ(I,J,L,K) = 0.0
    WRITE(6,83) ' --- '
  ENDIF
ENDIF
ENDDO
WRITE(6,10)
ENDIF
ENDDO
WRITE(6,10)
WRITE(6,84) ' * = Insufficient application'
ELSEIF( ISNAME(K)(1:3).EQ.'CON' ) THEN
  WRITE(6,87) (ISINFO(K,J),J=2,5)
  WRITE(6,79) '**CROP**', (PRNAME(I),I=1,NPERID)

```

```

43      ENDDO
44      WRITE(6,10)
45      ENDDO
46      ENDDO
47      WRITE(6,10)
48      WRITE(6,84) '      * = Insufficient application '
49      ELSEIF( ISNAME(K)(1:3).EQ.'PIV' ) THEN
50      WRITE(6,88)
51      WRITE(6,79) '**CROP**      ',(PRNAME(I),I=1,NPERID)
52      DO J=1,NCROPS
53      IF( CRDIST(K,J,L).LE.0.0 ) THEN ! No crop
54      ELSE
55      WRITE(6,65) CRNAME(J)
56      DO I=1,NPERID
57      IF( ADEFCT(I,J,L).GT.0.0 ) THEN
58      EFF=ISINFO(K,1)
59      APPEFF(I,J,L,K) = EFF
60      WRITE(6,82) EFF, '
61      IF(FORCE.NE.0.AND.APPEFF(I,J,L,K).LE.ISINFO(K,1)) THEN
62      DIVREQ(I,J,L,K)=CRDIST(K,J,L)/ISINFO(K,1)*100.0
63      *CRPUSE(J,1,2)
64      PEAKRQ(I,J,L,K)=CDIST(K,J,L)/ISINFO(K,1)*100.0
65      *PEAKC(I,J,L)
66      ELSE
67      DIVREQ(I,J,L,K)=CRDIST(K,J,L)/APPEFF(I,J,L,K)*100.0
68      *CRPUSE(J,1,2)
69      PEAKRQ(I,J,L,K)=CDIST(K,J,L)/APPEFF(I,J,L,K)*100.0
70      *PEAKC(I,J,L)
71      ENDIF
72      ELSE
73      ENDDO
74      ENDDO
75      ENDDO

```

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Summary of education beyond high school:

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University of Idaho 1955-59, B.S.-Civil Engineering, 1959

California Institute of Technology 1959-60, M.S.- Civil Engineering, 1960

University of Colorado, Denver, Colorado, Management, 1963

University of Denver; Denver, Colorado, Civil Engineering, 1964

Utah State University, Ph.D.-Water Resources Engineering, 1977

Number of years service on this faculty: 32

Date of original appointment: 1965

Dates of advancement in rank:

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Professor-50% Agricultural Engineering, 50% Civil Engineering : 1978

Subjects and courses taught:

CE 500, CE 600, CE 502

Summary of academic experience:

University of Idaho -Research Professor - Civil and Agricultural Engineering, 1978-

University of Idaho - Associate Research Professor, Civil Engineering, 1974-78

University of Idaho - Assistant Research Professor, Civil Engineering, 1965-74

Boise College - Instructor in Engineering, 1961-63

Summary of other experience:

University of Idaho - USAID Pakistan Project on Irrigation Systems Management
Research, 1984 -

U.S. Bureau of Reclamation - Hydraulic Research Laboratory, Denver, Colorado -
Hydraulic Research Engineer, 1963-65
U.S. Bureau of Reclamation - Boise, Idaho - Hydraulic Engineer, 1961-63
Converse Foundation Engineering, Inc. - Pasadena, California - Foundation Engineer,
1960-61
California Institute of Technology - Pasadena, California - Assistant Project
Engineer, U.S. Public Health Service Research Project, 1959-60

Consultant:

Twin Falls Canal Company - Twin Falls, Idaho - Hydrology and water use.
North Side Canal Company-Jerome, Idaho- Hydrology and water use
Micron Technology-Ground water and water supply
J.R. Simplot Company- Land disposal of processing waste, water supply, water rights
City of Twin Falls-Water supply and hydrology
Idaho Trout Processors-Hydraulics and water supply
Cedar Mesa Reservoir and Canal Co., Redding, California - Water management
consultant.
Clear Springs Trout Company, Buhl, Idaho - Water supply and distribution systems.
Idaho Power Company, Boise, Idaho - Relationships of groundwater and surface water
- Upper Snake River Basin - water right adjudication.
Idaho Department of Fish and Game - Evaluation of groundwater stream relationship
for litigation - Parma vicinity.
Blaine County, Idaho - Waste disposal systems for high density rural subdivisions.
Reynolds and West Reynolds Irrigation Districts - Irrigation water requirements,
systems analysis.
U.S. Bureau of Reclamation (was Maricopa County Water District) - Arizona. Flood
study.
Office of Technology Assessment - U.S. Congress - Irrigation Distribution Systems.
U.S. Department of Justice - Indian Water Rights
Montgomery Engineers - Ground-water quality evaluations
J.U.B. Engineers, Twin Falls, Idaho - Ground-water and hydraulics
Amalgamated Sugar Company, Idaho- Hydrology and waste disposal

Registered Professional Engineer: Idaho and Colorado

Special Awards or Honors:

Recipient of Bausch & Lomb Science Award
Member - Phi Beta Sigma, Freshman honorary, University of Idaho
Outstanding Freshman Engineer Award - University of Idaho, 1955
Member and secretary of Sigma Tau, National Engineering Honorary
Member and Vice-president of ASCE student chapter, University of Idaho
University of Idaho undergraduate scholarship 1957-58, 1958-59
Honorary Membership ASTM, 1959

Special Awards, cont'd.

U. S. Army National Defense Transportation Award, 1958
Distinguished Military Graduate - University of Idaho
Top Ten Graduating Senior - University of Idaho, 1959
No. 2 in graduating class of 889, University of Idaho, 1959
Representative of USBR Division of Research at 1963 Intergovernmental Training Program, Denver, 1964
Scholarship - University of Denver, Graduate School of Management, 1964
National Science Foundation Fellowship - Utah State University, 1967-68
Outstanding Young Engineer Award for Idaho, National Society of Professional Engineers, 1968
Engineer of the Year, 1997 American Society of Agricultural Engineers
Idaho Water Users Hall of Fame-1998

Membership in professional and scholarly organizations:

National Society of Professional Engineers, 1967 - present
Idaho Society of Professional Engineers, 1967 - present; President 1978
American Society of Civil Engineers - Irrigation & Drainage Division Committee
Chairman:
1) Operation and Maintenance of Irrigation and Drainage Systems, 1975-1981
2) Water Quality Committee, 1980-1984, Chairman
3) Task Committee on Guidelines for Erosion and Sediment Control in Irrigated Agriculture, 1980-1983, Chairman
4) Publications Committee, 1985-1992
Research Society of America
National Council of Examiners for Engineering and Surveying, 1981-1991
Idaho Board of Professional Engineers and Professional Land Surveyors, 1981-1991,
Chairman
American Water Resources Association

Offices held in such organizations:

National Society of Professional Engineers
Member - Young Engineers Committee, 1973-74
Chairman - Young Engineers Committee, 1975-77
Member - President's Committee on Board of Directors Organization, 1977
Member - Registration and Qualification for Practice Committee, 1979-81
Chairman - Registration and Qualification for Practice Committee, 1982-84
Member - Participating Organizations Liaison Committee to NCEE, 1982-84
Idaho Society of Professional Engineers
President, 1978
President, Magic Valley Chapter, 1970-71
Member - State Ethical Practices Committee, 1966, 1977
Member - State Intersociety Relations Committee, 1968
Member - State Nominating Committee, 1975-76

Offices Held, cont'd.

Member - Board of Directors, 1972-73

Member - Board of Directors, Past President Chairman - Nominating Committee, 1979

State Director - Representative for Idaho to NSPE, 1982-83

Nominating Committee for Idaho Board of Professional Engineers & Land Surveyors member.

American Society of Civil Engineers

Member - Operation and Maintenance of Distribution Systems Committee - Irrigation and Drainage Division, 1975-81

Chairman - Irrigation and Drainage Division, Operations and Maintenance Committee, 1977-79

Member - Water Quality Committee, Irrigation and Drainage Division, 1980-84

Chairman - Water Quality Committee, Irrigation and Drainage Division, 1982-84

Member - Task Committee on Water Measurement, 1980-83

Chairman - Task Committee on Guidelines for Erosion and Sediment Control in Irrigated Agriculture, 1984 - Present

Member - Publications Committee, 1985 - Present

Corresponding Member - ASCE Irrigation and Drainage Division Committee on Operation and Maintenance of Irrigation Systems

Reviewer - ASCE Irrigation and Drainage Division Committee on Publications

Idaho Board of Professional Engineers and Land Surveyors

Member, 1981 -

Vice Chairman, 1983-1984

Chairman, 1984 - 1986, 1990 - 1992

National Council of Engineering Examiners

Assistant Vice President, Western Zone

Member, Professional Examinations Advisory Committee

Member, Committee on Uniform Procedures and Legislative Guidelines, 1984

Member, Communications and Publications Committee, 1983

Member, Uniform Examinations and Qualifications Committee, 1984 - Present

Member, Committee on Examination Policies and Procedures, 1987 - Present

Member, Advisory Committee on Council Activities, 1986 - 1987

Assistant Vice President - Western Zone, 1986 - 1987

Member, Fundamentals Examination Review Committee, 1986 - Present

Scholarly and creative activity:

Research:

- Development of systems analysis procedures for optimization of irrigation system designs with environmental, physical, and social constraints.
- Evaluation of crop consumptive use, irrigation requirements, and methods of determining basin depletion from agricultural development.
- Systems analysis of water use to develop mathematical methods for studying complex groundwater-surface water systems - mathematical modeling of aquifers.
- Ground water quality and river system water quality evaluations for nutrient load determination and river system modeling.
- Development of guidelines for design of sediment removal facilities for on-farm and irrigation distribution system wasteways.
- Evaluation of attainable impacts on water quality of irrigation return flows due to implementation of best management practices for sediment and nutrient control.
- Evaluation of alternate energy sources for irrigation and municipal needs in Idaho.
- Analysis of operation and maintenance costs of water distribution systems and determination of the relationship of costs to known physical and organizational parameters and water use efficiency.
- Evaluation of the economic potential for use of geothermal hot water and steam in Idaho.
- Study of the movement of water from canals to local water tables under saturated and partially saturated conditions.
- Studies of the mechanisms of microbial action, sedimentation and soil-water-chemical interactions involved in natural sealing phenomenon in canals and reservoirs.
- Evaluation of irrigation management practices for sustained land disposal of geothermal fluids.
- Evaluation of practices and systems for controlling sediment and other pollutant losses from irrigated lands.
- Investigation of the response of aquifer systems to changes in recharge or withdrawal due to change in land use.
- Evaluation of procedures for estimating crop water requirements.
- Development of cost effective procedures and equipment for measurement of irrigation diversions and power use in open and closed systems.

Community services and other relevant activities:

- Member - Intermountain District Church of the Nazarene; Camps Board - 1976 - 1984; Board of Church Properties - 1976-79
- Member - Twin Falls City Planning and Zoning Commission 12/78-9/79
- Member - College of Southern Idaho Geothermal Energy Commission
- Member - Governor's Committee on Energy Use - 1980-81

Member - Idaho Technical Advisory Committee for Sediment in Surface Water
Chairman - Snake River Technical Advisory Committee - Idaho Legislative Council,
1983-85
Advisor - Governor's Snake River Advisory Committee - 1985
Member - Water Resources Foundation Board of Directors - 1985
Chairman - Idaho Technical Committee on Hydrology
Member - Idaho Department of Health & Welfare Sediment Criteria Committee
Member - Snake Plain Advisory Committee of Idaho Department of Health &
Welfare
Member - Idaho Water Users Water Quality Committee - 1980-
Member - INEL Dose Evaluation and Risk Assessment Committee
Member - Columbia River System Operations Review
Member - Mid Snake River Nutrient Management Advisory Committee
Member - Mid Snake River Irrigation Water Quality Coordination Committee
Technical Advisor - Middle Snake River Committee
Member - Liaison Committee, U.S. Geological Survey National Water Quality
Assessment Program, Snake River Basin.
Member - Snake River Studies Committee, Idaho Department of Water Resources
Member - City of Twin Falls Wellhead Protection Committee

Publications:

- Brockway, C.E. 1964. Progress Report - Investigation of a Seepage Meter Designed by the Agricultural Research Service -- Lower Cost Canal Lining Program. Bureau of Reclamation Hydraulic Branch HYD-529.
- Brockway, C.E. 1964. Flow Resistance Coefficients of Three Sizes of Cast-in-Place Concrete Pipe. Bureau of Reclamation Hydraulic Branch, HYD-533, 1964.
- Brockway, C.E. 1965. Investigation of the Effect of Turnout Geometry on the Registration Accuracy of a Propeller-Type Open Flowmeter. Bureau of Reclamation, HYD-545, 1965.
- Brockway, C.E. 1966. Groundwater Investigations and Canal Seepage Studies. Engineering Experiment Station, University of Idaho, Progress Report No. 1, 1966.
- Schuster, J.C. and C.E. Brockway. 1967. Investigation of a 4-Inch Magnetic Flowmeter. Bureau of Reclamation, HYD-574.
- Worstell, R.V. and C.E. Brockway. 1967. Estimating Seasonal Changes in Irrigation Canal Seepage. Presented at Spokane, Washington, October 20, 1967.
- Worstell, R.V. and C.E. Brockway. 1967. Groundwater Investigations and Canal Seepage Studies. Engineering Experiment Station, University of Idaho, Progress Report No. 2.

- Bloomsburg, G.L. and C.E. Brockway. 1968. Movement of Water from Canals to Groundwater Tables. Research Technical Completion Report, Idaho Water Resources Institute.
- Worstell, R.V. and C.E. Brockway. 1968. Field Evaluation of Seepage Measurement Methods. Presented at 2nd Seepage Symposium, Phoenix, Arizona, February 1968.
- Bondurant, J.A., C.E. Brockway, and R.V. Worstell. 1968. Plastic Casings for Soil Cores. Soil Science, Vol. 107, No. 1.
- Herbig, A.E. and C.E. Brockway. 1970. Operations and Maintenance Costs of Irrigation Distribution Systems. Proceedings, National Irrigation Symposium, Lincoln, Nebraska.
- Bondurant, J.A., C.E. Brockway, and R.V. Worstell. 1971. Systems Analysis of Irrigation Water Management in Eastern Idaho. Progress Report No. 1, University of Idaho Engineering Experiment Station.
- Brockway, C.E. 1971. What Does it Cost to Operate an Irrigation District?. Proceedings, Fifth Regional Water Users' Conference, Bakersfield, California.
- Bondurant, J.A., R.V. Worstell, and C.E. Brockway. 1972. Water Resources Management in the Upper Snake River Valley. Proceedings, Irrigation & Drainage Division, Specialty Conference, ASCE, Spokane, Washington.
- Nichols, C.R., C.G. Warnick, and C.E. Brockway. 1972. Geothermal Water and Power Resources Exploration and Development for Idaho. Research Technical Completion Report, University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Brockway, C.E. 1972. Estimating Irrigation Distribution System Operation and Maintenance Costs. Paper presented at the Annual Meeting, Pacific Northwest Region ASAE, Calgary, Alberta, Canada, October 10-12, 1972.
- Bondurant, J.A., R.V. Worstell, and C.E. Brockway. 1973. Implications of Changes in Water Management in the Upper Snake River Basin. Paper presented at the ASCE Water Resources Conference, Washington, D.C., January, 1973.
- Brockway, C.E. 1973. Investigation of Natural Sealing Effects in Irrigation Canals. Research Technical Completion Report, Project A-023-IDA, Idaho Water Resources Research Institute.
- Reese, D.L. and C.E. Brockway. Operation and Maintenance Costs on Irrigation Distribution Systems. Progress Report, University of Idaho, College of Engineering.

- de Sonnevile, Jos L.J. and C.E. Brockway. 1973. Systems Analysis of Irrigation Water Management in Eastern Idaho. Research Technical Completion Report, Project B-018-IDA. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Reese, David L., H.F. Mayland, and C.E. Brockway. 1973. Alternative Methods of Estimating Snow Water Parameters. Water Resources Research, Vol. 9, No. 5.
- Bondurant, J.A. and C.E. Brockway. 1974. Operation and Maintenance Costs on Irrigation Distribution Systems. Proceedings, VIIIth International Congress of Agricultural Engineering, Flevohof, Netherlands.
- Bondurant, J.A. and C.E. Brockway. 1974. Sediment Ponds Clean Irrigation Runoff Water. Idaho Farmer.
- Brockway, C.E. 1974. Water Resources of the Upper Snake River Basin. Proceedings, National Environmental Research Park Symposium, Idaho Falls, Idaho.
- Watts, F.J., C.E. Brockway, and A.E. Oliver. 1974. Analyses and Design of Settling Basins for Irrigation Return Flow. Research Technical Completion Report, Project A-042-IDA. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Warnick, C. and C.E. Brockway. 1974. Hydrology Support Study, A Case Study of Federal Expenditures on a Water and Related Land Resource Project. Boise Project, Idaho and Oregon Project C-4202. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Brockway, C.E. 1975. Energy Plant Siting Position Paper. Idaho Society of Professional Engineers, February, 1975 (member of Committee on Energy Plant Siting).
- Bondurant, J.A., M.J. Brown, and C.E. Brockway. 1975. Some Aspects of Sedimentation Pond Design. Proceedings, National Symposium on Urban Hydrology and Sediment Control, Lexington, Kentucky.
- Brockway, C.E. 1975. Issues Involved in Peoples Choices in Resources-Water. Idaho Academy of Science, Caldwell, Idaho.
- Brockway, C.E. 1975. Science in Idaho's Future. Idaho Academy of Science, Panel Symposium.
- Claiborn, B.A. and C.E. Brockway. 1975. Impact of Changes in Irrigation Water Management in Eastern Idaho. Research Technical Completion Report, Project A-

- 040-IDA. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Bondurant, J.A., C.E. Brockway, and M.J. Brown. 1976. Characterizing Irrigation Return Flow Streams. 7th U.S. Technical Conference and 10th ICID Congress.
- Brockway, C.E. 1977. Vegetative Buffer Strips for Sediment Retention in Irrigation Runoff. Proceedings, ASCE Irrigation and Drainage Division Specialty Conference on Water Management for Irrigation and Drainage, Reno, Nevada.
- Brockway, C.E. 1977. Sediment Ponds for Irrigation Return Flow and Potato Fresh Pack Effluent. Research Technical Completion Report, Project A-042-IDA. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Fitzsimmons, D.W., G.C. Lewis, J.R. Busch, G. M. McMaster and C. W. Berg. 1977. On-Farm Methods for Controlling Sediment and Nutrient Losses. Proceedings, National Conference on Irrigation Return Flow Quality Management, Fort Collins, Colorado.
- Brockway, C.E. 1977. Investigation of Natural Sealing Effects in Irrigation Canals. Ph.D. Dissertation, Utah State University.
- Brockway, C.E. and K.P. Grover. 1977. Water Management and Groundwater in the Henry's Fork-Upper Snake River Basin of Idaho. Research Technical Completion Report, ASCE Henry's Fork Project, Idaho Water Resources Research Institute.
- Bondurant, J.A., M.J. Brown and C.E. Brockway. 1977. Predicting Irrigation Return Flow Rates. ASAE-SW-192.
- Claiborn, Brent and C.E. Brockway. 1977. Predicting Attainable Irrigation Efficiencies. ASCE.
- Grover, K.P. and C.E. Brockway. 1978. Evaluation of Urbanization and Changes in Land Use on the Water Resources of Mountain Valleys. Research Technical Completion Report. Project B-038-IDA. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Robbins, C.W. and C.E. Brockway. 1978. Irrigation Water Salt Concentration Influences on Sediment Removal by Ponds. Soil Sci. Soc. Am. J. 42:478-481.
- Longley, T.S., C.E. Brockway, and E.C. Larsen. 1978. Low Energy Sprinkler Equipment. ASAE Annual Meeting, Spokane, Washington. PN-78-406.
- Brockway, C.E. 1978. Systems Analysis of Irrigation Water Use in Eastern Idaho. OWRT.

- Brockway, C.E. 1978. Alternative Irrigation Systems for Flood Damaged Irrigation Lands Below Teton Dam. Research Technical Completion Report, Idaho Water Resources Research Institute.
- Busch, J.R., R.G. Allen and C.E. Brockway. 1978. Irrigation Rehabilitation Plans in the Teton Flood Area. ASCE Convention and Exposition, Chicago, Illinois.
- Allen, R. G. , J. R. Busch, and C.E. Brockway. 1979. Optimal Irrigation Systems Subject to Available Resources Constraints. IX Congress CIGR 1979.
- Brockway, C.E. 1979. Relationship of Costs and Water-Use Efficiency for Irrigation Projects in Idaho. Research Technical Completion Report, University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Brockway, C.E. 1979. Effects of Changing Irrigation Efficiencies on Water Supplies. ASCE Irrigation and Drainage Division Specialty Conference. Albuquerque, New Mexico.
- Brockway, C.E. 1979. Snake Plain Aquifer Model Studies. Idaho's Water, September 1979. Vol. 6, No. 4.
- Brockway, C.E., editor. 1980. Manual on Operation and Maintenance of Irrigation and Drainage Districts, American Society of Civil Engineers, prepared by Committee on Operation and Maintenance of Irrigation and Drainage Division.
- Allen, R.G. and C.E. Brockway. 1980. Problems in Developing and Applying an Optimal Irrigation Plan. ASCE Journal of the Water Resources Planning and Management Division, Vol. 106, No. WR 1.
- Mayland, H.F. and C.E. Brockway. 1980. Frequency Analysis of Western Snow Data. Proceedings. 1980 ASCE Watershed Management Symposium, Boise, Idaho.
- Robison, C.W. and C.E. Brockway. 1980. Vegetal Filters for Controlling Sediment in Irrigation Return Runoff. Proceedings. 1980 ASCE Irrigation and Drainage Division Specialty Conference. Boise, Idaho.
- Busch, J.R. and C.E. Brockway. 1980. Systems Approach to Irrigation Planning Research. 1980 ASCE Irrigation and Drainage Specialty Conference, Boise, Idaho.
- Brown, M.J., C.E. Brockway, and J.A. Bondurant. 1981. Ponding Surface Drainage Water for Sediment and Phosphorus Removal. Transactions ASAE, Vol. 24, No. 6, pp. 1478-1481.

- Brockway, C.E. and R.G. Allen. 1982. Impact of the Energy Crisis on Irrigation and Drainage, Part IV: System Design and Management Practices to Reduce Energy Requirements and Consumption. Paper presented at the 9th Congress of the International Committee on Irrigation and Drainage, National Conference. Jackson, Mississippi.
- Everts, Chris and C.E. Brockway. 1982. Reducing Soil Losses with Filter Strips. Current Information Series No. 587. University of Idaho College of Agriculture. January 1982.
- Luttrell, S.P. and C.E. Brockway. 1982. Impacts of Individual on-site Sewage Disposal Facilities on Mountain Valleys - Phase I. Research Technical Completion Report. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Wells, R., C.E. Brockway, and J. R. Busch. 1983. Management, Maintenance and Operation of Pump Supplied Irrigation Resources Projects. Research Technical Completion Report. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Freeman, G., C.E. Brockway, and R.G. Allen. 1983. Management and Systems for Water and Energy Savings, Bruneau Proj, Idaho. Research Technical Completion Report. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Allen, R.G., C.E. Brockway, and J.L. Wright. 1983. Weather Station Siting and Consumptive Use Estimates. Journal of the Water Resources Planning and Management Division, American Society of Civil Engineers.
- Allen, R.G. and C.E. Brockway. 1983. Estimating Consumptive Irrigation Requirements for Crops in Idaho. Research Technical Completion Report. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Allen, R.G. and C.E. Brockway. 1983. Weather and Consumptive Use in the Bear River Basin, Idaho during 1982. Research Technical Completion Report. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Allen, R.G. and C.E. Brockway. 1983. Operation and Maintenance Costs and Water Use by Idaho Irrigation Projects. Proceedings of the 1983 Specialty Conference, Irrigation and Drainage Division, American Society of Civil Engineers, Jackson Hole, Wyoming.
- Allen, R.G. and C.E. Brockway. 1983. Estimating Consumptive Use on a Statewide Basis. Proceedings of the 1983 Specialty Conference, Irrigation and Drainage Division, American Society of Civil Engineers, Jackson Hole, Wyoming.

- Johnson, G.S. and C.E. Brockway. 1983. Users Manual for University of Idaho Ground-Water Flow Model and Recharge Program. Completion Report. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Johnson, G.S., C.E. Brockway, and S.P. Luttrell. 1984. Application of a Numerical Ground-Water Flow Model to the Mud Lake Area in Southeastern Idaho. Completion Report. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Johnson, G.S., C.E. Brockway, and S. Ramseyer. 1984. Water Resource References for the Snake River Basin Above Swan Falls. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Luttrell, S.P. and C.E. Brockway. 1984. Impacts of Individual On-Site Sewage Disposal Facilities on Mountain Valleys - Phase II - Water-Quality Considerations. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Robison, C.W., C.E. Brockway, C.W. Robbins, and G. S. Johnson. 1984. Evaluation of Irrigation Management Procedures for Geothermal Effluent. Completion Report, University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Fitzsimmons, D.W. and C.E. Brockway. 1984. Irrigation Systems Management Research Design. Final report submitted to USAID/Pakistan under contract no. 391-0467-C-00-4028 prepared by Research Definition Team in cooperation with Washington State University and Development Alternatives, Inc. University of Idaho, Moscow, ID. 354 p.
- Johnson, G.S., C.E. Brockway, J.L. Wright, and A.L. Coiner. 1984. Remote Sensing for Irrigated Crop Water Use Phase I. Technical Completion Report, Idaho Water Resources Research Institute, submitted to NASA-Ames Research Center.
- Johnson, G.S., C.E. Brockway, and A.L. Coiner. 1985. Evaluation of Methods for Estimation of Aquifer Recharge from Precipitation on Semi Arid Lands. Research Technical Completion Report. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Brockway, C.E. and G.S. Johnson. 1985. Calibration of the Snake Plain Aquifer ground-water flow model. Research Technical Completion Report. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Johnson, G.S., C.E. Brockway, and S.P. Luttrell. 1985. Ground-water model calibration for the Henry's Fork Recharge Area. Research Technical Completion Report. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.

- Brockway, C.E. 1986. Remote sensing for crop water use. Presented at Idaho Potato School January 29, 1986, Pocatello, Idaho.
- Robison, C.W. and C.E. Brockway. 1986. Modelling erosion and sedimentation in irrigation. Presented at ASCE Water Forum '86, at Long Beach, CA, August, 1986.
- Brockway, C.E. 1987. Swan Falls Data and Research Program Status Report by Idaho Technical Committee on Hydrology. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Brockway, C.E. and C.W. Robison. 1987. Evaluation of Closed Conduit Measuring Devices for Irrigation Diversions. Research Technical Completion Report. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Brockway, C.E. and C.W. Robison. 1987. Pump System Evaluation Using Microprocessor-Based Monitors. American Society of Agricultural Engineers, Paper No. 87-3502. Presented at the ASAE International Winter Meeting December 15-18, 1987, Chicago, IL, December 1987.
- Brockway, C.E. 1987. Report on "Evaluation of the Idaho-USGS Cooperative Water Data Collection Program". A Report to Ken Dunn, Director of the Idaho Department of Water Resources from the Idaho Technical Committee on Hydrology.
- Hill, R.W., C.E. Brockway, et al. 1987. Duty of Water Under Bear Rive Compact: Field Verification of Empirical Methods. Summer 1987 Progress Report to the Bear River Commission.
- Robison, C.W. and C.E. Brockway. 1987. Demonstration of Monitors for Pumping Stations. Research Technical Completion Report for the Idaho Department of Water Resources, Contract No. DWR-86-03-21-704-37. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- France, K.E. and C.E. Brockway. 1987. Flow measurement using ramped broad crested weirs. Research Technical Completion Report. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Robison, C.W. and C.E. Brockway. 1987. Demonstration of monitors for pumping stations. Research Technical Completion Report, contract no. DWR-86-03-21-704-37. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Brockway, C.E. and C.W. Robison. 1988. Development and Demonstration of Pump Station and Surface Diversion Monitor Systems for Water and Energy Efficiency Improvements. Research Technical Completion Report. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.

- Brockway, C.E. and C.W. Robison. 1988. Water Resources Data and Management Model for Beaver Creek, Camas Creek and Mud Lake Area of Eastern Idaho. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Hill, R.W., C.E. Brockway, R.D. Burman, L.N. Allen, and C.W. Robison. 1989. Field Verification of Empirical Methods for Estimating Depletion; Research Report 125; Utah Agricultural Experiment Station, Logan, Utah, Two Volumes.
- Brockway, C.E. 1989. Mud Lake Standing Operating Procedures. Draft operating procedures manual for Mud Lake Water Users and Water District 31.
- Robison, C.W., C.E. Brockway, T. Gray, and T. Henschied. 1990. Irrigation Water Allocation System for Bell Rapids Mutual Irrigation Company.
- Brockway, C.E., C.W. Robison and J.S. Kolar. 1991. Municipal Pump Monitor Demonstration Project. Final Report to the Idaho Department of Water Resources. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Hamilton, B. and C.E. Brockway. 1991. Effects of Non-Continuous Turnout Operation on the Aberdeen-Springfield Canal System. Research Technical Completion Report. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Sandoval, V.B. and C.E. Brockway. 1991. Ground-water Investigations for the Fremont-Madison Irrigation District, Southeastern Idaho. Research Technical Completion Report. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Sandoval, V.B. and C.E. Brockway. 1992. Water Rights Accounting on the Upper Snake River, Water District 01, Southeastern Idaho. Research Technical Completion Report. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID. In press.
- Brockway, C.E. and C.W. Robison. 1992. Middle Snake River Water Quality Study, Phase I: Final. Technical completion report submitted to Idaho Department of Health and Welfare, Division of Environmental Quality. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Brockway, C.E., C.W. Robison, G.S. Johnson. 1992. Evaluation of Water Quality in Shallow Ground-water Systems. Final Report to the Division of Environmental Quality, Contract No. 82-600945. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Robison, C.W. and C.E. Brockway. 1991. Operations Manual for Electronic Pumping System Monitors. Research Technical Completion Report. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.

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- Brockway, C.E. and C.W. Robison. 1992. Middle Snake River Water Quality for Kanaka and Boulder Rapids. Submitted to L.B. Industries. University of Idaho, Idaho Water Resources Research Institute, Moscow, ID.
- Brockway, C.E., H. Neibling, and C.W. Robison. 1993. Water Quality Project, Twin Falls and North Side Canal Companies Third and Fourth Quarterly Report, January 1, 1993 to June 30, 1993.
- Brockway, C.E. et al. 1993. Proposed Nutrient Management Plan for Middle Snake Irrigated Agriculture. Submitted to Idaho Department of Health and Welfare Division of Environmental Quality by the Mid Snake Irrigation Water Quality Coordination Committee.
- Carter, D.L., C.E. Brockway, and K.K. Tanji. 1994. Controlling Erosion and Sediment Loss from Furrow-Irrigated Cropland. Journal of Irrigation and Drainage Engineering, American Society of Civil Engineers. 119(6):975-988.
- Brockway, C.E. and A. Kahlown. 1994. Big Wood River-Silver Creek Hydrology Study. Quarterly Reports.
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SRBA FIELD EXAM REPORT

AMENDED CLAIM REVIEW: March 26, 1999

SRBA CLAIM: A36-00047

EXAM DATE: JANUARY 16, 1998

IDWR AGENT: STEVE CLELLAND

ACCOMPANIED BY CLAIMANT: MR. & MRS. DAVID CROPPER

PURPOSE: Follow up review for additional amendment to this claim. This previous examination was to investigate the amendments filed last year. No additional exam was made for this amendment since the Croppers provided a complete view of the system at the last exam.

OBSERVATIONS & FINDINGS: "I met with the Croppers at the field site... We entered on the west side of the POU and turned north along the fence line. Wheelines were rolled up next to the edge of the farm road we were travelling, indicating the system is still under sprinkler irrigation for the cultivated areas." --Quoted from my previous memo describing the January 16, 1998 examination.

During this 1998 exam the Croppers described and showed me the full irrigation system that they operated from the spring pipeline. They never mentioned an irrigation system for the lands now claimed in the amendment. Further, while waiting for the Croppers I parked my vehicle at the stack yard located on the newly claimed lands.

The land claimed under this amendment has already been claimed and decreed under another SRBA claim, 36-00047B. This claim was reviewed, investigated and reported as disallowed. The court issued the decree for this claim on 12/05/1996. When the claimant Terrie Ann Wallace filed 36-00047B, the claimant for 36-00047, Dixie Adamson, was very upset and firmly stated to me on 7/30/1990 that the lands under 36-00047B were not part of the Sherman Springs system. She states no other users divert from the pipeline system. She told me the pasture claimed by 36-00047B was never irrigated from Sherman Springs and it had shares in the Big Spring Water User's Assn. Ms. Wallace later confirmed this when she filed the Notice of Error card and she went on to state she sold the shares (to Marion Pugmire). The 6 acres owned by Ms. Wallace, now claimed by C-Can Partners, was left without any water rights.

Additionally, the correct ownership of the water right is outlined very specifically by the deed/will filed with 36-00047B. It states all irrigation equipment and the spring are to go to Dixie Adamson. It also states the spring is devised by the Will of Doyle L. Wallace to go to Adamson. An Agreement mentioned in the document, but not attached, addresses the water stock in Big Springs, therein Adamson relinquishes her right to the water stock.

SUMMARY & RECOMMENDATIONS: Based on these observations and documentation already stated in the SRBA claim files for this right and the claim 36-00047B, here are the proposed recommendations.

SRBA CLAIM 36-00047 (Sherman Spring)

IRRIGATION: 30 acres as previously found and as reported in my previous memo. Final recommendations will be described in the database record prepared after full legal review of my proposal is complete. No acreage is recommended for the newly amended portions. The claim for a water right on those acres has been addressed and decreed as stated above. If the newly claimed land is being irrigated from the Sherman Springs system, it is an irrigation development in violation of the mandatory permit statute. Cease and Desist orders should be issued if necessary.

SRBA CLAIM 36-00047B

To remain disallowed as decreed.

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

overnight mail delivery to ensure receipt by the Claimants no later than **5 p.m. on February 23, 1999.**

(3) **February 23, 1999, 5 p.m.** – Deadline for service of Claimants' Response Briefs. Claimants must serve their Response Briefs on all Respondents by overnight mail delivery to ensure receipt by the Respondents no later than **5 p.m. on February 24, 1999.**

(4) **March 1, 1999, 5 p.m.** – Deadline for service of all Reply Briefs.

(5) **March 8, 1999, 10 a.m.** – Hearing at the Snake River Basin Adjudication Courthouse in Twin Falls, Idaho on all summary judgment motions covered by this order.

ENTERED this 3 day of ^{March}~~February~~, 1999.



Special Master Fritz X. Haemmerle

RECEIVED

MAR 09 1999

Department of Water Resources

William Strange, Big Springs Water Users Assoc.,
C-CAN Partners, John W. Jones, Jr., Hagerman
Gun Club (Porter & Surbaugh), River Grove Farms, Inc.

PARKER, WARR & BROWN, LLP
Patrick D. Brown
812 Shoshone Street East
Twin Falls, ID 83301
Telephone: (208)735-8812

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 Nos. 36-00006, 36-00007,
	)	36-00008, 36-00022, 36-00023,
	)	36-00047, 36-00068, 36-00069,
Case No. 39576	)	36-00099, 36-00100, 36-00106,
	)	
	)	<u>MOTION TO COMPEL AND</u>
	)	<u>FOR SANCTIONS</u>
	)	

COME NOW, the Claimants in the above listed Subcases, and move the Court under I.R.C.P. 37(a) for Order Compelling Responses to Interrogatories and Requests for Production against each Respondent. The Claimants also move the Court for entry of an Order sanctioning the attorneys who signed the Interrogatory and Request for Production Responses pursuant to I.R.C.P. 11(a) and I.R.C.P. 37(a).

This Motion is supported by the Brief and the Affidavit of Counsel with the Interrogatory and Request for Production Responses being filed contemporaneously with this Motion.

COPY

Oral argument is requested.

Dated this 4th day of March, 1999.

PARKER, WARR & BROWN, LLP

By: 

Patrick D. Brown

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 812 Shoshone St. East, Twin Falls, Idaho 83301, and one of the attorneys for the claimants in this matter, certifies that on the 5th day of March, 1999, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

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

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Director of IDWR
P. O. Box 83720
Boise, ID 83701-2139

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Jeffrey Fereday
Givens Pursley, LLP
277 N. 6th St, Ste. 200
P. O. Box 2720
Boise, ID 83701-2720

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☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Josephine P. Beeman
Dana L. Hofstetter
Beeman & Hofstetter, P.C.
P.O. Box 1427
Boise, ID 83701-1427

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

RECEIVED

FEB 16 1999

Department of Water Resources

North Snake Ground Water District,
May Farms, Ltd. and Faulkner Land
& Livestock Company

Josephine P. Beeman
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beehof@micron.net

RECEIVED

FEB 26 1999

Department of Water Resources
Southern Region

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

In Re SRBA	)	Subcase Nos. 36-00047
	)	
Case No. 39576	)	RESPONSE TO MOTION TO FILE
	)	AMENDED NOTICE OF CLAIM
_____	)	

MEMORANDUM

THERE IS NO GOOD CAUSE TO AMEND THE CLAIM TO INCREASE THE PLACE OF USE

The decision to amend a Notice of Claim in the Snake River Basin Adjudication ("SRBA") is based on the good cause standard of I.R.C.P. 55(c). *See* SRBA Administrative Order 1, Section 4.d(2)(e). The Rule 55(c) standard requires good cause and a meritorious defense. *McFarland v. Curtis*, 123 Idaho 931, 935, 854 P.2d 274, 278 (Ct. App. 1993). The Rule 55(c) standard has been described as requiring the movant to

show “some excuse for failure to answer, that a meritorious defense exists, and the policy of deciding cases on the merits should be recognized.” *Id.* at 936, 854 P.2d at 279. In this case, the claimant seeks to amend the claim’s place of use to add six acres, increasing the total place of use from 40 acres to 46 acres. However, the claimant has not shown “that a meritorious defense exists” justifying the additional six acres. This Response is supported by the contemporaneously filed Affidavit of Terry Scanlan.

A. There Is No Meritorious Claim Because C-CAN Partners, the Claimant, Does Not Appear to Be the Owner of the Subject Property or Any Associated Water Rights.

The Motion to File Amended Notice of Claim indicates that an amended claim is necessary because the claimant did not previously own the additional six-acre parcel:

I did not own the parcel of land on which the water is used, and mistakenly believed that the property owner would have claimed it. I am now part owner and want to claim it to accurately reflect the way the six-acre parcel recently acquired has been irrigated from the right I have already claimed on the adjacent fields.

Motion to File Amended Notice of Claim, at 3. It appears that C-CAN Partners believed the prior property owner had claimed the land and, therefore, did not include the additional six acres on their amended claim. However, the warranty deed which is attached to the *Motion to File Amended Notice of Claim* indicates that the additional parcel was conveyed on January 9, 1996 to certain individuals and trusts, not to a partnership named C-CAN Partners. Accordingly, it appears, based on these filings, that C-CAN Partners is not the appropriate property owner to claim title of the water right for

this additional parcel. Further, the power of attorney under which this amended claim was submitted was executed by C-CAN Partners. Therefore, it also is not apparent that C-CAN Partners has the authority to grant a power of attorney concerning this property or this water right.

Based on the evidence submitted to the Court, it appears that a partnership entitled C-CAN Partners is not the holder of the water right associated with the subject parcel. Without the submission of additional satisfactory evidence confirming that C-CAN Partners is entitled to claim a water right for these six acres, the Motion to File Amended Notice of Claim should be denied.

A. There is No Meritorious Basis for Expanding the Place of Use.

There also does not appear to be a meritorious basis on which the claimed place of use of 40 acres for Water Right No. 36-00047 can be expanded to 46 acres. Terry Scanlan, a registered professional engineer, has inspected the place of use associated with this water right and has reviewed numerous aerial photographs covering both the original claimed 40 acres as well as the additional six acres. *Affidavit of Terry Scanlan*. He found less than 40 acres actually irrigated for the place of use described in the 1998 Amended Claim. There simply is no basis to increase the total acreage from 40 to 46. At trial, the claimant is not likely to be able to prove even a 40 irrigated acre place of use.

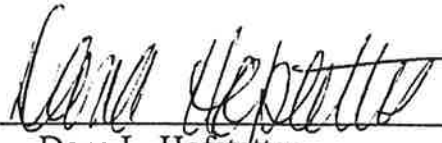
If the Court does decide to allow Claim No. 36-00047 to be amended increase the total acres of the claimed place of use, it will be necessary, pursuant to the Court's prior

rulings, to arrange for an Amended Director's Report to be prepared, for the matter to be noticed on the Docket Sheet, and for periods of time to be provided for objections and responses to the Amended Director's Report.

DATED this 11th day of February, 1999.

BEEMAN & HOFSTETTER, P.C.

By


Dana L. Hofstetter

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of February, 1999, I caused to be served copies of the foregoing **Response to Motion to File Amended Notice of Claims** by the methods indicated below:

Peter J. Ampe
John Marshall
P. O. Box 83720
Boise, ID 83720-0010
☐ U.S. Mail ☐ Fed Ex ☐ Hand ☒ Fax

Patrick D. Brown
Parker Warr & Brown
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Twin Falls, Idaho 83301
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Jeffrey C. Fereday
Michael Creamer
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Roger D. Ling
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Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
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Dana L. Hofstetter

D:\1780\2b\11\2667

North Snake Ground Water District,
May Farms, Ltd. and Faulkner Land
& Livestock Company

Josephine P. Beeman
Dana L. Hofstetter
BEEMAN & HOFSTETTER, P.C.
608 West Franklin Street
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(208) 388-8900
(208) 388-8400 (Facsimile)
beehof@micron.net

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

In Re SRBA	)	Subcase Nos. 36-00047
	)	
Case No. 39576	)	
	)	
_____	)	AFFIDAVIT OF TERRY SCANLAN

STATE OF IDAHO)
) ss:
COUNTY OF ADA)

Terry M. Scanlan, being first duly sworn, deposes and states:

1. I am Terry M. Scanlan, and my work address is Scanlan Engineering, 600 East River Park Lane, Suite 105, Boise, ID 83706.
2. My educational background includes Bachelors' and Masters' degrees in geological engineering from the University of Idaho granted in 1983 and 1986, respectively. I am registered as a professional engineer and as a professional geologist in

the State of Idaho. I currently serve on the Idaho Board of Registration for Professional Geologists.

3. My work experience includes five years as Principal Engineer and Hydrogeologist for Scanlan Engineering. This work has consisted primarily of consulting on water right and water supply matters, including preparation of applications for numerous water right permits and transfers. My consulting work also has included investigations of water rights and SRBA claims. Prior to forming Scanlan Engineering, I was employed by the firm of Montgomery Watson for eight years working on water supply, water right, and environmental projects. I was employed by the U.S. Geological Survey from 1984 through 1986, and by the Idaho Bureau of Mines (now the Idaho Geological Survey) in 1982 and 1983.

4. I have reviewed the December 2, 1997 Amended Claim for Water Right No. 36-00047 (the "1997 Amended Claim") and the proposed Amended Notice of Claim dated November 25, 1998 for the same water right (the "1998 Amended Claim"). The 1997 Amended Claim identifies a total of 40 irrigated acres in the place of use. The 1998 Amended Claim identifies a total of 46 irrigated in the place of use.

5. On behalf of the Respondents, I inspected the place of use associated with the 1997 Amended Claim on November 19, 1998.

6. I have reviewed United States Department of Agriculture aerial photographs for the years 1969, 1977, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, and 1998 covering the 46 acres claimed in the 1998 Amended Claim.

7. Based on my November 19, 1998 inspection and my review of the aerial photographs, I find no evidence that the total of irrigated acres for the place of use described in the 1998 Amended Claim has exceeded 40 acres in any one year. In fact, the total number of irrigated acres for the place of use described in the 1998 Amended Claim typically has totaled substantially less than 40 acres each year.

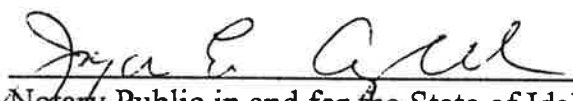
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 11th day of February, 1999.


TERRY M. SCANLAN

SUBSCRIBED AND SWORN to before me this 11th day of February, 1999.




Notary Public in and for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-24-2002

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of February, 1999, I caused to be served copies of the foregoing **Affidavit of Terry Scanlan** by the methods indicated below:

Peter J. Ampe
John Marshall
P. O. Box 83720
Boise, ID 83720-0010
☐ U.S. Mail ☐ Fed Ex ☐ Hand ☒ Fax

Patrick D. Brown
Parker Warr & Brown
812 Shoshone St. East
Twin Falls, Idaho 83301
☐ Certified U.S. Mail ☐ Fed Ex ☒ Hand ☐ Fax

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Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax


Dana L. Hofstetter

D:\1780\2b\11\2667b

Water Right Number - 36-00047

Prefix Translation: WATER RIGHT

Old (D) Number - 4504

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

*** C - CURRENT OWNER ***
BOTHWELL

MARY L

1 - PO BOX 444
2 -
3 -
City- HAGERMAN
Phone - 208-000-0000
1 - PO BOX 444
2 -
3 -
City- HAGERMAN
Phone - 208-000-0000

State- ID Zip- 83332

BOTHWELL

BRUCE R

State- ID Zip- 83332

*** D - DIR RPT OWNER ***
ADAMSON

DIXIE L

1 - PO BOX 998
2 -
3 -
City- TWIN FALLS
Phone - 208-734-7136

State- ID Zip- 83301

+ - - Priority Date - - +
07/26/1910+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - - - Source - - - - - +
SHERMAN SPRINGS+ - - - - Tributary - - - - - +
BILLINGSLEY CREEK+ - - - - Point of Diversion - - - - - +
+ Tw n R n g S e c T r a c t L o t R f l g C o u n t y
07S 14E 18 NW NW SW (47) GOODING+ - - - - Water Use - - - - - +
+ Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.600+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.600 90.0+ - - - - Place of Use - - - - - +
+ Tw n R n g S e c T r a c t L o t A c r e s C o d e D e s c r i p t i o n C o u n t y
07S 13E 13 NE SE 30.0 01 IRRIGATION (47) GOODING

Total Acres: 30.0

+ - - Diversion Means - CONCRETE HEADGATE, PIPELINE, PUMP & SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

MICROFILMED
DEC 04 1996

Water Right Number - 36-00047

Prefix Translation: WATER RIGHT

Old (D) Number - 4504

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

+ - First Name - - +

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

*** C - CURRENT OWNER ***
CROPPER

DAVID L

1 - PO BOX 516

2 -

3 -

City- HAILEY

State- ID Zip- 83333

Phone - 208-788-4903

1 - PO BOX 516

2 -

3 -

City- HAILEY

State- ID Zip- 83333

Phone - 208-788-4903

1 - PO BOX 516

2 -

3 -

City- HAILEY

State- ID Zip- 83333

Phone - 208-788-4903

1 - PO BOX 516

2 -

3 -

City- HAILEY

State- ID Zip- 83333

Phone - 208-788-4903

NORRIS

WILLIAM E

ANDERSON

DAVID D

*** D - DIR RPT OWNER ***
ADAMSON

DIXIE L

1 - PO BOX 998

2 -

3 -

City- TWIN FALLS

State- ID Zip- 83301

Phone - 208-734-7136

+ - - Priority Date - - +
07/26/1910+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - - +
SHERMAN SPRINGS+ - - Tributary - - - - - +
BILLINGSLEY CREEK+ - - Point of Diversion - - - - - +
+ - - Rng Sec Tract Lot RFlg County

07S 14E 18 NW NW SW (47) GOODING

+ - - Water Use - - - - - +
+ - - Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.600+ - Total Div. Rate - + + - Total Div. Volume - +
0.600+ - Total Consumptive Use - + + - KW Usage - +
90.0+ - - Place of Use - - - - - +
+ - - Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 13 NE SE 30.0 01 IRRIGATION (47) GOODINGMICROFILMED
DEC 04 1996

Water right number - 36-00047 Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - -
No Remarks found.

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

3600047

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

+ - - - - Decree Plaintiff - - - +
NEW INTERNATIONAL MORTGAGE BANK
+ - - - - Decree Defendant - - - +
IDAHO POWER COMPANY
+ - - - - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -
Date: 08/03/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS
ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047. TRANS. #403
Date: 06/27/1994 User Id: SSHERMAN Subject: OWNERSHIP CHANGE
OWNERSHIP CHANGE, ADAMSON TO BOTHWELL.

+ - - Audit Fields - - +
00/00/00

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

Court Report Filing	- 11/02/1992	Field Inspection Made	- 07/27/1990	Civil Case Number	- 39576
Objection Filed Date	- 04/30/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 09/10/1993	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 07/21/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001032	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
DEC 04 1996

Total Acres: 30.0

MICROFILMED

DEC 04 1996

Water right number - 36-00047

Prefix Translation: WATER RIGHT

+ - - Diversion Means - CONCRETE HEADGATE, PIPELINE, PUMP & SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +
No Remarks found.+ - - - - - Old Water Right Numbers - - - - - +
3600047+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - + + - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK IDAHO POWER COMPANY 00/00/0000+ - - - - - Comments - - - - - +
Date: 08/03/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS
ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047. TRANS. #403
Date: 06/27/1994 User Id: SSHERMAN Subject: OWNERSHIP CHANGE
OWNERSHIP CHANGE, ADAMSON TO BOTHWELL.
Date: 01/31/1995 User Id: JGIVENS Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 1/31/95 DECREED OWNER DIXIE L.
DAVID L. CROPPER, BLAINE RICHARD CROPPER, WILLIAM E. NORRIS &
WARRANTY DEED SUBMITTED WITH FORM. ADAMSON FORMER OWNERS MARY L. & BRUCE R. BOTHWELL, NEW OWNERS
DAVID D. ANDERSON. ORIGINAL OWNERS SIGNATURE ON FORM AND COPY OF+ - - Audit Fields - - +
01/31/95 JGIVENS+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 11/02/1992 Field Inspection Made - 07/27/1990 Civil Case Number - 39576
Objection Filed Date - 04/30/1993 Field Inspection Flag - Old Case Number -
Response Filed Date - 09/10/1993 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 07/21/1988 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - S001032 Water District - 36A
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - AND Presumption Flag -
Notice of Error Flag -MICROFILMED
DEC 04 1996

AJ0749NP
No. 36-00047

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

DATE: 01/31/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID L CROPPER	07/26/1910	IRRIGATION	03-15 11-15	0.60 CFS	
C	BLAINE RICHARD CROPPER				0.60 CFS	
C	WILLIAM E NORRIS					
C	DAVID D ANDERSON					
				TOTAL DIVERSION: CONSUMPTIVE USE:		90.00 AFA

Water Source: SHERMAN SPRINGS

Tributary to: BILLINGSLEY CREEK

Stage: DECREED

GOODING County

Point(s) of Diversion: T07S R14E S18 NWNWSW

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
				NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE				SUM	
				Lt Ac Lt Ac Lt Ac Lt Ac				Lt Ac Lt Ac Lt Ac Lt Ac				Lt Ac Lt Ac Lt Ac Lt Ac				Lt Ac Lt Ac Lt Ac Lt Ac					
T	R	S	:	-----				-----				-----				-----				30	
07S 13E 13 :				:				:				:				:				TOTAL ACRES	30.0
																					30.0

POU County: GOODING

Other Rights: NONE

Dates: Exam Made Date: 07/27/1990 Verified Date:

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

MICROFILMED
DEC 04 1996

SD-0601-2 Last Name: BOTHWELL

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
	BOTHWELL						
	MARY	C	36-00103A	09/10/1884	BILLINGSLEY	0.060	01 IRR
	BRUCE R	C	A36-00039P	01/02/1891	BILLINGSLEY	0.120	01 IRR
							04 STOCK
							52 AES
	BRUCE R	C	36-00039P	01/02/1891	BILLINGSLEY	0.040	43 DOMEST
	MARY L	C	36-00039P	01/02/1891	BILLINGSLEY	0.040	43 DOMEST
	BRUCE R	C	A36-00047	07/26/1910	SHERMAN SPR	1.600	01 IRR
	MARY L	C	36-00047	07/26/1910	SHERMAN SPR	0.600	01 IRR
	BRUCE R	C	36-00047	07/26/1910	SHERMAN SPR	0.600	01 IRR
	MARY L	C	A36-00047	07/26/1910	SHERMAN SPR	1.600	01 IRR
	BRUCE	C	R36-00108M	09/10/1884	BILLINGSLEY	2.950	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu)

MICROFILMED

DEC 04 1996

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: A36-00047

Date Received: 7/21/1988

Receipt No: S001032

Received By: CO. by Sherman

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRUCE R BOTHWELL
Address: PO BOX 444
HAGERMAN ID

83332

Name: MARY L BOTHWELL
Address: PO BOX 444
HAGERMAN ID

83332

2. Date of Priority: JUL 26, 1910

3. Source: SHERMAN SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	14E	18	NW	NW	SW		GOODING

5. Description of diverting works:
CONCRETE HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	13	NE	SE		IRR	30.0

COPY

RECEIVED

DEC 08 1998

Department of Water Resources
Southern Region

RECEIVED

DEC 02 1998

Department of Water Resources

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

In Re SRBA

Case 39576

Subcase 36-00047

(Insert water right number)

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it 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 is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is C-CAN PARTNERS (Cropper, Cropper, Anderson & Norris)

My address is P. O. Box 669
Hailey, Idaho 83333

My phone number is: Work (208)788-4903 or Home (208)788-5300

I am an attorney representing C-CAN PARTNERS (Cropper, Cropper, Anderson & Norris)

My name is Patrick D. Brown

My address is 812 Shoshone Street East
Twin Falls, ID 83301

My phone number is (208)735-8812

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

I did not own the parcel of land on which the water is used, and mistakenly believed that the property owner would have claimed it. I am now part owner and want to claim it to accurately reflect the way the six acre parcel recently acquired has been irrigated from the right I have already claimed on the adjacent fields.

- ☒ I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

Deed. _____

Power of Attorney _____

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).

- ☒ Payment of the following additional fees required by IDWR:

\$6.00 - \$1.00 per acre _____

VERIFICATION (Must be completed)

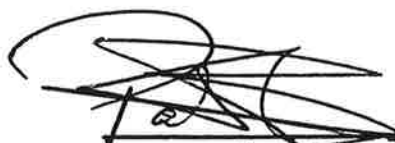
State of Idaho

County of Twin Falls

Patrick D. Brown, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.


Signature of person filing motion


Attorney signing in representative capacity

Subscribed and sworn to before me on November 25, 1998
(Insert Date)

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

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. FAX filings will not be accepted by the SRBA Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 25, 1998, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

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

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

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

See attached Addendum A

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the bottom.

Signature of person or attorney mailing the form

ADDENDUM A

Jeffrey Fereday
Givens, Pursley & Huntley
277 N. 6th St, Ste. 200
P. O. Box 2720
Boise, ID 83701-2720

Josephine P. Beeman
Dana Hofstetter
Beeman & Hofstetter
608 West Franklin Street
P. O. Box 1427
Boise, ID 83701-1427

Peter J. Ampe
John Marshall
P. O. Box 83720
Boise, ID 83720-0010

Roger D. Ling
Ling, Nielson & Robinson
P. O. Box 396
Rupert, ID 83350

Order No. G-003790

WARRANTY DEED

For Value Received

Blaine Seamons, a single man,

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

David L. Cropper And Linda C. Cropper, husband and wife, as to an undivided 1/4 interest;
 Blaine Richard Cropper And Vivian Latimer Cropper, husband and wife; as to an undivided
 1/4 interest; William E. Norris, Trustee of the William E. Norris Separate Property
 Trust dated February 15, 1991, as to an undivided 1/4 interest; and David D. Anderson and
 Nancy Jo Anderson, Trustees of Declaration of Trust dated February 1, 1987, as to an
 undivided 1/4 interest

the grantee(s), whose current address is

P.O. Box 516, Hailey, ID 83333

the following described premises, to-wit:

See Attached Exhibit "A"

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN TITLE22 min. past 4 o'clock P. m. this 16thof January 19 96 6.00By Penny Whitson Deputy

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s),
 his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and
 with the said Grantee(s), that he/she/they are the owner(s) 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 he/she/they will warrant and defend the same from all claims whatsoever.

Dated: January 9, 1996

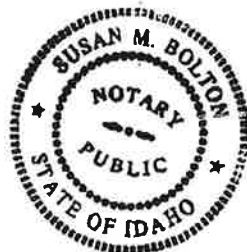
Blaine Seamons
 Blaine Seamons

Idaho
 STATE OF ~~NEVADA~~ Idaho
 : ss
 COUNTY OF Gooding

On This 16th Day of January, in the year 1996, before me, a Notary Public in and
 for said State, personally appeared Blaine Seamons,
 known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument,
 and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Susan M. Bolton
 Notary Public of ~~NEVADA~~ Idaho
 Residing at: Gooding, ID
 Commission Expires: 10-16-98



First American Title Company of Idaho

10/30/88 15:17 15:17 15:17

EXHIBIT "A"

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 13: A parcel of land located in a portion of the
NE1/4NW1/4SE1/4 more particularly described as follows:

BEGINNING at the Southeast corner of said Section 13, said point being
monumented with a 5/8" iron rebar with surveyors cap marked "PELS
3260";

Thence along the Easterly boundary line of said Section North 00°06'16" East,
2,633.53 feet to the Northeast corner of said SE1/4 of Section 13, said
point lies South 00°06'16" West, 2,633.53 feet from the Northeast
corner of said Section 13, said corner being monumented with a 1" pipe
and brass cap;

Thence along the Northerly boundary line of said SE1/4 of Section 13, North
89°57'11" West, 1,312.16 feet to the Northeast corner of said
NE1/4NW1/4SE1/4, said point being monumented with a 5/8" iron rebar
with surveyors cap marked "PELS 3260", said point being the TRUE
POINT OF BEGINNING;

Thence along the Easterly boundary line of said NW1/4SE1/4, South 00°01'23"
West, 528.00 feet to a point monumented with a 1/2" iron rebar with
surveyors cap marked "PELS 3260";

Thence parallel to the Northerly boundary line of said NW1/4SE1/4, North
89°57'11" West, 495.00 feet to a point monumented with a 1/2" iron
rebar with surveyors cap marked "PELS 3260";

Thence parallel to the Easterly boundary line of said NW1/4SE1/4, North
00°01'23" East, 528.00 feet to a point on the Northerly boundary line of
said SE1/4, said point being monumented with a 1/2" iron rebar with
surveyors cap marked "PELS 3260";

Thence along the Northerly boundary line of said SE1/4, South 89°57'11" East,
495.00 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH a right-of-way for road purposes across the North 16 feet of
the South 24 acres of the NW1/4SE1/4 as contained in Quitclaim Deed, recorded
February 11, 1929 in Book 18 of Deeds, page 364, as Instrument No. 47626,
Gooding County, Idaho records.

AND SUBJECT TO road right-of-way along the South boundary of the above-
described property.

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That We, C-CAN Partners, of Hailey, County of Blaine, State of Idaho, have made, constituted and appointed and by these presents do make, constitute and appoint Patrick D. Brown of the law firm of Parker, Warr & Brown, LLP of Twin Falls, Idaho, as power of attorney.

Said attorney is to act in our name, place and stead, and for our use and benefit in regard to all matters involving our ownership, or the adjudication thereof, of water rights pursuant to claim(s) filed in the Snake River Basin Adjudication, Civil Case No. 39576, Fifth Judicial District, State of Idaho.

My attorney is specifically authorized to execute all necessary or proper documents on my behalf in regard to the adjudication of the above mentioned water rights or claim(s), and to negotiate, compromise, or settle all matters relating to the Snake River Basin Adjudication.

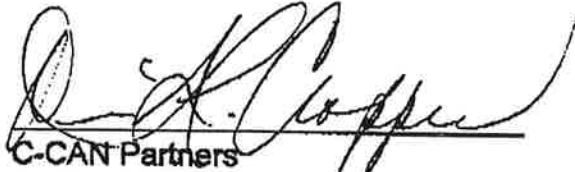
This Power of Attorney shall remain in full force and effect until written notice of its revocation or notice of our death is received by any party relying upon this document.

This Power of Attorney shall be not be affected by our disability. It is our intent that this Power of Attorney shall continue in full force and effect in the event of our incapacity.

We further provide that photocopies of this Power of Attorney are to be given equal dignity, full affect, and recognition as if it were the original.

WITNESS my hand this ____ day of November, 1998.

WITNESS my hand this 30th day of November, 1998.


C-CAN Partners
By David L. Cropper, Partner

STATE OF IDAHO)
County of Blaine) ss.

On this 30th day of November, 1998, before me, the undersigned, a notary public in and for said county and state, personally appeared David L. Cropper, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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


NOTARY PUBLIC FOR IDAHO
Residing at: Harlow, ID
My Commission Expires: 01-20-04

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. Concrete collection box and headgate into pipeline.

Water is claimed for the following purposes:

or Irrigation purposes from (both dates are inclusive) Irrigation Season to amount 1.6 (cfs) or (acre feet)
 or Irrigation Maintenance purposes from 1/1 to 12/31 amount 1.0 (cfs) or (acre feet)
 or Wildlife, Recreation purposes from 1/1 to 12/31 amount 1.6 (cfs) or (acre feet)
 or Aesthetics purposes from to amount or

Total quantity claimed (a) 1.6 (cfs) and/or (b) (acre feet)

Total consumptive use claimed is acre feet per annum.

Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) IM: water must be kept in pipeline to prevent damage; W/R/A: the ground is irrigated to provide feed and cover for wildlife and recreation, and during the nongrowing

3. Description of place of use: season the crop land is flooded to provide additional habitat.

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	
7S	13E	13													30				30
7S	13E	13													W/R/A				
7S	13E	13													(10 A) in irrigation				10
7S	13E	13													Season	6			6

Total number of acres irrigated 46 Acres

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

2. 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.

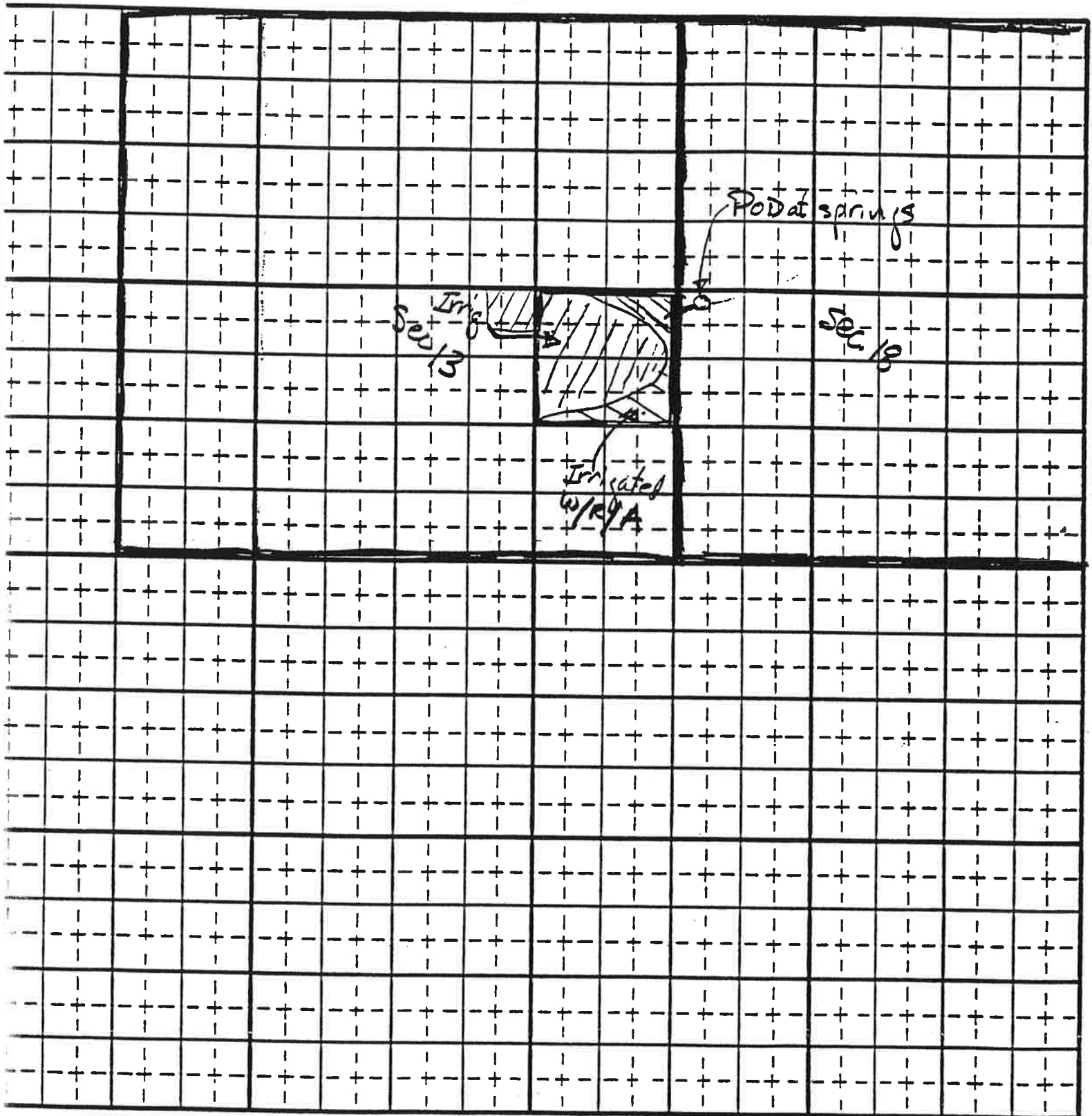
3. Describe any other water rights used at the same place and for the same purposes as described above.

or None ()

4. Remarks:

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

Scale: 2 inches equals 1 mile



Basis of Claim (check one) Beneficial _____ Posted Notice _____ Licens _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 36-00047

Court _____ Case Number _____ Decree Date 3/22/32

Plaintiff vs Defendant New Int'l Mortgage Bank v. Idaho Power Co.

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 _____

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

Signature of Claimant (s) _____ Date 11/25/1998

Date _____

Organizations: I do solemnly swear or affirm that I am _____ 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 Patrick D. Brown-Parker attorney in fact

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 25th day of November 19 98

SEAL

Notary Public _____

Residing at Jerome, Idaho

My Commission Expires 8/24/2001

Please Print Name

7. Notice of Appearance:

Notice is hereby given that I, Patrick D. Brown-Parker, Warr & Brown 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 Patrick D. Brown-Parker

Address 812 Shoshone Street East, Twin Falls, ID 83301

Date 11/25/1998

Last Name C-CAN PARTNERS Ident. Number 36-00047

Copies White-State, Yellow-Claimant

RECEIVED

AUG 31 1998

Department of Water Resources
Southern Region

decreed
RECEIVED

AUG 26 1998

Department of Water Resources

36-00047 *SOUTH*
1998 AUG 24 PM 01:43
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) NOTICE SETTING SUBCASE
Case No. 39576) FOR SCHEDULING CONFERENCE
)
) SUBCASE NOS: SEE ATTACHED EXHIBIT A

The Scheduling Conference for this subcase will be
held as follows:

MONDAY, SEPTEMBER 21, 1998 at 10:00 AM
SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties and their attorneys, if any, shall attend the
Scheduling Conference and shall be prepared to discuss the
following matters:

1. Claimant representation and alignment of the parties;
2. Identification of the issues;
3. Admissions of facts and documents;
4. Amendment of pleadings, if required;
5. Discovery and discovery cut-off dates;
6. Expert witnesses, if planned;
7. Pre-trial conference dates;
8. Motions;
9. Settlement/alternative dispute resolution; and
10. Firm trial date.

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

Page 1 8/24/98

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING SUBCASE FOR SCHEDULING CONFERENCE was mailed on AUGUST 24, 1998, with sufficient first-class postage to the following:

IDAHO DEPT OF FISH & GAME

Represented by:
AMPE, PETER J
DEPUTY ATTORNEY GENERAL
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

STATE OF IDAHO

Represented by:
CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

NORTH SNAKE GROUND WATER DIST

Represented by:
DANA L. HOFSTETTER
BEEMAN & HOFSTETTER
608 WEST FRANKLIN STREET
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

CRANNEY BROS
CRANNEY BROS.

DOUG GRANT
KEVIN MICHAELSON
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701
Phone: 208-342-6571

NORTH SNAKE GROUND WATER DIST

Represented by:
JOSEPHINE P. BEEMAN
BEEMAN & HOFSTETTER
608 WEST FRANKLIN STREET
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

BANBURY PIPE CO., INC.

BIG SPRINGS WATER USERS ASSN
BIG SPRINGS WATER USERS ASSOC.
BOB PORTER
BOB PORTER, FRED SURBAUGH,
C-CAN CORPORATION
C-CAN PARTNERS
JOHN W. & DELORIS D. JONES
JOHN W. JR. JONES
JOINT HAGERMAN SCHOOL DIST 233
JOINT HAGERMAN SCHOOL DIST.
PAUL E. WATKINS
PAUL WATKINS
WILLIAM E. NORRIS
WILLIAM STRANGE

Represented by:
PATRICK D. BROWN
812 SHOSHONE ST. EAST
TWIN FALLS, ID 83303
Phone: 208-735-8812

A & B IRRIGATION DISTRICT

Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

DALE E. BOYER
BOYER, ELAINE M.
PO BOX 232
HAGERMAN, ID 83332
Phone: 208-352-1152

JOHN W. JR. JONES
JONES, DELORIS
PO BOX 265
HAGERMAN, ID 83332

WALTER II & JUDY BONNING
PO BOX 360
HAGERMAN, ID 83332
Phone: 208-837-4578

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

(Notice Setting Scheduling Conference)

Exhibit A

Subcase Nos:

36-00006
36-00007
36-00008
36-00022
36-00023
36-00047
36-00068
36-00069
36-00070
36-00079
36-00099
36-00100
36-00106
36-00108B
36-02038
36-08099
36-15463

AJ0749NP
No. R36-00047

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

DATE: 04/28/98
PAGE: 2

=====

Comments: Date: 03/19/1996 User-ID: DSHAFF Subject: DATA ENTRY
LAST MINUTE CHANGES FOR SS RE: SF3 CHANGES.

Date: 03/19/1996 User-ID: DSHAFF Subject: ADD ATTORNEY NAME
NOTICE OF APPEARANCE RECEIVED 3/18/96

Date: 01/28/1998 User-ID: SCLELLAN Subject: REFORMAT UPDATE PER EXAM
EXAM OF 1/16/98 BY SCC VIA AMENDED CLAIM.

Date: 04/28/1998 User-ID: SSHERMAN Subject: NAME CHANGE AND SUBSTITUTION OF COUNSEL
NAME CHANGE TO C-CAN PARTNERS BASED ON VERBAL DETERMINATION BY
SPECIAL MASTER HAEMMERLE AT 11/18/1997 INITIAL HEARING AND AT
DIRECTION TO ME BY DAVE TUTHILL AND NICK SPENCER. C-CAN PARTNERS
SUBMITTED AMENDED CLAIM REFLECTING NEW NAME TO COURT.
SUBSTITUTION OF COUNSEL REC'D 4/16/1998 FROM PATRICK D BROWN
REPRESENTING C-CAN PARTNERS.

Audit: 04/28/98 SSHERMAN

MAY 01 1998

COPY

Department of Water Resources
Southern Region

C-CAN PARTNERS

PARKER, WARR & BROWN, LLP
Patrick D. Brown
812 Shoshone St. East
Twin Falls, ID 83301
Telephone: (208)735-8812

RECEIVED

APR 16 1998

Department of Water Resources

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

.....

In Re SRBA

Case No. 39576

Record Modified

) Subcase No. 36-00047

)

)

)

)

)

**NOTICE OF SUBSTITUTION
OF COUNSEL**

.....

TO: The above-entitled court and to the parties and their counsel:

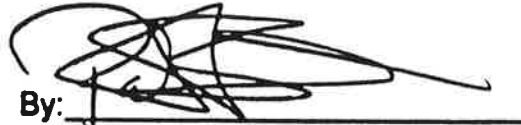
YOU ARE HEREBY NOTIFIED that pursuant to the Rule 11(b)(1), I.R.C.P.,
Parker, Warr & Brown, LLP, 812 Shoshone Street East, Twin Falls, ID 83301, is hereby
substituted as counsel for Claimant, C-CAN Partners, in place of the firm of Hepworth,
Lezamiz & Hohnhorst, Chtd.

CHANGE OF OWNERSHIP
LETTER SENT 4-27-98, +

attn: Pat Brown.

Dated this 13 day of April, 1998.

PARKER, WARR & BROWN, LLP

A handwritten signature in black ink, appearing to be "Patrick D. Brown", written over a horizontal line.

By:

Patrick D. Brown
Attorneys for claimant

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 812 Shoshone St. East, Twin Falls, Idaho 83301, and one of the attorneys for the claimant in this matter, certifies that on the 13 day of April, 1998, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

U.S. Dept. of Justice
Environment & Natural
Resources Division
550 W. Fort, MSC 033
Boise, ID 83724

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

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

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Director of IDWR
P. O. Box 83720
Boise, ID 83701-2139

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)



Patrick D. Brown

(water/ccansubcounsel)

May 26, 1998

NOTE TO FILE

FROM: V.Hancock

CLAIM NO: >36-00004 36-00047 36-15094 36-10446 36-00003B
36-00003L 36-00077E

MADE COPIES OF ABOVE FILES FOR MATT HOWARD FOR BEEMAN & HOFSTETTER

AJ0749NP
No. R36-00047

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

DATE: 04/28/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	C-CAN PARTNERS PO BOX 669 HAILEY ID 83333 (208) 788-4903	07/26/1910	IRRIGATION	03-15 11-15	1.05 CFS	
TOTAL DIVERSION:					1.05 CFS	

Water Source: SHERMAN SPRINGS

Tributary to: BILLINGSLEY CREEK

Stage: DECREED

Point(s) of Diversion:

T07S R14E S18

NWNWSW

GOODING County

Place of use Legal Description for: IRRIGATION

NE										NW										SW										SE																															
T	R	S	NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		SUM																										
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac																													
07S	13E	13	:		:		:		:		:		:		:		:		:		:		:		:		:		:		:		:	30.0																											
																														30																															30.0
																														TOTAL ACRES																															30.0

POU County: GOODING

Other Rights: NONE

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

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

Comments: Date: 08/03/1992 User-ID: CLELLAND Subject: COPIED FROM REMARKS
ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047.
TRANS. #403

Date: 06/27/1994 User-ID: SSHERMAN Subject: OWNERSHIP CHANGE
OWNERSHIP CHANGE, ADAMSON TO BOTHWELL.

Date: 01/31/1995 User-ID: JGIVENS Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 1/31/95 DECREED OWNER DIXIE L.
ADAMSON FORMER OWNERS MARY L. & BRUCE R. BOTHWELL, NEW OWNERS
DAVID L. CROPPER, BLAINE RICHARD CROPPER, WILLIAM E. NORRIS &
DAVID D. ANDERSON. ORIGINAL OWNERS SIGNATURE ON FORM AND COPY OF
WARRANTY DEED SUBMITTED WITH FORM.

Date: 03/19/1996 User-ID: SSHERMAN Subject: ADDRESS CHANGE
ADDRESSES OF CURRENT OWNERS CHANGED VIA SF3. ATTORNEY IS NOW
PATRICK D BROWN PER NOTICE OF APPEARANCE.

Date: 03/19/1996 User-ID: DSHAFF Subject: DATA ENTRY

RECEIVED
MAY 01 1998
Department of Water Resources
Southern Region

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

January 12, 1998 11:45am

NAME:

PAT BROWN

CALLIN

RE:

EXAMS FOR AMENDMENTS

HE RETURNED CHARLIE'S CALL TO ME AND GAVE ME THE PHONE NUMBERS TO REACH HIS CLIENTS FOR SETTING THE EXAM TIMES THIS WEEK.

FOR 36-00006, 7, 8:

CALL PENNY TURNER AT 837-4767. PAT MENTIONED HE WAS CONCERNED ABOUT THE AMOUNT OF ACRES WE FOUND AT THE STRANGE POU AND SAID IT MAY HAVE BEEN THE YEAR MR. STRANGE WAS SICK AND DID NOT FARM.

FOR 36-00106, -08099:

CALL PAUL WATKINS AT 837-6283. WE DISCUSSED THE POWER AMENDMENT AND IT WAS INTENDED TO PROVIDE FLOW TO DELIVER THE 1.92 CFS TO THE PENSTOCK AS MEASURED IN THE LICENSE EXAM. I SUGGESTED WE ADD THE REMARK ABOUT NECESSARY FLOW TO DELIVER THE RIGHT TO POU WITHOUT WASTE AS WE HAVE ADDED TO SOME STOCK USES DOWN IN HAGERMAN. WE ALSO DISCUSSED THE SUBORDINATION REMARKS IN THE POWER LIC. HE INDICATED THE PERMIT PRE-DATED ALL THE DATES WHICH SET THE SUBORD. LANGUAGE INTO A PERMIT. WILL REFER THIS TO CHARLIE.

SET UP APPT FOR EXAM FOR 1/14/98, WED. 9 AM AT WATKINS HOME.

FOR 36-00047:

CALL DAVE CROPPER AT 788-4903. PAT SAID THE PLACE IS LOCKED UP DUE TO VANDALS. SET APPT WITH MR. CROPPER FOR 1/16/98 FRIDAY 2 PM AT THE FIELD.

FOR 36-00068, 69, 70:

PAT STILL HAS YET TO CONTACT MR. BILL JONES.

Form No. 42-1409 (2) 1/88

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:

Ident. Number

Date Received

Receipt Number

39576

36-00047

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) C-CAN Partners (Norris Cropper & Anderson) Phone (208) 788-4903 or 208-726-3300

Mailing Address PO Box 269 Hailey ID Zip 2333

2. Date of Priority (Only one (1) per claim) July 26 1910

3. Source of water supply (a) Sherman Springs
which is tributary to (b) Billingsley Creek

4. a. Location of existing point of diversion is: Township 7S Range 13E Section 18

NW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of Gooding

Additional points of diversion if any: _____

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. concrete collection box and headgate

into pipeline.

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



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

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

TO:

Sally

Telephone:

FAX:

FROM:

SNAKE RIVER BASIN ADJUDICATION

Telephone: 208-736-3011
FAX: 208-736-2121

NO. OF PAGES INCLUDING COVER SHEET

*Copy of front page of Amended claim**sent to the court also included.*

THIS FACSIMILE MAY CONTAIN CONFIDENTIAL INFORMATION THAT IS PROTECTED BY THE IDAHO COURT ADMINISTRATIVE RULES. IT IS INTENDED FOR THE USE OF THE INDIVIDUAL(S) NAMED ABOVE. IF YOU ARE NOT THE NAMED RECIPIENT OR AN EMPLOYEE RESPONSIBLE FOR DELIVERING THE FACSIMILE, YOU ARE INSTRUCTED NOT TO DELIVER, DISTRIBUTE OR COPY THIS FACSIMILE, NOR SHOULD YOU DISCLOSE ITS CONTENTS OR TAKE ANY ACTION IN RELIANCE ON THE INFORMATION IT CONTAINS. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY THE COURT IMMEDIATELY BY TELEPHONE TO ARRANGE THE RETURN OF THE TRANSMITTED DOCUMENTS TO US. THANK YOU!

DATE: 01/28/98
PAGE: 1

Other Rights: NONE

AJ0749NP
No. R36-00047

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

DATE: 01/28/98
PAGE: 2

=====

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 36A	Field Inspection Flag: Presumption Flag:	

SRBA FIELD EXAM REPORT

SRBA CLAIM: A36-00047

EXAM DATE: JANUARY 16, 1998

IDWR AGENT: STEVE CLELLAND

ACCOMPANIED BY CLAIMANT: MR. & MRS. DAVID CROPPER

PURPOSE: This examination was made to investigate the amendments for additional uses filed by Pat Brown for the above named claimant and SRBA claim.

OBSERVATIONS & FINDINGS: I met with the Croppers at the field site in Hagerman at 2 pm. I rode in their vehicle to observe the place of use. There was a small amount of snow on the ground but not enough to prevent observation of the lands and vegetation. We entered on the west side of the POU and turned north along the fence line. Wheel lines were rolled up next to the edge of the farm road we were travelling, indicating the system is still under sprinkler irrigation for the cultivated areas. On the north edge of the field the property drops off steeply into a natural ravine. The ravine is filled with Russian Olive trees and Kochia; Mr. Cropper tells me the sprinklers are directed to extend over into this ravine to help with growing of grasses. He told me they seeded the slope areas with crested rye grass for slope stabilization and wildlife habitat. On the eastern edge of the cultivated field we got out and walked down the slope a ways. Mr. Cropper pointed out the sprinklers that were layed out east and west on the slope, he told me they have always been there. He said this could be supported by the irrigator Jay Seamons. I told him none of this was in place during my exam in 1990.

Mr. Cropper drove us around the southern end of the tract and we viewed the eastern edge of the property that lays below the hill and next to Billingsley Creek. We agreed the southern slope was irrigated and I told him that had been recommended. Portions of the eastern slope now had sprinkler lines up and down it and one line crossed the road, which stopped us from going farther north to the pipeline itself. I told them none of these sprinklers were in place at any time I had ever visited this area. I showed them on the GIS map how none of this area appears irrigated.

I asked them where they diverted the water for Irrigation Maintenance. He said it runs into the pipeline and the drain in the bottom of the pipe lets the water drain into Billingsley Creek. I told him I was told by Dixie Adamson and by the irrigator, Jay Seamons, that the pipeline was drained during the winter season by use of this drain. They indicated there was no use during the winter through this pipeline.

Next I asked to see where they diverted the water for Wildlife, Recreation & Wildlife uses as claimed. They said no water is diverted it is drained at the bottom of the siphon. I explained the claim, as shown, indicates the water is diverted year around for these uses and I need to confirm the diversion and use. He told me Pat Brown added this to the claim and he didn't really understand what was meant by the claimed uses. He said they had

plans to develop a wildlife pond right in front of where we were sitting; in the southeastern corner of the quarter-quarter. I asked if they ran water through the pump system during the winter and they said no, it would freeze up the pump. But they planned to add a by-pass in the future to allow year around use of the water.

We sat there and discussed the existing uses I thought I could recommend and some options they may consider to develop the Wildlife system they have planned. We talked about my previous exam in 1990 and the measurements taken. I told them the pipe was running full capacity at the time of measurement on 8/10/90; a flow of 0.58 cfs. This flow rate supports the recommendation given of 0.60 cfs or 1 inch per acre. I would probably be able to justify the irrigation on the additional acres if that was supported by all the other photos I needed to review. The irrigation maintenance, if necessary, would be added into the irrigation use. I told them I can see no evidence to support any recommendation for Wildlife, Recreation or Aesthetics; suggested they may want to file an Application for Permit instead.

SUMMARY & RECOMMENDATIONS: Based on these observations and documentation already stated in the SRBA claim file for this right, here are the proposed recommendations.

SRBA CLAIM 36-00047 (Sherman Spring)

IRRIGATION: 30 acres as previously found. I tried to document the additional acres they had shown to have sprinklers on but the aerial photos I viewed, 1974 OPQ, 1980 ASCS slide #86, and 1987 NAPP photography, all show the same 30 acres being irrigated. I could find no support of the other acres being irrigated. Also my 1990 exams of the area support my personal observations of no irrigation on this area; the northern and eastern slopes off the hilltop.

IRRIGATION MAINTENANCE: Not recommended as a separate use. There are no significant conveyance losses associated with this pipeline delivery. Water has historically been drained from the system during winter months as stated to me by previous owner Dixie Adamson and by her irrigator, Jay Seamons.

WILDLIFE, RECREATION, AESTHETICS: Not recommended. These uses are not diverted nor used at this time. These uses are planned as part of future development of the property.

TOTAL QUANTITY: Recommend 0.60 cfs. Quantity is recommended as the amount measured and diverted by the system in place at the time of the 8/10/90 examination.

Final recommendations will be described in the database record prepared after full legal review of my proposal is complete.

1/16/98

Exam Notes
See

12:30

Exam @ Strange pipeline

- meas. of ditch
- pics of head struct & field view
- met w/ Mr. Turner, gave meas. results

1:50 Exam @ Cropper

- showed me irrigation of Bush areas
- sprinklers in previously unclaimed areas
- No diversion made for W-R-A uses appear to be future uses
 - suggested they pursue Permit
- Discussed uses claimed vs. those found
- pipe capacity as meas. they claim ^{pump} pipe was worn; system can produce more - How Much??
- No diversion during winter season.

3:15 Tupper Exam -

- measured flow of small spring
= 3" (0.25') head on
V-notch weir = 0.10 cfs
- Lubre meas. 0.20 by 5 gallon bucket
 - WHEN? -
- Viewed all springs & discussed development since 1960's
(see photo of 1960)

see 1/13/98

36-00047

originally developed as Lic #36-2006
for irrigation & Domestic use only
1.6 cfs on 80 acres. Also Trans. #403

Uses stated in license and by Deposition
of Owner & Witness.

RECEIVED

AUG 31 1998

Department of Water Resources
Southern Region

decreed
RECEIVED

AUG 26 1998

Department of Water Resources

36-00047 *SOUTH*
1998 AUG 24 PM 01:43
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

) NOTICE SETTING SUBCASE
) FOR SCHEDULING CONFERENCE
)
) SUBCASE NOS: SEE ATTACHED EXHIBIT A

The Scheduling Conference for this subcase will be
held as follows:

MONDAY, SEPTEMBER 21, 1998 at 10:00 AM
SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties and their attorneys, if any, shall attend the
Scheduling Conference and shall be prepared to discuss the
following matters:

1. Claimant representation and alignment of the parties;
2. Identification of the issues;
3. Admissions of facts and documents;
4. Amendment of pleadings, if required;
5. Discovery and discovery cut-off dates;
6. Expert witnesses, if planned;
7. Pre-trial conference dates;
8. Motions;
9. Settlement/alternative dispute resolution; and
10. Firm trial date.

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

Page 1 8/24/98

(continued)

The date for the scheduling conference will not be changed unless a Stipulation to Reset is received by the court fourteen (14) days before the date of the scheduling conference. Parties who wish to change the date of the scheduling conference must do the following:

1. Contact the clerk of the SRBA Court and obtain alternative dates and times (208-736-3011).
2. Contact each party to the subcase(s) or their attorney, if any, and reach an agreement on the alternative date(s) and time(s) provided by the clerk.
3. Prepare a Stipulation to Reset the hearing. The hearing must be reset on one of the dates and times provided by the clerk. The stipulation must specify the date(s) and time(s) agreed to and must contain a statement that you have contacted each party or their attorney and that all have agreed on the alternative date(s) and time(s). The court will send a notice resetting the hearing.
4. If the parties cannot agree on one of the alternative dates and times provided by the clerk, the party wishing to change the date and time must file an Expedited Motion to Reset with the court at least 21 days prior to the scheduled hearing.

Dated: AUGUST 24, 1998

/s/ DEBBIE LASH
Deputy Clerk
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING SUBCASE FOR SCHEDULING CONFERENCE was mailed on AUGUST 24, 1998, with sufficient first-class postage to the following:

IDAHO DEPT OF FISH & GAME

Represented by:
AMPE, PETER J
DEPUTY ATTORNEY GENERAL
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

STATE OF IDAHO

Represented by:
CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

NORTH SNAKE GROUND WATER DIST

Represented by:
DANA L. HOFSTETTER
BEEMAN & HOFSTETTER
608 WEST FRANKLIN STREET
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

CRANNEY BROS

CRANNEY BROS.

DOUG GRANT

KEVIN MICHAELSON

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701
Phone: 208-342-6571

NORTH SNAKE GROUND WATER DIST

Represented by:
JOSEPHINE P. BEEMAN
BEEMAN & HOFSTETTER
608 WEST FRANKLIN STREET
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

BANBURY PIPE CO., INC.

BIG SPRINGS WATER USERS ASSN
BIG SPRINGS WATER USERS ASSOC.
BOB PORTER

BOB PORTER, FRED SURBAUGH,
C-CAN CORPORATION
C-CAN PARTNERS

JOHN W. & DELORIS D. JONES

JOHN W. JR. JONES

JOINT HAGERMAN SCHOOL DIST 233

JOINT HAGERMAN SCHOOL DIST.

PAUL E. WATKINS

PAUL WATKINS

WILLIAM E. NORRIS

WILLIAM STRANGE

Represented by:

PATRICK D. BROWN

812 SHOSHONE ST. EAST

TWIN FALLS, ID 83303

Phone: 208-735-8812

A & B IRRIGATION DISTRICT

Represented by:

ROGER D LING

PO BOX 396

RUPERT, ID 83350

Phone: 208-436-4717

DALE E. BOYER

BOYER, ELAINE M.

PO BOX 232

HAGERMAN, ID 83332

Phone: 208-352-1152

JOHN W. JR. JONES

JONES, DELORIS

PO BOX 265

HAGERMAN, ID 83332

WALTER II & JUDY BONNING

PO BOX 360

HAGERMAN, ID 83332

Phone: 208-837-4578

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

(Notice Setting Scheduling Conference)

(Certificate of mailing continued)

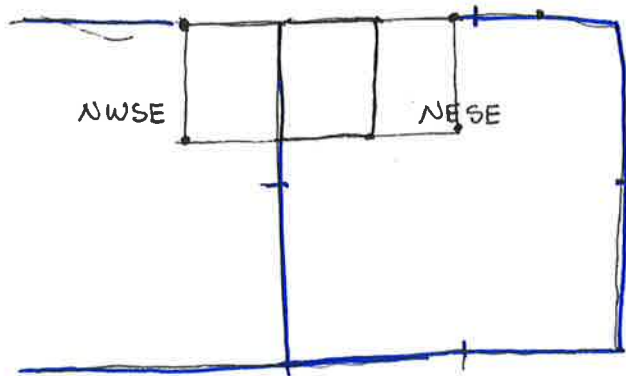
ALMA BLASTOCK
ROUTE 1, BOX 442
HAGERMAN, ID 83332

Decreed pou : 36-00047

36-00047

Decree

S. 13



decree is confusing as
described.

See

1998 JUN -5 PM 2:16

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

Case No. 39576

Water Rights: 36-00047

NOTICE OF ADMINISTRATIVE PROCEEDING

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ Amended Claim:

☐ point of diversion ☐ place of use

☒ period of use ☒ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than: April 1, 1998.

DATED: 1/2/98


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 1-5, 1998, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant or attorney of record:
Patrick D. Brown
Hepworth Lezamiz & Hohnhorst
PO Box 389
Twin Falls ID 83303-0389
3. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
4. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

January 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

PATRICK D BROWN
HEPWORTH LEZAMIZ AND HOHNHORST
PO BOX 389
TWIN FALLS ID 83303-0389

RE: SRBA Claim(s) 36-00006, 36-00007, 36-00008, 36-00022,
36-00023, 36-00047, 36-00068, 36-00069,
36-00106, 36-08099, 36-15463

Dear Mr. Brown:

Please find the enclosed copies of the Notices of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: U.S. Dept. of Justice
Idaho Attorney General

L A W O F F I C E ,

*Hepworth, Lezamiz
& Hohnhorst*

- Established 1952 -

December 5, 1997

TWIN FALLS OFFICE

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

Wm. L. Nungester
of Counsel

BOISE OFFICE

J. Charles Hepworth*
John J. Janis

*Member CA Bar
**Member UT Bar

Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301-3380

RE: Amended Notices of Claims

Gentlemen:

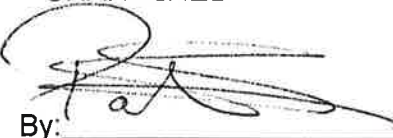
Enclosed please find this firm's check in the amount of \$6,410.00 in payment of fees assessed on the following claims:

Paul and Inez Watkins, Claim No. 36-00106	\$1,175.00
C-CAN Partners, Claim No. 36-00047	590.00
William Strange, Claim No. 36-00006	1,750.00
William Strange, Claim No. 36-00007	540.00
William Strange, Claim No. 36-00008	1,000.00
John W. and Deloris Jones, Claim No. 36-00068	1,045.00
John W. and Deloris Jones, Claim No. 36-00069	310.00
Total fees	<u>\$6,410.00</u>

While I do not interpret Idaho Code § 49-1414 to allow us to be assessed for additional uses of the same volume of water, we are hereby submitting these payments under protest because you will not allow filing of the amended claims without the fees. We reserve all rights to challenge your interpretation and to recover excess amounts being paid, and reserve right to show have you has miscalculated the amounts.

Very truly yours,

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED

By: 

Patrick D. Brown

HLH
Chartered

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

Boise Office
208-343-7510
537 West Bannock
P.O. Box 2582
Boise, ID 83701-2582
FAX: 208-342-2927

PDB/llm
Enclosure
/1205IDWR.llm

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: **A36-00047**
Date Received: 7/21/1988
Receipt No: S001032
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BLAINE RICHARD CROPPER
Address: 3216 AMERICAN SADDLER
PARK CITY UT 84060
AND
Name: WILLIAM E NORRIS 208-788-3739
Address: PO BOX 146
SUN VALLEY ID 83333
AND
Name: DAVID L CROPPER 208-788-4903
Address: PO BOX 669
HAILEY ID 83333
AND
Name: DAVID D ANDERSON 208-788-2452
Address: PO BOX 449
HAILEY ID 83333
AND
Name: NANCY ANDERSON 208-788-4498
Address: PO BOX 449
HAILEY ID 83333
AND
Name: VIVIAN CROPPER 801-649-8799
Address: 3216 AMERICAN SADDLER
PARK CITY UT 84060
AND
Name: LINDA C CROPPER 208-788-4498
Address: PO BOX 669
HAILEY ID 83333

2. Date of Priority: JUL 26, 1910

3. Source: SHERMAN SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	14E	18	NW	NW	SW		GOODING

5. Description of diverting works:
CONCRETE HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		
IRRIGATION	11/16	03/14	1.000		
WILDLIFE	01/01	12/31	1.600		
RECREATION	01/01	12/31	1.600		
AESTHETIC	01/01	12/31	1.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	13	NE	SE	IRR	40.0
			NE	SE	WILDLF	
			NE	SE	REC	
			NE	SE	AES	
					Section Acres	40.0
					Total Acres	40.0

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:

ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047.
TRANS. #403

SF3 OWNERSHIP CHANGE REC'D 05/13/1994, ADAMSON TO BOTHWELL,
06/27/1994 SS.

CHANGE OF OWNERSHIP REC'D 01/31/95, BOTHWELL TO CROPPER, CROPPER,
NORRIS & ANDERSON JG.

ADD ATTORNEY NAME - NOA - 3/19/96 DVS

ADDRESS CHANGE AND ADDED LINDA C CROPPER AND VIVIAN CROPPER,

14. Remarks: Continued

CLAIMANTS WHICH WERE NOT IDENTIFIED AT LAST OWNERSHIP CHANGE.
03/20/96 SS.

12/8/97, DJ: CLAIM AMENDED TO ADD YEARLONG USES. NON-IRRIGATION
SEASON USE FOR WATER IN PIPE TO PREVENT DAMAGE. WILDLIFE,
RECREATION AND AESTHETICS: GROUND IS IRRIGATED TO PROVIDE FEED
AND COVER FOR WILDLIFE & RECREATION. DURING THE NONGROWING
SEASON THE CROPLAND IS FLOODED TO PROVIDE ADDITIONAL HABITAT.
ADDITIONAL FEES COVERED UNDER RECEIPT S020752.

15. Basis of Claim: DECREED

Water Right Number: 4504

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER COMPANY
vs Decree Defendant

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

DISTRICT COURT
TWIN FALLS, IDAHO

DATE: 11-18-97
TIME: _____

Special Master: FRITZ X. HAEMMERLE

COURT MINUTES

Subcases:

36-00047

This was the time and place set for the _____

APPEARANCES BY: C-CAN CORP.

William Morris

Pat Brown

Dave + Linda Cropper

David Anderson

ALSO PRESENT:

IDWR

Nick Spence

Charlie Hunsinger

Discussion on Camp Home prior to recording

TAPE

DESCRIPTION

9

INTRO

46

Mr. Hunsinger responds to if Plaintiff
wants to Amend Claim IDWR needs
to investigate all elements except home.

5

57

Mr. Brown responds

63

Mr. Hunsinger responds

69

Court responds

**

discussion between all parties
on Settlements and Notices
of Hearings

131

And adjourn

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) 36-00047

ORDER SETTING TRIAL DATES

Trial Counsel was designated as follows:

Party: William MorrisCounsel: Pat BrownParty: Doris Anderson

Counsel: _____

Party: Dore + Cindy Cropper

Counsel: _____

Party: _____

Counsel: _____

IDWR: Charles HousingerCounsel: Nick Spencer

+ Affidavit due

JAN 9, 1998 5:00

+ Court sets the following dates for Trial:

DEC 2, 1998 5:00

+ Amended Claim due

5:00 p.m.

Exchange Witness/Exhibit Lists (copy to court)

5:00

- Depo cutoff

Feb 6, 1998

Discovery Cutoff

M117 in coming MARCH 16, 1998

Trial Brief Deadline (limit 2 pages) Briefs

- March 16, 5:00 p.m.

Notify IDWR of witness

Trial:

April 6, 1998 9:00 am?

Trial Location

DATED Nov 18, 1997.

FRITZ X. HAMMERLE
Special Master
Snake River Basin Adjudication

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

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

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

In Re SRBA	)	Subcase No. 36-00047
	)	
Case No. 39576	)	AFFIDAVIT OF HELEN THORNTON
	)	REGARDING CLAIM NO. 36-00047
	)	

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 rights agent, I investigated the acreage claimed as irrigated in claim no. 36-00047. The pertinent details of that investigation are as follows:

A. On July 27, 1990, IDWR water agent Steve Clelland and I conducted a field examination in Hagerman to determine the irrigated acreage claimed pursuant to claim no. 36-00047.

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

C. During that examination, I observed two irrigated parcels: an irrigated parcel planted with potatoes; and a smaller southern parcel containing pasture.

D. The only irrigated areas within the 40 acre tract claimed as irrigated were the two parcels just described.

5. As part of my duties as a senior water agent, I investigated the quantity of water delivered pursuant to claim no. 36-00047. The pertinent details of that investigation are as follows:

A. On August 10, Steve Clelland and I returned to the property to conduct a field examination for the purposes of determining the quantity delivered pursuant to claim no. 36-00047.

B. I observed that water pursuant to this claim was delivered to the sprinkler irrigation pump solely by means of a gravity operated siphon system.

C. I observed that the siphon was full and at capacity at the time of the field

examination.

D. Through the use of a polysonic flowmeter, Steve Clelland and I observed that the flow of water through the siphon at the head of the pipeline near the source was .69 cfs. We conducted this polysonic flow measurement properly and in accordance with our training.

E. I observed that there were two garden hose valves inserted in and affixed to the siphon pipe near the head of the pipeline. I observed that these valves were open and running water.

F. I observed a third garden hose valve inserted in and affixed to the siphon pipe near the lowest point of the siphon. Steve Clelland and I fully opened this garden hose valve before proceeding to our next measurement.

G. Through the use of a polysonic flowmeter, Steve Clelland and I observed that the flow of water was .56 cfs at the lowest point of the siphon. This measurement was made with the garden hose valve fully opened. We conducted this polysonic flow measurement properly and in accordance with our training.

H. Steve Clelland and I then closed the third garden hose valve before the next measurement. Through the use of a polysonic flowmeter, Steve Clelland and I observed that the flow of water was .58 cfs at the lowest part of the siphon with the third garden hose valve closed.

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.

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

ALAN G. LANCE
Attorney General
State of Idaho

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

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

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

In Re SRBA	)	Subcase No. 36-00047
	)	
Case No. 39576	)	AFFIDAVIT OF STEVE CLELLAND
	)	REGARDING CLAIM NO. 36-00047
_____	)	

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.

AFFIDAVIT OF STEVE CLELLAND REGARDING CLAIM NO. 36-00047, Page 1

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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 rights agent, I investigated the acreage claimed as irrigated in claim no. 36-00047. The pertinent details of that investigation are as follows:

A. On July 27, 1990, IDWR water agent Helen Thornton and I conducted a field examination in Hagerman to determine the irrigated acreage claimed pursuant to claim no. 36-00047.

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

C. During that examination, I observed two irrigated parcels: an irrigated parcel planted with potatoes; and a smaller southern parcel containing pasture.

D. Upon returning to the office, I observed that the pertinent NAPP photograph was consistent with my observations as to irrigated and unirrigated areas.

E. I observed that the pertinent ASCS map showed that the parcel planted with potatoes was 18.9 acres in size. The ASCS map did not show as irrigated the parcel I had observed was irrigated pasture.

F. Based on the sizes of surrounding measured parcels as shown by the ASCS map, I estimated the size of the parcel containing irrigated pasture to be 11 acres.

G. By adding the 18.9 acre parcel and the 11 acre parcel together, I found that 30

acres were actually irrigated with water delivered pursuant to this claim.

H. The only irrigated area within the 40 acre tract claimed as irrigated was the 30 acres I had observed that were actually irrigated.

5. As part of my duties as a senior water agent, I investigated the quantity of water delivered pursuant to claim no. 36-00047. The pertinent details of that investigation are as follows:

A. On August 10, Helen Thornton and I returned to the property to conduct a field examination for the purposes of determining the quantity delivered pursuant to claim no. 36-00047.

B. I observed that water pursuant to this claim was delivered to the sprinkler irrigation pump solely by means of a gravity operated siphon system.

C. I observed that the siphon was full and at capacity at the time of the field examination.

D. Through the use of a polysonic flowmeter, Helen Thornton and I observed that the flow of water through the siphon at the head of the pipeline near the source was .69 cfs. We did this polysonic flow measurement properly and in accordance with our training.

E. I observed that there were two garden hose valves inserted in and affixed to the siphon pipe near the head of the pipeline. I observed that these valves were open and running water.

F. I observed a third garden hose valve inserted in and affixed to the siphon pipe near the lowest point of the siphon. Helen Thornton and I fully opened this garden hose valve before proceeding to our next measurement.

G. Through the use of a polysonic flowmeter, Helen Thornton and I observed that the flow of water was .56 cfs at the lowest point of the siphon. This measurement was made with the garden hose valve fully opened. We did this polysonic flow measurement properly and in accordance with our training.

H. Helen Thornton and I then closed the third garden hose valve before the next measurement. Through the use of a polysonic flowmeter, Helen Thornton and I observed that the flow water was .58 cfs at the lowest part of the siphon with the third garden hose valve closed.

I. As stated earlier, I observed that water pursuant to this claim was delivered to the claimed place of use entirely through a siphon pipe. Conveyance losses pursuant to this claim were calculated as insignificant. Through my observations, I concluded that the insignificant conveyance losses were due to the impermeable nature of the delivery system.

DATED this 1st day of July, 1996.

Steve Clelland
STEVE CLELLAND

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

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

COPY RECEIVED

MAY 01 1996
Department of Water Resources
Southern Region

RECEIVED

MAR 18 1996

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 SRBA

Case No. 35976

) STANDARD FORM NO. 3

) SUBCASE NO. 36-00047

) (ONE NUMBER ONLY)

) **CONSENT TO SUBSTITUTION OF**
) **PARTY** *document accepted 2/14*
EN system updated

INSTRUCTIONS FOR USE

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

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

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

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

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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 _____

I am the claimant of _____
(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 _____

My phone number is: Work _____ Home _____

(Go to Page 4)

CONSENT TO SUBSTITUTION OF PARTY

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

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

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

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 36-00047
(insert each water right number)

My name is See attached Addendum "A"

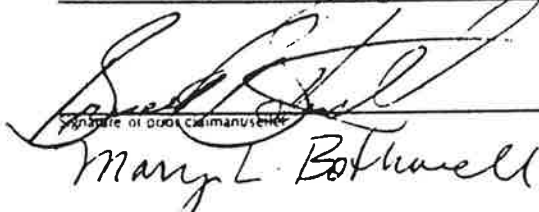
My address is _____

My phone number is: Work _____ Home _____

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

Bruce and Mary Bothwell

223 Willow Lane, Hagerman, Idaho 83332


Signature of prior claimant/seller
Mary L. Bothwell

See attached Addendum "A"

Signature of new claimant/purchaser

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

Attorney name Patrick D. Brown

Attorney of record for See attached Addendum "A"
Identify party/claimant

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

Twin Falls, Idaho 83303 (208) 734-7510

I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.

X A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

VERIFICATION

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

State of Idaho

County of Juin Falls

David Cropper Suzanne McIntosh being first duly sworn, upon oath, deposes and says:
(insert name of party/claimant filing form)

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

Signature of person filing form

By: 

Attorney signing in representative capacity

Subscribed and sworn to before me on March 15, 1996
(insert Date)

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

INSTRUCTIONS FOR MAILING

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

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

CERTIFICATE OF MAILING

I certify that on MARCH 14, 1996 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

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

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

Bruce and Marv Bothwell
223 Willow Lane
Hagerman, ID 83332

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DEC 04 1996

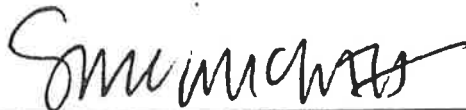
Page 5

5. One copy to:

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

6. One copy to:

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



Signature of person or attorney making the form

ADDENDUM "A"
Subcase No. 36-00047
CONSENT TO SUBSTITUTION OF PARTY

New claimants/purchasers of 36-00047

William E. Norris
David L. Cropper
Linda C. Cropper
Blain Richard Cropper
Vivian Cropper
Dave Anderson
Nancy Anderson

I am the new claimant/purchaser of 36-00047

(insert each water right number)

My name is William E. Norris

My address is P.O. Box 146, Sun Valley, ID 83353

My phone number is: Work 208-726-5300 Home 786 3739

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

Bruce and Mary Bothwell

223 Willow Lane, Hagerman, Idaho 83332

See page 3 of SF3

Signature of prior claimant/seller

Signature of new claimant/purchaser

VERIFICATION

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

State of Idaho

County of Blaine

William E. Norris, 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.

William E. Norris

Signature of person filing form

Subscribed and sworn to before me on 2/21/96

(insert Date)

Cynthia J. Biedebach

Notary Public for Idaho

Residing at: 103 Clear Creek, Ketchum ID

My Commission expires: 1/11/2002



I am the new claimant/purchaser of 36-00047
(insert each water right number)

My name is David L. Cropper

My address is P. O. Box 669, Hailey, Idaho 83333

My phone number is: Work (208)788-4903 Home (208)788-4498

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

Bruce and Mary Bothwell

223 Willow Lane, Hagerman, Idaho 83332

See page 3 of SF3
Signature of prior claimant/seller

Signature of new claimant/purchaser

VERIFICATION

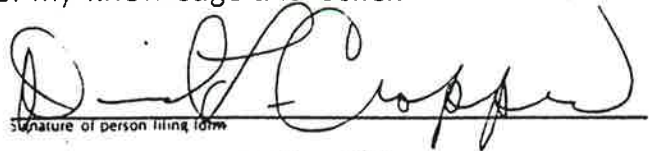
(To be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of Idaho

County of Blaine

David L. Cropper, being first duly sworn, upon oath, deposes and says:
(insert name of party/claimant filing form)

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


Signature of person filing form

Subscribed and sworn to before me on 2-23-96
(insert Date)


Notary Public for Idaho
Residing at: Hailey, Id
My Commission expires: 01-16-98

I am the new claimant/purchaser of 36-00047
(insert each water right number)

My name is Linda C. Cropper

My address is P. O. Box 669, Hailey, Idaho 83333

My phone number is: Work _____ Home (208)788-4498

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

Bruce and Mary Bothwell

223 Willow Lane, Hagerman, Idaho 83332

See page 3 of SF3
Signature of prior claimant/seller Signature of new claimant/purchaser

VERIFICATION

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

State of Idaho

County of Blaine

Linda C. Cropper, 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.

Linda C. Cropper
Signature of person filing form

Subscribed and sworn to before me on 2-23-96
(insert Date)

Jim H. Lytle
Notary Public for Idaho
Residing at: Harvey, Id
My Commission expires: 01-16-98

I am the new claimant/purchaser of 36-00047

(insert each water right number)

My name is Blaine Richard Cropper

My address is 3216 American Saddler Park City, Ut. 84300

My phone number is: Work 801-649-2923 Home 801-649-8799

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

Bruce and Mary Bothwell

223 Willow Lane, Hagerman, Idaho 83332

See page 3 of SF3

signature of prior claimant/seller

signature of new claimant/purchaser

VERIFICATION

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

State of Utah

County of Summit

Blaine Richard Cropper, being first duly sworn, upon oath, deposes and says:

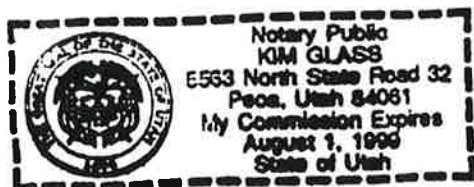
(insert name of party/claimant filing form)

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.

Blaine Richard Cropper
Signature of person filing form

Subscribed and sworn to before me on March 6, 1996

(insert date)



Kim Glass
Notary Public for State of Utah
Residing at: Pecos, UT
My Commission expires: 8-1-99

DEC 1991

I am the new claimant/purchaser of 36-00047

(insert each water right number)

My name is Vivian Cropper

My address is 3216 American Saddle Park City, Ut. 84060

My phone number is: Work _____

Home 801-649-8799

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

Bruce and Mary Bothwell

223 Willow Lane, Hagerman, Idaho 83332

See page 3 of SF3

Signature of prior claimant/seller

Signature of new claimant/purchaser

VERIFICATION

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

State of Utah

County of Summit

Vivian Cropper, 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.

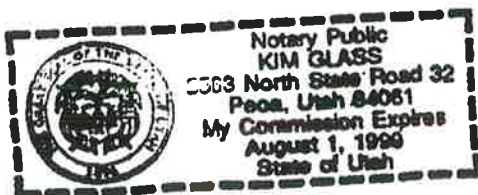
Vivian Cropper

Signature of person filing form

Subscribed and sworn to before me on

March 6, 1991

(insert Date)



Kim Glass
Notary Public for State of Utah
Residing at: Pocatello, UT

I am the new claimant/purchaser of 36-00047
(insert each water right number)

My name is Dave Anderson

My address is P.O. Box 449

My phone number is: Work 726-4595 Home 788-2452

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

Bruce and Mary Bothwell

223 Willow Lane, Hagerman, Idaho 83332

See page 3 of SF3

Signature of prior claimant/seller

[Signature]
Signature of new claimant/purchaser

VERIFICATION

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

State of Idaho

County of BLAINE

Dave Anderson, being first duly sworn, upon oath, deposes and says:
(insert name of party/claimant filing form)

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

[Signature]
Signature of person filing form

Subscribed and sworn to before me on 2-23-96
(insert Date)



Nancy A. Woldeberg
Notary Public for Idaho
Residing at: Boise
My Commission expires: 9-7-99

I am the new claimant/purchaser of 36-00047
(insert each water right number)

My name is Nancy Anderson

My address is P.O. Box 449

My phone number is: Work _____ Home 788-2452

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

Bruce and Mary Bothwell

223 Willow Lane, Hagerman, Idaho 83332

See page 3 of SF3
Signature of prior claimant/seller:

X Nancy J. Anderson
Signature of new claimant/purchaser

VERIFICATION

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

State of Idaho

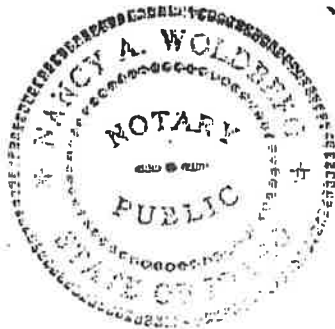
County of BLAINE

Nancy Anderson, 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.

X Nancy J. Anderson
Signature of person filing form

Subscribed and sworn to before me on 2-23-96
(insert Date)



Nancy A. Woldberg
Notary Public for Idaho
Residing at: Richfield
My Commission expires: 9-7-99

COPY

RECEIVED

MAR 18 1996

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 SRBA

Case No. 35976

STANDARD FORM NO. 3

SUBCASE NO. 36-00047

(ONE NUMBER ONLY)

A + blank records modified.
CONSENT TO SUBSTITUTION OF
PARTY

Don Shaff checked.
03-19-96
INSTRUCTIONS FOR USE

*SAME OWNERS AS 1409(7)
BUT DIFF. ADDRESSES.
CHANGE AT REGION PLZ.
03-19-96*

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 _____

I am the claimant of _____
(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 _____

My phone number is: Work _____ Home _____

(Go to Page 4)

CONSENT TO SUBSTITUTION OF PARTY

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

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

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

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 36-00047
(insert each water right number)

My name is See attached Addendum "A"

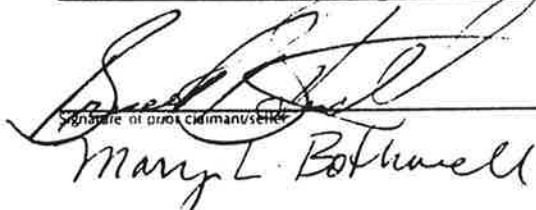
My address is _____

My phone number is: Work _____ Home _____

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

Bruce and Mary Bothwell

223 Willow Lane, Hagerman, Idaho 83332


Signature of prior claimant/seller
Mary L. Bothwell

See attached Addendum "A"
Signature of new claimant/purchaser

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

Attorney name Patrick D. Brown

Attorney of record for See attached Addendum "A"
(Identify party/claimant)

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

Twin Falls, Idaho 83303 (208) 734-7510

I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.

X A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

VERIFICATION

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

State of Idaho

County of Blaine Falls

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

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

Signature of person filing form

By: 
Attorney signing in representative capacity

Subscribed and sworn to before me on March 15, 1996
(Insert Date)

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

INSTRUCTIONS FOR MAILING

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

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

CERTIFICATE OF MAILING

I certify that on MARCH 14, 1996 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

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

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

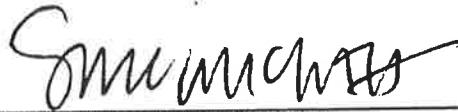
Bruce and Mary Bothwell
223 Willow Lane
Hagerman, ID 83332

5. One copy to:

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

6. One copy to:

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



Signature of person or attorney mailing the form

ADDENDUM "A"
Subcase No. 36-00047
CONSENT TO SUBSTITUTION OF PARTY

New claimants/purchasers of 36-00047

- ✓ William E. Norris
- ✓ David L. Cropper
- ✓ Linda C. Cropper
- ✓ Blair Richard Cropper
- ✓ Vivian Cropper
- ✓ Dave Anderson
- ✓ Nancy Anderson

I am the new claimant/purchaser of 36-00047

(insert each water right number)

My name is William E. Norris

My address is P.O. Box 146 Sun Valley, ID 83353

My phone number is: Work 208-726-5300 Home 786 3739

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

Bruce and Marv Bothwell

223 Willow Lane, Hagerman, Idaho 83332

See page 3 of SF3

Signature of prior claimant/seller

Signature of new claimant/purchaser

VERIFICATION

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

State of Idaho

County of Blaine

William E. Norris, 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.

William E. Norris

Signature of person filing form

Subscribed and sworn to before me on 2/21/96

(insert Date)

Cynthia J. Biedebach

Notary Public for Idaho

Residing at: 103 Clear Creek, Ketchum ID

My Commission expires: 1/11/2002



I am the new claimant/purchaser of 36-00047
(insert each water right number)

My name is David L. Cropper

My address is P. O. Box 669, Hailey, Idaho 83333

My phone number is: Work (208)788-4903 Home (208)788-4498

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

Bruce and Mary Bothwell

223 Willow Lane, Hagerman, Idaho 83332

See page 3 of SF3
Signature of prior claimant/seller Signature of new claimant/purchaser

VERIFICATION

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

State of Idaho

County of Blaine

David L. Cropper, 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.

David L. Cropper
Signature of person filing form

Subscribed and sworn to before me on 2-23-96
(insert Date)

James H. Lytle
Notary Public for Idaho
Residing at: Hailey, Id
My Commission expires: 01-16-98

I am the new claimant/purchaser of 36-00047
(insert each water right number)

My name is Linda C. Cropper

My address is P. O. Box 669, Hailey, Idaho 83333

My phone number is: Work _____ Home (208)788-4498

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

Bruce and Mary Bothwell

223 Willow Lane, Hagerman, Idaho 83332

See page 3 of SF3
Signature of prior claimant/seller

Signature of new claimant/purchaser

VERIFICATION

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

State of Idaho

County of Blaine

Linda C. Cropper, 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.

Linda C. Cropper
Signature of person filing form

Subscribed and sworn to before me on 2-23-96
(insert Date)

Jim H. Hyde
Notary Public for Idaho
Residing at: Harvey, Id
My Commission expires: 01-16-98

I am the new claimant/purchaser of 36-00047

(Insert each water right number)

My name is: Blaine Richard Cropper

My address is: 3216 American Saddle Park City, ut. 84060

My phone number is: Work 801-649-2923 Home 801-649-8799

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

Bruce and Mary Bothwell

223 Willow Lane, Hagerman, Idaho 83332

See page 3 of SF3

Signature of prior claimant/seller

Signature of new claimant/purchaser

VERIFICATION

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

State of Utah

County of Summit

Blaine Richard Cropper, being first duly sworn, upon oath, deposes and says:

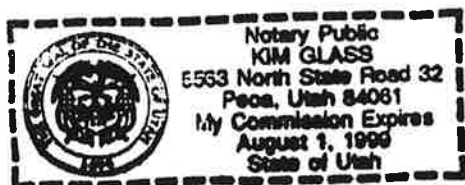
(Insert name of party/claimant filing form)

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.

Blaine Richard Cropper
Signature of person filing form

Subscribed and sworn to before me on March 6, 1996

(Insert Date)



Kim Glass
Notary Public for State of Utah
Residing at: Poca, UT
My Commission expires: 8-1-99

I am the new claimant/purchaser of 36-00047

(insert each water right number)

My name is Vivian Cropper

My address is 3216 AMERICAN SADDLER PARK CITY, UT. 84060

My phone number is: Work _____ Home 801-649-8799

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

Bruce and Mary Bothwell

223 Willow Lane, Hagerman, Idaho 83332

See page 3 of SF3

Signature of prior claimant/seller

Signature of new claimant/purchaser

VERIFICATION

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

State of Utah

County of Summit

Vivian Cropper, being first duly sworn, upon oath, deposes and says:

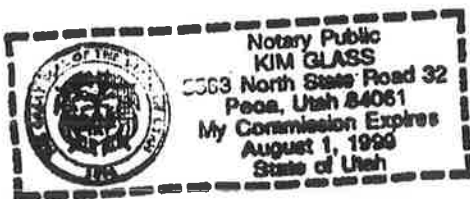
(insert name of party/claimant filing form)

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.

Vivian Cropper
Signature of person filing form

Subscribed and sworn to before me on March 6, 1996

(insert Date)



Kim Glass
Notary Public for State of Utah
Residing at: Poca, UT

I am the new claimant/purchaser of 36-00047
(insert each water right number)

My name is Dave Anderson

My address is P.O. Box 449

My phone number is: Work 726-4595 Home 788-2452

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

Bruce and Mary Bothwell

223 Willow Lane, Hagerman, Idaho 83332

See page 3 of SF3

Signature of prior claimant/seller

[Signature]
Signature of new claimant/purchaser

VERIFICATION

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

State of Idaho

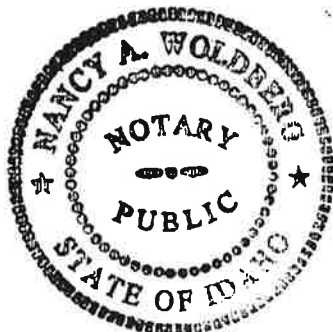
County of BLAINE

Dave Anderson, being first duly sworn, upon oath, deposes and says:
(insert name of party/claimant filing form)

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

[Signature]
Signature of person filing form

Subscribed and sworn to before me on 2-23-96
(Insert Date)



Nancy A. Woldberg
Notary Public for Idaho
Residing at: Boise
My Commission expires: 9-7-99

I am the new claimant/purchaser of 36-00047
(insert each water right number)

My name is Nancy Anderson

My address is P.O. Box 449

My phone number is: Work _____ Home 788-2452

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

Bruce and Mary Bothwell

223 Willow Lane, Hagerman, Idaho 83332

See page 3 of SF3
Signature of prior claimant/seller:

X Nancy J. Anderson
Signature of new claimant/purchaser

VERIFICATION

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

State of Idaho

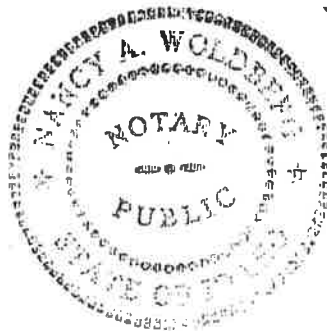
County of BLAINE

Nancy Anderson, 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.

X Nancy J. Anderson
Signature of person filing form

Subscribed and sworn to before me on 2-23-96
(insert Date)



Nancy A. Woldberg
Notary Public for Idaho
Residing at: Richfield
My Commission expires: 9-7-99

COPY

LAW OFFICES

*Hepworth, Lezamiz
& Hohnhorst*

- Established 1952 -

TWIN FALLS OFFICE

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

Wm. L. Nungester
of Counsel

BOISE OFFICE

J. Charles Hepworth*
John J. Janis

*Member CA Bar
**Member UT Bar

March 14, 1996

HAND DELIVERED

RECEIVED

MAR 18 1996

Department of Water Resources
Adjudication Bureau

Diana Delaney
SRBA District Court
253 3rd Avenue North
Twin Falls, ID 83303-2707

Re: Consent to Substitution of Party and Notice of Appearance
Bothwell to Cropper, et al SF3
Subcase No. 36-00047
Our File No. 92-1-530.1

Dear Diana:

*A blank rec'ds modified, 03-19-20-1996
Don Shaff checked.*

Enclosed please find the original Consent to Substitution of Party and Notice of Appearance that need to be filed in the above-entitled matter.

If you have any questions or concerns, please feel free to contact me.

Very truly yours,

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED

By: LeAnn McMillan
LeAnn McMillan, Legal Assistant

:llm

cc: Counsel of Record

Enclosure

/0314SRBA.llm

HLH
Chartered

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

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



RECEIVED

MAR 18 1985

Department of Water Resources
Adjudication Bureau

Claimants:

William E. Norris
David L. and Linda C. Cropper
Blaine Richard and Vivian Cropper
Dave and Nancy Anderson

Attorney Name and Address:

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

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. 36-00047

Case No. 39576

)
) **NOTICE OF APPEARANCE**
)

* * * * *

COMES NOW the firm of Hepworth, Lezamiz & Hohnhorst, Chartered, and
appears on behalf of William E. Norris, David L. & Linda C. Cropper, Blaine Richard &
Vivian Cropper and Dave & Nancy Anderson, as members of Hagerman Water Right
Owners, Inc., for the water right number listed above.

1 Dated this 14 day of March, 1996.

2 HEPWORTH, LEZAMIZ & HOHNHORST,
3 CHARTERED

4 By: 
5 Suzanne E. McIntosh

6 CERTIFICATE OF MAILING

7 The undersigned, a resident attorney of the State of Idaho, with offices at 133
8 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for
9 the claimants in this matter, certifies that she caused to be mailed a copy of the above and
10 foregoing NOTICE OF APPEARANCE on the 14 day of March, 1996, to:

11 Chief, Natural Resources Division
12 Office of Attorney General
13 State of Idaho
14 P.O. Box 44449
15 Boise, Idaho 83711-4449

16 The United States Department of Justice
17 Environment and Natural Resources Division
18 550 West Fort Street, MSC 033
19 Boise, ID 83724

20 
21 Suzanne E. McIntosh

22 (WATER\600047.NOA)llm
23

RECEIVED

MAY 03 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. A36-00047

(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,

36-00047 -0001/
93-04-0052

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

JAN 21 1993

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: Dixie Adamson

Address: 239 Clinton Drive

Twin Falls, Idaho 83301

Briefly describe your interest in this water right:

Judicial Decreed water right pursuant to New

International Mortgage Bank v. Idaho Power

Company on 3/23/1932 with a decreed priority

date of July 26, 1910, License No. 4054 with

a priority date of July 26, 1910

2. Owner of the water right:

Name: Dixie Adamson

Address: 239 Clinton Drive

Twin Falls, Idaho 83301

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; Fax #: (208) 736-4115

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

See page 7

CHANGES TO THE DIRECTOR'S REPORT

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

Maximum quantity as decreed: 1.6 cfs; Period of Use: 1/1 to
12/31; Purpose of Use: add stockwater for point of diversion
at 07S R13E S13 E1/2 SE1/4 NE1/4; Also see page 7.

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

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

Right Owners, Inc.'s Compendium "A"; See attached

Exhibit "B" - License and Certificate of Water Right

dated 9/14/1918;

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls

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

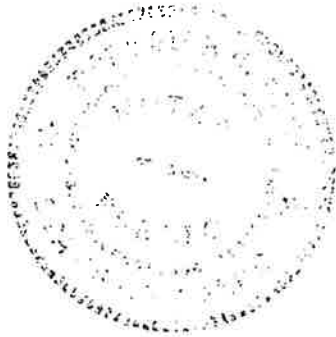
That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. Sec 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and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

Dixie Adamson
Signature of person filing objection

By:

[Signature]
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 30 day of April,
1993.



Quaine C. Bust
Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 10-26-98

(Over)

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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 _____ 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:

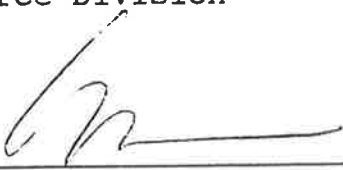
Owner name: Dixie Adamson
Owner's address: 239 Clinton Drive
Twin Falls, Idaho 83301

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. Additionally, a reduction to .06 cfs would reduce the water flow in the pipe to a point where I would be unable to pump the water up to my property, thereby resulting in a total taking of the water.

Box 5 - Director's Report fails to accurately state the point of diversion.

Box 7 - Beneficially used for stock which is kept in the pastures irrigated.

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

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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

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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.

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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.

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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.

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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.

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

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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.

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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.

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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.

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JAN 21 1993

(WATER\21530ANS)

JAN 28 1970

Department: Southern District Office
Amount: 1000000
Priority: 7-26-1910

FRED A. STILES

B

R PROOF

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MAPS

PHOTOS

MISC

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OCT 1 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. 36-00047 -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: DIXIE ADAMSON
Address: 239 CLINTON DRIVE
TWIN FALLS ID 83301

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.
5. |☒| Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
7. |☒| Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. |☒| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
10. |☒| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
14. |☒| Other: I respond to the objection concerning:

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

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402); (3) the recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used. IDWR further responds that it recommended a diversion rate of .02 cfs per irrigated acres. This is the same diversion rate per acre for which this right was originally licensed. The original license was confirmed in the New International Mortgage Bank v. Idaho Power Company decree. Therefore, the recommended per acre diversion rate is the same rate that was previously decreed. IDWR further responds that the recommended diversion rate for this right is .60 cfs, not the .06 cfs asserted by the claimant in the objection. Evidence in the possession of IDWR establishes that the capacity of the gravity flow diversion pipe used by the claimant is .69 cfs, and that the pump referred to by the claimant in the objection is not used to pump water through the gravity flow pipe, but, rather, is used to represssurize the diversion system once the water leaves the gravity flow pipe. IDWR denies that the recommended quantity is insufficient to enable the claimant to bring water to the place of use.

In response to Statement of the Objection items 5 and 7, and all allegations of the objection regarding those items, IDWR responds as follows: IDWR recommended the point of diversion and the purpose of use as claimed. By identifying in the objection another point of diversion for stockwater and claiming stockwater as an additional use that the claimant did not identify on the notice of claim, the claimant seeks improperly 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 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.

(Over)

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In response to Statement of the Objection item 8, and all allegations of the objection regarding that item, IDWR responds as follows: (1) The decree asserted by the claimant does not contain a period of use decreed for this water right. (2) Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. (3) IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. (4) The irrigation season of use cannot exceed the period in which water may be beneficially used. (5) The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. (6) Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report. (7) 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. (8) The eventual decree by the SRBA Court of the irrigation season of use will not constitute a taking because the right is limited to the period in which water may be beneficially used. IDWR further responds that it recommended the season of use as claimed. By now seeking a year-round irrigation season of use not identified on the notice of claim, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection item 10 and all allegations of the objection regarding that item, IDWR responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2) Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. (3) Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use claimed and recommended for this

right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided for by Idaho Code Sec. 42-1401A(2). (5) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

(Over)

NO. OF
PAGES

Notice of Claim No. A36-00047

4

IDWR's Response to Answer, Affirmative Defenses and Prayer
for Relief of Claimant

4

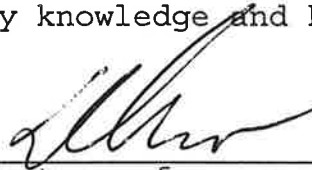
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

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

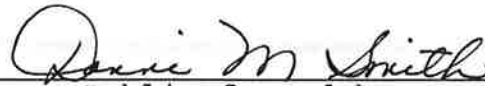


Signature of person filing response

By:


(Attorney signing in
representative capacity)

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



Notary Public for Idaho

Residing at: _____

My Commission expires _____

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

(Over)

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CERTIFICATE OF MAILING

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

1. Original to:

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

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

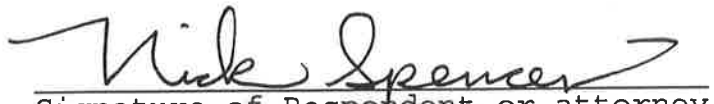
See No. 3

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

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

4. One copy to:

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



Signature of Respondent or attorney
mailing on Respondent's behalf

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00047
Date Received: 7/21/1988
Receipt No: S001032
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DIXIE L. ADAMSON
Address: P.O. BOX 998
TWIN FALLS, ID 83301
208-734-7136

2. Date of Priority: JUL 26, 1910

3. Source: SHERMAN SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	14E	18	NW	NW	SW		GOODING

5. Description of diverting works:
CONCRETE HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	13	NE	SE		IRR	30.0

Section Acres 30.0

Total Acres 30.0

A36-00047

Page 1

Date: 07/21/88

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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:
ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047.
TRANS. #403
15. Basis of Claim: DECREED
Water Right Number: 4504
Case Number:
Court :
Decree date:

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

(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 X do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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T68
C256
(675c)

C321
(688c)

A
19.6

T715

P/u

TS.

13E

SEC. 13.

C107

A36-00047

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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

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

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

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

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

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

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

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

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

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

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: MIA EDSALL

REAL ESTATE CENTER

788-5023

TOTAL PAGES SENT: 2

DOCUMENT DESCRIPTION: PROFILE REPORTS ON A36-00047

FROM: IDAHO DEPARTMENT OF WATER RESOURCES
222 SHOSHONE AVE E
TWIN FALLS ID 83301

PHONE: 736-3033

FAX: 736-3037

SENDER: STEVE CLELLAND

CHARGES:

One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost \$0.25 per page. (\$0.50 minimum)

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COMMENTS: _____

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AJ5809NP
No. 36-00047

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/29/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DIXIE L ADAMSON 239 CLINTON DR TWIN FALLS ID 83301 (208) 734-7136	07/26/1910	IRRIGATION	03-15 11-15	0.60 CFS	
TOTAL DIVERSION:					0.60 CFS	
CONSUMPTIVE USE:						90.00 AFA

Water Source: SHERMAN SPRINGS

Tributary to: BILLINGSLEY CREEK

Stage: DECREED

Point(s) of Diversion: T07S R14E S18 NWNWSW

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
07S	13E	13	:					:					:					:	30				:	30.0
																					TOTAL ACRES		30.0	

POU County: GOODING

Other Rights: NONE

Dates: Exam Made Date: 07/27/1990 Verified Date:

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

As Recommended in Directors Report to the SRBA Court.

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AJ5809NP
No. A36-00047

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/29/94
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DIXIE L ADAMSON 239 CLINTON DR TWIN FALLS ID 83301 (208) 734-7136	07/26/1910	IRRIGATION	03-15 11-15	1.60 CFS	
TOTAL DIVERSION:					1.60 CFS	
CONSUMPTIVE USE:						90.00 AFA

Water Source: SHERMAN SPRINGS

Tributary to: BILLINGSLEY CREEK

Stage: DECREED

Point(s) of Diversion: T07S R14E S18 NWNWSW

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	13E	13	:																	:	30.0
TOTAL ACRES																				:	30.0

POU County: GOODING

Other Rights: NONE

Remarks: ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047.
TRANS. #403

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number: 36A

Field Inspection Flag:
Presumption Flag:

As CLAIMED.

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788-5023

TOTAL PAGES SENT: 2

DOCUMENT DESCRIPTION: PROFILE Reports on A36-00047

FROM: IDAHO DEPARTMENT OF WATER RESOURCES
222 SHOSHONE AVE E
TWIN FALLS ID 83301

PHONE: 736-3033

FAX: 736-3037

SENDER: STEVE CHELLAND

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MICROFILMED

OCT 11 1994

AJ5809NP
No. 36-00047

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/29/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DIXIE L ADAMSON 239 CLINTON DR TWIN FALLS ID 83301 (208) 734-7136	07/26/1910	IRRIGATION	03-15 11-15	0.60 CFS	
TOTAL DIVERSION:					0.60 CFS	
CONSUMPTIVE USE:						90.00 AFA

Water Source: SHERMAN SPRINGS

Tributary to: BILLINGSLEY CREEK

Stage: DECREED

Point(s) of Diversion: T07S R14E S18 NWNWSW

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
07S	13E	13	:																	30.0
TOTAL ACRES																			30.0	

POU County: GOODING

Other Rights: NONE

Dates: Exam Made Date: 07/27/1990

Verified Date:

Misc: Water District Number: 36A

Field Inspection Flag:
Presumption Flag:

As Recommended IN Directors Report to the SRBA Court.

MICROFILMED
OCT 11 1994

AJ5809NP
No. A36-00047

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/29/94
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DIXIE L ADAMSON 239 CLINTON DR TWIN FALLS ID 83301 (208) 734-7136	07/26/1910	IRRIGATION	03-15 11-15	1.60 CFS	
					TOTAL DIVERSION:	1.60 CFS
					CONSUMPTIVE USE:	90.00 AFA

Water Source: SHERMAN SPRINGS

Tributary to: BILLINGSLEY CREEK

Stage: DECREED

Point(s) of Diversion: T07S R14E S18 NWNWSW

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
07S	13E	13	:					:					:					:	30				:	30.0
																							TOTAL ACRES	30.0

POU County: GOODING

Other Rights: NONE

Remarks: ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047.
TRANS. #403

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number: 36A

Field Inspection Flag:
Presumption Flag:

As CLAIMED.

MICROFILM
OCT 11 1994

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.

in case follow-up is needed.

Dixie Adamson

2. SUBJECT OF INQUIRY:

She came in and asked about her
director's report recommendation. She indicated
she never received the report. She talked with
Judy and found that her address had changed.
Judy had her complete a change in address form.

She reviewed the recommendation then asked
about the process for filing objections. I
provided her a copy of the mailed out info
on the director's report. A copy of her right
from the director's report. An entire copy of
her file, Judicial order #1, Info sheet, &
Objection form.

3. RESPONSE TO INQUIRY:

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

A. Mervitt

4/29/93

36-00047

MICROFILMED

OCT 11 1994

R PROOF



CVR



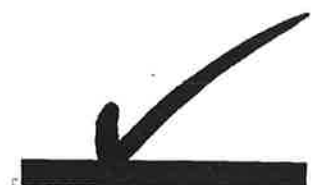
MAPS



PHOTOS



MISC



MICROFILMED

JAN 21 1993

Water Right Number - R36-00047

Prefix Translation: RESEARCH

Old (D) Number - 4504

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

*** C - CURRENT OWNER ***
ADAMSON

DIXIE L

1 - PO BOX 998

2 -

3 -

City- TWIN FALLS

Phone - 208-734-7136

State- ID Zip- 83301

+ - - Priority Date - - +
07/26/1910

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - - +
SHERMAN SPRINGS

+ - - Tributary - - - - - +
BILLINGSLEY CREEK

+ - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
07S 14E 18 NW NW SW (47) GOODING

+ - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.600

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.600 90.0

+ - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 13E 13 NE SE 30.0 01 IRRIGATION (47) GOODING

Total Acres: 30.0

+ - - Diversion Means - CONCRETE HEADGATE, PIPELINE, PUMP & SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - Remarks - - - - - +
No Remarks found.

+ - - Old Water Right Numbers - - - - - +
3600047

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

RECEIVED
JUL 27 1990

(00-124)
Water right number - R36-00047

(REGIONAL)
Prefix Translation: RESEARCH

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

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

+ - Decree Date - +
00/00/0000

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

Date: 08/03/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS
ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047. TRANS. #403

+ - - Audit Fields - - +
08/03/92 CLELLAND

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/27/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/03/1992	Old Judicial District	-
Claim Received Date	- 07/21/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001032	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED

JAN 21 1993

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	N			N		SEE 7-24-92 DB		8-3-92
POINT OF DIV	Y N			N	1,5			
SOURCE	(Y)	STEVE CLELAND CALLED DIXIE ADAMS 7-30-90 OK	7-27-90 SEE/HHT	N	5			
PLACE OF USE	Y (Y)	OK	7-27-90 SEE/HHT	N	2,4,5			
DIV. AMOUNT CFS/VOLUME	(Y)		SEE/HHT 8-10-90	(YES)	5 6.			
CONSUMPTIVE USE	N			N		SEE 8-14-90		
PURPOSES	N			N				
PERIOD OF USE	Y N			N				
BASIS OF CLAIM	Y N	OK		N				
REMARKS	Y N	OK		(Y)	6.			

"VERIFIED BY" CODES

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

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

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00047

LAST: ADAMSON
ADDRESS: P.O. BOX 998
CITY: TWIN FALLS
PHONE NUMBER: 208-734-7136

FIRST: DIXIE L.

STATE: ID ZIP: 83301

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047.
TRANS. #403

WORK: 733-5543
Burks Tractor

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JAN 21 1993

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: () -

DATE OF FIELD EXAM: 7/27/90

APPOINTMENT MADE: Y() N(X)

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Potter field - over hillside to the ^{east} is also irrigated - this is the
spot where Big Springs pipeline comes up - she may wish to
claim water aces.
TALKED TO JAY SEAMONS - FARMING THE LAND FOR CLAIMANT

A. AJ CLAIM: # A36-00047 PRIORITY DATE: 07-26-1910 STAGE: D

B. WR RECORD: # 36-00047 PRIORITY DATE: 07-26-1910 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
N

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
07-26-1910

REVIEWED BY

Scw

DATE

7-30-90

RECEIVED

JAN 21 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00047	07S	14E	18	NW	NW	SW		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
 A PREFIX R PREFIX
 A36-00047B NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-07092B
 36-07159
 36-07160

SOURCE: SHERMAN SPRINGS

TRIB: BILLINGSLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-00047	07S	14E	18		SW	NW		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
 A PREFIX R PREFIX

36-07092B
 36-07159
 36-07160

A36-07092 NONE
 A36-07159
 A36-07160

SOURCE: SHERMAN SPRINGS

TRIB: BILLINGSLEY CREEK

C. FIELD EXAM REQUIRED?

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

DATABASE
 Y
 N

FIELD
 EXAMINER
 YES
 N

REMARKS:

SOURCE NAME? OK per WR Records & Conversation Memo.

MICROFILMED

JAN 21 1993

POINT OF DIVERSION

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC.

1/4

1/4

1/4

LOT

COUNTY

75. 14E. 18

NW

NW

SW

—

47

SOURCE: SHERMAN SPRINGS

TRIB: BILLINGSLEY CREEK

REVIEWED BY:

SC

DATE:

7-30-90

MICROFILMED

JAN 21 1993

A. ROOT WATER RIGHT NUMBERS: A36-00047
A36-00047B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	13	NE	SE		ADAMSON, DIXIE L.	A36-00047	/30.0 -	36-00047	/	38.0
						BIG SPRING WATER USER'S ASSN.	A36-00022	/	-	/	30
						NEWCOMB, W. G.			36-00156	/	
TOTAL ACRES							A36-00047	30.00		38.00	

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
YES

PRESUMPTION FLAG:

REMARKS:

PASTURE SOUTH OF FIELD IS IRRIGATED & CONFIRMED WITH NAPP PHOTOS.

RECOMMENDATIONS:

TOTAL ACRES: 30.0

REVIEWED BY: SA

DATE: 7-30-90

MICROFILM
30
JAN 21 1991

A. AJ CLAIMED USES:

A36-00047 PURPOSES
IRRIGATION

MONTH/DAY
FROM 03-15 TO 11-15

4-1 10-31

DIVERSION QUANTITY
1.600 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.600 CFS

B. WR RECORDED USES:

36-00047 PURPOSES
IRRIGATION

MONTH/DAY
FROM TO

DIVERSION QUANTITY
1.600 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.600 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATABASE

N
N
Y

FIELD
EXAMINER

N
N
N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(X)

Explain in remarks, below.

REMARKS:

MICROFILMED

JAN 21 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 1.600 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.600 CFS

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

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER
N

measured w/ ultrasonic flowmeter
8-10-90 0.69 cfs

RECORDED

JAN 21 1993

B.

FLOW MEASUREMENT

MEASUREMENT METHOD ULTRASONIC Flowmeter SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-00022	DOMESTIC	BIG SPRING WATER USER'S ASSN. FROM	01-01 TO 12-31	5.860 CFS	
A36-00022	FISH PROPAGATION	BIG SPRING WATER USER'S ASSN. FROM	01-01 TO 12-31	7.000 CFS	
A36-00022	STOCKWATER	BIG SPRING WATER USER'S ASSN. FROM	01-01 TO 12-31	5.860 CFS	

✓ 30" CMP in Hillside to concrete diversion Box. Slide gate and 12" aluminum pipe with Risers to STEEL pipe across creek to Booster pump on opposite hillside. Mainline with solid set hand lines.

Overflow from spring/Tunnel drains to Hagerman water User's Ditch.

8-14-90 Measurement shows 0.023 cfs/Acre and method of sprinkler irrigation cannot apply in excess of 0.020 cfs/Acre. Therefore Recommend total diversion 0.60 cfs on 30 Acres. The decreed amount 1.6 cfs appears to be in Error since spring does not produce that amount.

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE

ACRES 30 x 0.02 CFS/ACRE = 0.60 CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 90.0 AF/A

ACRES 30 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =

TOTAL CONSUMPTIVE USE 90.0 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 30 x DIVERSION VOL. AF/A FOR AREA 4.0 =

TOTAL DIVERSION VOLUME 120 AF/A

N/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

~~= 0.653 cfs/acre~~

* allow 0.02 cfs on
sprinkler irrigated land

REPROFILMED
JAN 21 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
IRRIGATION	4-1	10-31	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
	03-15	11-15	1.600	0.70	120	120	90.0	90
TOTAL FOR THIS RIGHT			1.600	0.60	N/A		90.0	
REVIEWED BY:	SCC		DATE: 7-30-90					

~~XS FLOW 0.053 cfs/Ac.~~

SCC 7-24-92

~~Based on flow measurements: 0.023 cfs/ACRE X 30 ACRES = 0.7 cfs~~ IDWR STDS.

No Remarks!

RECEIVED

Jan 21 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED
AS CLAIMED

NEEDS
REVIEW

(X)

(X)

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00047

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.600

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-
A36-00047

A36-00047
~~A36-00047B~~

1.600
~~0.100~~

-
-

36-00047
36-00047

1.600
1.600

TOTAL CFS

1.700

1.600

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER
OK

REMARKS:

NO SPLIT OCCURRED

AUTHENTICATION:

SIGNATURE:

Steve Clelland

DATE:

7-30-90

NAME OF FIELD EXAMINER:

Steve Clelland

TITLE:

Sr. Agent

See 7-24-92

MICROFILMED

JAN 21 1993

3
37.8

531
T-716

536
T-712

537
T-715

496
T-590

540
T-725

521
T-711

524
T-706

1332
T-736

468
T-561

469
T-562

510
T-688

497
T-591





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

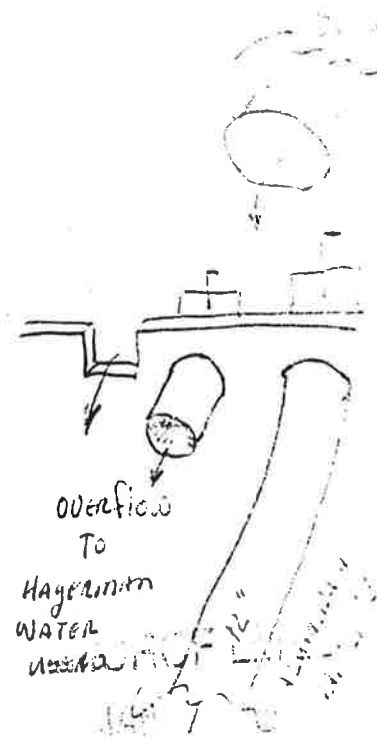
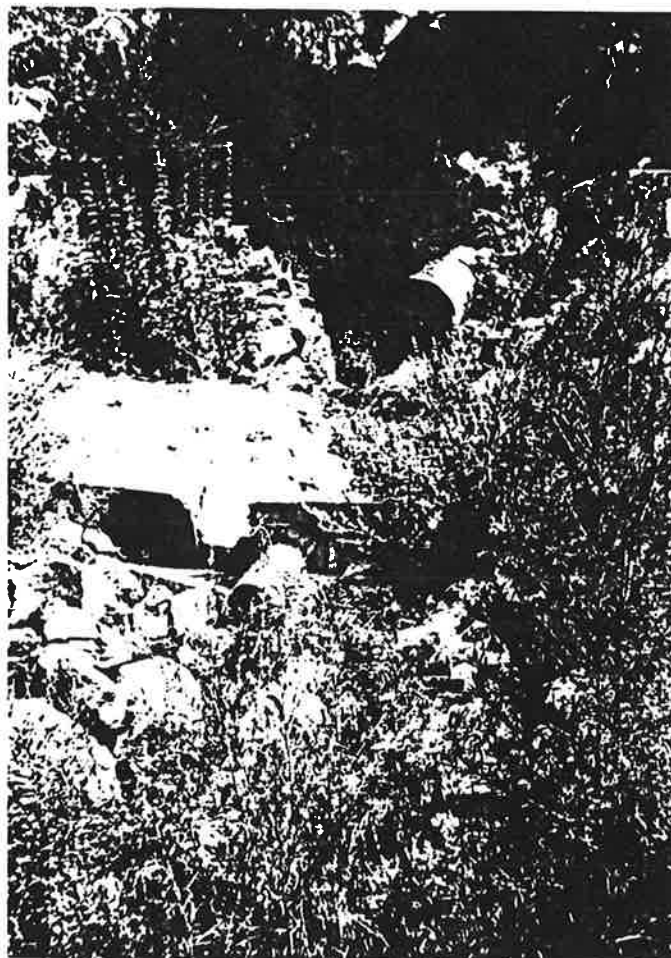
CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director



7-25-90

SHERMAN
SPRINGS
HEAD
WORK



overflow
to
Haystack
water



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

MODE SELECT
INPUT

OUTER DIAMETER
12.1591 IN

PIPE MATERIAL
? AL, DI

WALL THICKNESS
.07000 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
9.273 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

08-10 09:4200 *R
+002.80 % AI2

MODE SELECT
T0 CHECK

0449.5 MMSEC
100.10 % T0

08-10 09:4300 *R
+310.666E 06GPM

MODE SELECT
INPUT

OUTER DIAMETER
10.1063 IN

PIPE MATERIAL
? CS, SS

WALL THICKNESS
0.1310 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
7.648 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

08-10 08:4900 *R
+003.00 % AI2

MODE SELECT
T0 CHECK

0368.8 MMSEC
100.27 % T0

08-10 08:4900 *R
+260.473E 06GPM

Tuned on Garden
Host Valve.

08-10 08:5100 *R
+252.020E 06GPM

Tuned off Again.

08-10 08:5200 *R
+259.152E 06GPM

SHEPHERD SPRINGS (WEST OF CREEK)

@ Source

0.69 cfs

$\bar{X} = 259.81 \text{ GPM}$

$= 0.58 \text{ cfs}$

DIXIE ADAMSON

CONVERSATION MEMORANDUM

NAME OF PARTY DIXIE ADAMSON
EMPLOYEE: STEVE CLECCANO

DATE 7-30-90 12:50 pm
FILE A36-00047 + 47B

RE: THE SOUTH PASTURE HAS BEEN IRRIGATED FOR AT LEAST
16 YEARS ACCORDING TO MS. ADAMSON.

- SHERMAN SPRINGS IS THE NAME THAT WAS DECREED TO
THE SPRINGS AS A SOURCE.
- NO OTHER DIVERSION IS MADE FROM THE PIPELINE FOR OTHER
USERS.

RE: A36-00047B

THE PASTURE LISTED HERE WAS NEVER IRRIGATED
FROM SHERMAN SPRINGS; IT HAD PORTIONS OF THE
BIG SPRING WATER USERS DIVERTED THROUGH A COPPER
PIPELINE ACROSS MS. ADAMSON'S PLACE TO THE PASTURE.
MS. ADAMSON BELIEVES THE WR. HAS BEEN SOLD TO
MARION PUGMIRE. ANY WATER NOW IS FROM SEEPS IN
THE PASTURE.

RECORDED
INDEXED

CONVERSATION MEMORANDUM

NAME OF PARTY DIXIE DENNIS
 EMPLOYEE: 5-1

DATE 4-10-91
 FILE A36-00047

RE: Sherman Springs

... we measured the Sherman Springs which
 ... of her water right. I
 ... the place and rules regarding
 ... of a leakage at the Springs.
 ... we measured the water and the
 ... At the time of measurement it was
 ... that the aluminum pipe diversion is
 ... of the Division. Her section was
 ... at the time of measurement.
 ... the only way to increase her
 ... this size size.

To Steve
 Date 4/2/91 Time A.M.
 P.M.

WHILE YOU WERE OUT
Dixie Dennis (Adams)
 of
 Phone 733-5543 work
 AREA CODE NUMBER EXTENSION

Telephoned		Please call	☒
Called to see you		Will call again	
Wants to see you		Returned your call	

Message
Needs to talk to you about
A36-00047. She said he/she
lets & wants to know about
mess. & recommendation.

→ SHERMAN SPRINGS VIA PIPELINE
 Signed AD FILMED

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. 36-00047 -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: DIXIE ADAMSON
Address: 239 CLINTON DRIVE
TWIN FALLS ID 83301

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.
5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
14. ☒ Other: I respond to the objection concerning:

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

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402); (3) the recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used. IDWR further responds that it recommended a diversion rate of .02 cfs per irrigated acres. This is the same diversion rate per acre for which this right was originally licensed. The original license was confirmed in the New International Mortgage Bank v. Idaho Power Company decree. Therefore, the recommended per acre diversion rate is the same rate that was previously decreed. IDWR further responds that the recommended diversion rate for this right is .60 cfs, not the .06 cfs asserted by the claimant in the objection. Evidence in the possession of IDWR establishes that the capacity of the gravity flow diversion pipe used by the claimant is .69 cfs, and that the pump referred to by the claimant in the objection is not used to pump water through the gravity flow pipe, but, rather, is used to repressurize the diversion system once the water leaves the gravity flow pipe. IDWR denies that the recommended quantity is insufficient to enable the claimant to bring water to the place of use.

In response to Statement of the Objection items 5 and 7, and all allegations of the objection regarding those items, IDWR responds as follows: IDWR recommended the point of diversion and the purpose of use as claimed. By identifying in the objection another point of diversion for stockwater and claiming stockwater as an additional use that the claimant did not identify on the notice of claim, the claimant seeks improperly 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 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.

(Over)

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In response to Statement of the Objection item 8, and all allegations of the objection regarding that item, IDWR responds as follows: (1) The decree asserted by the claimant does not contain a period of use decreed for this water right. (2) Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. (3) IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. (4) The irrigation season of use cannot exceed the period in which water may be beneficially used. (5) The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. (6) Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report. (7) 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. (8) The eventual decree by the SRBA Court of the irrigation season of use will not constitute a taking because the right is limited to the period in which water may be beneficially used. IDWR further responds that it recommended the season of use as claimed. By now seeking a year-round irrigation season of use not identified on the notice of claim, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection item 10 and all allegations of the objection regarding that item, IDWR responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2) Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. (3) Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use claimed and recommended for this

right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided for by Idaho Code Sec. 42-1401A(2). (5) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

(Over)

No. of
Pages

Notice of Claim No. A36-00047
IDWR's Response to Answer, Affirmative Defenses and Prayer
for Relief of Claimant

4

4

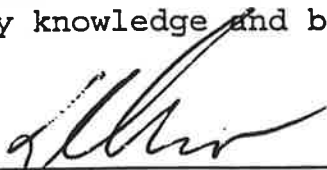
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

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



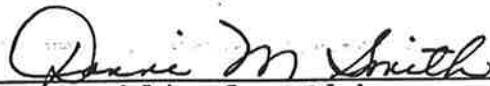
Signature of person filing response

By:



(Attorney signing in
representative capacity)

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



Notary Public for Idaho

Residing at:

My Commission expires: Notary Public

Danni Smith, Notary Public
Residing at Boise, Idaho

My Commission Expires December 5, 1994

(Over)

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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

COMMUNICATION DOCUMENTATION

IDWR Employee/Agent Steve Clelland

DEC 04 1996

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	

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DEC 04 1996

1996 JUL -1 PM 3:18
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00047

In Re SRBA

Twin Falls County Civil Case No. 39576

Sub-Case No. 36-00047

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. 36-00047

The Director of the Idaho Department of Water Resources (IDWR) submits this report regarding claim to water right no. 36-00047 in response to the request of Special Master Haemmerle, pursuant to Idaho Code §42-1412(4) and the court's Order Re: Contested Claims for Amounts Claimed in Excess of .02 CFS. This report was prepared under the supervision of Karl J. Dreher, Director, David B. Shaw, Adjudication Bureau Chief, and David R. Tuthill Jr., Acting Adjudication Bureau Chief for IDWR. The following persons assisted in the preparation of the following portions of this report:

David B. Shaw, Adjudication Bureau Chief, reviewed and verified this Report Regarding Claim to Water Right No. 36-00047. The Affidavit of David B. Shaw describes Mr. Shaw's education and work experience, and is incorporated by reference herein. Mr. Shaw also reviewed IDWR's Report Regarding Evaluation of Irrigation Diversion Rates, described below.

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

David R. Tuthill Jr., Acting Adjudication Bureau Chief, prepared IDWR's Report Regarding Consumptive Use for Irrigation in the Hagerman Area, which is incorporated by reference herein. Mr. Tuthill also reviewed this Report Regarding Claim To Water Right No. 36-00047. 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. 36-00047. 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. 36-00047 describes Mr. Clelland's investigation of the quantity and place of use of this water right; it is attached hereto and incorporated by reference herein.

Helen L. Harrington-Thornton, formerly Senior Water Resource Agent and currently Hydrogeologist, participated in the field examination for claim no. 36-00047. 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. 36-00047 describes her investigation of the quantity and place of use of this water right; the affidavit 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. 36-00047

A. Basis of Claim

Claim no. 36-00047 was filed with IDWR by Dixie L. Adamson on July 21, 1988.¹ A notice of change in ownership was filed with IDWR on May 11, 1994, informing IDWR of a change in ownership to Bruce R. and Mary L. Bothwell. A Standard Form 3 was later filed with the court informing the court of a change in ownership to William E. Norrix, David L. And Linda C. Cropper, Blaine Richard and Vivian Cropper, and Dave and Nancy Anderson. The claim is to a water right decreed to Earl and Mary Allison Fish in the *New International Mortgage* decree, entered in 1932.² The decreed right is numbered in IDWR's files as water right no. 36-00047. The right, along with numerous others in the decree, was decreed for "irrigation, domestic, power and other purposes."

B. Name and Address of Claimant

The name and address of the claimant set forth in the claimant's motion for summary judgment is the same as stated in the Standard Form 3 previously filed with the court.

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.

C. Source of Water

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

The director's report includes the body of water to which the source of the right is tributary for each water right in the director's report, except for rights to ground water. IDWR adopted this standard for the description of the source of water rights because there are so many instances, sometimes in the same administrative basin, where different surface water sources bear the same name.³

D. Date of Priority

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

E. Point of Diversion

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

F. Purpose of Use

The purpose of use stated on the notice of claim and recommended in the director's report is irrigation. The objection sought to add stockwater. The claimant's motion for summary judgment now seeks to add wildlife, recreation, aesthetics, and "diversion system maintenance" in addition to stockwater.⁴

The description of the purposes of use of this right in the decree is ambiguous in that it describes the purposes of use for this right and others in the same list collectively as "irrigation, domestic, power and other purposes," rather than

³ IDWR relied upon the following in reaching its conclusion: Idaho Code §42-1411(2) (which provides that the director shall determine the source of the right to the extent the director deems appropriate and proper to define and administer water rights acquired under state law).

⁴ The filing fee for claims other than small domestic and stockwater claims consists of a \$50.00 flat fee, plus a variable fee of \$1.00 per acre for any claimed irrigation use, plus a per cfs fee for other claimed purposes of use. The filing fee paid for this claim was limited to the purposes of use and the number of acres claimed in the notice of claim. Filing fees are set forth in Idaho Code §42-1414 and IDWR's Adjudication Rules, IDAPA 37.03.01 *et seq.*

specifically identifying each purpose of use for each right.⁵ IDWR's investigation confirmed the use of water for irrigation, as further described below in the sections addressing quantity and place of use. Neither the claimant nor IDWR's investigation has yielded information that would confirm the beneficial use of water for the other purposes not listed in the claim, either pursuant to the right as originally appropriated or as currently used.⁶ Such information is necessary not only to confirm the use but to quantify the amount of water beneficially used for that purpose.

G. Quantity of Water Used

The notice of claim states a quantity of 1.60 cfs for irrigation. The quantity recommended in the director's report is 0.60 cfs for irrigation, or 0.02 cfs per acre. The objection and the claimant's motion for summary judgment seek 1.60 cfs, the same as stated on the notice of claim.

The quantity decreed for right no. 36-00047 in the *New International Mortgage* decree is 1.6 cfs. The decreed place of use for this right contains approximately 46 acres. Using the decreed rate of diversion and the decreed place of use, the per acre rate of diversion is approximately 0.035 cfs per acre. The claimant's lands as described in the deed include approximately 36 acres of the decreed 46 acres. (The claimant owns approximately 40 acres, but 4 of these are outside the decreed place of use.) Based on the description of the claimant's lands in the deed, the claimant's proportionate share of right no. 36-00047 is 1.26 cfs.⁷ IDWR does not have information indicating whether or how any amount greater than this proportionate

⁵ IDWR relied upon the following in reaching its conclusion: *Morgan v. Udy*, 58 Idaho 670, 79 P.2d 295 (1938) (a water right decree that omitted the description of the point of diversion necessarily determined the point of diversion but was ambiguous as to its location).

⁶ IDWR relies upon the following in reaching this conclusion: Idaho Code §42-1427 (which allows an ambiguity in a prior decree or license to be resolved based on current beneficial use); the statement of the Presiding Judge that this section "cannot change or exceed the previously decreed or recorded element of the decreed or licensed right" nor "be used to claim an expansion of use beyond the beneficial use existing at the time the right was originally memorialized in a decree or license," Revised Memorandum Decision and Order on Basin-Wide Issue 4, dated May 17, 1995, at page 9; and the statement of the Presiding Judge that, "the purpose of use is defined by the intentional application of water to an intended beneficial use of water," Memorandum Decision and Order Re: Basin-Wide Issue 5, dated April 26, 1996, at page 8.

⁷ 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.)

share came to be appurtenant to the claimant's lands. IDWR did not previously request this information from the claimants of right no. 36-00047 because there were no competing claims to all or part of this water right.⁸

As noted above, the director's report recommended a quantity of 0.60 cfs for irrigation, or 0.02 cfs per acre, as the quantity beneficially used. This is based in part on the fact that the land is irrigated with a sprinkler system. At the time of its original recommendation, it was IDWR's experience that the on-farm requirement for sprinkler systems is rarely greater than 0.02 cfs per acre; indeed, many sprinkler systems are designed with an application rate of 5/8 or 3/4 inch to an acre (0.0125 or 0.015 cfs per acre). In addition, because water is delivered to the place of use through a pipeline, there was no information indicating that conveyance losses between the point of diversion and place of use were sufficiently significant to warrant recommendation of an additional amount for conveyance losses. Subsequent to the filing of the director's report, IDWR obtained further information indicating that some of those rare instances in which the on-farm requirement for sprinkler systems may be more than 0.02 cfs may exist in some cases in the Hagerman area. IDWR therefore requested, and the claimant has agreed to provide, the information necessary for IDWR to conduct further analysis of the irrigation requirements for the claimant's lands. This information has not been received; IDWR will supplement this report with the results of that analysis as soon as the information is received and it can complete the analysis.

The recommendation is also based upon polysonic measurements of the flow of water in the pipeline through which this right is diverted taken by IDWR Senior Water Agents Steve Clelland and Helen Thornton. One measurement, taken near the intake for the pipeline, measured 0.69 cfs. Other measurements, taken at a location where the pipeline crosses Billingsley Creek, measured 0.58 and 0.56 cfs. The differences in the measurements were the result of "garden valves" in the pipeline, which allow water to be released from the pipeline. The field examination for this claim is described in the Affidavit of Steven C. Clelland Regarding Claim No. 36-00047, and the Affidavit of Helen L. Harrington Thornton Regarding Claim No. 36-00047. The Affidavit of Jeff Peppersack Regarding Polysonic Meters describes the use of polysonic meters in measuring water flows.

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

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

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

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

The recommended season of use is consistent with season of use standards for irrigation developed by IDWR for various climatic regions throughout the state, which are based on a 75% chance of a 24 degree Fahrenheit frost. In addition, the director's report included general provision 12b, which allowed use of water for irrigation outside the season of use stated in the description of the individual right subject to certain conditions. In the Memorandum Decision and Order Re: Basin-Wide Issue 5, the Presiding Judge concluded that general provision 12 is not necessary and would not be decreed. This decision further provided that "all decrees for irrigation in the SRBA shall set the period of use as the "irrigation season." Order, pp. 15-16. The district court denied a subsequent motion for permission to appeal the decision. Pending any further proceedings on the decision, any further statement of the basis for IDWR's recommendation as to the season of use for irrigation appears to be unnecessary.

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

I. Legal Description of the Place of Use

The place of use for irrigation claimed in the notice of claim and recommended in the director's report are the same. The objection did not contest the place of use. Although the legal description under item 8 in the claimant's motion for summary judgment is the same as the legal description of the place of use for irrigation recommended in the director's report, the claimant's motion for summary judgment

seeks to increase the number of irrigated acres per 40-acre subdivision. The number claimed in the notice of claim and recommended in the director's report is 30; the claimant's motion for summary judgment states 39.8.

IDWR Senior Water Resource Agents Steve Clelland and Helen Thornton confirmed the irrigation of only 30 acres within the claimed and recommended quarter-quarter section by personal observation and aerial photography. The irrigated area consisted of a sprinkler-irrigated 19 acre tract in which potatoes were being grown, and an 11 acre sprinkler-irrigated pasture. The examination of the place of use for this claim is described in the Affidavit of Steven C. Clelland Regarding Claim No. 36-00047 and the Affidavit of Helen L. Harrington-Thornton Regarding Claim No. 36-00047.

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

J. Annual Volume of Consumptive Use

The notice of claim states an annual volume of consumptive use of 90 AFY, or 3.0 AFY per irrigated acre. The annual volume of consumptive use recommended in the director's report is the same. The claimant's objection contests the recommended consumptive use, but does not state an amount. The claimant's motion for summary judgment states an amount of 179.1 or 4.5 AFY per acre. The Affidavit of Charles E. Brockway, submitted by the claimant in support of the motion for summary judgment, states "that 3.75 acre feet per acre per annum is the amount of consumptive use that is reasonable [in the Hagerman area] based upon a yield of ten tons [of alfalfa] per acre." Applying this standard, the total annual consumptive use volume would be 112.5 AFY for the 30 acres claimed and recommended, or 149.25 AFY for the 39.8 acres stated in the claimant's motion for summary judgment.

IDWR developed standards for annual volume of consumptive use for the various climatic areas throughout the state. The standard for the area in which the claimant's place of use is located is 3.0 AFY. IDWR's recommendation is based on this standard. The development of IDWR's standards for annual volume of consumptive use is described in IDWR's Report Regarding Evaluation of Irrigation Diversion Rates. IDWR has conducted further analysis of the annual volume of consumptive use based on further information IDWR received subsequent to its

original analysis. The further analysis is described in IDWR's Report Regarding Consumptive Use for Irrigation in the Hagerman Area. Based on this further analysis, IDWR recommends an annual volume of consumptive use of 3.5 AFY per acre, for a total of 105 AFY for the claimed and recommended 30 acres.

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

Neither the claimant's motion for summary judgment nor the director's report include other matters.

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00047

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 15th day of July, 1996.



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

Certificate of Mailing

I certify that on the 15th day of July, 1996, I hand-delivered copies of the foregoing document, including all attachments, to the following:

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



Person mailing document(s)

APPENDIX A

A. INVESTIGATION AND RECOMMENDATION OF CLAIMS GENERALLY

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

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

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

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

¹ Idaho Code §§ 42-1410 and 42-1411.

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

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

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

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

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

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

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

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

B. METHODOLOGY TO DETERMINE IRRIGATED ACREAGE

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

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

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

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

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

aerial photos¹⁰.

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

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

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

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

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

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

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

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

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

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

RECEIVED

MAY 03 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. A36-00047

(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.

36-00047 -0001/
93-04-0052

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

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)

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OBJECTION - 1

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: Dixie Adamson

Address: 239 Clinton Drive

Twin Falls, Idaho 83301

Briefly describe your interest in this water right:

Judicial Decreed water right pursuant to New
International Mortgage Bank v. Idaho Power
Company on 3/23/1932 with a decreed priority
date of July 26, 1910, License No. 4054 with
a priority date of July 26, 1910

2. Owner of the water right:

Name: Dixie Adamson

Address: 239 Clinton Drive

Twin Falls, Idaho 83301

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; Fax #: (208) 736-4115

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.

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

REASONS SUPPORTING EACH BOX CHECKED

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

See page 7

CHANGES TO THE DIRECTOR'S REPORT

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

Maximum quantity as decreed: 1.6 cfs; Period of Use: 1/1 to

12/31; Purpose of Use: add stockwater for point of diversion

at 07S R13E S13 E1/2 SE1/4 NE1/4; Also see page 7.

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

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

Right Owners, Inc.'s Compendium "A"; See attached

Exhibit "B" - License and Certificate of Water Right

dated 9/14/1918;

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls

Dixie Adamson, 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.

Dixie Adamson
Signature of person filing objection

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

Subscribed and sworn to before me this 30 day of April,
1993.



Dwaine C. Bust
Notary Public for Idaho
Residing at: Twin Falls
My Commission Expires: 10-26-98

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(Over)

JAN 21 1993

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 _____ 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: Dixie Adamson

Owner's address: 239 Clinton Drive

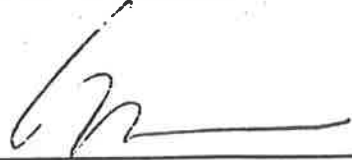
Twin Falls, Idaho 83301

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. Additionally, a reduction to .06 cfs would reduce the water flow in the pipe to a point where I would be unable to pump the water up to my property, thereby resulting in a total taking of the water.

Box 5 - Director's Report fails to accurately state the point of diversion.

Box 7 - Beneficially used for stock which is kept in the pastures irrigated.

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

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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

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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.

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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.

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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.

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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

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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.

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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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.

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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.

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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.

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(WATER\21530ANS)

License and Certificate of Water Right

POOR ORIGINAL

Water License No. 4504 / 36-2006 / 36-0047
Water District No. 63Department...
Southern Division Office
Amount 1.6 acc. ft.
Priority 7-26-1910

THIS IS TO CERTIFY that EDGAR E. SHERMAN and MARGRET S. SHERMAN
of Hagerman, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 23rd, 1909; that Permit No. 4504
was issued under said application; that Certificate of Completion of works with a carrying capacity of 4
second feet, was issued thereunder on October 20th, 1911, showing that said works
were completed on the 6th day of April, 1911; and that on the 10th
day of August, 1915, EDGAR E. SHERMAN and MARGRET A. SHERMAN

of Hagerman, State of Idaho, made proof to the satisfaction of the
State Engineer of Idaho, of a right to the use of the waters of Sherman Springs
a tributary of _____, for the purpose of irrigation and domestic use
under Use Permit No. 4504 of the State Engineer, and that said right to the use of said
waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State
Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2326, on the 14th
day of September, 1918;

The right hereby confirmed dates from July 26th, 1910;

The Point of Diversion is located in Lot 3, Sec. 18, T. 7 S., R. 13 E., B. 1 N.
~~Section 18~~ ~~Sec. 18~~ ~~Sec. 18~~ ~~Sec. 18~~ ~~Sec. 18~~

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 1.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S	13 E	13	SW $\frac{1}{4}$ Sec. 13	40	40
		14	SE $\frac{1}{4}$ Sec. 14	40	40

The right to the use of the water aforesaid hereby
use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Engineer, attested at Boise, Idaho this 14th
day of September, 1918.

(SEAL)

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MAPS

PHOTOS

MISC

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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: 39576

Ident. Number: A36-00047
Date Received: 7/21/1988
Receipt No: S001032
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DIXIE L. ADAMSON
Address: P.O. BOX 998
TWIN FALLS, ID

208-734-7136

83301

2. Date of Priority: JUL 26, 1910

3. Source: SHERMAN SPRINGS

Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	14E	18	NW	NW	SW		GOODING

5. Description of diverting works:
CONCRETE HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

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

A.F.A.

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	13	NE	SE		IRR	30.0

Section Acres 30.0

Total Acres 30.0

A36-00047

Page 1

Date: 07/21/88

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OCT 11 1994

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:
ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREE WR #36-00047.
TRANS. #403

15. Basis of Claim: DECREEED
Water Right Number: 4504
Case Number:
Court :
Decree date:

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

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): Daphne L. Adamson Date: 7/21/88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 21st day

of July 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding Id
My Commission Expires 10/16/1992

T683
C256
(675c)

C321
(688c)

A
19.6 T715
P/u

TS.
13E
SEC. 13

C107

A36-00047

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OFFICE

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.

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.

in case follow-up is needed.

Dixie Adamson

2. SUBJECT OF INQUIRY:

She came in and asked about her
director's report recommendation. She indicated
she never received the report. She talked with
Judy and found that her address had changed.
Judy had her complete a change in address form.

She reviewed the recommendation then asked
about the process for filing objections. I
provided her a copy of the mailed out info
on the director's report. A copy of her right
from the director's report; An entire copy of
her file, Judicial order #1, Info sheet, &
Objection form.

3. RESPONSE TO INQUIRY:

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

A. Merritt

4/29/93

36-00047

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OCT 11 1994

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CVR



MAPS



PHOTOS



MISC



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JAN 21 1993

Water Right Number - R36-00047 Prefix Translation: RESEARCH Old (D) Number - 4504

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

*** C - CURRENT OWNER ***
ADAMSON DIXIE L 1 - PO BOX 998
2 -
3 -
City- TWIN FALLS State- ID Zip- 83301
Phone - 208-734-7136

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/26/1910 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SHERMAN SPRINGS BILLINGSLEY CREEK

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 14E 18 NW NW SW (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.600

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.600 90.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 13 NE SE 30.0 01 IRRIGATION (47) GOODING

Total Acres: 30.0

+ - - Diversion Means - CONCRETE HEADGATE, PIPELINE, PUMP & SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +
3600047

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

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JAN 21 1993

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/27/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/03/1992	Old Judicial District	-
Claim Received Date	- 07/21/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001032	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:55:09
06/29/90

PAGE: 11
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00047

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	N			N		SCC 7-24-92	DB	9-3-92
POINT OF DIV	Y N			N	1,5			
SOURCE	(Y)	STEVE CLELAND Called Dixie Adams 7-30-90 OK	7-27-90 SCC/HHT	N	5			
PLACE OF USE	Y (Y)	OK	7-27-90 SCC/HHT	N	2,4,5			
DIV. AMOUNT CFS/VOLUME	(Y)		SCC/HHT 8-10-90	(YES)	5 6.			
CONSUMPTIVE USE	N			N		SCC 8-14-90		
PURPOSES	N			N				
PERIOD OF USE	Y N			N				
BASIS OF CLAIM	Y N	OK		N				
REMARKS	Y N	OK		(Y)	6.			

"VERIFIED BY" CODES

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

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

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JAN 1 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:55:09
06/29/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00047

LAST: ADAMSON
ADDRESS: P.O. BOX 998
CITY: TWIN FALLS
PHONE NUMBER: 208-734-7136

FIRST: DIXIE L.

STATE: ID ZIP: 83301

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: ORIGINALLY WR #36-2006 THEN RENUMBERED AS DECREED WR #36-00047.
TRANS. #403

WORK: 733-5543
Burks Tractor

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FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 7/27/90

APPOINTMENT MADE: Y(____) N(X)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Potatoe field - ~~over~~ hillside to the ^{NE} east is also irrigated - this is the
spot where Big Springs pipeline comes up - she may wish to
claim more acres.
TALKED TO JAY SEAMONS - FARMING THE LAND FOR CLAIMANT.

A. AJ CLAIM: # A36-00047 PRIORITY DATE: 07-26-1910 STAGE: D
B. WR RECORD: # 36-00047 PRIORITY DATE: 07-26-1910 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER N

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
07-26-1910

REVIEWED BY

DATE

Sc 7-30-90

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JAN 21 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00047	07S	14E	18	NW	NW	SW		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-00047B NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-07092B
36-07159
36-07160

SOURCE: SHERMAN SPRINGS

TRIB: BILLINGSLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-00047	07S	14E	18		SW	NW		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-07092B
36-07159
36-07160

A36-07092 NONE
A36-07159
A36-07160

SOURCE: SHERMAN SPRINGS

TRIB: BILLINGSLEY CREEK

C. FIELD EXAM REQUIRED?

	DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
	Y	N	Y	YES
			N	N

REMARKS:

SOURCE NAME? OK per WR Records & Conversation Memo.

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>75.</u>	<u>14E.</u>	<u>18</u>	<u>NW</u>	<u>NW</u>	<u>SW</u>	<u>---</u>	<u>47</u>

SOURCE: SHERMAN SPRINGS

TRIB: BILLINGSLEY CREEK

REVIEWED BY:

SC

DATE:

7-30-90

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JAN 21 1993

A. ROOT WATER RIGHT NUMBERS: A36-00047
A36-00047B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	13	NE	SE		ADAMSON , DIXIE L.	A36-00047	/30.0 -	36-00047 /	38.0	30
						BIG SPRING WATER USER'S ASSN.	A36-00022	/	- /		
						NEWCOMB , W. G.			36-00156 /		
TOTAL ACRES							A36-00047	30.00		38.00	

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
YES

PRESUMPTION FLAG:

REMARKS:

PASTURE SOUTH OF FIELD IS IRRIGATED & CONFIRMED WITH NAPP PHOTOS.

RECOMMENDATIONS:

TOTAL ACRES: 30.0

REVIEWED BY: SC

DATE: 7-30-90

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A. AJ CLAIMED USES:

PURPOSES
A36-00047 IRRIGATION

MONTH/DAY
FROM ~~03-15~~ TO 11-15

4-1 10-31

DIVERSION QUANTITY
1.600 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.600 CFS

B. WR RECORDED USES:

PURPOSES
36-00047 IRRIGATION

MONTH/DAY
FROM TO

DIVERSION QUANTITY
1.600 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.600 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
N
N
Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☐) N(☒) Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(X) N()

AJ TOTAL CLAIMED DIVERSION RATE: 1.600 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.600 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***

** If an amount smaller than the original diversion rate is **

** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DATABASE EXAMINER

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

N

FIELD

EXAMINER

N

*measured w/ ultrasonic flowmeter
8-10-90 0.69 cfs*

B.

FLOW MEASUREMENT

MEASUREMENT METHOD ULTRASONIC Flowmeter SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-00022	DOMESTIC	BIG SPRING WATER USER'S ASSN. FROM	01-01 TO 12-31	5.860 CFS	
A36-00022	FISH PROPAGATION	BIG SPRING WATER USER'S ASSN. FROM	01-01 TO 12-31	7.000 CFS	
A36-00022	STOCKWATER	BIG SPRING WATER USER'S ASSN. FROM	01-01 TO 12-31	5.860 CFS	

✓ 30" CMP in Hillside to concrete diversion Box. Slide gate and 12" aluminum pipe with Risers to STEEL pipe across creek to Booster pump on opposite hillside. mainline with solid set hand lines.

Overflow from spring/Tunnel drains to Hagerman water User's Ditch.

8-14-90 Measurement shows 0.023 cfs/Acre and method of sprinkler irrigation cannot apply in excess of 0.020 cfs/Acre. Therefore Recommend total diversion 0.60 cfs on 30 Acres. The decreed amount 1.6 cfs appears to be in Error since spring does not produce that amount.

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION) 1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES 30 x 0.02 CFS/ACRE = 0.60 CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 90.0 AF/A
ACRES 30 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =
TOTAL CONSUMPTIVE USE 90.0 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A
ACRES 30 x DIVERSION VOL. AF/A FOR AREA 4.0 =
TOTAL DIVERSION VOLUME 120 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

~~= 0.053 cfs/ac.~~

* allow 0.02 cfs on
sprinkler irrigated lands.

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	4-1 10-31 03-15 11-15	DATABASE EXAMINER 1.600 0.70 1.600 <u>0.60</u>	DATABASE EXAMINER 120 N/A	DATABASE EXAMINER 90.0 <u>90</u>
TOTAL FOR THIS RIGHT				
REVIEWED BY: <u>SCC</u>	DATE: <u>7-30-90</u>			

~~XS FLOW 0.053 cfs/Ac.~~

SCC 7-24-92

~~Based on flow measurements: 0.023 cfs/acre x 30 Acres = 0.7 cfs~~ IDWR STDS.

No Remarks!

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Jan 21 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____

FORFEIT/ABANDON _____

ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED

()

(X)

()

NEEDS
REVIEW

(X)

()

(X)

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00047

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.600EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-00047	1.600	-		36-00047	1.600
A36-00047	A36-00047B	0.100	-		36-00047	1.600
TOTAL CFS		1.700				1.600

DIVERSION RATE REVIEW

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

DATABASE
NFIELD
EXAMINEROK

REMARKS:

NO SPLIT OCCURRED

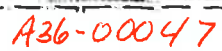
AUTHENTICATION:

SIGNATURE: Stu ClellandDATE: 7-30-90NAME OF FIELD EXAMINER: Stu ClellandTITLE: SR. Agent

SCC 7-24-92

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JAN 21 1993





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

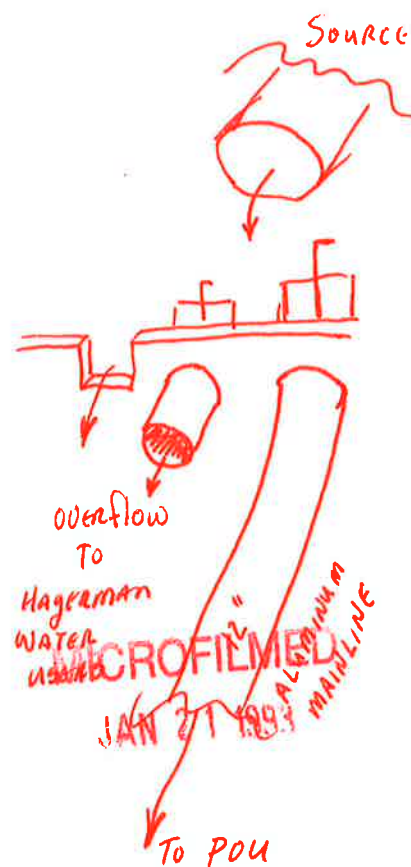
CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director



7-25-90

SHERMAN
SPRINGS
HEAD
WORKS





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

MODE SELECT
INPUT

OUTER DIAMETER
12.1591 IN

PIPE MATERIAL
? AL, DI

WALL THICKNESS
.07000 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
9.273 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

08-10 09:4200 *R
+002.80 % AI2

MODE SELECT
T0 CHECK

0449.5 MMSEC
100.10 % T0

08-10 09:4300 *R
+310.666E 0GPM

MODE SELECT
INPUT

OUTER DIAMETER
10.1063 IN

PIPE MATERIAL
? CS, SS

WALL THICKNESS
0.1310 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
7.648 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

08-10 08:4900 *R
+003.00 % AI2

MODE SELECT
T0 CHECK

0368.8 MMSEC
100.27 % T0

08-10 08:4900 *R
+260.473E 0GPM

Tuned on Garden
Hose Valve.

08-10 08:5100 *R
+252.020E 0GPM

Tuned off Again.

08-10 08:5200 *R
+259.152E 0GPM

(West of creek)

Sheepman
Springs
@ Source

Sheepman
Springs
@ Source

0.69 cfs

$\bar{X} = 259.81 \text{ GPM}$

= 0.58 cfs

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JAN 21 1993

DIXIE ADAMSON

work: 733-5543
Burk's Tractor

CONVERSATION MEMORANDUM

NAME OF PARTY DIXIE ADAMSON
EMPLOYEE: STEVE CLELLANO

DATE 7-30-90 12:50 pm
FILE A36-00047 & 47B

RE: THE SOUTH PASTURE HAS BEEN IRRIGATED FOR AT LEAST
16 YEARS ACCORDING TO MS. ADAMSON.

- SHERMAN SPRINGS IS THE NAME THAT WAS DECREED TO
THE SPRINGS AS A SOURCE.
- NO OTHER DIVERSION IS MADE FROM THE PIPELINE FOR OTHER
USERS.

RE: A36-00047B

THE PASTURE LISTED HERE WAS NEVER IRRIGATED
FROM SHERMAN SPRINGS; IT HAD PORTIONS OF THE
BIG SPRING WATER USERS DIVERTED THROUGH A COPPER
PIPELINE ACROSS MS. ADAMSON'S PLACE TO THE PASTURE.
MS. ADAMSON BELIEVES THE W.R. HAS BEEN SOLD TO
MARION PUGMIRE. ANY WATER NOW IS FROM SEEPS IN
THE PASTURE.

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A36-00047

CONVERSATION MEMORANDUM

NAME OF PARTY DIXIE DENNIS
 EMPLOYEE: SCC

DATE 4-10-91
 FILE A36-00047

RE: Measurement:

Last August we measured the Sherman Spring which serves as the source of her water right. Mrs. Dennis rents out the place and only recently learned of a leakage at the Spring. I told her how we measured the water and the results we found. At the time of measurement it was our observation that the aluminum pipe diversion is the limiting factor of the Diversion. Her system was running at capacity at the time of Measurement. I told Mrs. Dennis the only way to increase her water Diversion would be to increase this pipe size.

To Steve
 Date 4/2/91 Time _____ A.M.
 P.M.

WHILE YOU WERE OUT

Dixie Dennis (Adams)

of _____
 Phone 733-5543 work
 AREA CODE NUMBER EXTENSION

Telephoned		Please call	☒
Called to see you		Will call again	
Wants to see you		Returned your call	

Message _____
Needs to talk to you about A36-00047. She said her daughter looks & wants to know about mess. & recommendation.

→ Sherman Springs via Pipeline

Signed AD

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4-5-91 Returned Call 4:10 pm