

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: A36-00048
Date Received: 8/30/1988
Receipt No: S001892
Received By: lw

This Copy For Your Records
DO NOT RETURN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAN H. MCFADDAN 208-837-6649
Address: RT 1 BOX 406
HAGERMAN, ID 83332

AND/OR

Name: IRMA R. MCFADDAN 208-837-6649
Address: RT 1 BOX 406
HAGERMAN, ID 83332

2. Date of Priority: NOV 04, 1885

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

4. Point of Diversion:

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

5. Description of diverting works:
25 HP PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/15	10.000		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	SE	NE		IRR	6.0
			NE	SE		IRR	36.5
			SE	SE		IRR	40.0
					Section Acres		82.5
		12	NW	SW		IRR	1.0
			SW	SW		IRR	18.0
			SE	SW		IRR	1.0
					Section Acres		20.0
		13	NW	NE		IRR	36.0
			NE	NW		IRR	40.0
						Section Acres	
					Total Acres		178.5

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:
A36-00049

14. Remarks:
BOTH DECREES IRRIG THE 178.5 ACRES WITH A TOTAL OF 19.7 CFS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

MICROFILMED
OCT 11 1994

16. Signature(s)

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

Number of attachments: 1

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): Dan M. Jaddan Date: 8/30/88
_____ Date: _____

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of August 19 88
_____ Lori White
Notary Public

Seal

Residing at TF
My Commission Expires 5/95

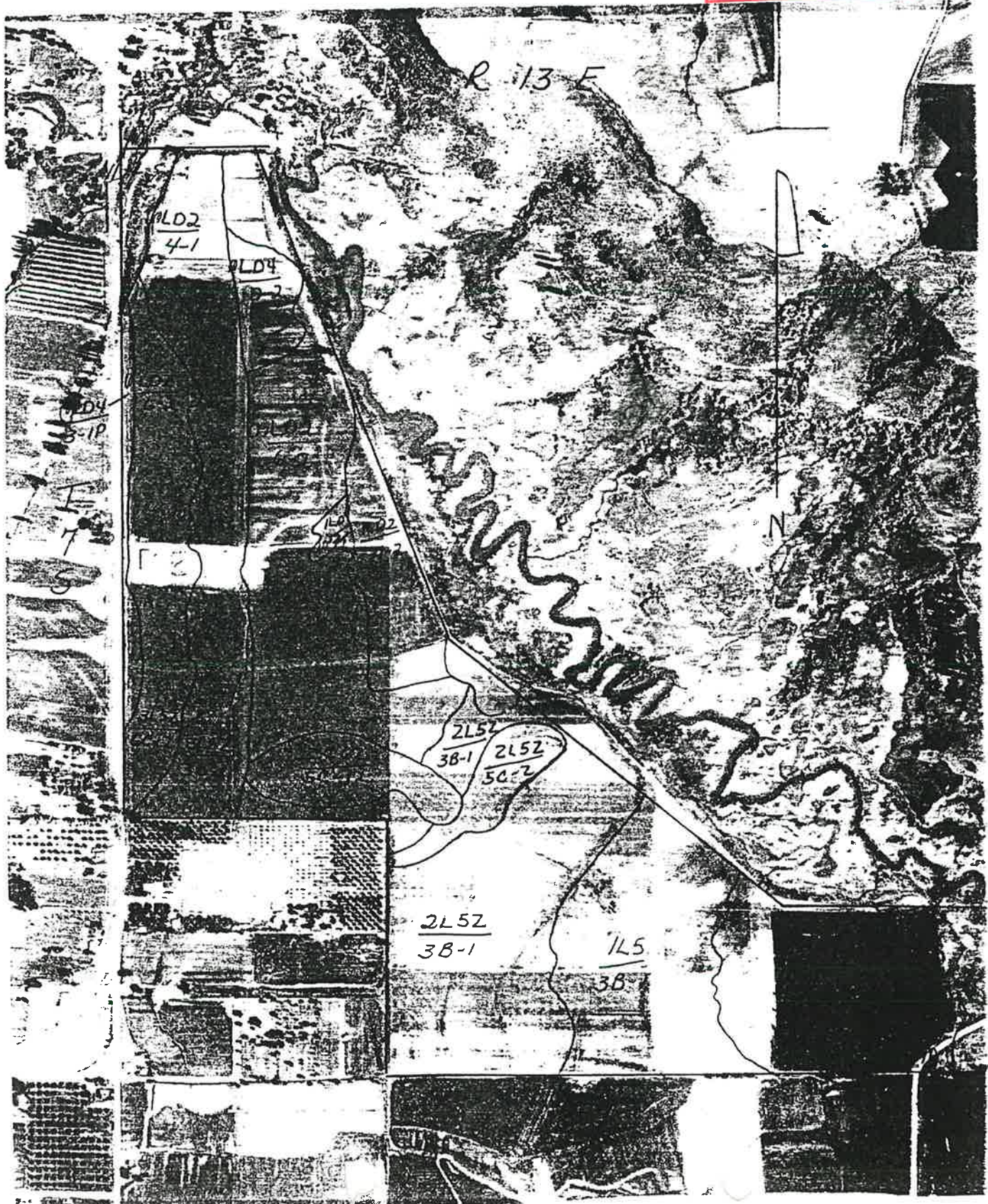
490 AN 130 Fadden
OCT 1994
MICROFILMED
Gooding

Idaho

8 1/2 mile

Gooding

POOR ORIGINAL



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

TOTAL RECORDS IN SELECTION FILE: 116

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RECEIVED
FEB 10 1993
Department of Water Resources

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

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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

* * * * *

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

Case No. 39576

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

NOTICE OF APPEARANCE

19 Petitioner,

20 vs.

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

Respondents.

* * * * *

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



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 1

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1 Users, Inc. and its individual members:

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



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



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

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

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

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

17
 18 CERTIFICATE OF MAILING

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



Hepworth,
 Nungester,
 & Lezamiz

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1 February, 1993, to:

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

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

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

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

21 
22 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

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

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

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

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

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

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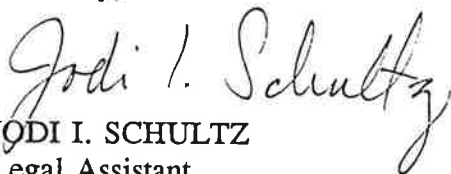
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

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

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

Sincerely,



JODI I. SCHULTZ
Legal Assistant
Idaho Department of Water Resources

cc: IDWR Southern Region

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Department of Water Resources

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OCT 31 2000

Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

A. Subcase 36-00048A
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: North Snake Ground Water District

Address: 2092 East 3600 South
Wendell, ID 83355

Daytime Phone: 208-536-6553

Name & Address of Attorney, if any:

Josephine P. Beeman
Dana L. Hofstetter
Beeman & Hofstetter, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, Idaho 83701-1427
(208) 388-8900
FAX - (208) 388-8400

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Dan H. McFaddan
Irma R. McFaddan

Address: 17966 N. Hwy 30
Hagerman, ID 83332

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: Less than 1.1 cfs. Combined diversion rate should be less than 8.18 cfs.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Quantity is in excess of amount actually beneficially used and the amount necessary.

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

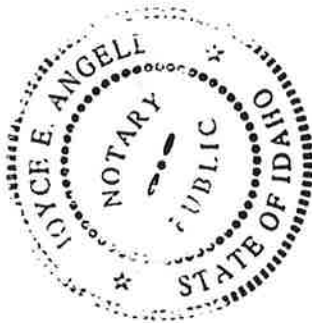
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(i) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 28, 2000



Joyce E. Angeli
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-24-02

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on September 28, 2000 , I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Dan and Irma McFadden
Route 1, Box 406
Hagerman, ID 83332

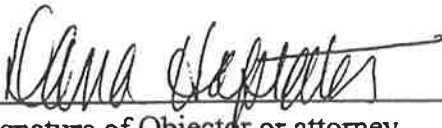
Patrick D. Brown
109 S. Adams Street
Jerome, ID 83338

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. 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



Signature of Objector or attorney
mailing on Objector's behalf

SEP 29 2000

COPY

OCT 31 2000

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: Less than 1.1 cfs. Combined diversion rate should be less than 8.18 cfs.
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Quantity is in excess of amount actually beneficially used and the amount necessary.

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Ada)

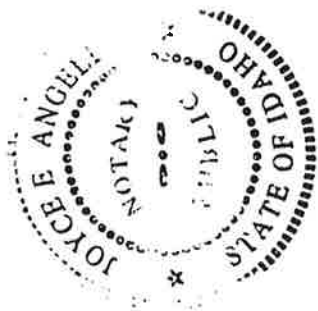
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(i) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: September 28, 2000



Joyce E. Angell
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-24-02

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on September 28, 2000 , I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Dan and Irma McFadden
Route 1, Box 406
Hagerman, ID 83332

Patrick D. Brown
109 S. Adams Street
Jerome, ID 83338

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. 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



Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED
SEP 29 2000
Department of Water Resources

RECEIVED
OCT 31 2000
Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

A. Subcase 36-00048A
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Cranney Bros.
Address: 503 West 1300 South
Oakley, Idaho 83346
Daytime Phone: 208-862-3346

Name & Address of Attorney, if any:

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

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Dan H. and Irma R. McFaddan
Address: 17966 N. Highway 30
Hagerman, Idaho 83332

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: See below _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Total diversion rate for irrigation when combined with right 36-00049 should be limited to no more than 0.02 cfs per irrigated acre, and should be less than 8.18 cfs when combined with rights 36-00049, 36-15538, 36-15532 and 36-15533.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Michael C. Creamer, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Subscribed and sworn to before me on:

(Signature of person filing objection)

Michael C. Creamer
(Attorney signing in representative capacity)

September 28, 2000
Carrine A. Wilson
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 11/27/003

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Sept 28, 2000, I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Name: Dan H. and Irma R. McFadden

Address: 17966 N. Highway 30

Hagerman, Idaho 83332

3. 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



Signature of Objector or attorney
mailing on Objector'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 SRBA

Case No. 39576

RECEIVED

SEP 28 2000

Department of Water Resources

A. Subcase No.: 36-00048A

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Dan and Irma McFaddan

Address: 17966 Hwy 30

Hagerman, ID 83332

Daytime Phone: (208) 837-4872

Name & Address of Attorney, if any:

Patrick D. Brown, P.C.

109 South Adams Street

Jerome, ID 83338 (644-1967)

**C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT
(Corrected Recommendation of 2-18-00)**

Name: Dan and Irma McFaddan

Address: 17966 Hwy 30

Hagerman, ID 83332

COPY

**D. I OBJECT TO THE FOLLOWING ELEMENTS AS RECOMMENDED IN THE
DIRECTOR'S REPORT. [PLEASE CHECK THE APPROPRIATE BOX(ES).]**

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: 2.1 cfs and combined diversion rate of 9.7 cfs
4. ☐ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Use
Should be: _____
9. ☐ Place of Use
Should be: _____
10. I object because:
☐ This water right should not exist.
☐ This water right was not recommended, but should be recommended with the
elements described above.

E. REASONS SUPPORTING OBJECTION(S): This is the portion of the decreed
amount not sold to Fish & Game; and continuously used as needed in
conjunction with rights 36-00049 & 36-15538. (Also, see objection to 36-00049.)

State of Idaho)
County of Jerome) ss

That I am the party/claimant filing this Objection, as defined by I.C. §§ 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this Objection, know its contents, and believe that the statements are true to the best of my knowledge.

(Attorney signing in representative capacity)

Patricia J. Fahrenberg
9/23/00

My Commission Expires: 11-09-2004



INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the SRBA Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on September 27, 2000, I mailed the original and copies of this Objection, including all attachments, to the following persons:

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

(via hand delivery)

2. One copy to the Claimant of the water right at the following address:

Name: n/a

Address: _____

3. Copies to:

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

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Idaho Dept. of Water Resources
Document Depository
P. O. Box 83720
Boise, ID 83701-0098

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83705
(208) 327-7866

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Michael C. Creamer
Givens Pursley
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)


(Signature of Objector or attorney mailing on Objector's behalf)

COPY

RECEIVED

NOV 16 2001

Department of Water Resources

RECEIVED

NOV 21 2001

Department of Water Resources
Southern Region

2001 NOV 13 PM 1:26

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

Water Rights: 36-48A, 36-49,
36-2169, 36-15532, 36-15533 &
36-15538

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

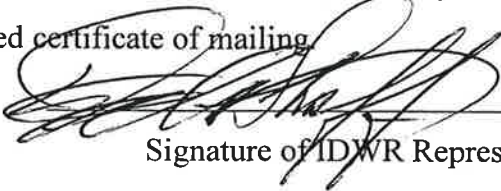
- ☐ Address change
☒ Substitution of Party
☐ IC § 42-222 transfer

- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

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

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

DATED: Nov 8, 2001


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 8, 2001, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☐ regular mail
☒ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Idaho State Building Authority
P.O. Box 2802
Boise, ID 83701

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Dan and Irma McFaddan
17966 Hwy. 30
Hagerman, ID 83332

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document

11/07/2001

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

2001 NOV 13 PM 1:26
TOWN FALLS CO., IDAHO
FILED

RIGHT NUMBER: 36-48A
NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE ID 83701

SOURCE: BILLINGSLEY CREEK
TRIBUTARY: SNAKE RIVER

QUANTITY: 1.100 CFS
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 8.18 CFS. COMBINED RIGHT NOS.: 36-15538,
36-00049, 36-15532 & 36-15533.^^^

PRIORITY DATE: 11/04/1885

POINT OF
DIVERSION: T07S R13E S13 NWNWNE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	2/15 11/30	1.100 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T07S R13E S11	SENE	6.0	T07S R13E S11	NESE	36.5
T07S R13E S11	SESE	40.0	T07S R13E S12	NWSW	1.0
T07S R13E S12	SWSW	18.0	T07S R13E S12	SESW	1.0
T07S R13E S13	NENW	36.0	T07S R13E S13	NWNW	40.0

178.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 36-00049 & 36-15538 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 178.5 ACRES IN A SINGLE IRRIGATION
SEASON.^^^

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO
SECTION 42-1425, IDAHO CODE.

RECEIVED

FEB 03 1999

RECEIVED

FEB 09 1999

Department of Water Resources
Southern Region

Department of Water Resources

36-00048A
1999 FEB 01 PM 03:06
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: 36-00048A 36-00049
36-02169

The Scheduling Conference for this subcase will be
held as follows:

WEDNESDAY, MARCH 10, 1999 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 2/01/99

(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: FEBRUARY 01, 1999

/S/ TERI HRANAC
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 FEBRUARY 01, 1999, with sufficient first-class postage to the following:

STATE OF IDAHO

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

FAULKNER LAND & LIVESTOCK
FAULKNER LAND & LIVESTOCK CO.

Represented by:
JOSEPHINE P. BEEMAN
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

CRANNEY BROS.

Represented by:
MICHAEL C. CREAMER
PO BOX 2720
BOISE, ID 83701
Phone: 208-388-1200

DAN H. MCFADDEN
MCFADDEN, IRMA
ROUTE 1, BOX 406
HAGERMAN, ID 83332

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

RECEIVED

FEB 09 1999

Department of Water Resources
Southern Region

1999 FEB 01 PM 03:06
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: 36-00048A 36-00049
36-02169

The Scheduling Conference for this subcase will be
held as follows:

WEDNESDAY, MARCH 10, 1999 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.

MAIL



CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010

(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: FEBRUARY 01, 1999

/S/ TERI HRANAC
Deputy Clerk
Snake River Basin Adjudication

(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: FEBRUARY 01, 1999

/S/ TERI HRANAC

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 FEBRUARY 01, 1999, with sufficient first-class postage to the following:

STATE OF IDAHO

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

FAULKNER LAND & LIVESTOCK
FAULKNER LAND & LIVESTOCK CO.

Represented by:
JOSEPHINE P. BEEMAN
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

CRANNEY BROS.

Represented by:
MICHAEL C. CREAMER
PO BOX 2720
BOISE, ID 83701
Phone: 208-388-1200

DAN H. MCFADDEN
MCFADDEN, IRMA
ROUTE 1, BOX 406
HAGERMAN, ID 83332

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

**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.: 36-00048A

STANDARD FORM 5

**STIPULATED ELEMENTS
OF A WATER RIGHT**

RECEIVED

FEB 28 2002

Department of Water Resources
Southern Region

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.

C. J. Krema 2/21/02
C. Nicholas Krema Date
Deputy Attorney General, State of Idaho
Attorney for

John M. Marshall 02/19/02
John M. Marshall Date
Givens Pursley LLP
Attorney for Cranney Bros.

Steve [Signature] 2/22/02
IDWR Concurrence Date

Deborah E. Nelson 2/19/02
Deborah E. Nelson Date
Beeman & Associates P.C.
Attorney for North Snake Ground Water
District

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

DATE: OCT. 13, 1999
PAGE: A-1

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00048A

NAME AND ADDRESS: IDAHO STATE BUILDING AUTHORITY
PO BOX 2802
BOISE ID 83701
(208) 345-6057

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.1 CFS

THE 1.1 CFS QUANTITY FOR IRRIGATION DESIGNATED UNDER THIS RIGHT IS BASED ON THE REASONABLE AMOUNT THAT WOULD BE NEEDED TO SUPPLY A SURFACE OR GRAVITY IRRIGATION SYSTEM. HOWEVER, THE ACTUAL MEANS OF IRRIGATION INVOLVES SPRINKLERS OR ANOTHER IRRIGATION METHOD THAT REQUIRES A SMALLER AMOUNT OF WATER. IN THE EVENT OF A WATER SHORTAGE, A DELIVERY CALL FOR WATER, OR OTHER ACTION TO ADMINISTER WATER RIGHTS, THE WATER RIGHT HOLDER SHALL BE ENTITLED TO DIVERT NO MORE THAN THE QUANTITY REASONABLY NECESSARY AT THAT TIME. THIS QUANTITY MAY BE LESS THAN, AND SHALL NEVER BE GREATER THAN, THE 1.1 CFS QUANTITY. A DIVERSION SYSTEM THAT USES MORE THAN 0.026 CFS PER ACRE IS REASONABLE ONLY IF SUCH SYSTEM IS REQUIRED IN GOOD FAITH FOR AGRICULTURAL IRRIGATION OF THE DESCRIBED PLACE OF USE.

ck
Jmm
Dew
SCC

PRIORITY DATE: 11/04/1885

POINT OF DIVERSION: T07S R13E S13 NWNWNE Within GOODING County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	02-15 11-30	1.1 CFS

PLACE OF USE:	IRRIGATION	Within GOODING County
	T07S R13E S11	SENESE 06, NESESE 36.5, SESESE 40
	T07S R13E S12	NWSWSW 01, SWSWSW 18, SESWSW 01
	T07S R13E S13	NENWNW 36, NWNWNW 40,

178.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 36-00049 & 36-15538 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 178.5 ACRES IN THE ABOVE-DESCRIBED PLACE OF USE IN A SINGE IRRIGATION SEASON.

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

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.68 CFS. COMBINED RIGHT NOS.: 36-00049 & 36-15538.

A DIVERSION RATE OF NO MORE THAN 0.026 CFS PER ACRE OF THIS RIGHT MAY BE TRANSFERRED OR CHANGED SO AS TO CHANGE THE PLACE OF USE, PURPOSE OF USE, OR PERIOD OF USE THEREOF.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE;

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

CERTIFICATE OF SERVICE

I certify that on February 25, 2002, I caused to be served true and correct copies of the Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

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

2. Copies to:

Office of the Attorney General
C. Nicholas Crema
P.O. Box 83720, Room 207
Boise, ID 83720-0010

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

Deborah E. Nelson
Beeman & Associates
409 W. Jefferson St.
Boise, ID 83702

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

John M. Marshall
Givens Pursley
P.O. Box 2720
Boise, ID 83702

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

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

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





STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

ALAN G. LANCE

COPY

RECEIVED

JUL - 5 2002

Department of Water Resources

April 3, 2002

Gooding County Recorder
P.O. Box 417
Gooding, ID 83330

Re: Recording Correction Warranty Deeds

Dear Sir or Madam:

At the request of the State of Idaho, Office of Attorney General, please record the enclosed Correction Warranty Deeds in the real property records of Gooding County. Upon recording, please return the recorded documents to me. I have enclosed a self-addressed, stamped envelope for this purpose.

If you have any questions, please contact me at the telephone number set forth above.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kent E. Nelson", with a long horizontal flourish extending to the right.

KENT E. NELSON
Deputy Attorney General
Contracts & Administrative Law Division

KEN/js
Enclosures
c/enclosures: Nick Crema

CORRECTION WARRANTY DEED

THIS CORRECTION WARRANTY DEED AND INDENTURE is made by and between the DAN & IRMA MCFADDAN FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership whose address is Rt. 1, Box 406, 17966 Highway 30 N., Hagerman, Idaho, hereinafter referred to as "Grantor," and the IDAHO STATE BUILDING AUTHORITY, P.O. Box 2802, Boise, Idaho 83701, hereinafter referred to as "Grantee", to correct an error contained in that certain WARRANTY DEED between the parties hereto which was recorded in Gooding County, Idaho on September 28, 2001 as instrument no. 192262 records of Gooding County Idaho, and thereafter re-recorded in Gooding County, Idaho, on November 16, 2001 as instrument no. 192895 records of Gooding County, Idaho, which deed, erroneously included water right 36-2169-Florence Livestock Spring in Exhibit "B" thereto as part of the water rights conveyed to Grantor. This CORRECTION WARRANTY DEED removes reference to said water right;

WITNESSETH, that the Grantor does hereby convey and confirm in fee unto the said Grantee and its successors and assigns forever the premises situated in Gooding County, Idaho and more particularly described on Exhibit "A" annexed hereto and by this reference incorporated herein, together with all water rights, ditch rights, rights of way, improvements, fixtures, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining thereto, including but not limited to, the water rights identified on Exhibit "B" annexed hereto and by this reference incorporated herein.

TO HAVE AND TO HOLD the above-described premises and parcel of land and granted real property unto Grantor and its successors and assigns forever, subject only to the following:

1. Power line easement granted to Idaho Power Company, a corporation recorded June 14, 1934 in Book 3 of Miscellaneous, Page 546.
2. Water rights, ditch, flumes, and pipeline as disclosed in Warranty Deed recorded February 15, 1934 in Book 23 Deeds page 604, records of Gooding County, Idaho.
3. Power line easement granted to Idaho Power Company, a corporation recorded November 5, 1942 in Book 5 of Miscellaneous, Page 210 as Instrument No. 85341.
4. Easement for constructing and maintaining head and diversion works granted to Charles C. Cary recorded January 10, 1953 in Book 7 of Miscellaneous, Page 178 as Instrument No. 120155.
5. Easement for conveying water through a pipeline and maintenance thereof granted to K. Joo and Akio Joo & Ralph S. Bacon and Wanda Maxine Bacon recorded May 20, 1959 in Book 8 of Miscellaneous, Page 100 as Instrument No. 137751.
6. Power line easement granted to Idaho Power Company, a corporation recorded May 31, 1960 in Book 8 of Miscellaneous, Page 174 as Instrument No. 140977.

7. Easement in, to, upon and over all that certain road now in existence and which runs generally from the County road Easterly through the NW1/4NE1/4 to the NE1/4NE1/4 of Section 13, Township 7 South, Range 13, E.B.M. for ingress and egress to said NE1/4NE1/4, given to Bessie B. Abbott, a widow, and Ruth A. Letchworth, a widow, parties of the first part, to Virgil U. Norwood, party of the second part, recorded October 25, 1960 in Book 8 Page 197 as Instrument No. 141995, records of Gooding County, Idaho.
8. Covenants, conditions, restrictions and easements contained in deed to the State of Idaho recorded December 12, 1962 as Instrument No. 6402.
9. Easement for constructing and maintaining small ditches and irrigation facilities and the right of ingress and egress granted to the State of Idaho, recorded December 12, 1962 as Instrument No. 6403.
10. Agreement upon the terms, conditions and provisions contained therein for the purpose of upkeep and maintenance of an irrigation pipeline and sharing the water therefrom dated December 4, 1961 by and between McCarter Cattle Co., Inc., a corporation and Clyde McFarland recorded April 18, 1972 as Instrument No. 40070.
11. Power line easement granted to Idaho Power Company, a corporation recorded February 4, 1974 as Instrument No. 48666.
12. Power line easement granted to Idaho Power Company, a corporation recorded February 7, 1974 as Instrument No. 48668.
13. Power line easement granted to Idaho Power Company, a corporation recorded December 24, 1975 as Instrument No. 57498.

and that Grantor shall warrant and defend the premises from all other lawful claims whatsoever.

The Grantor further warrants to the Grantee that Grantor is lawfully seized of the above described real property in fee simple, that the same is free and clear of any and all encumbrances of every kind and description, except as herein specified, and that the Grantor has lawful right to convey the said real property.

[SIGNATURE PAGE FOLLOWS]

DATED This 31 day of January 2002.

DAN & IRMA MCFADDAN FAMILY LIMITED PARTNERSHIP:

By: Daniel H. McFaddan
Daniel H. McFaddan, General Partner

By: Irma R. McFaddan
Irma R. McFaddan, General Partner

By: Daniel H. McFaddan
Daniel H. McFaddan, Limited Partner

By: Irma R. McFaddan
Irma R. McFaddan, Limited Partner

By: Mark D. McFaddan
Mark D. McFaddan, Limited Partner

By: Linda Heinemann
Linda Heinemann, Limited Partner

By: Matthew D. McFaddan
Matthew D. McFaddan, Limited Partner

IDAHO STATE BUILDING AUTHORITY:

By: Patricia J. Story
Patricia J. Story, Chairman

By: Wayne V. Meuleman
Wayne V. Meuleman, Secretary

STATE OF IDAHO)
) ss.
County of GOODING

On this date before me, the undersigned notary public for such state, personally appeared **IRMA R. MCFADDAN**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she is both a General Partner and a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that she executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on 01-31-, 2002.



Deanne K. Jensen
NOTARY PUBLIC
Residing at: Hagerman, Idaho
Commission expires: 08/04/2004

STATE OF IDAHO)
) ss.
County of GOODING

On this date before me, the undersigned notary public for such state, personally appeared **DANIEL H. MCFADDAN**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is both a General Partner and a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

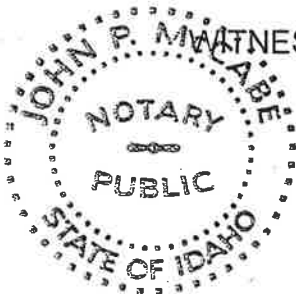
WITNESS my hand and seal on 01/31, 2002.



Deanne K. Jensen
NOTARY PUBLIC
Residing at: Hagerman, Idaho
Commission expires: 08/04/2004

STATE OF IDAHO)
) ss.
County of Latah)

On this date before me, the undersigned notary public for such state, personally appeared MARK D. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.



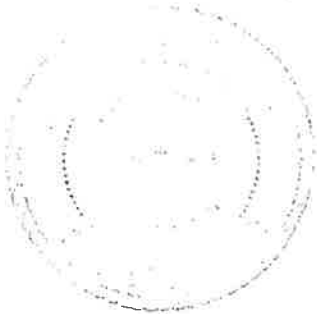
WITNESS my hand and seal on February 21, 2002.

John P. McCabe
NOTARY PUBLIC
Residing at: Moscow, Idaho
Commission expires: 5-26-06

STATE OF IDAHO)
) ss.
County of Gooding)

On this date before me, the undersigned notary public for such state, personally appeared MATTHEW D. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on 01/31, 2002.



Daphne L. Jensen
NOTARY PUBLIC
Residing at: Logan, Idaho
Commission expires: 08/04/2004

STATE OF IDAHO)
) ss.
County of BOONING)

On this date before me, the undersigned notary public for such state, personally appeared LINDA HEINEMANN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that she executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on 01/31, 2002.



Deanne K. Jensen
NOTARY PUBLIC
Residing at: Laguna, Idaho
Commission expires: 08/04/2004

STATE OF IDAHO)
) ss.
County of Ada)

On this date before me, the undersigned, a Notary Public in and for said state, personally appeared **PATRICIA J. STORY** and **WAYNE V. MEULEMAN**, known or identified to me to be the Chairman and Secretary, respectively, of the Idaho State Building Authority, each of whom acknowledged to me that they executed the within Lease on behalf of the Idaho State Building Authority in their representative capacity.

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

WITNESS my hand and seal on 3/29, 2002.

Kathy Hall
NOTARY PUBLIC for Idaho
Residing at: Boise
My Commission Expires: 10/5/07

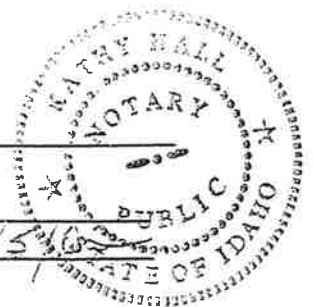


EXHIBIT A

Legal Description

See Attached.

Exhibit A

A Parcel of Land located in the East ½ of Section 11, Southwest ¼ of Section 12 and North ¼ of Section 13 Township 7 South, Range 13 East, Boise Meridian, Gooding County, Idaho.

Commencing at the Southwest corner of said Section 12 thence North 89°14'29" East, 1520.23 feet along the South boundary of Section 12 to the REAL POINT OF BEGINNING.

Thence South 46°15'35" East, 3.91 feet

Thence South 46°15'41" East, 576.76 feet

Thence South 84°16'00" East, 461.26 feet

Thence North 74°25'01" East, 243.59 feet

Thence South 37°32'59" East, 232.96 feet

Thence South 06°07'30" East, 527.36 feet

Thence South 56°43'55" West, 73.70 feet along the North Right of Way of US Highway 30,

Thence South 43°25'08" West, 116.32 feet along the North Right of Way of US Highway 30,

Thence South 35°57'53" West, 70.72 along the North Right of Way of US Highway 30,

Thence South 00°11'03" East, 22.74 feet

Thence South 88°56'33" West, 2620.98 feet to the NW 1/16 corner of Section 13,

Thence North 00°54'24" West, 1317.16 feet along the West boundary of Section 13,

Thence South 89°47'37" West 1268.48 feet along the South boundary of Section 11,

Thence North 01°00'29" West, 1774.21 feet along the East Right of Way Line of US Highway 30,

Thence along a Curve C1

Δ 01°03'55"

Length 799.84

Radius 43021.85

Tangent 399.93

Chord 799.83

Chord Bearing North 01°32'26" West

Thence North 29°11'20" East, 67.77 feet

Thence North 22°43'35" East, 197.14 feet

Thence North 01°10'04" East, 157.89 feet

Thence North 22°00'10" East, 43.25 feet

Thence North 45°37'40" East, 52.80 feet

Thence North 84°27'35" East, 134.79 feet

Thence North 84°27'35" East, 111.05 feet

Thence North 00°26'59" West, 171.02 feet to the South edge of a Road Right of Way.

Thence North 00°26'59" West, 50.00 feet

Thence North 89°33'00" East, 124.83 feet

Thence South 29°23'00" East, 57.13 feet to a point on the South edge of a Road Right of Way.

Thence South 29°22'58" East, 386.58 feet

Thence South 22°52'56" East, 799.14 feet

Thence South 26°10'03" East, 519.95 feet

Thence South 23°24'52" East, 859.77 feet

Thence South 47°58'30" East, 482.48 feet

Thence North $84^{\circ}52'50''$ East, 233.99 feet
Thence South $46^{\circ}15'35''$ East, 853.00 feet to the REAL POINT OF BEGINNING.

LESS AND EXCEPTING THE FOLLOWING DESCRIBED PARCEL:

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

Section 11: That part of the North one-half of the Northeast Quarter of the Southeast Quarter, lying West of the following described line:

BEGINNING at a point on the North boundary line of the South one-half of the Southeast Quarter of the Northeast Quarter from which point the Northeast corner of said South one-half of the Southeast Quarter of the Northeast Quarter bears North $89^{\circ}33'$ East 734.0 feet;

Thence South $28^{\circ}25'$ East 444.0 feet;

Thence South $21^{\circ}55'$ East 300.00 feet;

Thence South $25^{\circ}12'$ East 520.00 feet to a point on the Section line common to Sections 11 and 12.

EXHIBIT B

McFaddan Water Rights Description

Record No.	Source	Priority Date	Basis	Use
36-15532	Florence Livestock Spring	06/01/1969	Beneficial Use	Fish Propagation
36-15533	Florence Livestock Spring	04/01/1958	Beneficial Use	Commercial
36-15538	Spring	04/01/1964	Beneficial Use	Irrigation
36-00049	Florence Livestock Spring	04/01/1900	Decreed	Commercial, Domestic, Fish Propagation, Irrigation, Stockwater
36-00048A	Billingsley Creek	11/04/1885	Decreed	Irrigation

OCT 2nd 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water RightNo(s).	Adjudication Claim No(s).	Split
✓ 36-15532	_____	_____	✓ 36-2169	_____	_____
✓ 36-15533	_____	_____	_____	_____	_____
✓ 36-15538	_____	_____	_____	_____	_____
✓ 36-00049	_____	_____	_____	_____	_____
✓ 36-00048A	_____	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Dan and Irma McFaddan
17966 Hwy 30, Hagerman, Idaho 83332
4. New Owner/Claimant(s) Idaho State Building Authority
 Name Connector (Check One): [] and, [] or, [] and/or
 New Mailing Address P.O. Box 2802
 City, State and ZIP Code Boise, Idaho 83701
 New Telephone Number (208) 345-6057
5. Date you acquired the property September 28, 2001

OK to change *Shiff* 10/3/01
 records changed 11-07-01, ss
 & NCAP done.

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title of applicable)

Idaho State Building Authority
Joe McNeel, Executive Director

For Snake River Basin Adjudication Claims, please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by J. Moore Date 10-29-01 Fee _____
 Receipted by J. Moore Date 10-29-01 Receipt No. 1057428
 Processed by _____ AJ Date _____ WR _____ Date _____

36-48A, -49-15533, -15533, -15538
-2169



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

RECEIVED

OCT 29 2001

Department of Water Resources

October 26, 2001

Vicki Kelly
Department of Water Resources
STATEHOUSE MAIL

Re: Billingsley Creek - Notices of Change of Water Right Ownership

Dear Vicki:

Enclosed are two Notices of Change in Water Right Ownership, one for the AquaLife property and one for the McFadden property. Also enclosed is a check from Meuleman & Miller in the amount of \$125.00 for the filing fee required on the AquaLife property.

Sincerely,

Julie K. Weaver
Deputy Attorney General
Contracts & Administrative Law Division

JKW/js
Enclosures

36-2338
✓ - 2414
✓ - 4011
✓ - 2734
late clm #36-15476

AquaLife

36-48A
✓ - 49
✓ - 2169
✓ - 15532
✓ - 15533
✓ - 15538

McFadden

Instrument # 2261

GOODING, GOODING, IDAHO

2001-09-28 04:19:27 No. of Pages: 5

Recorded for : GOODING TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy *Helen Edwards* Fee 15.00

Index to: DEED, WARRANTY

G010186 D

WARRANTY DEED

THIS INDENTURE made by and between DANIEL H. MCFADDAN AND IRMA R. MCFADDAN, husband and wife, whose address is Rt. 1, Box 406, 17966 Highway 30 N., Hagerman, Idaho, collectively hereinafter referred to as "Grantor," and the IDAHO STATE BUILDING AUTHORITY, P.O. Box 2802, Boise, Idaho 83701, hereinafter referred to as "Grantee";

WITNESSETH, that the Grantor does hereby convey and confirm in fee unto the said Grantee and its successors and assigns forever the premises situated in Gooding County, Idaho and more particularly described on Exhibit "A" annexed hereto and by this reference incorporated herein, together with all water rights, ditch rights, rights of way, improvements, fixtures, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining thereto, including but not limited to, the water rights identified on Exhibit "B" annexed hereto and by this reference incorporated herein.

TO HAVE AND TO HOLD the above-described premises and parcel of land and granted real property unto Grantor and its successors and assigns forever, subject only to the following:

1. Power line easement granted to Idaho Power Company, a corporation recorded June 14, 1934 in Book 3 of Miscellaneous, Page 546.
2. Water rights, ditch, flumes, and pipeline as disclosed in Warranty Deed recorded February 15, 1934 in Book 23 Deeds page 604, records of Gooding County, Idaho.
3. Power line easement granted to Idaho Power Company, a corporation recorded November 5, 1942 in Book 5 of Miscellaneous, Page 210 as Instrument No. 85341.
4. Easement for constructing and maintaining head and diversion works granted to Charles C. Cary recorded January 10, 1953 in Book 7 of Miscellaneous, Page 178 as Instrument No. 120155.
5. Easement for conveying water through a pipeline and maintenance thereof granted to K. Joo and Akio Joo & Ralph S. Bacon and Wanda Maxine Bacon recorded May 20, 1959 in Book 8 of Miscellaneous, Page 100 as Instrument No. 137751.
6. Power line easement granted to Idaho Power Company, a corporation recorded May 31, 1960 in Book 8 of Miscellaneous, Page 174 as Instrument No. 140977.
7. Easement in, to, upon and over all that certain road now in existence and which runs generally from the County road Easterly through the NW1/4NE1/4 to the NE1/4NE1/4 of Section 13, Township 7 South, Range 13, E.B.M. for ingress and egress to said NE1/4NE1/4, given to Bessie B. Abbott, a widow, and Ruth A. Letchworth, a widow, parties of the first

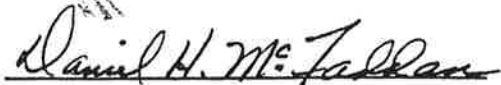
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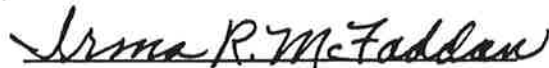
8. Covenants, conditions, restrictions and easements contained in deed to the State of Idaho recorded December 12, 1962 as Instrument No. 6402.
9. Easement for constructing and maintaining small ditches and irrigation facilities and the right of ingress and egress granted to the State of Idaho, recorded December 12, 1962 as Instrument No. 6403.
10. Agreement upon the terms, conditions and provisions contained therein for the purpose of upkeep and maintenance of an irrigation pipeline and sharing the water therefrom dated December 4, 1961 by and between McCarter Cattle Co., Inc., a corporation and Clyde McFarland recorded April 18, 1972 as Instrument No. 40070.
11. Power line easement granted to Idaho Power Company, a corporation recorded February 4, 1974 as Instrument No. 48666.
12. Power line easement granted to Idaho Power Company, a corporation recorded February 7, 1974 as Instrument No. 48668.
13. Power line easement granted to Idaho Power Company, a corporation recorded December 24, 1975 as Instrument No. 57498.

and that Grantor shall warrant and defend the premises from all other lawful claims whatsoever.

The Grantor further warrants to the Grantee that Grantor is lawfully seized of the above described real property in fee simple, that the same is free and clear of any and all encumbrances of every kind and description, except as herein specified, and that the Grantor has lawful right to convey the said real property.

DATED This 28th day of September 2001.


Daniel H. McFaddan

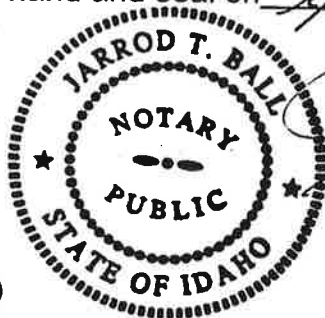

Irma R. McFaddan

36-48A-49, -15532, -15533, -15538
-2169

STATE OF IDAHO)
) ss.
County of Twin Falls

On this date before me, the undersigned notary public for such state personally appeared IRMA R. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS my hand and seal on Sept. 28, 2001.



[Signature]
NOTARY PUBLIC

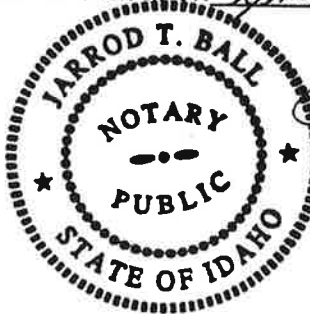
Residing at: Twin Falls

Commission expires: 7-25-2002

STATE OF IDAHO)
) ss.
County of Twin Falls

On this date before me, the undersigned notary public for such state personally appeared DANIEL H. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS my hand and seal on Sept. 28th, 2001.



[Signature]
NOTARY PUBLIC

Residing at: Twin Falls

Commission expires: 7-25-2002

36-48A, -49 -15532, -15533, -15534
-2169

EXHIBIT A

Legal Description

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

Section 11: That part of the North one-half of the Northeast Quarter of the Southeast Quarter, lying West of the following described line:

BEGINNING at a point on the North boundary line of the South one-half of the Southeast Quarter of the Northeast Quarter from which point the Northeast corner of said South one-half of the Southeast Quarter of the Northeast Quarter bears North 89°33' East 734.0 feet;

Thence South 28°25' East 444.0 feet;

Thence South 21°55' East 800.00 feet;

Thence South 25°12' East 520.00 feet to a point on the Section line common to Section 11 and 12.

36-48A, -49, -15532, -15533, -15534
-2169

EXHIBIT B

McFaddan Water Rights Description

Record No.	Source	Priority Date	Basis	Use
36-15532	Florence Livestock Spring	06/01/1969	Beneficial Use	Fish Propagation
36-15533	Florence Livestock Spring	04/01/1958	Beneficial Use	Commercial
36-15538	Spring	04/01/1964	Beneficial Use	Irrigation
36-00049	Florence Livestock Spring	04/01/1900	Decreed	Commercial, Domestic, Fish Propagation, Irrigation, Stockwater
36-00048A	Billingsley Creek	11/04/1885	Decreed	Irrigation
36-2169	Florence Livestock Spring	04/10/1952	License	Domestic, Irrigation

36-48A, -49, -15532, -15533, -15538
-2169

Instrument # 192262

GOODING, GOODING, IDAHO

2001-09-28

04:19:43 No. of Pages: 10

Recorded for : GOODING TITLE

HELEN EDWARDS

Fee: 30.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

GD10184C

WARRANTY DEED

THIS INDENTURE made by and between the DAN & IRMA MCFADDAN FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership whose address is Rt. 1, Box 406, 17966 Highway 30 N., Hagerman, Idaho, hereinafter referred to as "Grantor," and the IDAHO STATE BUILDING AUTHORITY, P.O. Box 2802, Boise, Idaho 83701, hereinafter referred to as "Grantee";

WITNESSETH, that the Grantor does hereby convey and confirm in fee unto the said Grantee and its successors and assigns forever the premises situated in Gooding County, Idaho and more particularly described on Exhibit "A" annexed hereto and by this reference incorporated herein, together with all water rights, ditch rights, rights of way, improvements, fixtures, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining thereto, including but not limited to, the water rights identified on Exhibit "B" annexed hereto and by this reference incorporated herein.

TO HAVE AND TO HOLD the above-described premises and parcel of land and granted real property unto Grantor and its successors and assigns forever, subject only to the following:

1. Power line easement granted to Idaho Power Company, a corporation recorded June 14, 1934 in Book 3 of Miscellaneous, Page 546.
2. Water rights, ditch, flumes, and pipeline as disclosed in Warranty Deed recorded February 15, 1934 in Book 23 Deeds page 604, records of Gooding County, Idaho.
3. Power line easement granted to Idaho Power Company, a corporation recorded November 5, 1942 in Book 5 of Miscellaneous, Page 210 as Instrument No. 85341.
4. Easement for constructing and maintaining head and diversion works granted to Charles C. Cary recorded January 10, 1953 in Book 7 of Miscellaneous, Page 178 as Instrument No. 120155.
5. Easement for conveying water through a pipeline and maintenance thereof granted to K. Joo and Akio Joo & Ralph S. Bacon and Wanda Maxine Bacon recorded May 20, 1959 in Book 8 of Miscellaneous, Page 100 as Instrument No. 137751.
6. Power line easement granted to Idaho Power Company, a corporation recorded May 31, 1960 in Book 8 of Miscellaneous, Page 174 as Instrument No. 140977.
7. Easement in, to, upon and over all that certain road now in existence and which runs generally from the County road Easterly through the NW1/4NE1/4 to the NE1/4NE1/4 of Section 13, Township 7 South, Range 13, E.B.M. for ingress and egress to said NE1/4NE1/4, given to Bessie B. Abbott, a widow, and Ruth A. Letchworth, a widow, parties of the first

WARRANTY DEED

Page 1 of 6

36-48A -49, -15532, -15533, -15538
-2169

part, to Virgil U. Norwood, party of the second part, recorded October 25, 1960 in Book 8 Page 197 as Instrument No. 141995, records of Gooding County, Idaho.

8. Covenants, conditions, restrictions and easements contained in deed to the State of Idaho recorded December 12, 1962 as Instrument No. 6402.
9. Easement for constructing and maintaining small ditches and irrigation facilities and the right of ingress and egress granted to the State of Idaho, recorded December 12, 1962 as Instrument No. 6403.
10. Agreement upon the terms, conditions and provisions contained therein for the purpose of upkeep and maintenance of an irrigation pipeline and sharing the water therefrom dated December 4, 1961 by and between McCarter Cattle Co., Inc., a corporation and Clyde McFarland recorded April 18, 1972 as Instrument No. 40070.
11. Power line easement granted to Idaho Power Company, a corporation recorded February 4, 1974 as Instrument No. 48666.
12. Power line easement granted to Idaho Power Company, a corporation recorded February 7, 1974 as Instrument No. 48668.
13. Power line easement granted to Idaho Power Company, a corporation recorded December 24, 1975 as Instrument No. 57498.

and that Grantor shall warrant and defend the premises from all other lawful claims whatsoever.

The Grantor further warrants to the Grantee that Grantor is lawfully seized of the above described real property in fee simple, that the same is free and clear of any and all encumbrances of every kind and description, except as herein specified, and that the Grantor has lawful right to convey the said real property.

[SIGNATURE PAGE FOLLOWS]

36-48A, -49, -15532, -15533, -15538
-2169

DATED This 28th day of September 2001.

DAN & IRMA MCFADDAN FAMILY LIMITED PARTNERSHIP:

By: Daniel H. McFaddan By: Irma R. McFaddan
Daniel H. McFaddan, General Partner Irma R. McFaddan, General Partner

By: Daniel H. McFaddan By: Irma R. McFaddan
Daniel H. McFaddan, Limited Partner Irma R. McFaddan, Limited Partner

By: Mark D. McFaddan By: Linda Heinemann
Mark D. McFaddan, Limited Partner Linda Heinemann, Limited Partner

By: Matthew D. McFaddan
Matthew D. McFaddan, Limited Partner

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

On this date before me, the undersigned notary public for such state, personally appeared IRMA R. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she is a General Partner of the Dan & Irma McFaddan Family Limited Partnership and that she executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on Sept. 28, 2001.



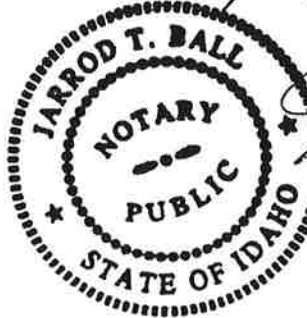

NOTARY PUBLIC

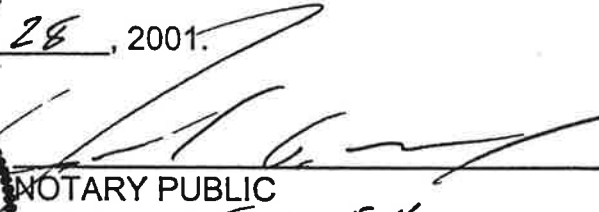
Residing at: Tri Falls
Commission expires: 7-25-2002

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

On this date before me, the undersigned notary public for such state, personally appeared DANIEL H. MCFADDAN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is a General Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on Sept. 28, 2001.



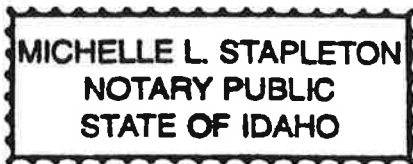

NOTARY PUBLIC

Residing at: Tri Falls
Commission expires: 7-25-2002

STATE OF IDAHO)
) ss.
County of Latah)

On this date before me, the undersigned notary public for such state, personally appeared **MARK D. MCFADDAN**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on 9-26, 2001.



Michelle L Stapleton
NOTARY PUBLIC
Residing at: Moscow Id
Commission expires: 9-13-06

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

On this date before me, the undersigned notary public for such state, personally appeared **MATTHEW D. MCFADDAN**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that he executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on Sept. 28th, 2001.

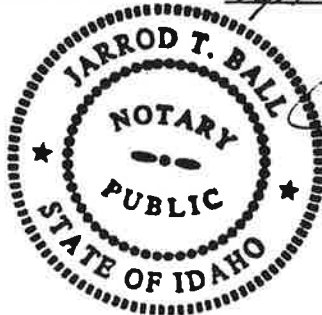


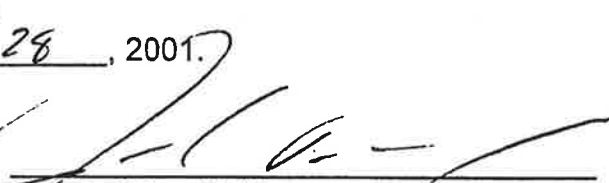
[Signature]
NOTARY PUBLIC
Residing at: Triun Falls
Commission expires: 7-25-2002

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

On this date before me, the undersigned notary public for such state, personally appeared LINDA HEINEMANN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she is a Limited Partner of the Dan & Irma McFaddan Family Limited Partnership and that she executed the instrument on behalf of said partnership and that the Dan & Irma McFaddan Family Limited Partnership executed the same.

WITNESS my hand and seal on Sept. 28, 2001.




NOTARY PUBLIC

Residing at: Tri Falls

Commission expires: 7-25-2002

36-48A, -49, -15532, -15533, -15538.
-2169

EXHIBIT A

Legal Description

See Attached.

36-48A, -49, -15532, -15533, -15538
-2169

EXHIBIT A

EXHIBIT A

Legal Description

A Parcel of Land located in the East ½ of Section 11, Southwest ¼ of Section 12 and North ¼ of Section 13 Township 7 South, Range 13 East, Boise Meridian, Gooding County, Idaho.

Commencing at the Southwest corner of said Section 12 which is the REAL POINT OF BEGINNING.

Thence North 89°14'29" East, 1520.23 feet along the South boundary of Section 12.
Thence South 46°15'35" East, 3.91 feet
Thence South 46°15'41" East, 576.76 feet
Thence South 84°16'00" East, 461.26 feet
Thence North 74°25'01" East, 243.59 feet
Thence South 37°32'59" East, 232.96 feet
Thence South 06°07'30" East, 527.36 feet
Thence South 56°43'55" West, 73.70 feet along the North Right of Way of US Highway 30,
Thence South 48°25'08" West, 116.32 feet along the North Right of Way of US Highway 30,
Thence South 35°57'53" West, 70.72 along the North Right of Way of US Highway 30,
Thence South 00°11'03" East, 22.74 feet
Thence South 89°56'33" West, 2620.98 feet to the NW 1/16 corner of Section 13,
Thence North 00°54'24" West, 1317.16 feet along the West boundary of Section 13,
Thence North 89° 47'37" East, 1268.48 feet along the South boundary of Section 11,
Thence North 01°00'29" West, 1774.21 feet along the East Right of Way Line of US Highway 30

Thence along a Curve C1

Δ 01°03'55"
Length 799.84
Radius 43021.85
Tangent 399.93
Chord 799.83
Chord Bearing North 01°32'26" West

Thence North 29°11'20" East, 67.77 feet
Thence North 22°43'35" East, 197.14 feet
Thence North 01°10'04" East, 157.89 feet
Thence North 22°00'10" East, 43.25 feet
Thence North 45°37'40" East, 52.80 feet
Thence North 84°27'35" East, 134.79 feet
Thence North 84°27'35" East, 111.05 feet
Thence North 00°26'59" West, 171.02 feet to the South edge
of a Road Right of Way.
Thence North 00°26'59" West, 50.00 feet
Thence North 89°33'00" East, 124.83 feet
Thence South 29°23'00" East, 57.13 feet to a point on the South edge
of a Road Right of Way.
Thence South 29°22'58" East, 386.58 feet
Thence South 22°52'56" East, 799.14 feet
Thence South 26°10'03" East, 519.95 feet
Thence South 23°24'52" East, 859.77 feet
Thence South 47°58'30" East, 482.48 feet

36-48A, -49, -15532, -15533, -15538
-2169

Thence North 84°52'50" East, 233.99 feet
Thence South 46°15'35" East, 853.00 feet to the REAL POINT OF BEGINNING.
Said Parcel contains approximately 175.60 acres which excludes 0.16 acres of Right of Way in the East ½ of Section 11.

EXCEPTING THEREFROM the following parcel:

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

Section 11: That part of the North one-half of the Northeast Quarter of the Southeast Quarter, lying West of the following described line:

BEGINNING at a point on the North boundary line of the South one-half of the Southeast Quarter of the Northeast Quarter from which point the Northeast corner of said South one-half of the Southeast Quarter of the Northeast Quarter bears North 89°33' East 734.0 feet;

Thence South 28°25' East 444.0 feet;

Thence South 21°55' East 800.00 feet;

Thence South 25°12' East 520.00 feet to a point on the Section line common to Section 11 and 12.

36-48A -49 -15532, -15533, -15538
-2169

EXHIBIT B

McFadden Water Rights Description

Record No.	Source	Priority Date	Basis	Use
36-15532	Florence Livestock Spring	06/01/1969	Beneficial Use	Fish Propagation
36-15533	Florence Livestock Spring	04/01/1958	Beneficial Use	Commercial
36-15538	Spring	04/01/1964	Beneficial Use	Irrigation
36-00049	Florence Livestock Spring	04/01/1900	Decreed	Commercial, Domestic, Fish Propagation, Irrigation, Stockwater
36-00048A	Billingsley Creek	11/04/1885	Decreed	Irrigation
36-2169	Florence Livestock Spring	04/10/1952	License	Domestic; Irrigation

EXHIBIT B

36-48A, -49, -15532, -15533, -15538
-2169

360 ACRES

Legend:

ADJUSTED DOCKHART LINE
 LOT LINE/ PARCEL LINE TO BE ABANDONED
 ROAD 1/2" SECTION & CAP
 SET 1/2" = 24' BEARS & CAP

Table of Acreages:

LINE	ACREAGE	SECTION	TOWNSHIP	RANGE	BEARING	DIAGONAL
1	1.00	11	11N	11E	111° 15' 00" W	111° 15' 00" W
2	1.00	12	11N	11E	111° 15' 00" W	111° 15' 00" W
3	1.00	13	11N	11E	111° 15' 00" W	111° 15' 00" W
4	1.00	14	11N	11E	111° 15' 00" W	111° 15' 00" W
5	1.00	15	11N	11E	111° 15' 00" W	111° 15' 00" W
6	1.00	16	11N	11E	111° 15' 00" W	111° 15' 00" W
7	1.00	17	11N	11E	111° 15' 00" W	111° 15' 00" W
8	1.00	18	11N	11E	111° 15' 00" W	111° 15' 00" W
9	1.00	19	11N	11E	111° 15' 00" W	111° 15' 00" W
10	1.00	20	11N	11E	111° 15' 00" W	111° 15' 00" W
11	1.00	21	11N	11E	111° 15' 00" W	111° 15' 00" W
12	1.00	22	11N	11E	111° 15' 00" W	111° 15' 00" W
13	1.00	23	11N	11E	111° 15' 00" W	111° 15' 00" W
14	1.00	24	11N	11E	111° 15' 00" W	111° 15' 00" W
15	1.00	25	11N	11E	111° 15' 00" W	111° 15' 00" W
16	1.00	26	11N	11E	111° 15' 00" W	111° 15' 00" W
17	1.00	27	11N	11E	111° 15' 00" W	111° 15' 00" W
18	1.00	28	11N	11E	111° 15' 00" W	111° 15' 00" W
19	1.00	29	11N	11E	111° 15' 00" W	111° 15' 00" W
20	1.00	30	11N	11E	111° 15' 00" W	111° 15' 00" W
21	1.00	31	11N	11E	111° 15' 00" W	111° 15' 00" W
22	1.00	32	11N	11E	111° 15' 00" W	111° 15' 00" W
23	1.00	33	11N	11E	111° 15' 00" W	111° 15' 00" W
24	1.00	34	11N	11E	111° 15' 00" W	111° 15' 00" W
25	1.00	35	11N	11E	111° 15' 00" W	111° 15' 00" W
26	1.00	36	11N	11E	111° 15' 00" W	111° 15' 00" W
27	1.00	37	11N	11E	111° 15' 00" W	111° 15' 00" W
28	1.00	38	11N	11E	111° 15' 00" W	111° 15' 00" W
29	1.00	39	11N	11E	111° 15' 00" W	111° 15' 00" W
30	1.00	40	11N	11E	111° 15' 00" W	111° 15' 00" W
31	1.00	41	11N	11E	111° 15' 00" W	111° 15' 00" W
32	1.00	42	11N	11E	111° 15' 00" W	111° 15' 00" W
33	1.00	43	11N	11E	111° 15' 00" W	111° 15' 00" W
34	1.00	44	11N	11E	111° 15' 00" W	111° 15' 00" W
35	1.00	45	11N	11E	111° 15' 00" W	111° 15' 00" W
36	1.00	46	11N	11E	111° 15' 00" W	111° 15' 00" W
37	1.00	47	11N	11E	111° 15' 00" W	111° 15' 00" W
38	1.00	48	11N	11E	111° 15' 00" W	111° 15' 00" W
39	1.00	49	11N	11E	111° 15' 00" W	111° 15' 00" W
40	1.00	50	11N	11E	111° 15' 00" W	111° 15' 00" W
41	1.00	51	11N	11E	111° 15' 00" W	111° 15' 00" W
42	1.00	52	11N	11E	111° 15' 00" W	111° 15' 00" W
43	1.00	53	11N	11E	111	

The Idaho State Building Authority

ALAN G. LANCE
Attorney General, State of Idaho

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

C. NICHOLAS KREMA
Deputy Attorney General
700 W. Jefferson St., Rm. 210
P.O. Box 83720
Boise, ID 83720-0010
Telephone: (208) 334-2400
Fax: (208) 334-2690
Idaho State Bar No. 3471

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. 36-00048A, 36-00049,
36-02169, 36-15532, 36-15533, 36-15538

)
)
) NOTICE OF APPEARANCE
)
)
)

Notice is hereby given, in the above-captioned subcases, that the following counsel will
appear for Applicant, the Idaho State Building Authority:

ALAN G. LANCE
Attorney General, State of Idaho

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

COPY

C. NICHOLAS KREMA
Deputy Attorney General
700 W. Jefferson St., Rm. 210
P.O. Box 83720
Boise, ID 83720-0010
Telephone: (208) 334-2400
Fax: (208) 334-2690
Idaho State Bar No. 3471

DATED this 19th day of October 2001.

ALAN G. LANCE
Attorney General, State of Idaho

By: CJ. Krema
C. NICHOLAS KREMA
Deputy Attorney General

36-48A, -49-2169, -15532, -15533, -15538

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of October I caused to be served copies of the foregoing **NOTICE OF APPEARANCE** by the method indicated bellow to the following:

Patrick D. Brown
109 S. Adams Street
Jerome, ID 83338

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

John Marshall
Givens Pursley LLP
P.O. Box 2720
Boise, ID 73701-2720

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

Nick Spencer
IDWR

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

IDWR
Document Depository

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

Josephine P. Beeman
Deborah E. Nelson
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, ID 83702

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

US Department of Justice
Environment & Natural Res. Div.
550 West Fort Street, MSC 033
Boise, ID 83724

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

C.J. Krema
C. NICHOLAS KREMA

36-48A -49, 2169, -15532, -15533, -15538

Dan & Irma McFaddan

PATRICK D. BROWN, P.C.

Law Offices

109 South Adams

Jerome, ID 83338

Telephone: (208) 644-1967

Facsimile: (208) 633-1970

ISB #4413

RECEIVED

OCT 31 2000

Department of Water Resources
Southern Region

RECEIVED

OCT 18 2000

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

A. Subcase 36-00048A

STANDARD FORM 2
RESPONSE TO OBJECTION

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Dan and Irma McFaddan

Address: 17966 Hwy 30

Hagerman, ID 83332

Phone: (208) 837-4872

Name & Address of attorney, if any:

Patrick D. Brown

Patrick D. Brown, P.C.

109 S. Adams St.

Jerome, Idaho 83338

ph: (208) 644-1967

fax: (208) 644-1970

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION(S) TO,
WHICH YOU ARE RESPONDING:

Name: North Snake River Ground Water District

Address: 2092 East 3600 South

Wendell, ID 83355

Phone (day) (208) 536-6555

Name & Address of attorney, if any:

Josephine P. Beeman

Dana L. Hofstetter

Beeman & Hofstetter, P.C.

688 West Franklin Street

P.O. Box 1427

Boise, ID 83701-1427

Ph. (208) 388-8900

Fx. (208) 388-8400

D. I AM RESPONDING TO THE OBJECTIONS TO THE FOLLOWING ELEMENTS. (PLEASE CHECK THE APPROPRIATE BOX(ES)).

1. ☐ Name and Address
2. ☐ Source
3. ☒ Quantity Should be 2.1 cfs and combined diversion rate of 9.7 cfs.
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
11. Recommendation
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

Comments: This is the portion of the decreed amount not sold to Fish and Game, and continuously used as needed in conjunction with rights 36-00049 and 36-15538. (Also, see response to objections in right 36-00049).

E. VERIFICATION (Must be Completed)

STATE OF IDAHO)
) ss.
County of Jerome)

PATRICK D. BROWN, duly sworn, upon oath, deposes and says:

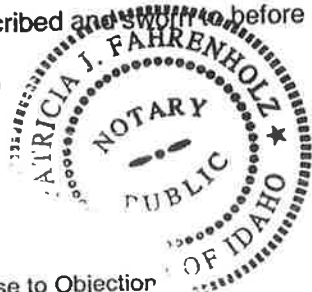
That I am the party/claimant filing this response, as defined by I.C. 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 10-17-00

(Seal)



Notary Public for

Residing at: Twin Falls

My Commission Expires: 11-09-04

INSTRUCTIONS FOR MAILING

You must mail the response to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on October 17, 2000, I mailed the original and copies of this response, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Name: Dan and Irma McFaddan
Address: 17966 Hwy 30
Hagerman, ID 83332

3. One copy to the party who filed the objection at the following address:

Name: North Snake River Ground Water District
Address: 2092 East 3600 South
Wendell, ID 83355

4. Copies to:

United States Department of Justice
Environment and Natural Resource Div.
5550 West Fort Street, MSC 033
Boise, ID 83724

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

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

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Idaho Dept. of Water Resources
Document Depository
P. O. Box 83720
Boise, ID 83701-0098

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83705
(208) 327-7866

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Michael C. Creamer
Givens Pursley
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Josephine Dana Hofstetter
Beeman & Hofstetter
608 W. Franklin St.
P. O. Box 1427
Boise, ID 83701-1427

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)



Signature of person mailing document

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OCT 20 2000

Department of Water Resources

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OCT 31 2000

Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

)
)
)
)
)
)
)

A. Subcase 36-00048A

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: North Snake Ground Water District

Address: 2092 East 3600 South
Wendell, ID 83355

Daytime Phone: 208-536-6553

Name & Address of Attorney, if any:

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
Fax - 208-388-8400

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: Dan and Irma McFadden

Address: 17966 Highway 30
Hagerman, ID 83332

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☒ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☐ Place of Use
11. **Recommendation**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss:
County of Ada)

Dana L. Hofstetter. duly sworn, upon oath, deposes and says:

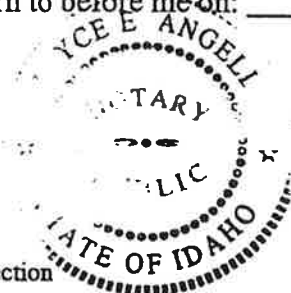
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 19, 2000



Joyce E. Angell
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 07-24-02

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on October 19, 2000, I mailed the original and copies of this response, including all attachments, to the following persons:

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

(hand delivery)

2. One copy to the claimant of the water right at the following address:

Name: Dan and Irma McFadden
Address: 17966 Highway 30
Hagerman, ID 83332

3. One copy to the party who filed the objection at the following address:

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

4. Copies to:

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

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

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

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



Your signature or signature of attorney
mailing on your behalf

Clelland, Steve

From: Spencer, Nick
Sent: Monday, January 31, 2000 5:07 PM
To: Clelland, Steve; Tuthill, Dave
Subject: RE: McFadden Rights

Hi Dave and Steve,

I spoke to Special Master Dolan just a little while ago. He is disinclined to vacate the current 2-28-00 trial date at this juncture, absent a motion from a party. He just wants to wait until the pre-trial conference on 2-11-00 to see what the parties have to say about things. He is, however, sympathetic to the due process need to give notice of our recommendations of McFadden's current claims, objection and response period, etc. But he would rather keep the heat on the parties by not vacating the trial date just yet. He asked how soon we could file our recommendations; I told him we ought to be able to get them in by the end of this week or early next week. Both Dana and Mike have indicated to me that they have information which we should review prior to recommending the fish propagation claim. Since they have given notice to us that they have such information I believe that we should in good faith examine it prior to finalizing our recommendations on any of the McFadden rights. I will contact them either before I go home tonight or first thing tomorrow morning to request them to get to us post haste everything they think we should look at. If either of you thinks that we can't get the recommendations completed within a week, please let me know; I'll call Terry back and give him a new date of anticipated completion. NBS

-----Original Message-----

From: Clelland, Steve
Sent: Monday, January 31, 2000 4:48 PM
To: Tuthill, Dave; Spencer, Nick
Subject: RE: McFadden Rights

Hi Dave,

here are some numbers to show what my work was... I also just got off the phone with Dan McFadden about the issue #1 too.

-----Original Message-----

From: Tuthill, Dave
Sent: Monday, January 31, 2000 2:49 PM
To: Clelland, Steve; Spencer, Nick
Subject: McFadden Rights

A couple of questions:

1. What is the basis for 1.1 cfs for the Billingsley Creek rt?

This was based on a theoretical calc. using 25 hp motor, 70% eff., zero lift and 60 psi. Results = 1.11 cfs. This was originally done with 10 foot lift and listed 1.04 cfs in the CVR.

2. Is 6.8 cfs for the fish rt supportable in light of diminishing spring flows? Would we anticipate that this spring has diminished in flow rate similar to the other springs in the basin?

Dan originally told me he wanted to correlate this spring's flow to the flows in Curren Tunnel, since they were thought to be of similar elevations. They are not the same elevation (100' difference: Curren is 3200' -- FLS is 3100' elevations) and after discussing this with Doug Jones, we concluded not enough data exists to make such a comparison. He also drove the area above FLS and observed most of the farmland is currently under sprinkler irrigation which used to be gravity systems. I am familiar with the area myself and have observed the springs below Justice Grade, north of this spring, and they have not returned to their "regular" flows. It is my understanding the other spring systems in the valley are returning to a more "normal" flow rate. I know the wastewater runoff from this area above the FLS is reduced and several of the wastewater rights above the Justice Grade are no longer being filled as a result of the diminished gravity irrigation uses.

I believe the 6.8 cfs is a reasonable rate and it is near the highest rates recorded by McFadden to IDWR as part of the Measurement Dist. reports 1995-1998. There was one flow of 6.9 cfs shown and several of the 6.8 cfs rate in recent years. I have not seen nor heard of any measurements greater than these. (One exception: Dan refers to the measurement taken when the pipeline was being re-built but has no confirming documentation to support the

flow of about 8.5 cfs.)

One final point to consider, the paper balance of the two rights as a result of the IDFG sale is -0048A for 2.67 cfs, which is recommended at 1.1 cfs, and -0049 for 7.68 cfs (7.77 cfs - 0.09 cfs from parts B & C), which is rec'd at 6.58 cfs. This could become an issue if the flow rates exceed these numbers since it appears there has been a change in source and POD for the remaining portion of -0048A that is now claimed to be diverted from the FLS and not the Creek.

I have not yet determined where the newly developed beneficial use fits in to this analysis.

There's my short answer,
Steve



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 5-12-00

TO: Steve Clelland

FROM: Dave Tutthill

RECEIVED
MAY 12 2000
Department of Water Resources
Southern Region

DOCUMENT DESCRIPTION: _____

COVER SHEET + _____ PAGES

CONTACT: _____ IF YOU DO NOT RECEIVE ALL THE PAGES.

THANK YOU!



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 11, 2000

Patrick D. Brown, P.C.
109 S. Adams Street
Jerome, ID 83338

RECEIVED

MAY 12 2000

Department of Water Resources
Southern Region

Sent by Facsimile to 208-644-1970

RE: Claim No. A36-15532 in the Name of Dan and Irma McFaddan

Dear Pat:

It is my understanding that the objections to the McFaddan water rights are close to resolution, and that one area where there is some question is related to the fish propagation water use on their property.

As you are aware, Claim No. A36-15532 identifies a rate of flow of 9.00 cubic feet per second for fish propagation use, with a date of priority of April 1, 1967. As we discussed during the field examination earlier this year, the flows of Florence Livestock Spring have generally been measured at less than 7 cfs during recent years. We also discussed the fact that the fish propagation facilities are smaller now than when the McFaddans acquired the property.

The purpose of this letter is to reiterate our conversation of a few weeks ago, when I indicated to you that the Department is seeking additional information regarding the fish propagation use, if flows in excess of the 6.58 cfs initially suggested by IDWR are desired by the McFaddans. Such information should justify the need for additional flows in light of the fact that such flows have not been available in recent years.

Sincerely,

David R. Tuthill, Jr., P.E.
Chief, Adjudication Bureau

cc: Michael Creamer
Dana Hofstetter
Steve Clelland

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
IDAHO DEPT OF WATER RESOURCES
2083275400
May-11-00 6:03PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
622	5/11 6:03PM	0'26"	208 644 1970	Send.....	1 / 1	EC144	Completed.....
Total		0'26"	Pages Sent: 1	Pages Printed: 0			



State of Idaho
DEPARTMENT OF WATER RESOURCES
1381 North Orchard Street, P.O. Box 83728, Boise, Idaho 83720-8998
Phone: (208) 327-7500 FAX: (208) 327-7866

RECEIVED
MAY 12 2000
Department of Water Resources
Southern Region

May 11, 2000

Patrick D. Brown, P.C.
109 S. Adams Street
Jerome, ID 83378

Sent by Facsimile to 208-644-1970

RE: Claim No. A36-15532 in the Name of Dan and Irma McFadden

Dear Pat:

It is my understanding that the objections to the McFadden water rights are close to resolution, and that one area where there is some question is related to the fish propagation water use on their property.

As you are aware, Claim No. A36-15532 identifies a rate of flow of 9.00 cubic feet per second for fish propagation use, with a date of priority of April 1, 1967. As we discussed during the field examination earlier this year, the flows of Florence Livestock Spring have generally been measured at less than 7 cfs during recent years. We also discussed the fact that the fish propagation facilities are smaller now than when the McFaddens acquired the property.

The purpose of this letter is to reiterate our conversation of a few weeks ago, when I indicated to you that the Department is seeking additional information regarding the fish propagation use, if flows in excess of the 6.38 cfs initially suggested by IDWR are desired by the McFaddens. Such information should justify the need for additional flows in light of the fact that such flows have not been available in recent years.

Sincerely,

David R. Turhill, Jr., P.E.
Chief, Adjudication Bureau

cc: Michael Cramer
Dana Modestler
Steve Clelland

BEEMAN & HOFSTETTER, P.C.

608 West Franklin Street

P. O. Box 1427

Boise, Idaho 83701-1427

Phone: (208) 388-8900

Fax: (208) 388-8400

E-Mail: beehof@micron.net

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MAY 25 2000
Department of Water Resources
Southern Region

FAX COVER SHEET

May 25, 2000

TO: Mike Creamer FAX: 388-1300
Nick Spencer 327-5400
Pat Brown 208-644-1970
Steve Clelland 208-736-3037

FROM: Dana Hofstetter

FILE NO.: 1780.2a (Permissive Review) (36-15532/McFaddan)

MESSAGE: Following is a letter to Dave Tuthill (IDWR)
regarding additional information on SRBA Claim
No. A36-15532 in the name of Dan and Irma
McFaddan.

The information contained in this facsimile is confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS PAGE) = 10

IF ALL PAGES ARE NOT RECEIVED, PLEASE CALL JOYCE AT (208) 388-8900.

ORIGINAL BY MAIL: YES ____ NO X

BEEMAN & HOFSTETTER, P.C.

Counselors and Attorneys at Law

608 West Franklin Street

P. O. Box 1427

Boise, Idaho 83701-1427

Josephine P. Beeman

Dana L. Hofstetter

Telephone: (208) 388-8900

Facsimile: (208) 388-8400

E-mail: beehof@micron.net

May 24, 2000

Via Hand Delivery

David R. Tuthill, Jr., P.E.
Chief, Adjudication Bureau
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Re: SRBA Claim No. A36-15532 in the name of Dan and Irma McFaddan

Dear Mr. Tuthill:

Thank you for forwarding me a copy of your May 11, 2000 letter to Patrick Brown regarding Dan and Irma McFaddan's SRBA Claim No. A36-15532 for fish propagation. Your letter suggests that additional information is necessary to substantiate the basis for an increase from 6.58 cfs to the 9.0 cfs listed in the fish propagation SRBA claim. Based on available information, it would be appropriate to clarify that additional information is necessary to confirm the need for more than 2.9 cfs for fish propagation. While the McFaddans' irrigation season diversions from Florence Livestock Spring have been measured to be as high as 6.8 cfs, the portion of this amount used for fish propagation is actually much less since the McFaddans' system divides the water such that water for irrigation is not used for fish propagation. As explained in the following paragraphs, currently available information indicates that the extent of water use for the McFaddans' fish propagation use appears to be closer to about 2.9 cfs.

The McFaddans' Florence Livestock Spring diversion pipeline serves a number of uses: about 142 acres of sprinkler irrigated lands as well as the fish ponds and other uses. Thus, the total measured diversions serve all of these uses. The way the system currently is configured, the 142 acres are served with fresh water, not water from the fish ponds. It has been asserted that Mr. McFaddan's land requires up to 1.3 miner's inches per acre for sprinkler irrigation. Over the 142 acres, this corresponds with a total of 3.69 cfs. After the sprinkler irrigation quantity of 3.69 cfs is subtracted from the total maximum

David Tuthill
Re: A36-15532
May 24, 2000
Page 2

irrigation season measurement of 6.8 cfs, only slightly more than 3.0 cfs is available for the other uses under Dan McFaddan's Florence Livestock Spring diversion.¹ Accordingly, on this basis, the extent of the McFaddans' fish propagation water use cannot exceed about 3.0 cfs. While no irrigation occurs during the non-irrigation season (roughly December 1 to February 15), and the total flows would be available for fish use during this period of time, we have no information indicating that the extent of the fish propagation use increases during the non-irrigation season and that more water would be required for fish propagation during this period of time.

Theoretical fish production needs also appear to be about 3.0 cfs. As we have previously discussed, production of more than 20,000 pounds of fish per year could subject the McFaddans' ponds to the Clean Water Act's National Pollutant Discharge Elimination System ("NPDES") permitting program. Since the McFaddans have not informed us that they have an NPDES permit for their fish propagation facility, it appears likely that their production does not exceed the 20,000 pounds per year. A report entitled "Aquaculture in Idaho and Nationwide," prepared by George Klontz and John King of the University of Idaho for IDWR, indicates on page 31 that about 10,000 pounds of fish can be produced per cfs under good conditions (copy enclosed). This theoretical estimate is consistent with a diversion rate of about 2.0 to 3.0 cfs for the McFaddans' fish ponds.

Further information supporting a fish propagation diversion rate of about 3.0 cfs is included in the Affidavit of Rick Eggleston provided to IDWR by the McFaddans. This Affidavit indicates that the amount of water flowing through the ponds from 1968 until the early 1970's "varied from 3.5 to 4.0 cfs during the irrigation season and fluctuated between 8.5 to 9.0 cfs during the non-irrigation season." Since the maximum amount of water available and diverted through the ponds can be in excess of actual beneficial use requirements, minimum flows through the pond are more reflective of actual needs. Thus, this Affidavit substantiates that 3.5 cfs or less likely was adequate for the original fish propagation use.

¹ Terry Scanlan has compiled the measurement records submitted by the McFaddans to IDWR for the years 1995 to 1998. Enclosed for your reference is a copy of a graph he prepared as well as his listing of measured diversion rates for the McFaddans' Florence Livestock Spring diversions. Additionally, I enclose a daily diversion record worksheet for the McFaddans' 1999 Florence Livestock Spring measurements which we obtained from Cindy Hodges of IDWR. Available diversion records indicate a maximum total measured flow of about 6.8 cfs during the irrigation season.

David Tuthill
Re: A36-15532
May 24, 2000
Page 3

I believe this summarizes available information concerning the McFaddans' fish propagation water use. As you know, based on this information, we have proposed a settlement with an unsubordinated 2.9 cfs for the fish propagation use while up to 6.58 cfs may be diverted if it is available. We believe this is a reasonable approach and, indeed, the only justifiable approach based on the information available.

Thank you for your consideration of this matter. Please do not hesitate to contact me if you have any questions.

Sincerely,

BEEMAN & HOFSTETTER, P.C.



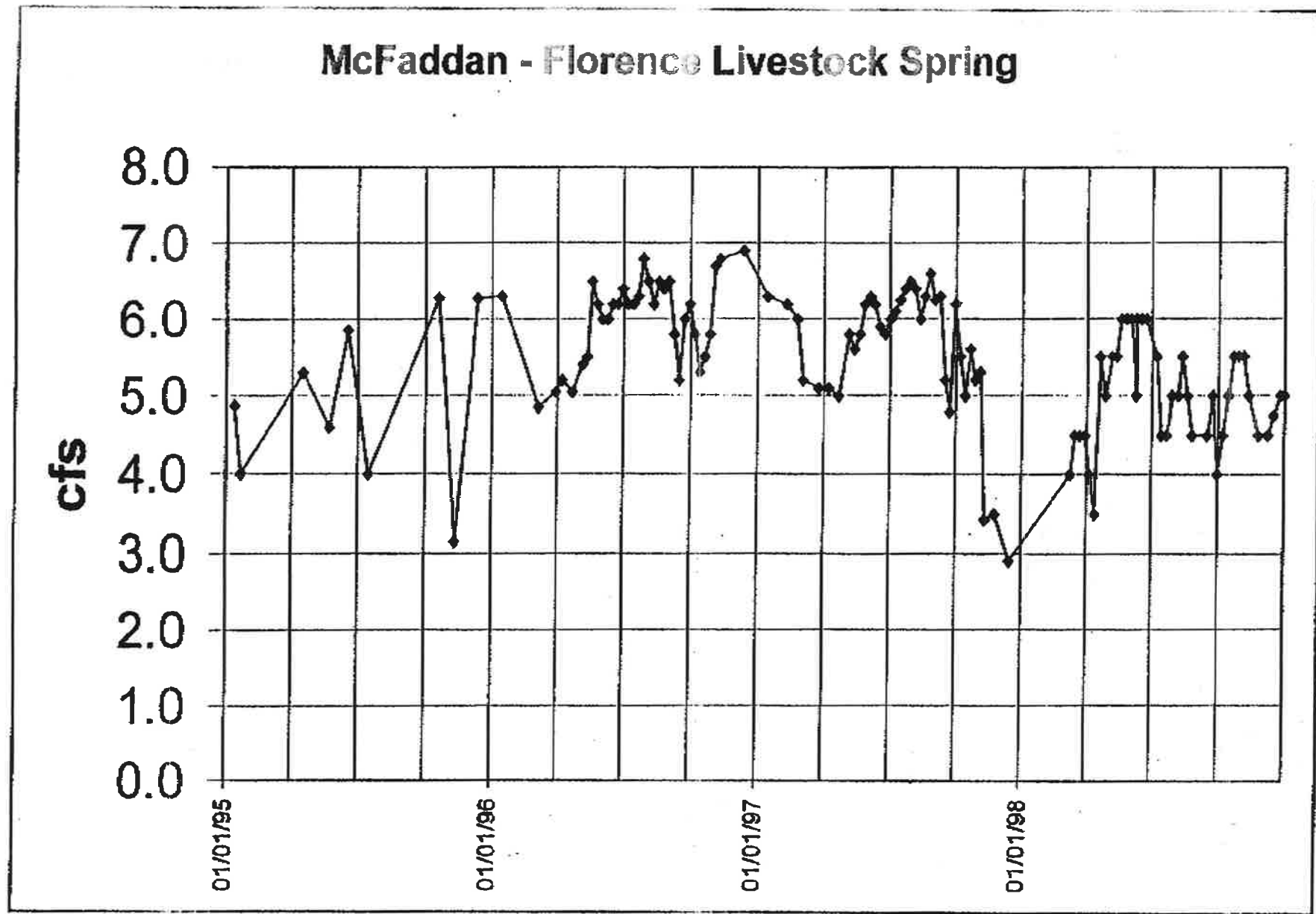
Dana L. Hofstetter

DLH:ja

Enclosures

cc via fax w/ enc.: Mike Creamer
Nick Spencer
Patrick Brown
Steve Clelland

D:\1780\2a\48A\3911



Dan McFadden - Florence Livestock Spring Diversion Records

Date	cfs
01/11/96	4.9
01/20/96	4.0
04/15/96	5.3
05/22/96	4.8
06/16/96	5.9
07/15/96	4.0
10/19/96	6.3
11/12/96	3.2
12/12/96	6.3
01/14/96	6.3
03/05/96	4.9
03/29/96	5.1
04/07/96	5.2
04/21/96	5.1
05/05/96	5.4
05/12/96	5.5
05/19/96	6.5
05/26/96	6.2
06/02/96	6.0
06/09/96	6.0
06/16/96	6.2
06/23/96	6.2
06/30/96	6.4
07/07/96	6.2
07/14/96	6.2
07/21/96	6.3
07/28/96	6.8
08/04/96	6.6
08/11/96	6.2
08/18/96	6.5
08/25/96	6.4
09/01/96	6.5
09/08/96	5.8
09/15/96	5.2
09/22/96	6.0
09/29/96	6.2
10/06/96	5.8
10/13/96	5.3
10/20/96	5.5
10/27/96	5.8
11/03/96	6.7
11/10/96	6.8
12/13/96	6.9
01/14/97	6.3
02/09/97	6.2
02/23/97	6.0
03/03/97	5.2
03/24/97	5.1
04/07/97	5.1
04/21/97	5.0
05/05/97	5.8
05/12/97	5.6
05/19/97	5.8
05/26/97	6.2
06/03/97	6.3
06/09/97	6.2
06/16/97	5.9
06/23/97	5.8
06/30/97	6.0
07/07/97	6.1
07/14/97	6.3

Page 2 of 2

07/21/97	6.4
07/28/97	6.5
08/04/97	6.4
08/11/97	6.0
08/18/97	6.3
08/25/97	6.6
09/01/97	6.3
09/08/97	6.3
09/15/97	5.2
09/22/97	4.8
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10/13/97	5.0
10/20/97	5.6
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11/10/97	3.4
11/24/97	3.5
12/15/97	2.9
03/09/98	4.0
03/15/98	4.5
03/22/98	4.5
03/29/98	4.5
04/04/98	4.0
04/12/98	3.5
04/19/98	5.5
04/26/98	5.0
05/05/98	5.5
05/12/98	5.5
05/19/98	6.0
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09/29/98	4.0
10/06/98	4.5
10/13/98	5.0
10/20/98	5.5
10/27/98	5.5
11/03/98	5.5
11/10/98	3.0
11/24/98	4.5
12/07/98	4.5
12/14/98	4.8
12/24/98	5.0
12/30/98	5.0
Average	5.5
Maximum	6.9
Minimum	2.9
Median	5.5

DAILY DIVERSION RECORD WORKSHEET

created by G.Hodges, 1/1/00

OWNER
DIVERSION NAME
SOURCE
SITE ID
REPORT DATES

WATER RIGHT 38-00048, et al
WATER RIGHT LIMIT 8.18 cfs
HIGH FLOW 7.00 cfs
DAYS OVER LIMIT 0

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	4.30	4.50	4.50	4.75	1.50	6.00	5.00	4.00	1.00	5.10	5.50	7.00
2	4.30	4.50	4.50	4.75	1.50	6.00	1.00	6.00	1.00	5.10	5.50	7.00
3	4.30	4.50	4.50	4.75	1.50	6.00	1.00	6.00	1.00	5.10	5.50	7.00
4	4.50	4.50	4.50	4.75	1.50	6.00	1.00	6.00	1.00	5.10	5.50	7.00
5	4.50	4.50	4.50	4.75	1.50	6.00	1.00	6.00	1.00	5.10	5.50	7.00
6	4.50	4.50	4.50	4.75	1.50	6.00	1.00	6.00	1.00	5.10	5.50	7.00
7	4.50	4.50	4.50	4.75	1.50	6.00	1.00	6.00	1.00	5.10	5.50	7.00
8	1.00	4.50	4.50	4.75	1.50	4.00	1.50	6.00	1.00	1.75	1.50	6.00
9	1.00	4.50	4.50	4.75	1.50	4.00	1.50	6.00	1.00	1.75	1.50	6.00
10	1.00	4.50	4.50	4.50	1.50	4.00	1.50	6.00	4.75	1.75	1.50	1.75
11	1.00	4.50	4.50	4.50	1.50	6.50	1.50	6.00	4.75	1.75	1.50	1.75
12	1.00	4.50	4.50	4.50	1.50	6.50	1.50	6.00	4.75	1.75	6.50	1.75
13	1.00	4.00	4.75	4.50	1.50	6.50	1.50	1.75	4.75	1.75	6.50	1.75
14	1.00	4.00	4.75	4.50	4.00	6.50	1.50	1.75	4.75	1.75	6.50	1.75
15	1.00	4.00	4.75	4.50	4.00	6.50	1.50	1.75	4.75	1.75	6.50	1.75
16	4.50	4.00	4.75	4.50	4.00	6.50	4.00	1.75	4.75	1.00	6.50	1.75
17	4.50	4.00	4.75	1.00	4.00	6.50	6.50	1.75	4.75	1.00	6.50	1.75
18	4.50	4.00	4.75	1.00	4.00	6.50	6.50	1.75	5.00	1.00	6.50	6.00
19	4.50	4.00	4.75	1.00	4.00	6.50	6.50	1.75	5.00	1.00	6.50	6.00
20	4.50	4.50	4.50	1.00	1.00	6.50	6.50	6.00	5.00	1.00	6.50	6.00
21	4.50	4.50	4.50	1.00	1.00	6.50	6.50	6.00	5.00	1.00	6.50	6.00
22	4.00	4.50	4.50	1.00	1.00	6.50	1.00	6.00	5.00	1.00	6.50	6.00
23	4.00	4.50	4.50	1.00	1.00	6.50	1.00	6.00	5.00	1.00	6.50	6.00
24	4.00	4.50	4.50	1.00	1.00	6.50	1.00	6.00	5.00	1.00	6.50	6.00
25	4.00	4.50	4.50	1.00	1.00	6.50	1.00	6.00	5.00	1.00	6.50	6.00
26	4.00	4.50	4.50	1.00	1.00	6.50	1.00	6.00	5.00	1.00	6.50	6.00
27	4.00	4.50	4.75	1.00	1.00	6.50	1.00	1.75	5.00	1.00	7.00	1.50
28	4.00	4.50	4.75	1.00	1.00	6.50	1.00	1.75	5.00	1.00	7.00	1.50
29	4.00		4.75	1.00	1.00	6.50	1.00	1.75	5.00	1.00	7.00	1.50
30	4.00		4.75	1.00	6.50	6.50	6.00	1.75	1.00	5.00	7.00	5.50
31	4.00		4.75		6.50	6.00	6.00	1.75		5.50		6.00

Monthly sum (cfs hr 100-80) 138.50 122.50 142.50 144.25 181.50 190.00 172.90 180.80 151.50 169.00 206.00 183.50

High cfs 5.00 4.50 4.75 1.00 6.50 6.50 6.50 6.00 5.50 1.75 1.00 7.00

Monthly Vol (acre-feet) 274.7 249.0 282.6 286.1 361.9 376.9 342.9 363.0 300.5 333.2 368.9 364.0

Measurement Comments:



AQUACULTURE IN IDAHO and Nationwide

by

**George W. Klontz
Fishery Resources**

and

**John G. King
Watershed Management**

College of Forestry, Wildlife and Range Sciences

**Idaho Water Resources Research Institute
University of Idaho
Moscow, Idaho**

John S. Gladwell, Director

**Department of Water Resources
Statehouse
Boise, Idaho 83720**

Table 6. Prices per pound of trout f.o.b. processing plant.

	1972	1973	1974
Live	0.52-0.55	0.65-.70	.60-.65
Dressed	1.20-1.24	1.12-1.20	1.33-1.46
Boned	1.42-1.48	1.34-1.43	1.61-1.69
Filletts	1.79-1.82	1.85-1.90	2.10-2.18

Source: Robinson, 1974.

Habitat: The physical and chemical parameters of water required for optimum fish growth and reproduction have been discussed previously in this report (see Chapter III, Habitat). To reiterate some of the specifics for rainbow trout:

Temperature: 50-60° F (10-15° C)
 Dissolved oxygen: >6 ppm at the outfall
 pH: 7.3-8.2
 CO₂: <2 ppm
 NH₃ (unionized): 0.018 ppm at the outfall
 Alkalinity: 150-250 ppm as calcium

Water with chemical qualities in these ranges should be capable of supporting fish at a level of one-half pound of fish per cubic foot of water per inch of average length of fish. Accordingly, if water were used to provide a turnover time of 30-45 minutes in the ponds, the annual production should be 10,000 pounds of fish per cfs. There are very few trout farms currently obtaining this production per cfs. Those which are apparently are having no difficulty doing so.

If the production potential of 1 cfs of water were applied only to new water; i.e., water initially entering a fish farm, the increasing practice of reusing 90% of the water after reconditioning will magnify the 10,000 pounds production per cfs to 100,000 pounds production per cfs. This could be misleading in that fish production per cfs new water will increase but fish production per cubic foot of rearing space will likely remain the same or decrease. Were the proposed EPA guidelines for quality of water being discharged from a fish farm to be enacted into law, several of the existing trout farms may elect to recondition water in recycling systems in order to comply with the regulations. (cf Factors Affecting Aquaculture)

Catfish Production

Catfish farming in the United States is a relatively diverse industry when compared to the other fish farming industries (Greenfield, 1970). The

COMMUNICATION DOCUMENTATION

Claim No. 36-00048A

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

1/31/2000 4:30 PM

NAME:

DAN MCFADDAN

RE:

THEOR. CALC. RATE

He wanted to know where I came up with the flow rate from the pump of 1.1 cfs. I looked up in my notes in the CVR and found it was a theoretical calculation. It turns out it was based on zero lift to get the 1.1 cfs flow. This info was also forwarded to Dave Tuthill.

AJ0749NP
No. R36-00048A

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

DATE: 12/21/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAN H MC FADDAN	11/04/1885	IRRIGATION	02-15 11-30	1.100 CFS	
C	IRMA R MC FADDAN					
	17966 N HWY 30			TOTAL DIVERSION:	1.100 CFS	
	HAGERMAN ID 83332					
	(208) 837-6649					

Water Source: BILLINGSLEY CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T07S R13E S13

NWNWNE

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	11	:																	:	82.5
07S	13E	12	:																	:	20.0
07S	13E	13	:																	:	76.0
																			TOTAL ACRES	:	178.5

POU County: GOODING

Other Rights: 36-00049 & 36-15538

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 8.18 CFS. COMBINED RIGHT NOS.:
36-15538, 36-00049, 36-15532 & 36-15533.

POU1 USE OF THIS RIGHT WITH RIGHT NOS. 36-00049 & 36-15538 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 178.5 ACRES IN A
SINGLE IRRIGATION SEASON.

Dates: Exam Made Date: Verified Date: 12/15/1999 Objection Filed Date:

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

TRANSMITTAL COVER SHEET

TO: DANA HOFSTETTER

TOTAL PAGES SENT: 8
(including cover sheet)

DOCUMENT DESCRIPTION: McFADDAN Rec'ds

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

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)

Please consider this document as a billing statement.

The charge for your fax copies is: _____ Please remit to the above address.

SENDER: Steve Clelland

COMMENTS: These are the final versions (?)
As I know ... Let me know if
you find any errors.

12/21 17:23
912083888400-540044
00:01:38
08
OK
STANDARD
ECM

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

TIME : 12/21/1999 17:25
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT

12/15/99 SCC

Calculations of B.U. right:

1963 Sale of water reduced the available decreed water right to 7.68 cfs.

This rate is 2.20"/Ac and our hubble review finds possible use up to 2.67"/Ac.

In 1964 there were 50.0 Acres remaining under the gravity type irrigation system.

2.67"/Ac gravity allowance rate.

2.20"/Ac sale rate already recommended.

$$.47"/Ac = .0094 \text{ cfs/Ac}$$

178.5 Ac
Pou

- OR -

9.51 cfs total Hubble

- 7.68 cfs sale total

1.83 cfs

$$\frac{1.83 \text{ cfs}}{178.5 \text{ Ac}} = \underline{\underline{0.01 \text{ cfs/Ac}}}$$

→ rate used to calculate beneficial use claim.

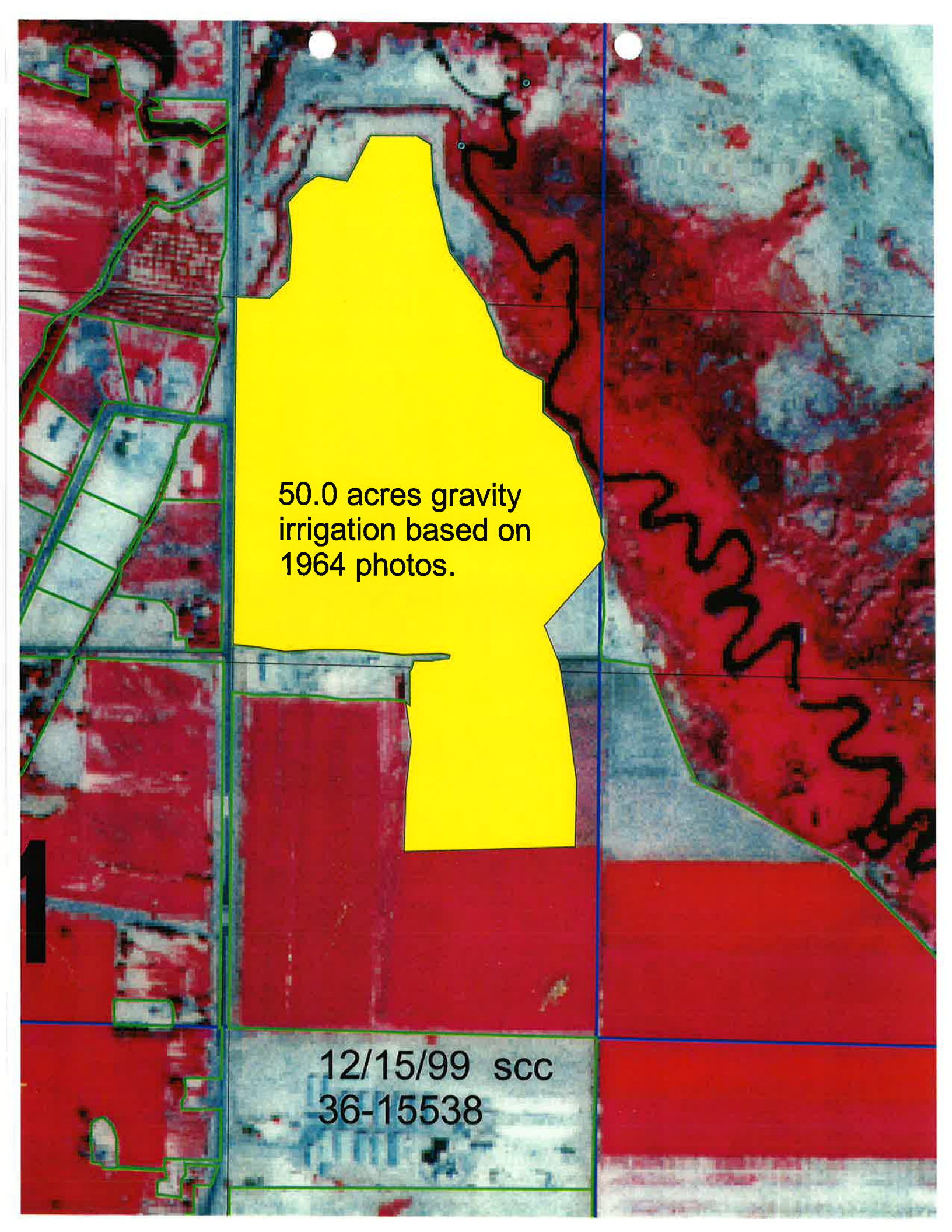
$$50 \text{ Ac} \times 0.01 = \underline{\underline{0.5 \text{ cfs}}}$$

claim # R36-15538

{ Claim is based on 36-00049.

McFadden Asserts a beneficial use developed on waters used after the sale is complete; valid on only remaining gravity accs. }

combined Q: $7.68 + 0.50 \text{ cfs} = \underline{\underline{8.18 \text{ cfs}}}$

An aerial photograph of a rural landscape, likely a farm or ranch. The image is colorized, with red and blue tones. A large, irregularly shaped area in the center is highlighted in yellow. This area is surrounded by fields and some structures. A winding road or path is visible on the right side. The overall scene depicts a typical agricultural setting.

50.0 acres gravity
irrigation based on
1964 photos.

12/15/99 SCC
36-15538

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. _____

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

12/10/99 2:15 PM

NAME: _____

TERRY SCANLAN

VOICEMAIL

RE:

MCFADDAN ACRES

He reviewed the ASCS maps of 57-64-69 and told me that most of the farm had been converted to sprinklers by 1964. Remaining gravity areas were mostly north end of the farm. Photos show the land is clearly farmed across the slope (which would be across corrugates and make for very rough farming practices; i.e. harvest.)

11-19-99

McFADDAN

Sale: 9-17-1963

Remaining after sale :

Analysis of 7.77 #'s

Board

→ 7.33 of 10 cfs (-48)

4.6 of 9.7 (-49)

11.6

11.93

mcf

~~2.67~~

5.1

~~8.1~~

7.77

(- parts B & C)

1.09

8.01 cfs

vs

7.78 cfs (taken from purple sheet)

19.7 cfs

~~19.7~~ - 11.93 cfs ← (est. of sale?)
7.77

7.77

- 1.09 cfs (Parts B + C)

7.68 cfs < decreed balance

* final sale balance

(on 178 ac.

= 2.16 ~~1.1~~ ^{1.1} ~~ack~~

*

Change in balances assumed under Acc. Change in Source

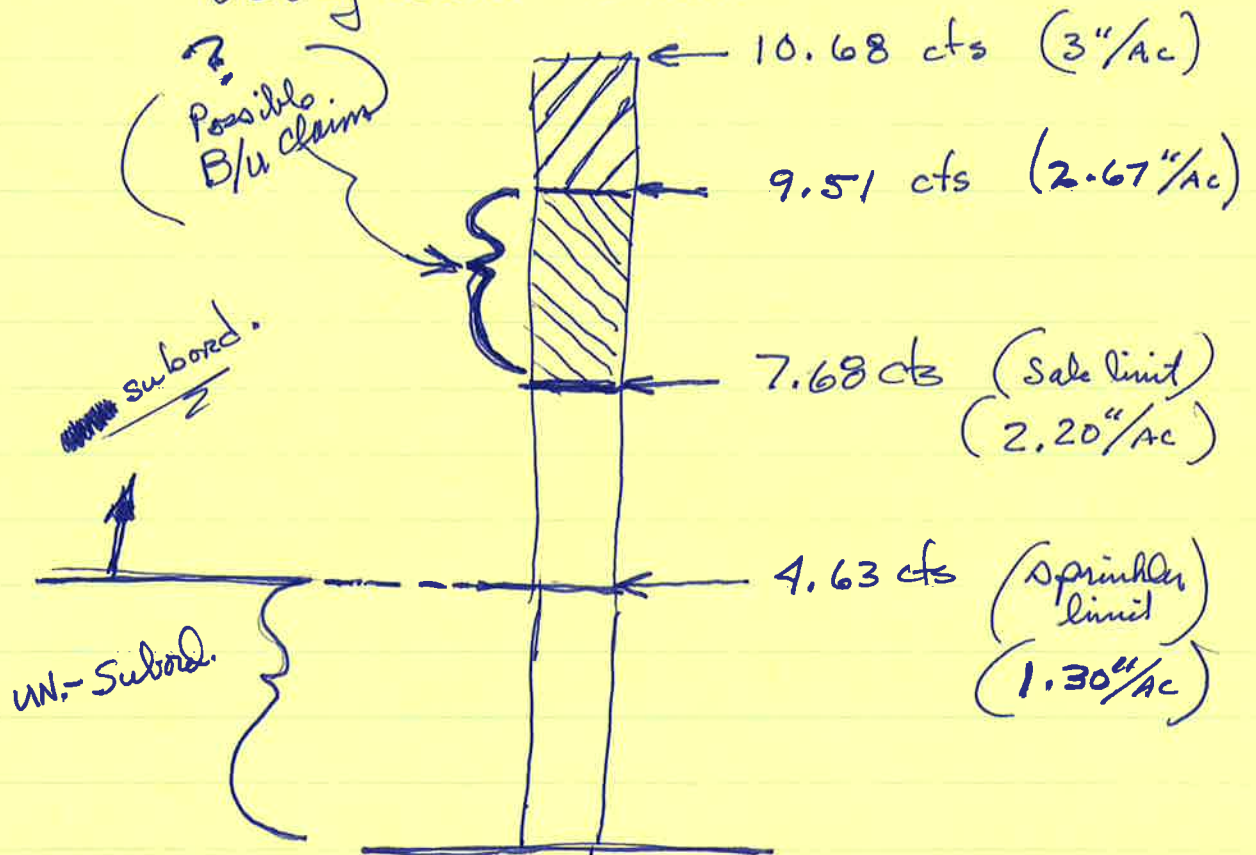
1.10 (48)
6.58 ~~6.80~~ (49)

} 7.68 = (1.1 + 6.58)

11/19/99
M FADDAN

- 48A #49

irrigation chart:



9/29/99

Adjustments:

McFadden claims

ADD: Fac. Jor to fish - 15532

- 2169 (Cory) (NO DECREASE only Ⓛ)

48A & 49

Q = ^{7.68}~~7.77~~ cfs <modify>

- difference from balance of Sale is due to
Acc. Trans (ie Δ in Source, Δ in POD)
to reflect current diversions

(M.F.) wants 3"/Ac (10.68 cfs) gravity & 1 1/2"/Ac sprinkler
- nothing less!

Settlement Conf.

Lists only: - 48A, -49, 2169

proposed 4.89 cfs w/ (very close to sup. cap)
subordination to 7.77 cfs

" + transfer lang. "

for future transfer of unused portions

- appears to be = Expansion

- would I DWR support this? I say No,
Review & resolve @ X

Fish option:

- subord. flow over 3 cfs
- new permit for " "

DESIGN WORKSHEET
for
Pipe Flow Formula Solution

prepared for

Dan McFadden

in

Gooding County, Idaho

Designer : EMOORE
Date : 05/06/98Checker _____
Date _____

110 ft PIPE

Mannings Coefficient (n)	0.012
Entrance Coefficient (Ke)	0.50
Diameter of pipe	8 inch.
Head on pipe	1.0 feet.
Length of pipe	110 feet.
Pipe Capacity	1.1 cfs
Velocity in pipe	3.1 ft/sec
Friction Coefficient (Kp)	0.0458
Max allowable fall in pipe when outlet is not submerged	0.8 ft.



University of Idaho

Kimberly Research & Extension Center
3793 North 3600 East
Kimberly, Idaho 83341-5076 U.S.A.
Phone: 208-423-4691
FAX: 208-423-6555 (USDA-ARS)
UI FAX: 208-423-6559

February 22, 1999

Mr. Dan McFaddan
17966 U.S. Hwy. 30
Hagerman, Idaho 83332

Dear Mr. McFaddan:

Pursuant to your request dated December 29, 1998, I am enclosing a report summarizing estimates of irrigation water requirements for your farm near Hagerman. I have based these estimates on records of air temperature measured at Hagerman, Bliss, and Kimberly during the period from 1982 to 1997 and on full sets of weather measurements made at Kimberly (Twin Falls WSO) during a similar period. The same computational procedure as used in the Allen and Brockway (1983) report has been followed so as to provide consistency with consumptive use tables currently on file with the Idaho Water Resources Department.

I calculate the irrigation water requirement for your sprinkle irrigated lands in the Hagerman valley to be 11.7 gallons per minute of water per acre irrigated. This is the gross flow rate of water required to operate the sprinkler systems to provide for peak water requirements. This value is equivalent to 1.30 miners inches per acre, to 15.7 mm per day, and to 0.62 inches per day. The value reflects a 65% application efficiency for the periodic-move sprinkler systems common to Hagerman valley. The value does not include any losses that occur upstream of the sprinkler system pump.

The value of 11.7 gpm per acre is based on a crop mixture of alfalfa and mint, which were predicted to have similar peak water requirements. Peak requirements for spring and winter grains are about 9% lower.

The total annual water requirement is estimated to be 59.3 inches depth or 4.94 acre-feet per acre of farmed land. This is based on a cropping mixture of 50% alfalfa hay, 30% mint, and 20% winter grain. For 175.5 acres, the total gross water requirement for sprinkle irrigation would be 867 acre-feet per year.

If you have any questions regarding my calculations, please give me a call.

Sincerely,

Dr. Richard G. Allen
Professor of Water Resources Engineering

RGa:af

College of Agriculture

Irrigation Water Requirements for the Dan McFaddan Farm near Hagerman, Idaho

Dr. Richard G. Allen
Professor of Water Resources Engineering
University of Idaho
Research and Extension Center
3793 N. 3600 E.
Kimberly, Idaho 83341

February, 1999

This report summarizes irrigation water requirements for the Dan McFaddan farm near Hagerman, Idaho. The McFaddan farm is sprinkle irrigated using fixed grid sprinklers (wheel lines and/or hand lines). A mixture of alfalfa, mint and small grains have been historically grown on the farm. The soil types on the farm are Kecko and Ephrata fine sandy loams.

The Idaho Department of Water Resources (IDWR) has used the 1983 consumptive use report by Allen and Brockway (1983) as a basis for consumptive irrigation water requirements. Unfortunately, Hagerman was not included as a location in that report. The closest location having similar climate to Hagerman is Bliss, Idaho. Because Hagerman is known to have somewhat warmer air temperatures relative to Bliss, I have made adjustments to the Bliss consumptive use values to account for the climatic differences.

I have analyzed daily records of maximum and minimum air temperature measured at Hagerman, Bliss, and Kimberly (Twin Falls WSO) for the common period 1982 to 1997 and have computed monthly means for the period of record at each station. Average monthly means for maximum daily air temperature ($T_{\max}$), for minimum daily air temperature ($T_{\min}$), and for average daily air temperature (T_{mean}) are shown in Figures 1, 2 and 3. Figure 1 shows $T_{\max}$ by month for the three weather stations and Figure 2 shows $T_{\min}$ by month for the three stations. These monthly means are also listed in Table 1 for Hagerman, Table 2 for Bliss and in Table 3 for Kimberly. In general, maximum daily air temperatures at Hagerman and Bliss averaged about 8 to 9 degrees F warmer than at Kimberly. This is due to the relative dryness of these weather sites and of the vegetation in the local regions surrounding the weather stations at Hagerman and Bliss relative to Kimberly. The Kimberly location is in the center of the Twin Falls Canal Company irrigation project and is cooled by the ET from the surrounding area. The minimum daily air temperatures were not influenced as much by the local weather station aridity.

In the Allen and Brockway (1983) report, adjustments were made to the air temperature data at weather stations that were known to have been influenced by local dryness. Bliss was one of these stations, where the mean daily air temperatures at Bliss were reduced by 0.6, 0.9, 1.3, 2.2, 2.8, and 1.9 degrees F in months April, May, June, July, August and

September before ET computations were made. This reduction was made to reflect the air temperatures that would have been sensed if the Bliss weather station had been in the center of an irrigated field.

The air temperature data at Hagerman are very similar to the measurements made at Bliss (Figures 1, 2, and 3). Therefore, it is reasonable to assume that the Hagerman weather station has aridity and other impacts of local surroundings that are similar to those for Bliss. Therefore, the same reduction in air temperature data were made to data for Hagerman. This was done by computing alfalfa reference evapotranspiration (ET_r) at both Bliss and Hagerman using measured air temperature data at those two locations along with "secondary" weather data (relative humidity, wind speed and solar radiation) for the Kimberly location. This was the same procedure used by Allen and Brockway (1983). Then, the calculated ET_r at Hagerman was divided by that at Bliss for each month to calculate a ratio for monthly ET_r at each site. These ratios are shown in Table 4. The computed ratios were later multiplied by the ET_r data listed for Bliss in the Allen and Brockway report. The result is the right hand column of Table 4 that is labeled "Equivalent ET_r at Hagerman based on Allen and Brockway 1983 report (mm/day)." These final values are fully consistent with values listed in the 1983 report for all surrounding stations and they reflect the aridity adjustment that was performed on Bliss data.

Mean monthly ET_r is plotted in Figure 4 for the three stations, based on the Allen and Brockway (1983) procedure. The ET_r values for Hagerman follow the ET_r for Bliss closely for each month, but exceed Bliss ET_r by about 6, 8, and 4% in April, May and June, and by about 3% in the other months. The higher ET_r at Hagerman reflects the higher energy amounts available for evaporating water that are caused by heat generated from the canyon walls along the Snake River canyon. The ET_r at Kimberly is lower due to the impact of the large irrigated region surrounding the Kimberly weather station. Due to the absence of measurements of wind speed and humidity at Bliss and Hagerman, it was assumed that wind speed and humidity at Bliss and Hagerman were similar to that measured at Kimberly. It is noted that there are some periods of high, localized wind in the Snake River canyon near Hagerman; however, the lack of records precludes making any quantification.

Crop Evapotranspiration. Crop ET requirements were computed for alfalfa hay, field corn, spring grain, and winter grain using the same crop coefficient curves that were used in the 1983 report for Bliss, but where the curves were advanced two weeks earlier into the spring to account for the warmer climate and earlier green up at Hagerman. The crop coefficients are those by Wright (1982) and were developed at the USDA-ARS location at Kimberly and for use with an alfalfa reference ET. The crop coefficient for mint, a crop which was not studied at Kimberly, was created by assuming close similarity to alfalfa. The two crops, alfalfa and mint, have similar density, leaf area, height and seasonal length characteristics. The mint crop was typically cut (harvested) once per year in July or August and was then allowed to regrow to build up root reserves for the subsequent winter period.

Results are shown in Table 5 for monthly time steps where monthly ET is expressed in mm/day. Seasonal totals are presented in Table 5 in both millimeters and in inches per irrigation season. Seasonal evapotranspiration by the five crops if grown in Hagerman valley are estimated to be 44, 32, 28, 32, and 44 inches (depth) for alfalfa hay, field corn, spring grain, winter grain, and mint, respectively.

Net Irrigation Water Requirements. The net irrigation water requirement is defined as the net amount of irrigation water that must be applied to the soil root zone in order to provide the crop with all ET requirements. The net irrigation water requirement is equal to the evapotranspiration requirement for the crop less any effective precipitation that is received. In other words, $NIR = ET - P$ where NIR is net irrigation water requirement and P is the effective evapotranspiration. The same ratio of effective precipitation was used for each crop as computed in Allen and Brockway for Bliss, in order to provide consistency with the procedures used in the 1983 report for predicting effective precipitation from gross precipitation. The monthly values for NIR are listed in Table 6 for the five crops. The NIR averaged about 5 to 10 percent lower than the crop ET over the season due to the impact of precipitation. It is the NIR that is used to compute the gross seasonal irrigation water requirement (i.e., the acre-feet per acre requirement).

The Peak Irrigation Water Requirement. The peak irrigation water requirement is the rate of water needed to satisfy the water needs of the plant during the peak water use period. The peak water use period is defined as the interval between two irrigations that registers the largest demand for water. For the Hagerman valley, the peak water use period occurs during the month of July.

The peak water requirement is based on crop evapotranspiration requirements rather than on the NIR since invariably, little or no rainfall occurs during the period during which crop ET is at the maximum. In addition, because the peak water use period is typically shorter than one month in duration, the mean monthly ET values listed in Table 5 must be adjusted upwards to reflect the fact that average ET during a period that is shorter than 30 days will have a value higher than the 30-day average when evaluated at a high probability of nonexceedence. This is demonstrated in Figure 5 where individual curves have been drawn that represent the average value for ET during the most peak period (Y-axis) as a function of the length of the period (X-axis). The different curves in Figure 5 represent the different levels of probability for which occurrences of ET fall below the value for ET that is specified. For example, the 90% curve in Figure 5 represents the average ET for the various lengths of irrigation intervals (averaging periods) that would be exceeded only 10% of the time, or, 1 year out of 10. In other words, 90% of all years (9 out of 10) would have ET during the peak period that are lower than the 90% value.

An additional way to illustrate the use of Figure 5 would be that for a 5 day period, the 90% (9 years out of 10) value for alfalfa reference ET at Kimberly would be about 9.2 mm/day during that 5 day period. The curves in Figure 5 were computed by the writer of this report by analyzing 20 years of daily ET_r data computed for Kimberly.

The information in Figure 5 has been summarized in Table 7 for the 80 and 90% intervals (for ET levels that would not be exceeded 8 out of 10 years and 9 out of 10 years). In addition, the data have been presented as ratios of the mean monthly ET_r , so that they can be applied to the Hagerman monthly ET_r rather than to Kimberly ET_r . Based on Table 7, for example, the ET during a 5 day period that is expected to be exceeded only 1 year out of 10 (90% probability level) would average 1.19 times the value of the mean monthly ET. The 5 day ET that would be exceeded 2 years out of 10 would be 1.13 times the mean monthly ET. Most irrigation systems are designed based on the 90% probability level, since the irrigation enterprise generally must maximize crop production in the vast majority of years.

Peak ET (or net irrigation water requirements) for crops in Hagerman are listed in Table 8. These values were computed by using the 90% probability levels listed in Table 7 for 7 and 10 day periods. Seven and ten day intervals were evaluated, since these periods reflect the likely interval between irrigations during peak periods for the crops evaluated.

According to a report on the McFadden farm by the USDA Soil Conservation Service (1992), the two primary soils on the farm are Kecko silt loam and Ephrata fine sandy loam soils having average water holding capacities of 1.56 and 1.44 inches per foot to depths greater than 5 feet on average. With 3 to 4 foot root depths and 50% depletion between irrigations, the allowable depletion between irrigations would range from 2 to 3 inches. This would provide sufficient water during peak ET for 5 to 10 days, depending on the soil type and the crop root depth. Based on this information, a 7 day period was used in computing peak ET requirements. The peak requirements are listed in Table 8 for the 7 day period in both mm/day and in inches/day during the period. Values for 10 day periods are included in Table 8 for comparative purposes. In the case of alfalfa hay, a crop coefficient of 1.0 was used to predict peak ET for alfalfa hay from the alfalfa reference. The coefficient of 1.0 indicates a condition of full cover of alfalfa during the peak period, which is a reasonable assumption.

The resulting peak ET (also the peak net irrigation water requirements) for the crops listed in Table 8 are 10.2, 9.4, 9.3, 9.2, and 10.2 mm/day for alfalfa hay, field corn, spring grain, winter grain, and mint. These rates are equivalent to 0.40, 0.37, 0.37, 0.36 and 0.40 inches (depth) per day.

The peak irrigation water requirement is the diversion requirement needed to fulfill the peak net irrigation water requirement. The peak irrigation water requirement includes losses of water caused by evaporation from sprinklers and deep percolation occurring from system nonuniformity. In the case of a periodic move type of sprinkler system such as a wheel line or hand line sprinkler, the range of efficiencies is often 60 to 75%. The Hubble Engineering report on file with IDWR lists a range of 60-85%. For a typical system in the Hagerman area where there are impacts on uniformity and evaporation due to wind, an efficiency of about 65% is reasonable. This value was used to compute the peak water requirement by dividing the peak ET values in Table 8 by 0.65. These values are presented in Table 9 for various units of expression.

The peak diversion requirement for alfalfa and mint was the highest of all crops considered, and occurred in June. The required diversion rate is 15.7 mm/day or 0.62 inches/day or 11.7 gallons per minute per acre or 1.30 miners-inches per acre. All of these unit expressions are equivalent. These values do not include any losses that may occur upstream of the sprinkler system pump.

The peak value for the McFaddan farm would be 11.7 gpm per acre based on a crop mixture of alfalfa and mint. It is understood that these two crops have been the predominant crops in the farm historically and they would control the irrigation system design and peak water demands. Peak requirements for spring and winter grains in Table 9 are about 9% lower than those for mint and alfalfa due to an earlier period of peak growth and maturity.

Annual Irrigation Water Requirement

The total annual water requirement for the farm is estimated to be 59.3 inches depth or 4.94 acre-feet per acre of farmed land. This is based on a cropping mixture of 50% alfalfa hay, 30% mint and 20% winter grain, as summarized in Table 10 and was determined by summing over all months of the growing season. Requirements for other mixtures can be determined by changing the percentage used for each crop. The 4.94 AF/acre value reflects a 65% irrigation efficiency.

For a farm size of 175.5 acres, the total gross water requirement for sprinkle irrigation would be 867 acre-feet per year. Again, these values do not include any losses upstream of the irrigation pump. If there are canal seepage or other losses, then these would need to be added to the total water requirement reported above.

Table 1. Mean monthly weather data at Hagerman, 1982 – 1997.

Month	Max. Air Temp. °F	Min. Air Temp. °F	Mean Air Temp. °F	Ave. Precip. inches
1	41.3	20.2	30.8	1.14
2	49.5	23.8	36.6	1.18
3	59.1	30.9	45.0	1.10
4	67.9	36.1	52.0	0.72
5	77.1	43.5	60.3	0.93
6	85.6	50.0	67.8	0.83
7	92.6	53.7	73.1	0.30
8	92.5	51.5	72.0	0.39
9	82.7	42.2	62.5	0.36
10	71.1	33.5	52.3	0.68
11	51.8	26.6	39.2	1.45
12	40.1	18.7	29.4	1.53

Table 2. Mean monthly weather data at Bliss, 1982 – 1997.

Month	Max. Air Temp. °F	Min. Air Temp. °F	Mean Air Temp. °F	Ave. Precip. inches
1	37.0	19.4	28.2	1.15
2	43.2	23.3	33.2	1.01
3	55.3	30.5	42.9	1.24
4	65.6	35.9	50.7	0.84
5	74.2	42.3	58.2	0.89
6	83.4	49.1	66.3	0.67
7	90.8	53.7	72.2	0.22
8	90.8	51.8	71.3	0.20
9	79.4	44.0	61.7	0.54
10	66.6	35.6	51.1	0.73
11	48.1	27.0	37.6	1.73
12	36.8	19.2	28.0	1.08

Table 3. Mean monthly weather data at Twin Falls WSO (Kimberly), 1982 – 1997.

Month	Max. Air Temp. °F	Min. Air Temp. °F	Mean Air Temp. °F	Ave. Precip. inches
1	34.9	18.3	26.6	1.00
2	41.0	22.4	31.7	0.93
3	51.3	29.5	40.4	1.26
4	59.5	34.1	46.8	0.98
5	68.0	41.5	54.8	1.32
6	76.6	48.1	62.4	0.99
7	83.7	52.7	68.2	0.30
8	84.3	51.3	67.8	0.40
9	74.3	42.8	58.5	0.55
10	62.8	34.5	48.6	0.79
11	45.7	26.2	35.9	1.33
12	34.9	17.3	26.1	1.25

Table 4. Alfalfa reference ET predicted for Hagerman, from the FAO Blaney-Criddle (FAO-BC) equation using unadjusted air temperature and for adjusted air temperature (for station aridity (based on Bliss)).

Month	FAO –BC with elevation increase and A&B reference ratios (mm/day)	Ratio of ET _r at Hagerman to ET at Bliss using unadjusted air temperature	Equivalent ET _r at Hagerman based on Allen and Brockway 1983 report (mm/day)
3	3.36	1.15	2.47
4	5.89	1.06	5.62
5	7.77	1.08	7.31
6	8.85	1.04	8.72
7	9.14	1.03	8.82
8	7.89	1.03	7.36
9	6.10	1.04	5.80
10	4.16	1.06	3.96

Table 5. Crop ET for Hagerman.

Month	ET _r at Hagerman based on Allen and Brockway 1983 report (mm/day)	Ratio of ET at Hagerman to ET at Bliss	Monthly ET for alfalfa hay (mm/day)	Monthly ET for field corn (mm/day)	Monthly ET for spring grain (mm/day)	Monthly ET for winter grain (mm/day)	Monthly ET for mint (mm/d)
3	2.47	1.15	0.77		0.39	1.69	0.77
4	5.62	1.06	4.36	0.84	2.99	5.37	4.35
5	7.31	1.08	6.57	2.69	6.40	7.31	7.06
6	8.72	1.04	7.34	5.82	7.95	7.83	8.72
7	8.82	1.03	6.91	8.04	4.55	4.32	7.06
8	7.36	1.03	5.19	6.15	0.75	0.00	5.15
9	5.80	1.04	3.48	2.98			3.30
10	3.96	1.06	1.98	0.55			0.67
Seas.	1522 mm		1112	823	700	807	1127
Seas.	60 in.		44	32	28	32	44

Table 6. Net Irrigation Water Requirement for Hagerman.

Month	alfalfa hay (mm/day)	field corn (mm/day)	spring grain (mm/day)	winter grain (mm/day)	mint (mm/d)
3	0.67		0.31	1.34	0.67
4	3.87	0.66	2.61	4.89	3.87
5	5.98	2.25	5.89	6.73	6.46
6	6.95	5.50	7.59	7.45	7.59
7	6.75	7.87	4.42	4.19	6.22
8	4.96	5.93	0.70	0.62	5.15
9	3.19	2.65			3.07
10	1.78	0.40			0.51
Seas.	1038 mm	768	654	767	1020
Seas.	41 in.	30	26	30	40

Table 7. Multipliers to take times the 30-day mean of the peak month to obtain peak irrigation water requirements.

Irrigation Interval, Days	80% probability (8 years out of ten)	90% probability (9 years out of ten)
1	1.18	1.27
3	1.15	1.21
5	1.13	1.19
7	1.12	1.17
10	1.11	1.16
15	1.10	1.14
30	1.07	1.11

Based on Alfalfa Reference ET at Kimberly, Idaho, 1966-1985 weather records.

Table 8. Peak Net Irrigation Water Requirement for Hagerman.

Item	alfalfa hay	field corn	spring grain	winter grain	mint
Peak Month	June*	July	June	June	June
Monthly ET, mm/day	8.72	8.04	7.95	7.83	8.72
7 day Peak, mm/day	10.23	9.44	9.33	9.19	10.23
7 day Peak, in/day	0.40	0.37	0.37	0.36	0.40
10 day Peak, mm/day	10.08	9.29	9.18	9.05	10.08

* alfalfa hay used full alfalfa reference for peak period ET to eliminate effects of cuttings that are outside of a single 7 or 10 day period.

Table 9. Peak Gross 7-day Irrigation Water Requirement for Hagerman.

Item	alfalfa hay	field corn	spring grain	winter grain	mint
Peak Month	June	July	June	June	June
mm/day	15.7	14.5	14.4	14.1	15.7
inches/day	0.62	0.57	0.56	0.56	0.62
gpm/ac	11.7	10.8	10.6	10.5	11.7
miners- inch/ac	1.30	1.20	1.19	1.17	1.30

For 65% application efficiency

Table 10. Seasonal Gross Irrigation Water Requirements for D. McFaddan, Hagerman, Idaho.

Item	alfalfa hay	field corn	spring grain	Winter grain	mint	Total
mm/season	1597	1181	1006	1180	1569	1505
inches/season	63	47	40	46	62	59.3
acre-feet/acre	5.24	3.88	3.30	3.87	5.15	4.94
percentage	50			20	30	100

For 65% application efficiency

References

- Allen, R.G. and C.E. Brocway. 1982. Estimating consumptive irrigation requirements for crops in Idaho. Research Technical Completion Report submitted to Idaho Dept. Water Resources. 260 p.
- Hubble Engineering, Inc. 1991. Guidelines for the evaluation of irrigation diversion rates. Manual submitted to the Idaho Dept. Water Resources. 80 p.
- Miller, B. 1992. Supplement to the final report of the Hagerman Water Users. Letter to Mr. Dan McFaddan, Oct. 7, 1992. USDA Soil Conservation Service.
- Wright, J.L. 1982. New evapotranspiration crop coefficients. *J. Irrigation and Drainage Division*, ASCE, 108(IR2): 57-74.

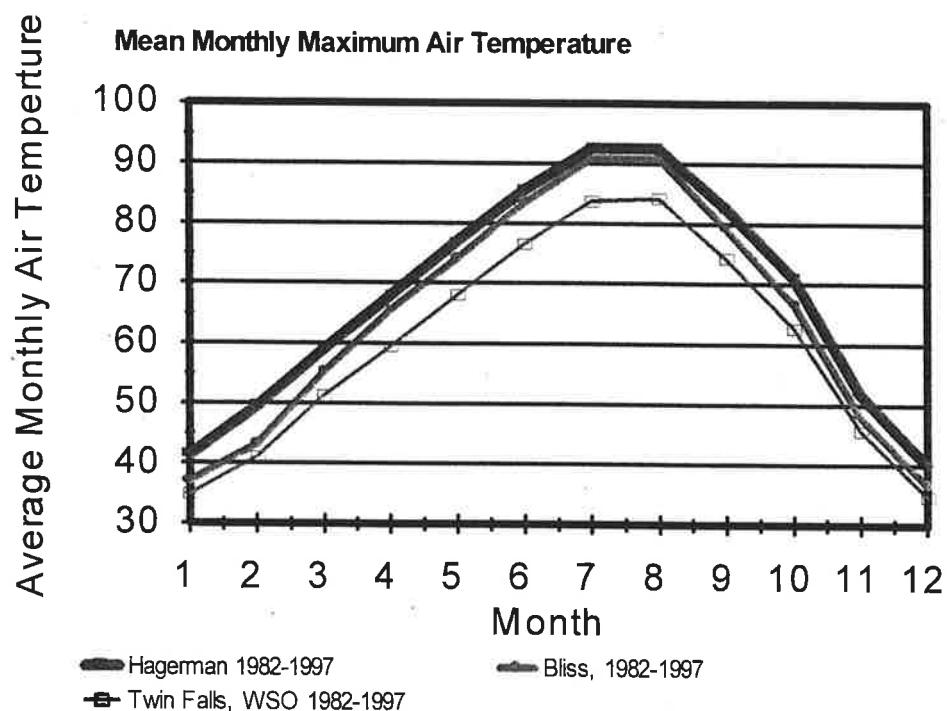


Figure 1. Mean Monthly Maximum Daily Air Temperature at Hagerman, Bliss, and Kimberly (Twin Falls WSO), Idaho during 1982 - 1997.

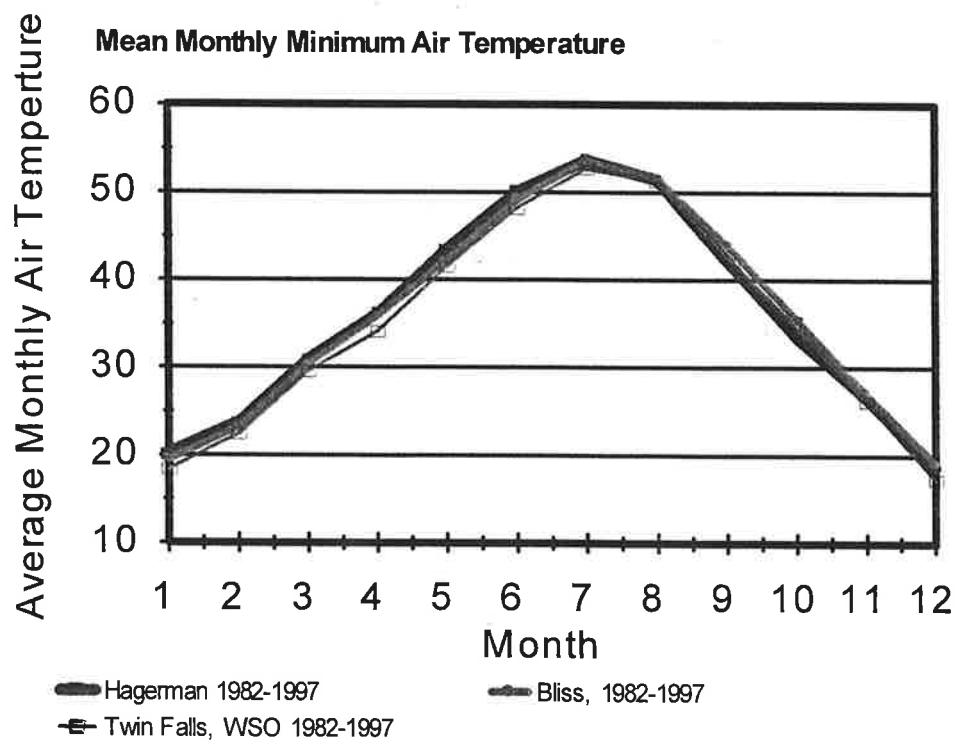


Figure 2. Mean Monthly Minimum Daily Air Temperature at Hagerman, Bliss, and Kimberly (Twin Falls WSO), Idaho during 1982 - 1997.

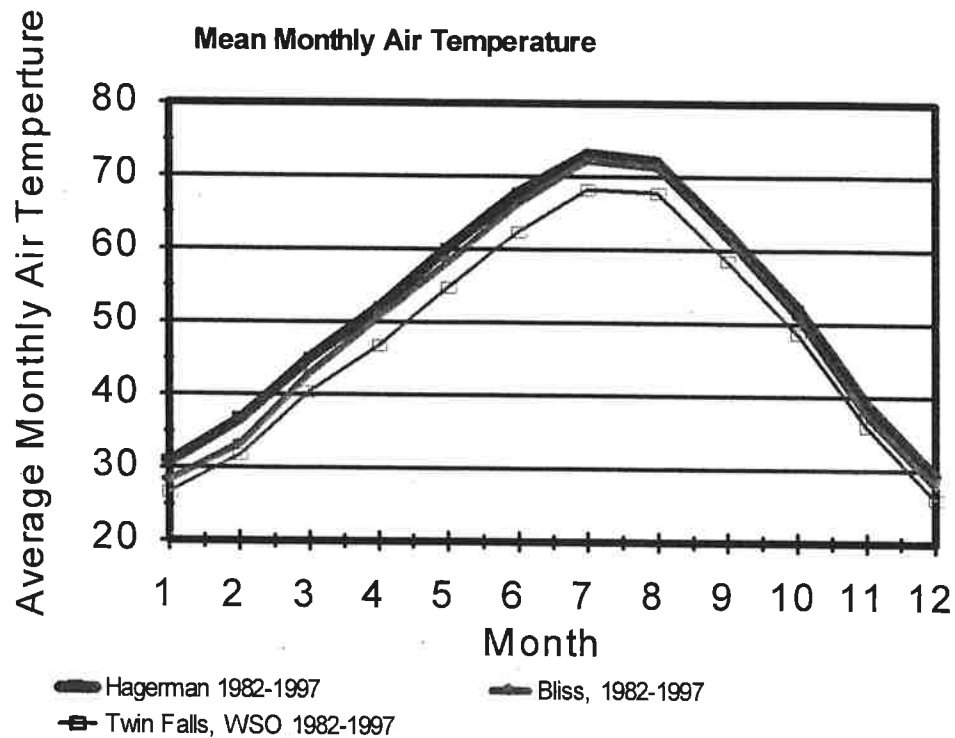


Figure 3. Mean Monthly Average Daily Air Temperature at Hagerman, Bliss, and Kimberly (Twin Falls WSO), Idaho during 1982 - 1997.

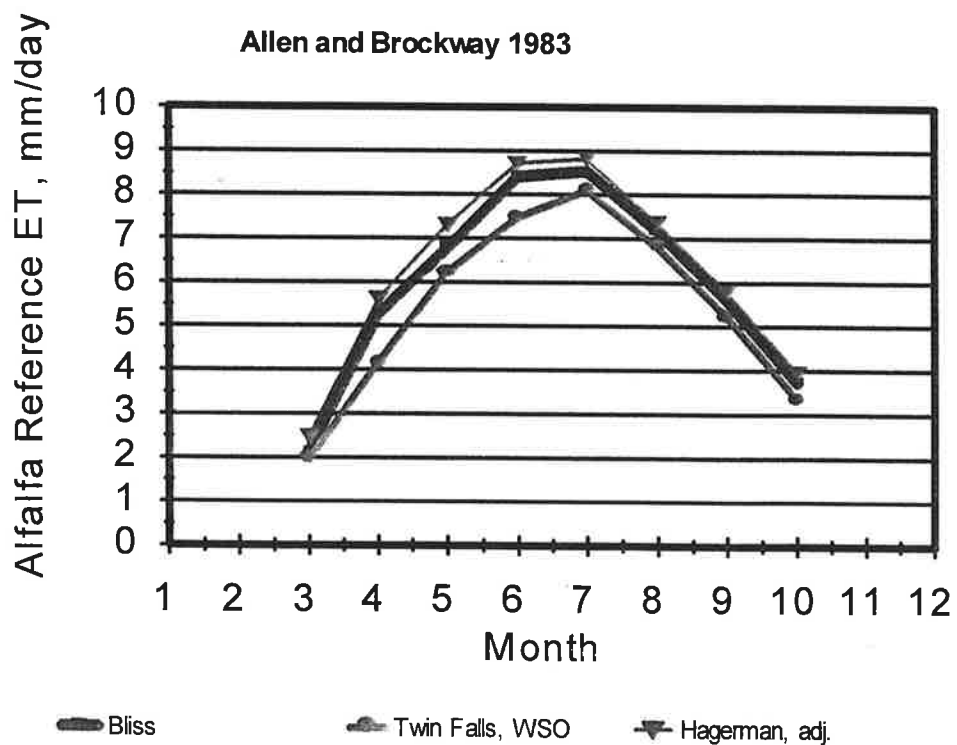


Figure 4. Mean Monthly Alfalfa Reference Evapotranspiration at Hagerman, Bliss, and Kimberly (Twin Falls WSO), Idaho.

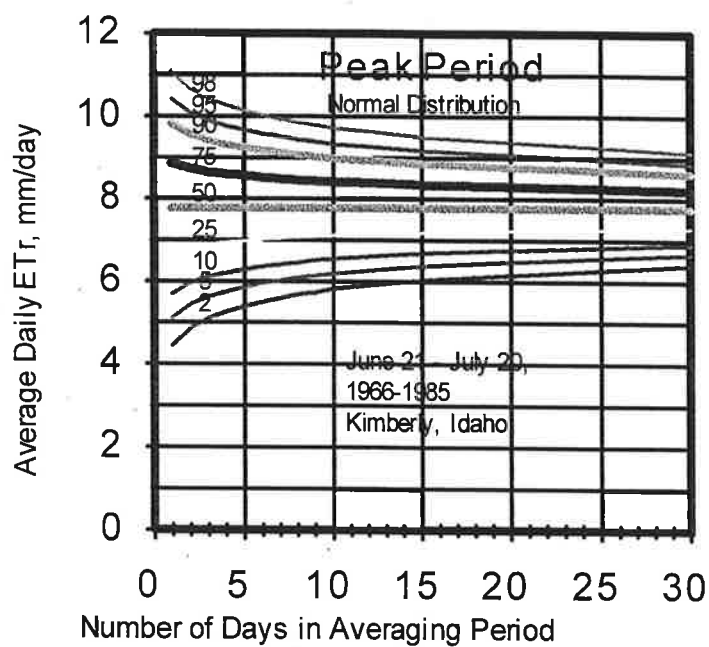


Figure 5. Effect of length of irrigation interval (averaging period) on average ET_r during the period for various levels of probability (nonexceedance).



United States
Department of
Agriculture

Soil
Conservation
Service

122 5th Ave West
Gooding, ID. 83330

Dan McFadden
Rt 1 Box 406
Hagerman, Idaho 83332

October 7, 1992

Dear Dan,

This letter supplements the final report of the Hagerman Water Users from the Soil Conservation Service, dated October 2, 1992, and is more specific to your farm.

Application rates for pivot and wheeline systems are mentioned in paragraph four. At a design efficiency of 65%, the application rate of 10.5 gpm/ac (1.16in/ac) is indicated. If this application rate were applied at a peak consumptive use rate of 0.36in/ac, the crop would need to be irrigated every 3.2 days. This frequency may not be feasible from a management perspective, as prohibitive increased costs to labor, production capital, and operation and maintenance would result.

Currently, based on existing management, capital and labor factors, the system is operated with a frequency of five days. This indicates the need for water application rates of 1.8in/ac (16.2 gpm/ac). This appears to meet the management objectives for your operation.

Furrow irrigation modeling shows application rates of 28 gpm/ac (3.1in/ac) and a high degree of irrigation water management needed to meet consumptive use rates for mint. These application rates are needed due to a combination of factors including climate, soil textures, excessively drained soil, topography, and the lower irrigation efficiencies of surface irrigation systems. Erosion and sediment transport are not a problem due to little runoff, but the model shows excessive deep percolation.

I hope this portrays information of use to you. Please call if you have any questions. Thank you,

Sincerely,
Brian Miller
Brian Miller
District Conservationist
Gooding F.O.t

122530
→
1.25"
(net)
8"-2.0"
GROSS
65% ET

Note: ID-40 RECALCULATED TO DETERMINE DISCREPANCY IN WATER APPLICATION AMOUNTS

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

ID-ENG-040
09-89

NAME Dan McFadden DATE 12-13-92 PREPARED BY EMOORE
SCD GOODING COUNTY GOODING ENGN. JOB CLASS

I. INVENTORY

FROM
ASCS
Aerial
Photo

→ Total Acres 2175 Crop Acres 161.6 Climatic Area I
Water Source SPRINGS Amt. Available Seasonal Variation none
Energy Source ✓ (Electric) (Int. Comb - Fuel) (Gravity)

II. SOILS DATA

USDA Soils Class Majority	Total Available WHC (in./ft.)					Depth to		Maximum Intake Rate in/hr
	0-1	1-2	2-3	3-4	4-5	Inhibiting Layer (ft)	Water Table	
<u>Keeko</u>	<u>1.56</u>	<u>1.56</u>				<u>> 5 ft</u>	<u>-</u>	
<u>EPhrata</u>	<u>1.44</u>	<u>1.44</u>				<u>> 5 ft</u>	<u>-</u>	

III. DETERMINATION OF WEIGHTED CONSUMPTIVE USE (CU)

Note:
mint root infor-
mation not
available - used
mint C.U. data
from ID. IRR GUIDE

Crop	Acres (A)	June		July		August	
		CU	AxCU	CU	AxCU	CU	AxCU
<u>MINT</u>	<u>100</u>	<u>6.21</u>	<u>6.21</u>	<u>8.19</u>	<u>8.19</u>	<u>4.93</u>	<u>4.93</u>
Weighted Consumptive Use							

IV. WATER MANAGEMENT INFORMATION

Root ZONE
depth from
ID. IRR GUIDE

Crop	Root Zone Depth (ft)	Total WHC (Inches)	Stress Point (%TWHC)	Max. Net Replacement (Inches)	Peak Daily C.U.	Max. Freq. @ Peak C.U. @ Max. Net.
<u>Mint Root (EPHrata)</u>	<u>2</u>	<u>2.88</u>	<u>40</u>	<u>1.15</u>	<u>0.36</u>	<u>3.2</u>
<u>" " (Keeko)</u>	<u>2</u>	<u>3.12</u>	<u>40</u>	<u>1.25</u>	<u>0.36</u>	<u>3.5</u>

PEAK
DAILY C.U.
from Ne
Wilton
Letter
Oct 2, 19

V. DESIGN DATA - Based on weighted consumptive use,
65 % Eff., 5-10 mph winds, 0.6 wind factor

$$Q = \frac{(453)(100)(1.15)}{(3.2)(23)(0.65)} = 1088.7 \text{ gpm}$$

	Application		Peak Daily C.U.* (Weighted)	Frequency (F)(Days)	System Requirements	
	Net (D)	Gross			(Total gpm)(Q)	gpm/ac
<u>Maximum</u>						
<u>MINT Root</u>	<u>1.15</u>	<u>1.76</u>	<u>0.36</u>	<u>3.2</u>	<u>1088.7</u>	<u>10.9</u>
<u>" "</u>	<u>1.25</u>	<u>1.92</u>	<u>0.36</u>	<u>3.5</u>	<u>1081.6</u>	<u>10.81</u>

Note:
A = 100 ac
info from
Landowner

$$Q = \frac{453 A D}{F H \text{ Eff.}} = \text{system capacity}$$

H = Total operating hours/day
Use 23 hours

* Use controlling weighted monthly
consumptive use and determine
peak daily consumptive use from
Table XIV in ID Irrigation Guide



JUN 26 1992

ENG - McFadden Sprinkler Evaluation

June 15, 1992

Brian Miller
District Conservationist
SCS, Gooding FO

210

On May 26, Blane and I conducted an abbreviated sprinkler evaluation on two laterals.

The first evaluation was on a N-S lateral north across from a horse barn which also serves as McFadden's office. The crop was grain. This lateral had a pressure variation from 42 psi near the mainline to 45 psi at nozzle #29. Average pressure was 43 psi.

Nozzle discharge varied from 5.7 gpm to 5.1 gpm with an average of 5.5 gpm. Total lateral capacity is about 176 gpm. Loss in this 4" wheel line calculates as 4.5 psi, implying a gain downhill of about 18 feet. Significant fall was observed in the field, but not surveyed.

The second evaluation was on an E-W lateral, in mint, south of the booster station pump plant. Pressure varied from 50 psi near the mainline to 51 psi at nozzle #29. Average pressure was 50 psi with a gentle fall in elevation from the mainline.

Discharge from nozzles varied from 5.5 gpm to 4.6 gpm, for an average of 5.0 gpm. Lateral flow probably averaged 160 gpm. It may be significant to note that two of the #9 MG nozzles discharged nearly 15 percent more flow than another at the same pressure. McFadden may want to test more nozzles on this lateral for pressure-flow variations. If excess flow variations occur, new nozzles should be considered.

Overall, it appears that McFadden's sprinkler system was quite well designed. Nozzles were installed to take advantage of pressure variations within the system to yield reasonably similar discharges per nozzle. Experience has also shown us that MG nozzles yield a good coefficient of distribution.

It is expected that this system is operating as designed with nozzle flows averaging between 5.0 gpm and 5.5 gpm (5.25 gpm). System operating capacity at any given time may be determined by multiplying 170 gpm/lateral times number of operating laterals plus or minus about 5 percent of flow.



Droughty soils within this area require an irrigation return interval of about five days. Set times are usually twelve hours with two moves per day. About fifteen acres are irrigated each cycle during peak consumptive-use periods, implying a water application need of 11.3 gpm per acre (1.25 miner inches per acre). This does not include delivery losses within the system.

Enclosed are the field forms used in this evaluation

A handwritten signature in cursive script, reading "Neil D. Wilton".

NEIL D. WILTON
Irrigation Engineer

Enclosure

cc: Lee Brooks, AC, Boise AO, w/o enclosure
Bob Bishop, AE, Boise AO, w/enclosure
H. LeRoy Zollinger, SCE, Idaho SO, w/enclosure

Form II-1. SPRINKLER-LATERAL IRRIGATION EVALUATION

1. Location M. FARM, Observer BC/AL, Date 5/22/72
2. Crop CORN, Root zone depth ft, MAD %, MAD in
3. Soil: texture , available moisture in/ft, SMD in
4. Sprinkler: make MG, model , nozzles by in
5. Sprinkler spacing 40 by 50 ft, Irrigation duration 12 hrs
6. Rated sprinkler discharge gpm at psi giving in/hr
7. Lateral: diameter 4.8 in, slope %, Riser height in
8. Actual sprinkler pressure and discharge rates:

Sprinkler location number on test lateral

E 4 9 14 19 24 29 end N

Initial pressure (psi)

Final pressure (psi)

Catch volume (gal)

Catch time (min or sec)

Discharge (gpm)

<u>42</u>	<u>41</u>	<u>41</u>	<u>42</u>	<u>45</u>	<u>45</u>	<u>(43)</u>
<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	
<u>21.96</u>	<u>21.08</u>	<u>21.32</u>	<u>21.78</u>	<u>21.01</u>	<u>23.50</u>	
<u>5.5</u>	<u>5.7</u>	<u>5.6</u>	<u>5.5</u>	<u>5.7</u>	<u>5.1</u>	<u>(5.5)</u>

9. Wind: direction relative to

Part 10: initial W, during , final

Speed (mph): initial 15-20, during , final

10. Container grid test data in units of , Volume/depth ml/in

Container grid spacing by ft

Test: start , stop , duration hr min = hr

11. Evaporation container: initial final loss in

12. Sprinkler pressures: max 45 psi; min 41 psi, ave 43 psi

13. Comments

Form II-1. SPRINKLER-LATERAL IRRIGATION EVALUATION

1. Location M^cFADDEN, Observer BC/NOA, Date 5/25/92
2. Crop MINT, Root zone depth ft, MAD %, MAD in
3. Soil: texture , available moisture in/ft, SMD in
4. Sprinkler: make TRAC, model , nozzles by in
5. Sprinkler spacing 40 by 50 ft, Irrigation duration 12 hrs
6. Rated sprinkler discharge gpm at psi giving in/hr
7. Lateral: diameter 4 in, slope %, Riser height 30 in
8. Actual sprinkler pressure and discharge rates:

Sprinkler location number on test lateral

	W	4	9	14	19	24	29	end E
Initial pressure (psi)		<u>49</u>	<u>49</u>	<u>49</u>	<u>48</u>	<u>48</u>	<u>48</u>	
Final pressure (psi)		<u>50</u>	<u>51</u>	<u>51</u>	<u>49</u>	<u>50</u>	<u>51</u>	(50)
Catch volume (gal)		<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	
Catch time (min or sec)		<u>22.21</u>	<u>21.78</u>	<u>25.18</u>	<u>26.14</u>	<u>25.30</u>	<u>27.64</u>	
Discharge (gpm)		<u>5.4</u>	<u>5.5</u>	<u>4.8</u>	<u>4.6</u>	<u>4.8</u>	<u>4.9</u>	(5.0)

9. Wind: direction relative to

Part 10: initial W, during W, final W

Speed (mph): initial 20-25, during , final

10. Container grid test data in units of , Volume/depth ml/in

Container grid spacing by ft

Test: start , stop , duration hr min = hr

11. Evaporation container: initial final loss in

12. Sprinkler pressures: max 51 psi; min 49 psi, ave 50 psi

13. Comments 2-#9 @ 51 psi yielded from 5.5 to 4.8 gpm.
May want to check wear on nozzles.

Crop	Season	C.U		Mid-season Stress point
		Daily	Seasonal	
Alf/Clovers	Mar 15-Oct 31	0.32	34.18"	50%
Alf/Grass	Apr 15-Oct 10	0.32	32.34"	50%
Alf Seed	Apr 8-Jul 15	0.235	16.35"	50%
Beans	May 25-Sept 2	0.32	18.28"	50%
Grain Corn	May 5-Sept 22	0.305	22.8 "	60%
Silage Corn	May 5-Sept 16	0.305	22.21"	60%
Swt Corn	May 5-Aug 15	0.295	17.55"	60%
Sm Grain	Mar 23-July 15	0.24	15.97"	65%
Melons/Cant	May 1- Sept 24	**	18.68"	**
Mint	Apr 8-Aug 23	0.32	26.06"	60%
Mint Root	Mar 15-Oct 1	0.32*	30.05"	60%
Orchard	Apr 10-Oct 31	0.32	33.34"	50%
Pasture	Mar 15-Oct 31	0.26	29.42"	60%
Potatoes	May 21-Sept 10	0.335	24.35"	65%
Sugar Beets	Apr 10-Oct 10	0.33	29.83"	60%

← C.U. adjusted to 0.36"/dan
n. wilton
oct 2, 92

FAX COVER SHEET

DATE: Thursday, March 18, 1999

PAGES (INCLUDING COVER): 1

ORIGINAL TO FOLLOW: ☐ Yes ☒ No

OUR FILE NUMBER: 4431-1

MATTER: Cranney Bros.

TO:

Mike Cranney

Dana Hofstetter

Nick Spencer / Sarah Deniston

Steve Clelland

Dan McFadden

208-862-3857

208-388-8400

208-327-7866

208-736-3037

208-837-4872

RECEIVED

MAR 18 1999

Department of Water Resources
Southern Region

MESSAGE:

I have confirmed that the settlement conference on right nos. 48A, 49 and 2169 will be at 1:30 p.m. on March 24, 1999, at the SRBA Courthouse in Twin Falls. Official notice from the Court will follow.

-Mike Creamer

If transmission is incomplete, call Debbie Russell at (208) 388-1225.

***** CONFIDENTIALITY NOTICE *****

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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

SOUTHERN REGION

April 1, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DANA HOFSTETTER
BEEMAN & HOFSTETTER
608 W FRANKLIN ST
BOISE, ID 83702

RE: Request for Copies of Duty of Water Studies - McFaddan Farm

Dear Ms. Hofstetter,

Enclosed are copies of the Duty of Water Studies given to me by Mr. McFaddan to support the base sprinkler rate described under his two irrigation claims, 36-00048A and 36-00049. As we discussed by phone, I am considering a sprinkler diversion rate of 5.35 cfs. This is based on the rate per acre of 1 ½ inches per acre. It replaces the previous number of 4.04 cfs. If you and Mr. Scanlan determine some other rate would you please advise me of your findings?

I have also included a sketch and a copy of the GIS layout for McFaddan's farmstead.

Please feel free to contact me at our office if you need further information.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

CC: Files 36-00048A & 36-00049



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

SOUTHERN REGION

April 1, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAN MCFADDAN
17966 N HWY 30
HAGERMAN ID 83332

RE: Request for Copies

Dear Mr. McFaddan,

Enclosed is a copy of the Curran Tunnel measurement data table as we discussed at the time of the exam last week. This is the most current version I was able to obtain.

I have also included a revision of the sketch I drafted at the time of exam. Also enclosed is the GIS layout I prepared for your farmstead. It calculates to be 178 acres and supports your claim for 178.5 acres.

I am going to update your records with IDWR to list the newest mailing address as you have listed with the new SRBA claims A36-15532 & A36-15533.

Please feel free to contact me at our office if you need further information.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

CC: Files 36-00048A & 36-00049

COMMUNICATION DOCUMENTATION

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.

NAME:

RE:

TERRY SCANLAN

CALLIN

MCFADDAN QUESTIONS

He asked several questions about the McFadden irrigation system and the fish pond development. I described the limits of my polysonic measurement and why I think the per acre rate should be based on the studies supplied by McFadden. I faxed him copies of the new claims filed by McFadden.

fax: 383-4156

phone: 383-4140

COMMUNICATION DOCUMENTATION

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.

36-00048A & 36-00049

He called to find out what should be done to meet the deadline tomorrow. I told him it is his choice on how to file the amendments and I recapped the options I offered on Friday, to leave the irrigation claims alone and file new, late claims for the fish and commercial uses. I told him I still have not discussed this with either Tuthill or Spencer and so I have no additional information on this issue. I told him if he chooses to amend the claims for tomorrow's deadline we could prepare those amendments tomorrow afternoon and still meet the deadline.

COMMUNICATION DOCUMENTATION

36-00048A & 36-00049

3/26
9:50 AM

Dam
MCF

Pump #'s from Meas. Dist.
(PC Records)

60 psi
No lift
= 1.11

$$\frac{8.8(25)(.70)}{.8 + (2.31 \times 60)}$$

On Site mtg w/ Parties?

1st
Call

404 cfs should come up!

2ND
5.35 cfs

★ Copy:
Allen Study

Correlation w/ Laramie? N/A

DRT Copy of Blackboard — email ✓ in file

★ Combined Use limits? w/ Fish & comm.
= limit to 7.7 cfs

MCF Plan:

$$19.7 - 11.93 \text{ cfs Sold} = \underline{7.77} \text{ cfs}$$

Remaining Decrease

$$3" \text{ Ac.} = 10.71 \text{ cfs}$$

(duty of water 2.1" per McF/acre)

New Claim for Acc.?

← (Claims by 30th)

Exam Thurs.?

★ Buy. claims for irrig? (1.74 cfs) ← NO B.U. POSSIBLE
★ may be at spring? use? Yes
Effect of Hagerman II? ★ Rec. 178.5 AC
"to address N-I users" (as claimed)

Converted irrig. to other uses
accomplished Trans:

$$19.7 \text{ cfs} = 0.11 \text{ cfs/ac} \text{ (5 1/2")}$$

48B .06
48C .04

$$\text{new HubB: } 9.51 \text{ cfs} \\ = 0.053 \text{ cfs/ac} \text{ (2.66")}$$

1946 aerial to JP.?
on farm w/ Coloss?
not a great #

$$7.77 \text{ cfs} / 178.5 \text{ ac} \\ = .0435 \text{ 2.18"}$$

★ 1963 water, forfeiture 1968?

★ Sprinkles added
in 1940's 50's
at least by 1963
at Sale!

N-I users: all water not irrig.
6-6.5 cfs in winter

System Cap: (MCF Bought 1975)

SDHP → 25HP BCruck.

75HP → 25HP Spr. (45psi head press.)

Sprinkles
55 psi

Gras of Home pond
0.3 ac

fees & d:

48 \$ 50

49 \$ 241

SOO 1892

50	50
178	178.5
6 (Com)	6
60 (fish)	6
<u>295</u>	<u>241</u>

\$ 54 diff.

49 meas.

16" pipe 5.5¢

8" pipe 2.5

7.7 cfs in

1968

aquaculture (aesthetics) est. 6 cfs

(Flow Meas. rates as Reported to IDWR)

was 4.04 → ?
est. 5 cfs

Proved Priority Facility Vol.

Q Discharge Monitor

Circulate SF6!



RECEIVED

MAR 31 1999

Department of Water Resources
Southern Region

3/26/99

Dan Mc Faddan
17966 HIGHWAY 30
Hagerman, ID 83332

Mr. Mc Faddan,

Here is a copy of the Irrigation Electric Service Agreement that we found in our Records Center in Boise. We only found one for the one account. The old account number, 0457-000816, has changed over the years but it correlates to your current account number of 0555-008801-0 with a location of 2585 S 1000 E 0278 in Hagerman, Idaho. I hope this information is will help you with your case.

Sincerely,

A handwritten signature in cursive script that reads "Julie Patton".

Julie Patton
Service Specialist, Gooding

**IDAHO POWER COMPANY
IRRIGATION ELECTRIC SERVICE AGREEMENT**

6457-000816

DISTRICT Wendell RATE SCHEDULE No. 24 ACCT. No. 0456-7010
 Connected Load: 75 H.P. 460 Volts 3 Phase 4 Wire
H.P. Volts Phase Wire

~~XXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ Crandlemire Land & Cattle Company
 (Name) (Mailing Address)

herein called Customer, agrees to receive and pay for, and IDAHO POWER COMPANY, herein called Company, agrees to supply electric service to the amount of 75 HP, in the form of three phase alternating current at approximately 60 cycles per second and 460 volts, for Customer's Pumping operations, at or near Hagerman, in Gooding County, State of Idaho for a term of 10 year(s) from and after the beginning of the irrigation season, 19 75 and shall be automatically renewed and extended each year thereafter unless written notice of termination is given by either party to the other not less than sixty (60) days prior to the expiration of the agreement or any extension thereof. This agreement shall be subject to the Company's rules and regulations and Schedule No. 24, as now or hereafter in effect at the time of delivery of service. The point of delivery of power shall be where the Company's wires or apparatus are connected with those of the Customer at or near SW 1/4 SW 1/4 of Section 11 T. 7 S R. 13 E Boise M.

All payments shall be made at Company's office at Wendell, Idaho. The Customer agrees to pay, regardless of the amount of power actually consumed, the minimum charges as provided in the rate schedule, rules and regulations applicable to service hereunder. A copy of the rate schedule and the rules and regulations as now in effect are attached hereto as part of this agreement.

It is understood and agreed that the initial date of delivery of power and energy under this agreement is subject to the Company's ability to obtain required labor, materials, equipment, satisfactory rights-of-way and comply with governmental regulations.

In consideration of the special investment to be made by the Company in extending its lines and facilities to supply the Customer's pumping power service requirements, Customer guarantees a minimum annual payment in the amount of \$ 1250.00 to the Company during the term of this contract, such annual minimum to run with the land and pumping power service hereinabove referred to and to be payable by the Customer's successors or assigns as a condition of service during the term of this agreement.

*The annual period hereunder shall be the twelve month period beginning March 1 of each year.

RECEIVED

MAR 31 1999

Department of Water Resources
Southern Region

Dated April 24, 19 75

Attest Witness Margaret M. Thakurly

Attest Witness Joe H. Armstrong

W.O. No. 42-739-902

Irma R. McFadden 7-20-7
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
Crandlemire Land & Cattle Company

Robert B. Crandlemire, Pres.
for W. B. Crandlemire Customer.

IDAHO POWER COMPANY

BY E. J. [Signature]

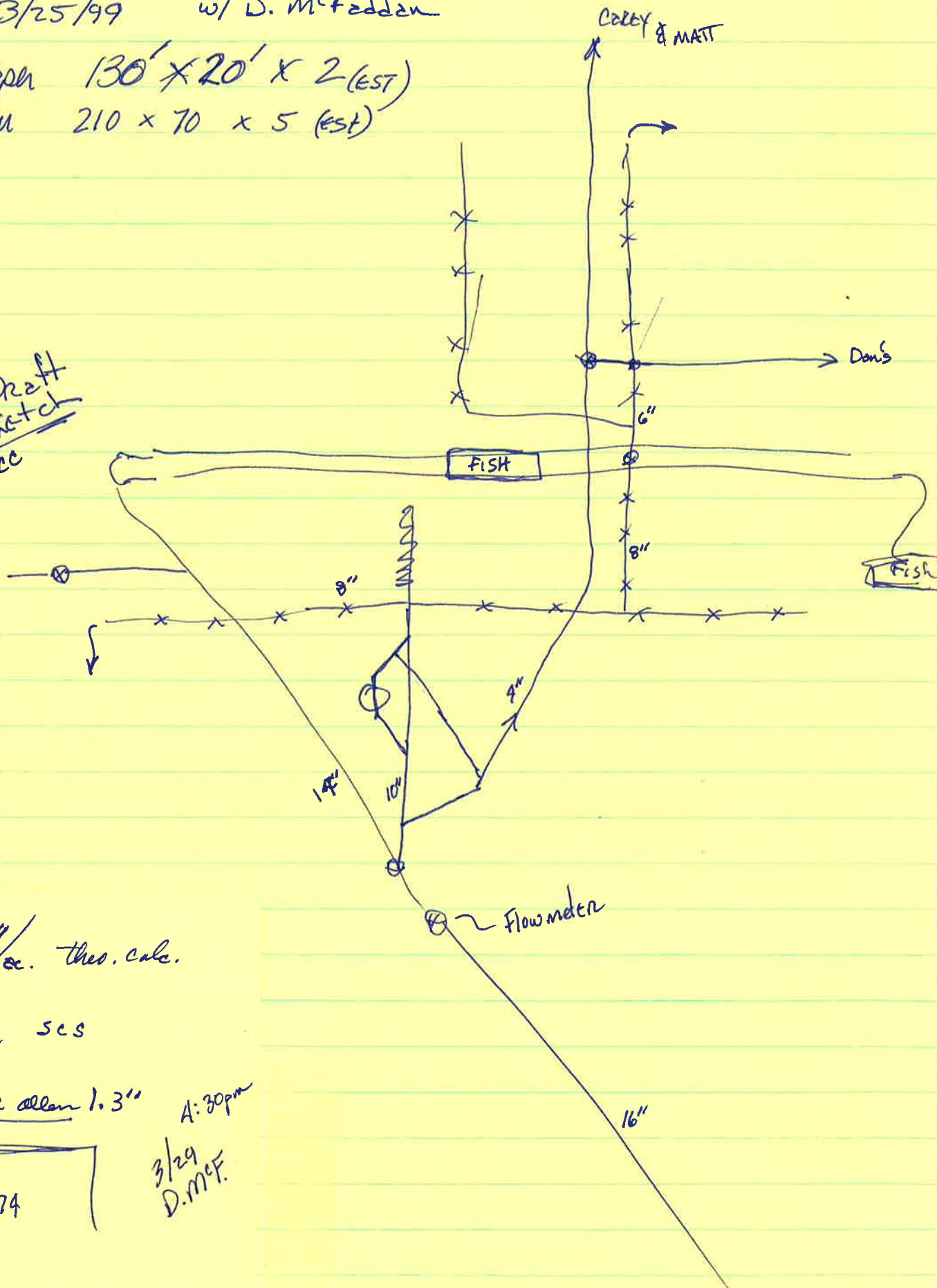
Its

100 SUP
Hand & Wheel

3/25/99 w/ D. McFadden

upper 130' x 20' x 2 (EST)
lower 210 x 70 x 5 (EST)

Draft sketch
sec



1.67 "/cc. theo. calc.

1.4 "/cc scs

De clean 1.3"

A: 30pm

IDPCD
added
15HP

4/74

3/29
D. McF.

16"

2/26/99 Discussion w/ D.Mc

3/29/99 " " "

(Continued to discuss situation)

- decree irrig. = 7.70 cfs. Sale is final!
 - BU claimed post 1963? I say based on Sprinkler
no use found!
 - file additional claims for N-I users:
 - fish 6.0 cfs
 - Comm. .06 cfs
-

Affidavit from Ken Ellis? (for fish priority)

Correlate - Curran records w/ FLS flows
(alt. = 3200') (alt. = 3100')

flow records @ IDWR

- 8.6 cfs in FLS pipe when installed in 1986
- meas. 6 cfs on 3/25/99

3/30/99

3:45 PM

for amendments

Tari Hame

Docket sheet notice

48A

1.11

178.5 ac

1 1/2" / ac.

Est. Sprinkler

Kets: 5.35 cfs

49

6.66

7.77 cfs

SFA

-15532- (1967)

N.C. FISH

~~6.0~~ 9.0

Correlation w/ curran?

-15533 (1958)

N.C. Comm.

0.06 cfs

Std. analysis?

turnover times?

effect of ~~Dead~~?

BU. irrig. ~~Ø~~

* Remarks?

1.3" per acre

Brian Miller

* Need copies of Studies!

1.4" per acre

Dr. Allen

Water Sale split: 1963

7 of 10 (36-00048) Bell Cr.

4.6 of 9.7 (36-00049) FLS

McFadden balance

3.0 cfs

5.1

8.1

Diverted
Flows

1.11

6.0

(How did we get the 7.7 cfs?)

19.7 - 11.93 sold
= 7.77 cfs

48A →

48B

.06

48C

.03

.09

} Billingsley Cr.

see purple sheet

- 49 1.1 cfs theo. Calc
 $\frac{1}{2}"(0.03) = 37 \text{ Ac}$

B36
WMD > 30 Ac. Reported = 0.90 cfs
w/in 178.5 Ac FPU

$$\left\{ \begin{array}{l} 6.8 + 0.90 = 7.7 \text{ cfs} \\ \therefore \text{no combined limits} \end{array} \right\}$$

- 48A

$$(7.7 - .90 = 6.8) = \text{peak flows in WMD}$$

$$\begin{array}{l} 6.8 \text{ cfs} \div 148.5 \text{ Ac} = 0.0458 \text{ cfs/Ac (gravity rate)} \\ 6.8 \text{ cfs} \div 178.5 \text{ Ac} = 0.038 \text{ cfs/Ac} \\ \text{(both ok per Newell Hubble)} \end{array}$$

TRANSMITTAL COVER SHEET

TO: DAN McFADDAN 837-4872
DANA HOFSTETTER 388-8400
MIKE CREAMER 388-1300
TERRY SCANLAN 383-4156

TOTAL PAGES SENT: 7
(including cover sheet)

DOCUMENT DESCRIPTION: - DRAFT RECOMMENDATIONS
To CLAIMS: 36-00048A 36-00049
36-15532 & 36-15533

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

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)

Please consider this document as ~~a~~ billing statement.

The charge for your fax copies is: ~~X~~

Please remit to the above address.

SENDER: Steve Clelland

COMMENTS: Feel free to contact me w/ suggestions
&/or REVISIONS or Questions.

(COPIES SENT TO ALL the Above)

TRANSMISSION VERIFICATION REPORT

Terry S.

TIME : 09/28/1999 17:08
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

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

09/28 17:06
912083834156-540044
00:02:47
07
OK
STANDARD

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

09/28 17:02
912083881300-540044
00:01:41
07
OK
STANDARD

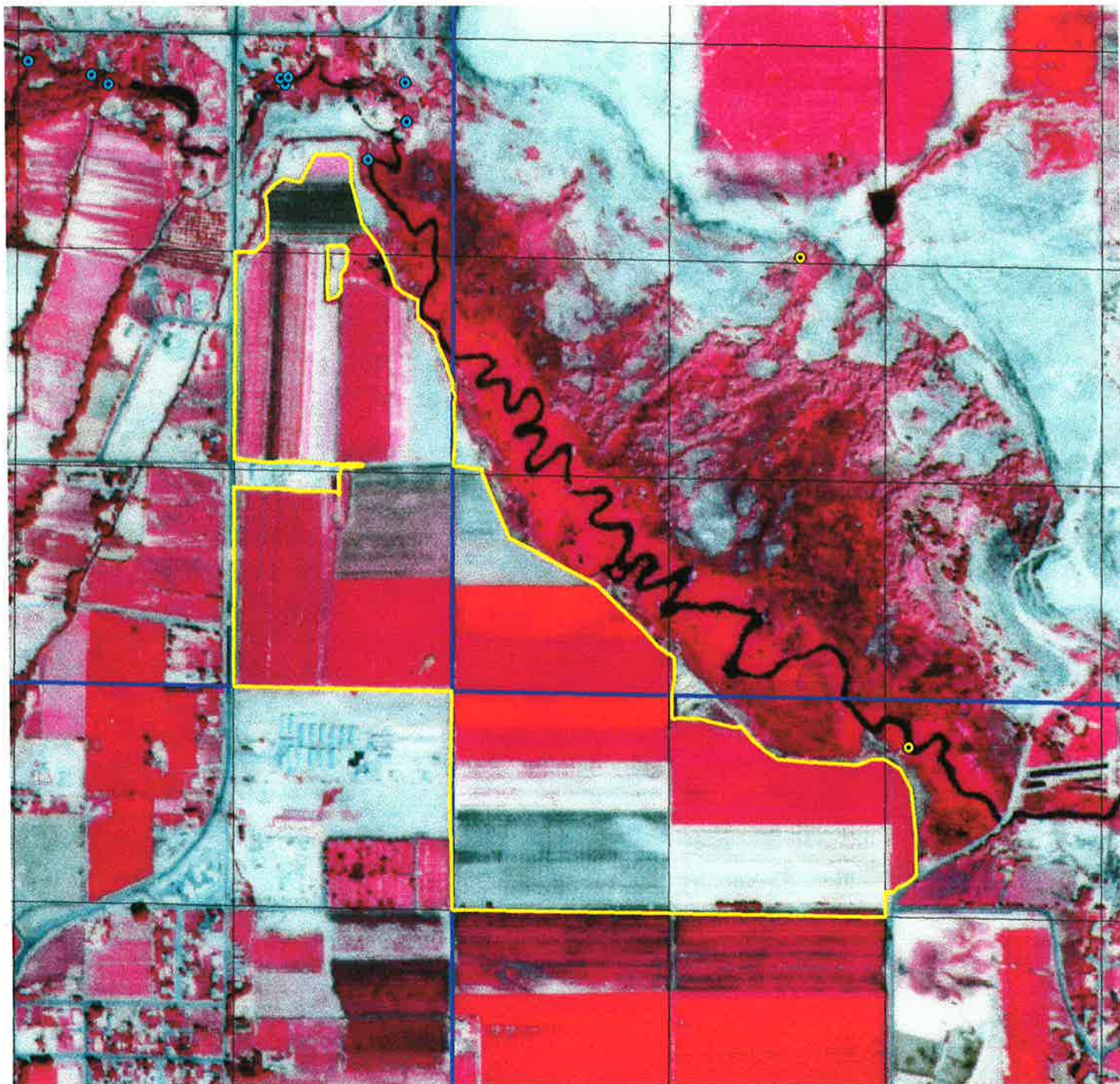
TIME : 09/28/1999 17:04
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT

Mike C.

IDAHO DEPT OF WATER RESOURCES

36-00048A & 36-00049



660 0 660 1320 Feet



T07S R13E Sec. 11 & 12



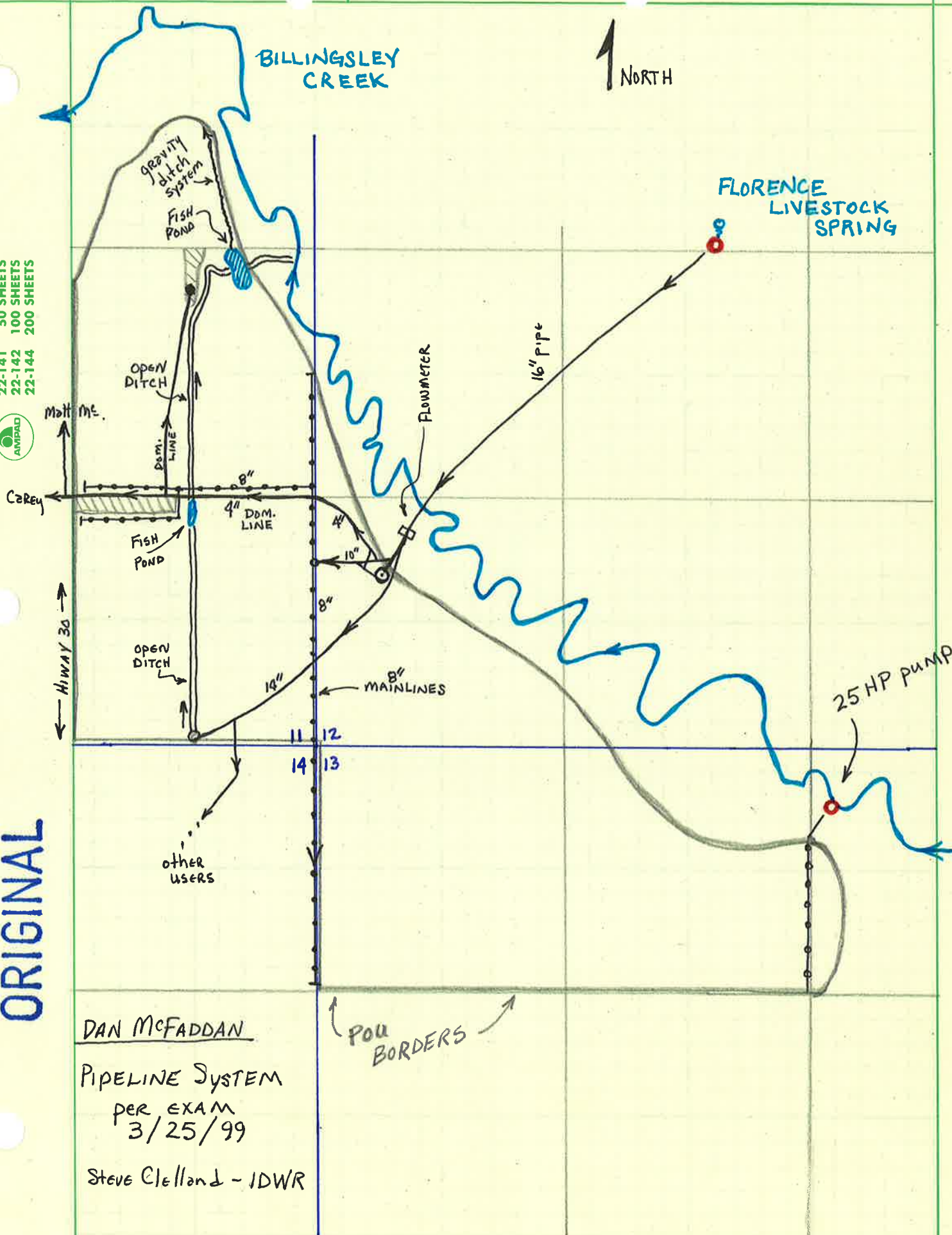
- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- ~ SECTION LINES
- 1/4 - 1/4 LINES

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND
DATE: MARCH 31, 1999

ORIGINAL

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS



DAN McFADDAN

PIPELINE SYSTEM

PER EXAM
3/25/99

Steve Clelland - IDWR

RECEIVED
SW: 12-4999
APR 03 1999
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 15 1999

Department of Water Resources

THIS IS YOUR **1998** WATER MEASUREMENT ANNUAL REPORT

For the Water Measurement Program -
OPEN CHANNEL MEASUREMENT OR NON-TOTALIZING DEVICE

ATTENTION: Year end data must be submitted to Idaho Department of Water Resources
1301 N. Orchard, Boise Idaho 83706, on or before:
January 15, 1999.

NOTE: A separate reporting form must be submitted for each diversion. Refer to page 5 for
detailed instructions.

This report form may be used for the following diversion:

Diversion Name or Facility: FLORENCE LIVESTOCK SPRING PIPE DI
Water Source: FLORENCE L.S. SPRING
Water Right(s) Owner or Contact: MCFADDAN, DAN
(owner name(s) may be omitted if there
are multiple owners on same diversion)

SECTION I Water Right Holder/Operator Information

(If there are multiple water right holders on a common ditch or conveyance system, please designate
the contact person below)

Name and Address of Water Right Holder

Please check for address correction. ☐

Current Owner

Name McFaddan
Last, First, MI'

Address 17966 Hy

City Hagerman,

Original Owner (if sold withi
Name
Last, First, MI

Address

City

Operator or Contact Person
Name Same
Last, First, MI

Address

City

SOUTHERN

ROUTING SLIP

TO: Steve Clelland

FROM: Cindy Hodges

DATE: 4-1-99 TIME: _____

PER:	
Our Conversation	
Your Request	X
The Attached	X

FOR YOUR:		REVIEW AND:	
Information		Take Proper Action	
Approval		Comment	
Signature		Draft A Reply	

ATTACHED TO BE:			
Posted		Returned To	
Circulated		Filed	
Distributed		Copied (_____ copies)	

RECEIVED
APR 05 1999
Department of Water Resources
Southern Region

SECTION II Water Measurement Log (measurements must be recorded at least once per week and in units of cubic feet per second.)

DAY	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
1						
2						6.0
3						
4						
5				4.0	5.5	
6						
7						
8						
9			4.0			6.0
10						
11						
12				3.5	5.5	
13						
14						
15			4.5			
16						6.0
17						
18						
19				5.5	6.0	
20						
21						
22			4.5			
23						6.0
24						
25						
26				5.0	6.0	
27						
28						
29		-----	4.5			
30		-----				
31		-----		-----		-----

off.
1-10
off.
3-5
off.

SECTION II (CONT.)

DAY	JULY	AUGUST	SEPT	OCTOBER	NOVEMBER	DECEMBER
1						
2						
3					5.5	
4						
5						
6		5.0	~~5.0~~	4.5		
7	5.5					4.5
8			5.0			
9						
10					5.0	
11		5.5				
12						
13				5.0		
14	4.5					4.75
15			4.5			
16						
17						
18		5.0				
19						
20				5.5		
21	4.5					
22			5.0			
23						
24					4.5	5.0
25		4.5				
26						
27				5.5		
28	5.0					
29			4.0			
30						5.0
31			-----		-----	

SECTION III Measuring Device Information

A. Type & Description of Measuring Device(s): This measuring device was disabled and in the shop during Jan + Feb. It was reinstalled and the first reading taken on March 8th, 1998.

B. Period of Use: For seasonal or partial year diversion/use, show turn-on (start) and turn-off (end) dates:

Beginning diversion date 3 / 8 month day ^{Readings cover period} Ending diversion date 12 / 30 month day

C. Attach copies of all measuring device rating tables to this report (omit if previously supplied to the Department).

SECTION IV Modifications made in 1998

Please describe in the space below any major modifications made to the diversion works or measuring device which would affect the accuracy of the flow measurements during 1998. Attach drawings, sketches, notes or design information if needed.

The meter originally read in 1/10 CFS. After repairs it now reads in whole CFS. I interpret the fractions.
* Needs checking!

SECTION V Certification

I hereby certify that the information reported is correct to the best of my knowledge and that I recognize that willful submittal of false or inaccurate data is a violation of law subject to the penalty provisions of Sections 42-311, 42-350 and 42-351, Idaho Code.

Dan McFarlane Signature Owner Title

1/12/99 Date

Note: Each reporting form shall be accompanied by a report processing fee in the amount of **twenty-five dollars (\$25) per diversion** made payable to the Idaho Department of Water Resources. (Section 42-701(6), Idaho Code).

For Department Use Only

Received by WJecomb Date 1/14/99 Time _____

Fee amount submitted \$25.00 Correct? yes ☒ no _____

Received by WJ Receipt No. C044364

Data entry by WJ Date 1/15/99

Total Annual Flow (CFS) _____ Max. Div. Rate (CFS) 6.0

Total Annual Volume (Acre-Feet) 3495.9

cyh 4-1-99

SUPPLEMENT TO BASIN 36/37 SURFACE WATER
OPEN CHANNEL DIVERSION LOG SHEETS

IDWR CALCULATION FOR ANNUAL/SEASONAL VOLUME

DIVERSION NAME: Florence Livestock Spring Pipe Diversion
 WATER SOURCE: Florence Livestock Spring
 WATER RIGHT OWNER: Dan McFadden
 REPORT DATES: 1/1 - 12/31, 1998 365 DAYS
 MAX FLOW: 6.00 cfs
 WATER RIGHT NO: 36-00049
 WATER RIGHT LIMIT: 4.04 cfs
 DAYS OVER LIMIT: 278

CFS	AF CONV	DAYS	AF
4.00	1.9835	87	690.3
4.50	1.9835	82	731.9
3.50	1.9835	7	48.6
5.50	1.9835	56	610.9
5.00	1.9835	73	724.0
6.00	1.9835	50	595.1
4.80	1.9835	10	95.2

TOTALS 365 3,495.9 acre-feet

estimated flow of 4.0 cfs for 67 days, 1-1 to 3-8

Prepared: 04/01/99
 By: chodges

RECEIVED
APR 05 1999
APR 12 1997
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 25 1998

Department of Water Resources

THIS IS YOUR ¹⁹⁹⁷1998 WATER MEASUREMENT ANNUAL REPORT

For the Water Measurement Program -
OPEN CHANNEL MEASUREMENT OR NON-TOTALIZING DEVICE

ATTENTION: Year end data must be submitted to Idaho Department of Water Resources
1301 N. Orchard, Boise Idaho 83706, on or before:
January 15, 1999.

NOTE: A separate reporting form must be submitted for each diversion. Refer to page 5 for
detailed instructions.

This report form may be used for the following diversion:

Diversion Name or Facility: FLORENCE LIVESTOCK SPRING PIPE DI
Water Source: FLORENCE LIVESTOCK S
Water Right(s) Owner or Contact: MCFADDAN, DAN
*(owner name(s) may be omitted if there
are multiple owners on same diversion)*

SECTION I Water Right Holder/Operator Information

*(If there are multiple water right holders on a common ditch or conveyance system, please designate
the contact person below)*

Name and Address of Water Right Holder

Please check for address correction. ☐

Current Owner

Name McFadden Dan H.
Last, First, MI

Phone _____

Address 17966 Hwy 30

Fax _____

City Hagerman Idaho 83332

State & Zip _____

Original Owner (if sold within last year)

Name _____
Last, First, MI

Phone _____

Address _____

Fax _____

City _____

State & Zip _____

Operator or Contact Person

Name _____
Last, First, MI

Phone _____

Address _____

Fax _____

City _____

State & Zip _____

SECTION II Water Measurement Log (*measurements must be recorded at least once per week and in units of cubic feet per second.*)

DAY	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
1						
2			✓ 5.2			✓ 6.3
3						
4					✓ 5.8	
5						
6				✓ 5.1		
7						
8						✓ 6.2
9		✓ 6.2				
10						
11					✓ 5.6	
12						
13						
14	✓ 6.3					
15						✓ 5.9
16						
17						
18					✓ 5.8	
19						
20				✓ 5.0		
21						
22						✓ 5.8
23		✓ 6.0	✓ 5.1			
24						
25					✓ 6.2	
26						
27						
28						
29		-----				✓ 6.0
30		-----				
31		-----		-----		-----

SECTION II (CONT.)

DAY	JULY	AUGUST	SEPT	OCTOBER	NOVEMBER	DECEMBER
1						
2					- 5.3	
3		- 6.4				
4						
5				- 5.5		
6	- 6.1					
7			- 6.3			
8						
9					- 3.43	
10		- 6.0				
11						
12				- 5.0		
13	- 6.25					
14			- 5.2			2.91
15						
16						
17		- 6.3				
18						
19				- 5.6		
20	- 6.4					
21			- 4.8			
22						
23					- 3.5	
24		- 6.6				
25						
26				- 5.2		
27	- 6.5					
28			- 6.2			
29						
30						
31		- 6.25	-----		-----	

SECTION III Measuring Device Information

A. Type & Description of Measuring Device(s): _____

B. Period of Use: For seasonal or partial year diversion/use, show turn-on (start) and turn-off (end) dates:

Beginning diversion date ____/____/____
month day

Ending diversion date ____/____/____
month day

C. Attach copies of all measuring device rating tables to this report (omit if previously supplied to the Department).

SECTION IV Modifications made in 1998

Please describe in the space below any major modifications made to the diversion works or measuring device which would affect the accuracy of the flow measurements during 1998. Attach drawings, sketches, notes or design information if needed.

SECTION V Certification

I hereby certify that the information reported is correct to the best of my knowledge and that I recognize that willful submittal of false or inaccurate data is a violation of law subject to the penalty provisions of Sections 42-311, 42-350 and 42-351, Idaho Code.

Dan M. Fadden Owner
Signature Title

Date

Note: Each reporting form shall be accompanied by a report processing fee in the amount of **twenty-five dollars (\$25) per diversion** made payable to the Idaho Department of Water Resources. (Section 42-701(6), Idaho Code).

For Department Use Only

Received by H. Brand Date 2/25/98 Time _____

Fee amount submitted 25.00 Correct? yes _____ no _____

Receipted by H. Brand Receipt No. 0041540

Data entry by _____ Date _____

Total Annual Flow (CFS) _____ Max. Div. Rate (CFS) 6.6 8-24-97

Total Annual Volume (Acre-Feet) 3941.0

(WR)

SUPPLEMENT TO BASIN 36 SURFACE WATER
OPEN CHANNEL DIVERSION LOG SHEETS

IDWR CALCULATION FOR ANNUAL/SEASONAL VOLUME

DIVERSION NAME: Florence Livestock Spring Pipe
 WATER SOURCE: Florence Spring
 WATER RIGHT OWNER: Dan McFadden
 REPORT DATES: 1/1-12/31, 1997 365 DAYS
 MAX FLOW: 6.6
 WATER RIGHT LIMIT: 4.04 cfs
 DAYS OVER LIMIT: 312

CFS	AF CONV	DAYS	AF
6.30	1.9835	73	912.2
6.20	1.9835	36	442.7
6.00	1.9835	21	249.9
5.20	1.9835	35	361.0
5.10	1.9835	28	283.2
5.00	1.9835	21	208.3
5.80	1.9835	21	241.6
5.60	1.9835	14	155.5
5.90	1.9835	7	81.9
6.10	1.9835	7	84.7
6.40	1.9835	14	177.7
6.50	1.9835	7	90.2
6.60	1.9835	7	91.6
4.80	1.9835	7	66.6
5.50	1.9835	7	76.4
5.30	1.9835	7	73.6
3.40	1.9835	14	94.4
3.50	1.9835	21	145.8
2.90	1.9835	18	103.5
TOTALS		365	3,941.0

Prepared: 05/14/98
 By: chodges

RECEIVED
APR 05 1999
Department of Water Resources
Southern Region
SW-WMP1 2/96

RECEIVED
JAN 17 1997
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Water Measurement Program FOR MEASURING DEVICE METHOD

1996 Reporting Form

ATTENTION: Water users --- Year end data must be submitted to Idaho Department of Water Resources 1301 N. Orchard Boise Idaho 83706, on or before January 15, 1997.

NOTE: A separate reporting form must be submitted for each diversion from a public water source.

This report form may be used for the following diversion:

Diversion Name or Facility: FLORENCE LIVESTOCK SPRING PIPE DI
Water Source : FLORENCE LIVESTOCK S
Water Right(s) Owner or Contact: MCFADDAN, DAN
(owner name(s) may be omitted if there
are multiple owners on same diversion)

48A
0049
4.04 cfs

SECTION I Water Right Holder/Operator Information

Name and Address of Water Right Holder

Current Owner

Name Dan H. McFadden
Last, First, MI

Phone 837-6649

Address 17966 N Hwy 30

Fax 837-4872

Hagerman State & Zip Id 83332

City Hagerman

Original Owner (if sold within last year)

Name _____
Last, First, MI

Phone _____

Address _____

Fax _____

City _____

State & Zip _____

Operator (if leased or operated by someone else) or Contact Person

Name _____
Last, First, MI

Phone _____

Address _____

Fax _____

City _____

State & Zip _____

SECTION II. Rate of flow and volume diverted

See attached chart.

Meter multiplier X _____ (if any)

Units of measurement (Acre feet, gallons or other) _____

Date (enter date of reading)	Totalizer reading	Acre feet since last reading	Cumulative acre feet	Flow rate cfs or gpm	Discharge pressure
Jan.					
Feb.					
March ()					
April ()					
May ()					
June ()					
July ()					
Aug ()					
Sept. ()					
Oct. ()					
Nov. ()					
Dec. ()					

Does totalizer reading above include meter multiplier? _____ Yes _____ No

Total Acre-feet _____

Comment:

The readings for March + April missed two weeks
because of down time re-calibrating flow meter. This is
also why the totalizer readings are meaningless.
The Nov. + Dec. readings are only for 2 weeks each
month because we were told to remove + store the meter
during cold weather.

Please describe in the space below any major modifications made to the piping system which would affect the accuracy of the flow measurements during 1995. Attach drawings, sketches, notes or design information if needed.

SECTION III Certification

I hereby certify that the above reported information is correct to the best of my knowledge and that I recognize that willful submittal of false or inaccurate data is a violation of law subject to the penalty provisions of Sections 42-311, 42-350 and 42-351, Idaho Code.

Dan McFadden
Signature

Owner
Title

1/14/97
Date

Note: Each reporting form shall be accompanied by a report processing fee in the amount of twenty dollars (\$25) per diversion made payable to the Idaho Department of Water Resources. (Section 42-701(6), Idaho Code)

For Department Use Only

Received by Ket Date 1-17-97 Time _____

Fee amount submitted 25.00 Correct? yes _____ no _____

Receipted by Ket Receipt No. C037692

Data Entry by Cyl Date ~~1-12-97~~ 10-17-97

Total Annual Volume (Acre-Feet) _____ Max Div. Rate (CFS) _____

SECTION 2: Water Measurement Log

Each diversion must be read and recorded at least once per week. Flow rates must be recorded in units of cubic feet per second.

DAY	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1							6.5			
2				6.0						
3									6.7	
4						6.5				
5	4.86		5.4							
6								5.8		
7		5.2			6.2					
8							5.8			
9				6.0						
10									6.8	
11						6.2				
12			5.5							
13								5.3		6.9
14					6.2					
15							5.2			
16				6.2						
17										
18						6.5				
19			6.5							
20								5.5		
21		5.05			6.3					
22							6.0			
23				6.2						
24										
25						6.4				
26			6.2							
27								5.8		
28					6.8					
29	5.05						6.2			
30				6.4						
31		-----		-----			-----		-----	

Jan

6.3

**SUPPLEMENT TO BASIN 36 SURFACE WATER
OPEN CHANNEL DIVERSION LOG SHEETS**

IDWR CALCULATION FOR ANNUAL/SEASONAL VOLUME

DIVERSION NAME: FLORENCE LIVESTOCK SPRING PIPE
 WATER SOURCE: FLORENCE LIVESTOCK SPRING
 WATER RIGHT OWNER: DAN MCFADDAN
 REPORT DATES: 3/1 - 12/31
 MAX FLOW: 6.9

CFS	AF CONV	DAYS	AF
4.86	1.9835	28	269.9
5.05	1.9835	23	230.4
5.20	1.9835	21	216.6
5.40	1.9835	7	75.0
5.50	1.9835	14	152.7
6.50	1.9835	28	361.0
6.20	1.9835	49	602.6
6.00	1.9835	21	249.9
6.40	1.9835	14	177.7
6.30	1.9835	7	87.5
6.80	1.9835	7	94.4
5.80	1.9835	21	241.6
5.30	1.9835	7	73.6
6.70	1.9835	7	93.0
6.80	1.9835	33	445.1
6.90	1.9835	19	260.0
TOTALS		306	3,631.1

Prepared: 10/17/97
 By: chodges

A. Type & Description of Measuring Device(s): Peto tube

Flow varies with demand.

RECEIVED

APR 05 1999

Department of Water Resources
Southern Region

B. Attach copies of all measuring device rating tables to this report.

SECTION 4. Certification

I hereby certify that the information reported is correct to the best of my knowledge and that I recognize that willful submittal of false or inaccurate data is a violation of law subject to the penalty provisions of Sections 42-311, 42-350 and 42-351, Idaho Code.

Geo H Lemmon
Signature

Title

12-28-95
Date

Note: Each reporting form shall be accompanied by a report processing fee in the amount of twenty dollars (\$20) per diversion made payable to the Idaho Department of Water Resources. (Section 42-701(6), Idaho Code). All domestic uses, as defined in Section 42-111, Idaho Code, and all stockwatering uses, as defined in Section 42-1401A(12), Idaho Code, are exempt from measurement and reporting requirements.

For Department Use Only

Received by _____ Date _____ Time _____

Fee amount submitted _____ Correct? yes _____ no _____

Receipted by _____ Receipt No. _____

Data Entry by _____ Date _____

Total Annual Flow (CFS) _____

Total Annual Volume (Acre-Feet) _____

1995

Flouice Livestock Spring pipe

36-A

SECTION 2: Water Measurement Log

1995

Each diversion must be read and recorded at least once per week. Flow rates must be recorded in units of cubic feet per second.

DAY	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14		5.3			4-					
15				5.86						
16										
17						6.28			6.28	6.28
18										
19							3.15	4.7		
20										
21			4.6							
22										
23										
24										
25										
26										
27										
28										
29										
30										
31		-----		-----			-----		-----	

4.85

CALCULATIONS FOR BASIN 36 SW OPEN
CHANNEL DIVERSION LOG SHEETS
IDWR CALCULATIONS FOR ANNUAL/SEASONAL VOLUME
FLORENCE LIVESTOCK SPRG PIPE DIV - DAN MCFADDEN
1/1-12/31 (Monthly meas. only)

CFS	AF CON	DAYS	AF
4.88	1.9835	31	300.06
4		28	222.15
4		31	245.95
5.3		30	315.38
4.6		31	282.85
5.86		30	348.70
4		31	245.95
6.28		31	386.15
3.15		30	187.44
4.7		31	289.00
6.28		61	759.84
		365	3583.47

RECEIVED
SWPCC1:12497
APR 05 1999
Department of Water Resources
Boise Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 15 1999

Department of Water Resources

THIS IS YOUR **1998** WATER MEASUREMENT ANNUAL REPORT

For the Water Measurement Program -
POWER USAGE METHOD

ATTENTION: Year end data must be submitted to Idaho Department of Water Resources
1301 N. Orchard Boise Idaho 83706, on or before
January 15, 1999.

NOTE: A separate reporting form must be submitted for each diversion. If system changes were made in 1997 or since last reporting period, a new power consumption coefficient (PCC) may need to be derived. In the event of such system changes, please contact IDWR for further direction.

This report form may be used for the following diversion:

Diversion Name or Facility: DAN MCFADDAN PUMP FROM BILLINGSLEY
Water Source : BILLINGSLEY CREEK
Water Right(s) Owner or Contact: MCFADDAN, DAN
(owner name(s) may be omitted if there are multiple owners on same diversion)

2

SECTION I Water Right Holder/Operator Information

Name and Address of Water Right Holder

Please check for address correction. ☐

Current Owner

Name McFaddan, Dan, H.
Last, First, MI

Phone _____

Address 17966 Hwy. 30

Fax _____

City Hagerman, Id 83332

State & Zip _____

Original Owner (if sold within last year)

Name _____
Last, First, MI

Phone _____

Address _____

Fax _____

City _____

State & Zip _____

Operator or Contact Person

Name Same
Last, First, MI

Phone _____

Address _____

Fax _____

City _____

State & Zip _____

SECTION II Pump Discharge Pressure Information

Pump discharge pressure readings: (enter date) 60[#]

March () _____ April () _____ May () _____ June () _____
July () _____ August () _____ September () _____ October () _____

SECTION III Utility Information

Electric Utility Idaho Power Customer Account No. 0555-008801-0

Power Pole or Service No. _____ Other well/pump site identification 2585 S 1000 E 0218

KWH meter Serial No. 50531350 G (Beginning of season)

KWH meter Serial No. 02-134-796 (End of season)

This is a new meter - changed out during season

SECTION IV Crop information for area being served by this pump

Crop	Acres
<u>Alfalfa</u>	<u>30</u>
_____	_____
_____	_____
_____	_____
_____	_____

Total acres 30

Show the numbers of acres which is irrigated cropland but was not irrigated for some reason this year. _____

SECTION V Modifications made in 1998

Please describe in the space below any major modifications made to the pumping plant or piping system which would affect the accuracy of the flow measurements during 1998. Attach drawings, sketches, notes or design information if needed.

1998 Total KWH = 32947 PCC = 261.2

126.1 AF

cjb 4-1-99

SECTION VI Certification

I hereby certify that the above reported information is correct to the best of my knowledge and that I recognize that willful submittal of false or inaccurate data is a violation of law subject to the penalty provisions of Sections 42-311, 42-350 and 42-351, Idaho Code.

Don McFadden
Signature

Title

1/12/99
Date

Note: Each reporting form shall be accompanied by a report processing fee in the amount of **twenty-five dollars (\$25) per diversion** made payable to the Idaho Department of Water Resources. (Section 42-701(6), Idaho Code)

For Department Use Only

Received by Ullalcomb

Date 1/14/99

Time _____

Fee amount submitted 25.00

Correct? yes ☒ no _____

Receipted by Ullal

Receipt No. CO 44364

Data entry by Ullal

Date 1/15/99

RECEIVED

FEB 25 1998

SWPCC1:12/97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

1997
THIS IS YOUR ~~1998~~ WATER MEASUREMENT ANNUAL REPORT

For the Water Measurement Program -
POWER USAGE METHOD

ATTENTION: Year end data must be submitted to Idaho Department of Water Resources
1301 N. Orchard Boise Idaho 83706, on or before
January 15, 1999.

NOTE: A separate reporting form must be submitted for each diversion. If system changes were made in 1997 or since last reporting period, a new power consumption coefficient (PCC) may need to be derived. In the event of such system changes, please contact IDWR for further direction.

This report form may be used for the following diversion:

Diversion Name or Facility: DAN MCFADDAN PUMP FROM BILLINGSLEY
Water Source: BILLINGSLEY CREEK
Water Right(s) Owner or Contact: MCFADDAN, DAN.
(owner name(s) may be omitted if there are multiple owners on same diversion)

SECTION I Water Right Holder/Operator Information

Name and Address of Water Right Holder

Please check for address correction. ☐

Current Owner

Name M^cFaddan Dan H.
Last, First, MI

Phone _____

Address 17966 N Hwy 30

Fax _____

City Hagerman, Id. 83332

State & Zip _____

Original Owner (if sold within last year)

Name _____
Last, First, MI

Phone _____

Address _____

Fax _____

City _____

State & Zip _____

Operator or Contact Person

Name _____
Last, First, MI

Phone _____

Address _____

Fax _____

City _____

State & Zip _____

APR 19 88

Standard form 10-100-100

SECTION II Pump Discharge Pressure Information

Pump discharge pressure readings: (enter date)

March () _____ April () _____ May () _____ June () _____
 July () _____ August () _____ September () _____ October () _____

SECTION III Utility Information

Electric Utility _____ Customer Account No. _____
 Power Pole or Service No. _____ Other well/pump site identification _____
 KWH meter Serial No. _____ (Beginning of season)
 KWH meter Serial No. _____ (End of season)

SECTION IV Crop information for area being served by this pump

<u>Crop</u>	<u>Acres</u>
<u>alfalfa</u>	<u>30</u>
_____	_____
_____	_____
_____	_____
_____	_____
Total acres	<u>30</u>

Show the numbers of acres which is irrigated cropland but was not irrigated for some reason this year. _____

SECTION V Modifications made in ~~1998~~ 97

Please describe in the space below any major modifications made to the pumping plant or piping system which would affect the accuracy of the flow measurements during 1998. Attach drawings, sketches, notes or design information if needed.

1997 Total KWH = 35098 PCC = 261.2

134.4 AF gph 4-1-99

SECTION VI Certification

I hereby certify that the above reported information is correct to the best of my knowledge and that I recognize that willful submittal of false or inaccurate data is a violation of law subject to the penalty provisions of Sections 42-311, 42-350 and 42-351, Idaho Code.

Signature _____ Title _____ Date _____

Note: Each reporting form shall be accompanied by a report processing fee in the amount of **twenty-five dollars (\$25) per diversion** made payable to the Idaho Department of Water Resources. (Section 42-701(6), Idaho Code)

For Department Use Only

Received by [Signature] Date 2/25/98 Time _____

Fee amount submitted 25.00 Correct? yes _____ no _____

Received by [Signature] Receipt No. 041540

Data entry by _____ Date _____

JAN 17 1997

Department of Water Resources

SW-PCC1:2/96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWater Measurement Program for POWER USAGE METHOD

1996 Reporting Form

ATTENTION: Year end data must be submitted to Idaho Department of Water Resources
1301 N. Orchard Boise Idaho 83706, on or before
January 15, 1997.

NOTE: A separate reporting form must be submitted for each diversion. If system changes were made in 1996 or since last reporting period, a new power consumption coefficient (PCC) may need to be derived. In the event of such system changes, please contact IDWR for further direction.

This report form may be used for the following diversion:

Diversion Name or Facility:

Water Source :

Water Right(s) Owner or Contact:

*(owner name(s) may be omitted if there
are multiple owners on same diversion)*

DAN MCFADDAN PUMP FROM BILLINGSLEY
BILLINGSLEY CREEK
MCFADDAN, DAN

SECTION I Water Right Holder/Operator Information

Name and Address of Water Right Holder

Current Owner

Name McFaddan Dan H.
Last, First, MI

Address 17966 N Hwy 30

Hagerman State & Zip Id 83332

Phone 837-6649

Fax 837-4872

City Hagerman

Original Owner (if sold within last year)

Name _____

Last, First, MI

Address _____

City _____

Phone _____

Fax _____

State & Zip _____

Operator (if leased or operated by someone else)

Name _____

Last, First, MI

Address _____

City _____

Phone _____

Fax _____

State & Zip _____

SECTION II Pump Discharge Pressure Information

Pump discharge pressure readings: (enter date)

March () _____ April () _____ May () _____ June () _____ July () _____
August () _____ September () _____ October () _____

SECTION III Utility Information

Electric Utility Idaho Power Customer Account No. 0555-008801-0
0278
Power Pole or Service No. 0278 Other well/pump site identification Billingsley Cr.
KWH meter Serial No. 01461414A (Beginning of season)
KWH meter Serial No. 01461414A (End of season)

SECTION IV Crop information for area being served by this pump

<u>Crop</u>	<u>Acres</u>
<u>Alfalfa</u>	<u>28</u>
_____	_____
_____	_____
_____	_____
_____	_____
Total acres	<u>30</u>

1996 Total KWH = 32718

PCC = 261.2

125.3 AF

cyh
4-1-99

Show the numbers of acres which is irrigated cropland but was not irrigated for some reason this year. _____

SECTION V Modifications made in 1996

Please describe in the space below any major modifications made to the pumping plant or piping system which would affect the accuracy of the flow measurements during 1996. Attach drawings, sketches, notes or design information if needed.

Everything about this diversion remained the same in 1996 as for 1985 when Tim made his check in the field.

SECTION VI Certification

I hereby certify that the above reported information is correct to the best of my knowledge and that I recognize that willful submittal of false or inaccurate data is a violation of law subject to the penalty provisions of Sections 42-311, 42-350 and 42-351, Idaho Code.

Date 1/14/97 Signature Dan McFadden

Note: Each reporting form shall be accompanied by a report processing fee in the amount of twenty dollars (\$25) per diversion made payable to the Idaho Department of Water Resources. (Section 42-701(6), Idaho Code)

For Department Use Only

Received by Ket Date _____ Time _____

Fee amount submitted 25.00 Correct? yes _____ no _____

Received by Ket Receipt No. C032692

Data Entry by _____ Date 1-17-97

Total Annual Volume (Acre-Feet) _____ Max Div. Rate (CFS) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 10 1996

Department of Water Resources

Water Measurement Program for POWER USAGE METHOD

1995 Reporting Form

ATTENTION: Year end data must be submitted to Idaho Department of Water Resources 1301 N. Orchard Boise Idaho 83706, on or before
January 15, 1996.

NOTE: A separate reporting form must be submitted for each diversion.

This report form may be used for the following diversion:

Diversion Name or Facility: DAN McFADDAN Pump From Billingsley Ck.

Water Source: Billingsley Creek

Water Right(s) Owner or Contact: DAN McFADDAN
(owner name(s) may be omitted if there
are multiple owners on same diversion)

SECTION I Water Right Holder/Operator Information

Name and Address of Water Right Holder

Current Owner

Name McFadden Daniel H.
Last, First, MI

Phone 837-16649

Address 17966 Hwy 30

Fax 837-4872

City Hagerman

State & Zip Idaho 83331

Original Owner (if sold within last year)

Name _____
Last, First, MI

Phone _____

Address _____

Fax _____

City _____

State & Zip _____

Operator (if leased or operated by someone else)

Name _____
Last, First, MI

Phone _____

Address _____

Fax _____

City _____

State & Zip _____

SECTION II Pump Discharge Pressure Information

Pump discharge pressure readings: (enter date)

*No gage
Tim Luke took reading.*

March () _____ April () _____ May () _____ June () _____ July () _____

August () _____ September () _____ October () _____

SECTION III Power Consumption Coefficient (PCC):

The number of kilowatt-hours consumed to pump an acre-foot of water from this well is _____ . (This number should be derived by the Department of Water Resources or an approved consultant.) Attach copy of form PCC2 which is the PCC derivation form.

✓ SECTION IV Utility Information

Electric Utility Idaho Power Co. Customer Account No. 0555-008801-0

Power Pole or Service No. 278 Other well site identification 2585S + 1000 E,

KWH meter Serial No. 505-313508 (Beginning of season)

Billings CR, Hagerman

KWH meter Serial No. 505-313508 (End of season)

✓ SECTION V Crop information for area being served by this pump

Crop	Acres
<u>Fall wheat</u>	<u>14 ac</u>
<u>alfalfa</u>	<u>16 ac</u>
_____	_____
_____	_____
_____	_____
Total acres	<u>30</u>

1995 Total KWH = 24993

PCC = 261.2

95.7 AF

cyh
4-1-99

Show the numbers of acres which is irrigated cropland but was not irrigated for some reason this year. _____

SECTION VI Modifications made in 1995

Please describe in the space below any major modifications made to the pumping plant or piping system which would affect the accuracy of the the flow measurements during 1995. Attach drawings, sketches, notes or design information if needed.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

SECTION VII Certification

I hereby certify that the above reported information is correct to the best of my knowledge and that I recognize that willful submittal of false or inaccurate data is a violation of law subject to the penalty provisions of Sections 42-311, 42-350 and 42-351, Idaho Code.

Date _____ Signature _____

Note: Each reporting form shall be accompanied by a report processing fee in the amount of twenty dollars (\$20) per diversion made payable to the Idaho Department of Water Resources. (Section 42-701(6), Idaho Code

For Department Use Only

Received by _____ Date _____ Time _____

Fee amount submitted 20.00 Correct? yes _____ no _____

Received by JW Receipt No. C034404

Data Entry by _____ Date 1-10-96

Dan McFadden Claims

Source	Ut. Rt. NO.	Dermt Priority	Lic/ Dermt Flow	Claimed Flow	Rec Flow	Ac	ILL	Ree	Geo
Billingby Co	36-00048 a	11-4-1885	10 cfs	10 cfs	1.04 cfs (change capacity)	177.5	175.5	175	→ 177.5
Fluence Limited SPS	36-00049	4-1-1900	9.7 cfs	9.7 cfs	4 cfs (change capacity)	177.5	175.5	175	→ 177.5
Fluence Limited SPS	36-2169	(Lic 4-10-1952) (Claim 1-2-1971)	.16	.205	14.2 cfs (change capacity)	55	45	45	→ ?

Base built in 1908

Notes: 7 cfs sold to BFC in 1963 (out of 10 cfs) 36-00048

4.6 cfs " " " " (out of 9.7 cfs) 36-00049

rent still 1977 ————— Enlargement claim?

Reg Processing 1945-1955 ————— B/c claim? ————— Dan's Greenhouse

Fish Ponds 1964-1968 ————— B/c claim? ✓

Don't stock not contested

Antelope & wild life claims not yet filed

Possible solution ————— Beneficial use right for SPS for riparian purposes

Remaining	177.5 cfs	16 cfs	16 cfs
3.0 cfs	174.5	158	158
5.1 cfs	169.4	153	153
9.1 cfs	160.3	144	144
+ 2.1 cfs B/c R+	158.2	142	142

Previously 1977

1. *Handwritten text, likely a signature or name.*

Remaining 17000 $\frac{1}{2}$ $\frac{1}{2}$ $\frac{1}{2}$
 { 3000 ? 350 700 1000
 5100 00 00 00
9100
 + 2000 5/1000 1000
 Total 19100 20000?

✓ Principle of 1948
Feasible solution - Biological use right for States for domestic purposes



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

SOUTHERN REGION

April 1, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAN MCFADDAN
17966 N HWY 30
HAGERMAN ID 83332

RE: Request for Copies

Dear Mr. McFaddan,

Enclosed is a copy of the Curran Tunnel measurement data table as we discussed at the time of the exam last week. This is the most current version I was able to obtain.

I have also included a revision of the sketch I drafted at the time of exam. Also enclosed is the GIS layout I prepared for your farmstead. It calculates to be 178 acres and supports your claim for 178.5 acres.

I am going to update your records with IDWR to list the newest mailing address as you have listed with the new SRBA claims A36-15532 & A36-15533.

Please feel free to contact me at our office if you need further information.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

CC: Files 36-00048A & 36-00049



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

SOUTHERN REGION

April 1, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DANA HOFSTETTER
BEEMAN & HOFSTETTER
608 W FRANKLIN ST
BOISE, ID 83702

RE: Request for Copies of Duty of Water Studies - McFaddan Farm

Dear Ms. Hofstetter,

Enclosed are copies of the Duty of Water Studies given to me by Mr. McFaddan to support the base sprinkler rate described under his two irrigation claims, 36-00048A and 36-00049. As we discussed by phone, I am considering a sprinkler diversion rate of 5.35 cfs. This is based on the rate per acre of 1 ½ inches per acre. It replaces the previous number of 4.04 cfs. If you and Mr. Scanlan determine some other rate would you please advise me of your findings?

I have also included a sketch and a copy of the GIS layout for McFaddan's farmstead.

Please feel free to contact me at our office if you need further information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Clelland'.

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

CC: Files 36-00048A & 36-00049

R PROOF

CVR

MAPS

PHOTOS

MISC

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RECEIVED
APR 30 1993
Department of Water Resources
Adjudication Bureau

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

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

Case No. A36-00048A
(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,

36-00048A -0001/
93-04-0053

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)

OCT 11 1994

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Dan H. and Irma R. McFadden

Address: Route 1, Box 406

Hagerman, ID 83332

Briefly describe your interest in this water right:

Decreed water right pursuant to New

International Mortgage Bank v. Idaho Power

Company dated 3/22/32 with a priority date of

11/4/1885

2. Owner of the water right:

Name: Dan H. and Irma R. McFadden

Address: Route 1, Box 406

Hagerman, ID 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

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

Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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OCT 11 1994

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.

The report should be changed to increase the quantity to
that which was decreed and/or beneficially used, whichever
is greater; period of use: 1/1 to 12/31; place of use: add
3 acres; remarks: strike all but first sentence

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



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

See Hagerman Water Right Owners, Inc.'s

Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of Gooding

DAN Mc FADDAN

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

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

Dan Mc Faddan

Signature of person filing objection

By: [Signature]

(Attorney signing in representative capacity)

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

[Signature]

Notary Public for Idaho

Residing at: HAGERMAN, IDAHO

My Commission Expires: 5-10-97

(Over)

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 26 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: Dan H. and Irma R. McFadden
Owner's address: Route 1, Box 406
Hagerman, ID 83332

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

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

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

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

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

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OCT 11 1994

Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

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OCT 11 1994

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

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

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

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

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

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

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OCT 11 1994

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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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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OCT 11 1994

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.

MICROFILMED
OCT 11 1994

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

MICROFILMED
OCT 11 1994

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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.

MICROFILMED
OCT 11 1994

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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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OCT 11 1994

SCA F. 100
WICHOLM WED

(WATER\21530ANS)

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. 36-00048A -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)

100
NICHOLAS B. SPENCER

2. Person who filed objection:

Name: DAN H & IRMA R MC FADDEN
Address: RT 1 BOX 406
HAGERMAN ID 83332

3. If this response is filed by an attorney:

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

II. STATEMENT OF THE RESPONSE

3. ☒ Quantity: I respond to the objection concerning:
- 3a. ☒ The total quantity of water used in cubic feet per second.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I respond to the objection concerning:
- 9a. ☒ The legal description of the place of use.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
14. ☒ Other: I respond to the objection concerning:

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

REASONS SUPPORTING EACH BOX CHECKED

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

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

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

In response to Statement of the Objection 9 and 9.a, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the place

(Over)

of use of the right.

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

In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, IDWR responds as follows: There is an error in the remarks in description of this right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired under State Law". In further response to this objection item, IDWR responds as follows: As to the remaining remarks, it has authority pursuant to Idaho Code Sec. 42-1411(2)(j) to include in its recommendations of water rights acquired under state law and recommended in the director's report "such other matters as are necessary to define the right." The remark or remarks objected to are necessary to adequately describe and define this water right.

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

In response to the sentence listed in Changes to the Director's

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

CHANGES TO THE DIRECTOR'S REPORT

See attached List of Recommended Water Rights Acquired under State Law.

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

	No. of Pages
Notice of Claim No. A36-00048A	4
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4
Recommended Water Rights Acquired under State Law	1

(Over)

RECEIVED

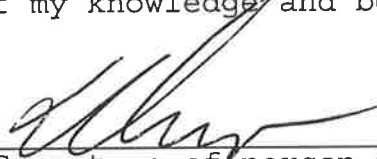
VERIFICATION (Must be Completed)

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 1st day of September,
1993.



Notary Public for Idaho

Residing at: _____

My Commission expires _____

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

CERTIFICATE OF MAILING

I hereby certify that on the 1st 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: A36-00048
Date Received: 8/30/1988
Receipt No: S001892
Received By: tw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAN H. MCFADDAN 208-837-6649
Address: RT 1 BOX 406
HAGERMAN, ID 83332

AND/OR

Name: IRMA R. MCFADDAN 208-837-6649
Address: RT 1 BOX 406
HAGERMAN, ID 83332

2. Date of Priority: NOV 04, 1885

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

4. Point of Diversion:

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

5. Description of diverting works:
25 HP PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	11/15	10.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A36-00048

Page 1

Date: 08/30/88

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JAN 21 1993
OCT 11 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	SE	NE		IRR	6.0
			NE	SE		IRR	36.5
			SE	SE		IRR	40.0
					Section Acres		82.5
		12	NW	SW		IRR	1.0
			SW	SW		IRR	18.0
			SE	SW		IRR	1.0
					Section Acres		20.0
		13	NW	NE		IRR	36.0
			NE	NW		IRR	40.0
					Section Acres		76.0
					Total Acres		178.5

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:
A36-00049

14. Remarks:
BOTH DECREES IRRIG THE 178.5 ACRES WITH A TOTAL OF 19.7 CFS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

MICROFILMED
JAN 21 1993
OCT 11 1994

16. Signature(s)

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

Number of attachments: 1

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): Dan McFadden Date: 8/30/88
_____ Date: _____

State of Idaho)
County of FF) SS.

Subscribed and sworn (or affirmed) before me this 30th day

of August 19 88

 Lori Wente
Notary Public

Seal

Residing at FF

My Commission Expires 5/99

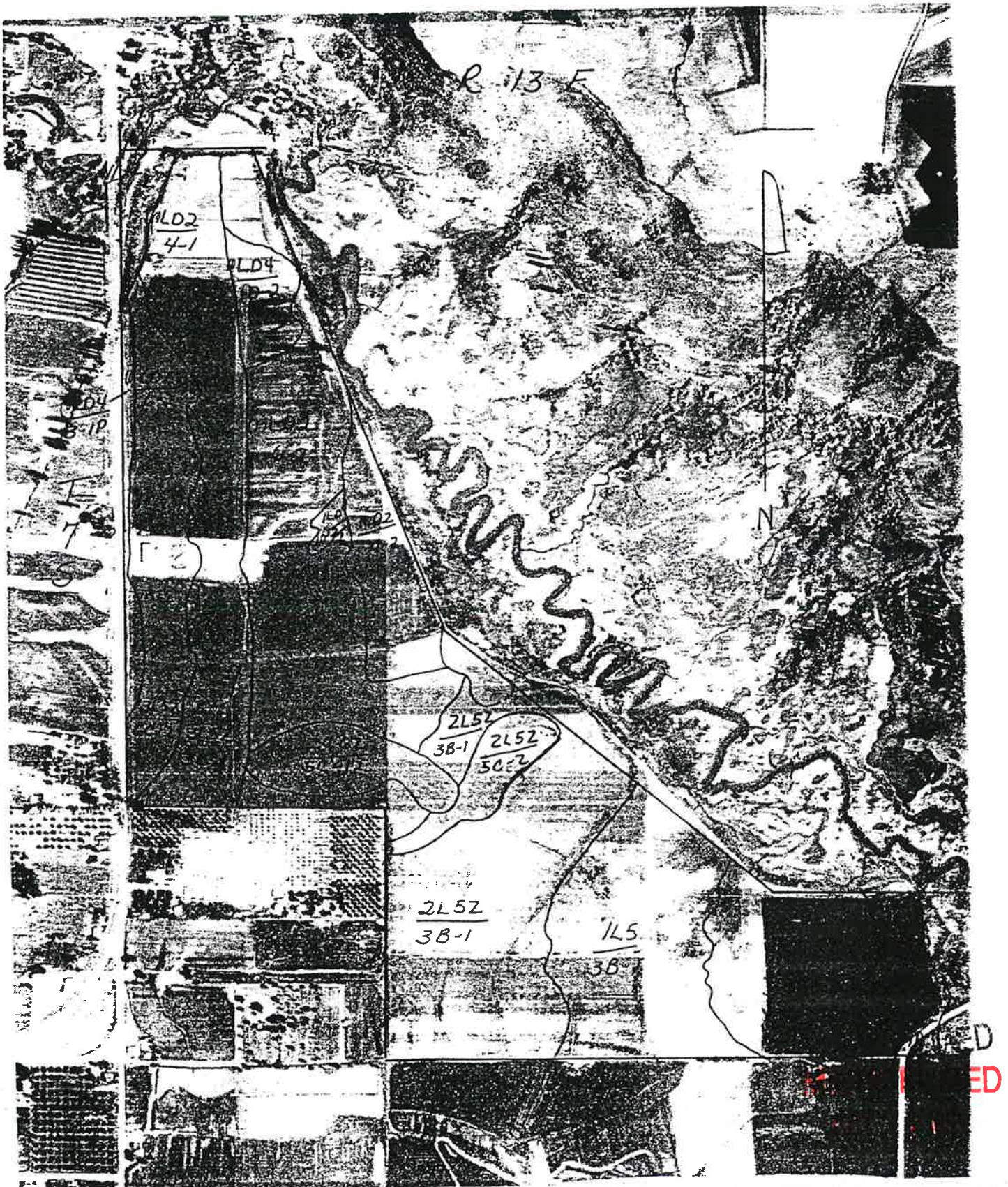
Owner DAN Mc Fadden

County Gooding

State Idaho

Scale 8 1/2 mile

Map Gooding



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.

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

DATE: AUG-29-1993

PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: BILLINGSLEY CREEK		TRIBUTARY: SNAKE RIVER				
36-00048A	DAN H MC FADDAN IRMA R MC FADDAN RT 1 BOX 406 HAGERMAN ID 83332	11/04/1885	IRRIGATION	03-15 11-15	1.04 CFS	DECREED
					TOTAL QUANTITY:	1.04 CFS
POINT OF DIVERSION:						
T07S R13E S13		NWNWNE				
PLACE OF USE: IRRIGATION						
T07S R13E S11		SENE 6.0	NESE 36.5	SESE 37.0		
S12		NWSW 1.0	SWSW 18.0	SESW 1.0		
S13		NENW 36.0	NWNW 40.0			
175.5 ACRES TOTAL						
REMARKS:	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO IDAHO CODE 42-1416A.					
~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 104 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.~~						
USE OF THIS RIGHT WITH RIGHT NO. 36-00049 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.04 CFS, A TOTAL COMBINED CONSUMPTIVE USE VOLUME OF 526.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 175.5 ACRES IN A SINGLE IRRIGATION SEASON.						
~~THE NUMBER OF IRRIGATED ACRES FOR THIS RIGHT WAS DETERMINED BASED ON A DIVERSION RATE OF 0.01 CFS PER ACRE AT THE FIELD HEADGATE.~~						

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OCT 11 1994



Department of Water Resources
222 Shoshone Street E.
Twin Falls, ID 83301

Date April 20, 1993

Name HEPWORTH NUNGESTER & LEZAMIZ
133 SHOSHONE N
Address TWIN FALLS ID 83301

No. of Copies	Material	Cost
120	copies of RED FILE Documents as requested by Hagerman Water Right Owners @ .05 ea.	\$ 6.00
TOTAL		\$ 6.00

Please find enclosed the form(s) and/or information you requested. The charge, if any, is indicated above.

If we may be of further assistance, please contact us.

Sincerely,

MICROFILMED
OCT 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

20-Apr-1993

HEPWORTH NUNGESTER & LEZAMIZ
133 SHOSHONE N
TWIN FALLS ID 83301
ATTN: CHRIS HERNANDEZ

Dear Chris:

Enclosed please find the copies of the contents from the RED FILES in the adjudication folders, as requested by the Hagerman Water Right Owners. If I can be of any further assistance, please give me a call at the office.

Sincerely,


Jeanie Robertson
Records Clerk

MICROFILMED
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.

DAIN McFADDAN

A36-00049 A36-00048A

2. SUBJECT OF INQUIRY:

① He came in to ask if we had recommended the small furrow field separate from the sprinkler rates.

② He asked several questions about the objection process and follow up field work.

3. RESPONSE TO INQUIRY:

① We reviewed his file. While it was not specifically reviewed or described the other furrow analysis done around his farm had shown that one inch per acre was the standard rate recommended. In this case the sprinkler rate of 0.023 cfs/Ac should apply to his furrow ground also.

To respond to his question we ran the Hubble Report analysis while Mr. D McFadden was here in the office. (see attached data) As expected, the final numbers are equivalent to the recommended rates.

We discussed some of the background of the Hubble Report and how it differed from SCS info. We showed him the resource references that were SCS publications.

② We admitted that we did not know alot about the Direction or Timing of the Obj. process. The court hasn't provided

4. IDWR STAFF AND DATE:

Steve Clelland 12-16-92

Print name and initial

STEVE CLELLAND

Kelly K. Christensen

WATER RIGHT CLAIM (Nos.):

see KELLY K. CHRISTENSEN

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... us with complete information on this future issues.

OCT 11 1994

IRRIGATION ANALYSIS WORKSH T

 CLAIM NO. A36-00049
 DATE 12-16-92
 AGENT SCC/KKC

 CLAIMANT/SYSTEM DESCRIPTION DAN McFADDAN
 IRRIGATION SYSTEM ----- FURROW
 ANALYSIS METHOD ----- BORDER / FURROW
 TYPE OF CROP ----- MINT
 MAXIMUM PROFILE DEPTH ----- 36.0 INCHES
 INTAKE FAMILY ----- 0.55

 SOIL TYPE KOB ----- SYSTEM TOTAL
 ACRES PER TYPE 5.5 ----- ACRES
 SOIL PROFILE WHC 3.98 -----
 DESIGN IRR $\frac{1}{2}$ WHC 1.99 -----

CROP REQUIREMENT:

 REPORT AREA & FIGURE NO. ----- Bliss 10-8 ^{IDWR} 4 ENG.

DAILY CROP REQUIREMENT:

 ----- (MM/DAY) / 25.4 (FACTOR IN MM/IN) ----- 0.32 IN/DAY

 ACTUAL ROTATION PRACTICED ----- 5 DAYS

 DRY DAY ROTATION 1 IRR DAY ROTATION 4

THEORETICAL ROTATION:

1.99 DESIGN IRR / 0.32 CROP REQ = 6.2 DAYS

DESCRIPTION OF FIELD:

 AVERAGE LENGTH RUN ----- 500

 TOTAL WIDTH OF FIELD ----- 480

 CHECK ----- L * ----- W / 43,560 = 5.5 ACRES

 % SLOPE ----- 2%

 BORDER WIDTH ----- N/A

----- WIDTH OF FIELD / ----- DAYS OF ROTATION

 FURROW / CORRUGATION WIDTH ----- 32"

 SET TIME ----- 24

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2.6 OCT 11 1994

INTAKE	DESIGN	FURROW	FURROW	FURROW	INFLOW	APPROXIMATE	ADVANCE	GROSS	NET		DEEP	IRRIGATION
FAMILY	APPLIC.	SLOPE	SPACING	LENGTH	RATE	INFLOW TIME	TIME	IRRIGATION	IRRIGATION	RUNOFF	PERC.	EFFICIENCY
	Inches	Ft/Ft	Feet	Feet	Gpm	Hours	Minutes	Inches	Inches	Inches	In.	%
0.55	1.99	.020	2.60	500	10	12	30.1	8.88	3.70	5.12	1.78	22.40
0.55	1.99	.020	2.60	500	9	12	31.7	8.00	3.62	4.30	1.70	24.89
0.55	1.99	.020	2.60	500	7	12	36.7	6.22	3.44	2.70	1.53	32.00
0.55	1.99	.020	2.60	500	6	12	41.0	5.33	3.34	1.91	1.43	37.33
0.55	1.99	.020	2.60	500	6	12	41.0	5.33	3.34	1.91	1.43	37.33
0.55	1.99	.020	2.60	500	5	12	47.9	4.44	3.21	1.13	1.33	44.80
0.55	1.99	.020	2.60	500	4	12	60.4	3.55	3.06	0.36	1.20	56.00

$$4.2 \frac{c.u.}{EFF} = cfs/Ac$$

$$4.2 \frac{0.32}{56} = .024 \frac{cfs}{Ac}$$

A36-00049

MC FADDAN

12-16-92
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54/KKC OCT 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

14-Dec-1992 15:24

DAN MC FADDAN
17966 U S HWY 30
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00048A, 36-00049, 36-02169

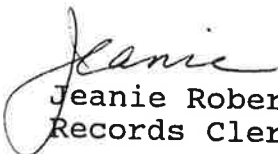
Dear Mr. Mc Faddan:

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

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

\$8.92

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

McFaddan
37
39
40
116 x 5 = 5.80
Post. 2.90
enc.
8.92

MICROFILMED
OCT 11 1994

December 10, 1992

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

RECEIVED
DEC 11 1992
Department of Water Resources
Southern Region Office

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in my file as it relates to water right number(s) 36-02169, 36-00049, and 36-00048 A.

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

Please bill me for the copy charge.

Sincerely,

Dan McFadden

Dan McFadden
17966 U. S. Highway 30
Hagerman, Idaho 83332

DM/skw

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

MICROFILMED
OCT 11 1994

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



MICROFILMED
JAN 21 1993

NOTICE OF ERROR FORM

AUG-24-1992

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

RECEIVED

SEP 22 1992

Department of Water Resources

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

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

1. Water right number: 36-00048 A.

2. Name: Dan H. McFadden

Irma R. McFadden

Address: Rt 1 Box 406
Hayward, ID. 83332

Weekday Telephone Number: 837-6649

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

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

The entire recommendation is grossly out of line with reality.

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

The recommendation should be changed to conform with the decreed rights as per Decree of U.S. court in 1932.

5. Describe why you disagree with the proposed recommendation:

1. All purposes of use are not listed
2. Irrigation season is inadequate
3. Total quantities are inadequate and discriminatory.

6. Date:

9/7/92

SIGNATURE

Ron McFadden

Water Right Number - R36-00048A

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
MC FADDAN

DAN H

1 - RT 1 BOX 406

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-6649

MC FADDAN

IRMA R

1 - RT 1 BOX 406

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-6649

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
11/04/1885 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER

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

Twn Rng Sec Tract Lot Rflg County

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

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

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 11/15 1.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.040 0.0

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

Twn Rng Sec Tract Lot Acres Code Description County

07S 13E 11 SE NE 6.0 01 IRRIGATION (47) GOODING

07S 13E 11 NE SE 36.5 01 IRRIGATION (47) GOODING

07S 13E 11 SE SE 37.0 01 IRRIGATION (47) GOODING

07S 13E 12 NW SW 1.0 01 IRRIGATION (47) GOODING

07S 13E 12 SW SW 18.0 01 IRRIGATION (47) GOODING

07S 13E 12 SE SW 1.0 01 IRRIGATION (47) GOODING

07S 13E 13 NE NW 36.0 01 IRRIGATION (47) GOODING

07S 13E 13 NW NW 40.0 01 IRRIGATION (47) GOODING

Total Acres: 175.5

+ - - Diversion Means - 25 HP PUMP, SPRINKLERS

+ - - Non-Irrigation Use -

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JAN 21 1993

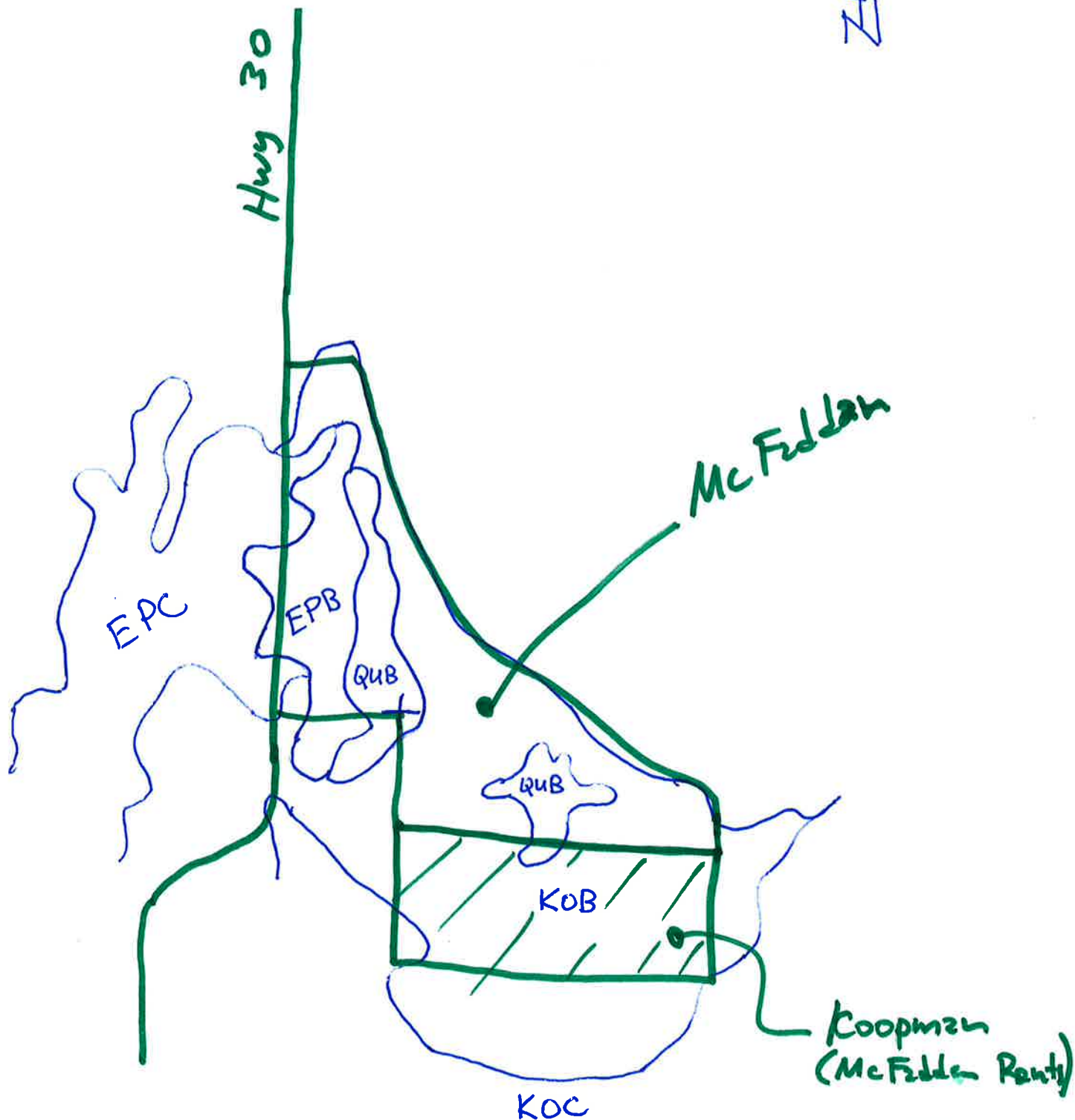
| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 10/21/1992 | Old Judicial District | - |
| Claim Received Date | - 08/30/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - X777777 | Water District | - 36A |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - AND/OR | Presumption Flag | - C |
| | | | | Notice of Error Flag | - C |

MICROFILMED
JAN 21 1997

Post-It™ brand fax transmittal memo 7671 # of pages ▶ 6

| | |
|--------------------|-------------------|
| To Jeff Peppersack | From Allen Mawitt |
| Co. | Co. |
| Dept. | Phone # |
| Fax # | Fax # |

AN



MICROFILMED
JAN 21 1993

SNARE RIVER ADJUDICATION SOIL PROFILES

TECH: _____

DATE: _____

| SOIL: SAMPLE | | |
|--------------|-----------------|------|
| DEPTH | AVAILABLE WATER | |
| | | |
| 0 | 0.12 | 0 |
| 12 | | 1.44 |
| 14 | 0.04 | 1.68 |
| 24 | | 2.08 |
| 36 | | 2.56 |
| 48 | | 3.04 |
| 60 | | 3.52 |
| | | |
| | | |
| | | |

| SOIL: | | |
|--------|-----------------|--------|
| DEPTH | AVAILABLE WATER | |
| INCHES | IN/IN | INCHES |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

TECH: _____

DATE: _____

(EPC) FSL

| SOIL: EPB Ephrata | | |
|-------------------|-----------------|--------|
| DEPTH | AVAILABLE WATER | |
| INCHES | IN/IN | INCHES |
| 0 | 0.120 | 0 |
| 5 | 0.125 | 0.600 |
| 12 | | 1.475 |
| 24 | | 2.975 |
| 26 | 0.040 | 3.225 |
| 36 | | 3.625 |
| 48 | | 4.105 |
| 60 | | 4.585 |
| | | |
| | | |

OM = 0.5-1.0
Ph = 6.6-7.3

| SOIL: | | |
|--------|-----------------|--------|
| DEPTH | AVAILABLE WATER | |
| INCHES | IN/IN | INCHES |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

TECH: _____

DATE: _____

FS

| SOIL: QUB | | |
|-----------|-----------------|--------|
| DEPTH | AVAILABLE WATER | |
| INCHES | IN/IN | INCHES |
| 0 | 0.095 | 0 |
| 2 | 0.085 | 0.195 |
| 12 | | 1.040 |
| 24 | | 2.060 |
| 36 | | 3.080 |
| 48 | | 4.100 |
| 60 | | 5.120 |
| | | |
| | | |

OM = 0.5-1.0
Ph = 6.1-8.4

FSL

| SOIL: KOB | | |
|-----------|-----------------|--------|
| DEPTH | AVAILABLE WATER | |
| INCHES | IN/IN | INCHES |
| 0 | 0.13 | 0 |
| 9 | 0.14 | 1.170 |
| 12 | | 1.590 |
| 21 | 0.075 | 2.850 |
| 24 | | 3.075 |
| 36 | | 3.975 |
| 48 | | 4.875 |
| 60 | | 5.775 |
| | | |
| | | |

OM = 1.0-2.0
Ph = 7.4-8.4

MICROBIAL
JAN 21 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

17-Oct-1992

DAN MC FADDAN
RT 1 BOX 406
HAGERMAN ID 83332

RE: RESPONSE TO NOTICE OF ERROR FOR CLAIMS 36-02169,
36-00048A, AND 36-00049

Dear Mr McFaddan

RESPONSE TO 36-02169;

All claimed purposes of use claimed were recommended, however, the field examiner found 4.5 acres rather than the claimed 5.5 acres. The rates and volume recommendations were reduced because of the acre reduction. Based upon currently information, I am unable to recommend a change in the proposed report.

RESPONSE TO 36-00048A AND 36-00094

As there is no evidence that a portion of the originally decreed right was abandoned to allow a change in the nature of use, the Commercial and Fish Propagation portions of 36-00049 were disallowed. It is our interpretation that you wished to maintain the 1900 priority date rather than advance the priority date of the irrigation portion of your claim to the date of the latest developed use.

Your NOE also questions the basis for the recommendation of an amount that is less than the amount shown in a previous decree.

Under Idaho law, a water right is limited to the amount of water beneficially used for the purposes for which the water right was established. The amount of water beneficially used is limited to the amount that is actually used and is reasonably required. For irrigation purposes, a reasonable amount is the amount required using irrigation methods that

MICROFILMED
JAN 21 1993

are reasonably efficient under current circumstances. If the amount of a water right shown in a decree is greater than the amount that is beneficially used, then the portion that is not beneficially used is forfeited.

The amount proposed to be recommended for your claim is based on the amount of water determined to be beneficially used for the recommended uses, based on available data and current methods of analysis. To support recommendation of a greater amount, you will need to submit evidence of beneficial use of a greater amount to IDWR.

The Director has approved extending the period of use for the Hagerman valley to 3/15 to 11/15.

The proposed recommendation is based on irrigation season of use standards adopted by the Director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost.

In addition, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for irrigation outside the irrigation season under certain conditions. The conditions are that the water is beneficially used, as determined by the director; that all water rights with a period of use outside the irrigation season, regardless of priority, are satisfied; and that the use does not conflict with the public interest as determined by the director. This proposed general provision will be included in the Director's Report.

If you still disagree with IDWR's recommendations, you will have an opportunity to file an objection to the Director's Report with the court. When the Director's Report is filed with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the process, IDWR will work with the claimants to resolve disputed issues, including efforts to obtain additional data which will be shared with the water users.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

MICROFILMED
JAN 21 1993

R PROOF



CVR



MAPS



PHOTOS

MISC



MICROFILMED
JAN 21 1993

Water Right Number R36-00048A

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

MC FADDAN

DAN H

1 - RT 1 BOX 406

2 -

3 -

City- HAGERMAN

Phone - 208-837-6649

State- ID Zip- 83332

MC FADDAN

IRMA R

1 - RT 1 BOX 406

2 -

3 -

City- HAGERMAN

Phone - 208-837-6649

State- ID Zip- 83332

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
11/04/1885 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER

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

| TwN | Rng | Sec | Tract | Lot | RFlg | County |
|-----|-----|-----|----------|-----|------|---------|
| 07S | 13E | 13 | NW NW NE | | (47) | GOODING |

| Code | Description | Period From | Period To | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|-----------|----------------|------------------|
| 01 - IRRIGATION | | 04/01 | 10/31 | 1.040 | |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.040 0.0

| TwN | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|--------------|
| 07S | 13E | 11 | SE NE | | 6.0 | 01 | IRRIGATION | (47) GOODING |
| 07S | 13E | 11 | NE SE | | 36.5 | 01 | IRRIGATION | (47) GOODING |
| 07S | 13E | 11 | SE SE | | 37.0 | 01 | IRRIGATION | (47) GOODING |
| 07S | 13E | 12 | NW SW | | 1.0 | 01 | IRRIGATION | (47) GOODING |
| 07S | 13E | 12 | SW SW | | 18.0 | 01 | IRRIGATION | (47) GOODING |
| 07S | 13E | 12 | SE SW | | 1.0 | 01 | IRRIGATION | (47) GOODING |
| 07S | 13E | 13 | NE NW | | 36.0 | 01 | IRRIGATION | (47) GOODING |
| 07S | 13E | 13 | NW NW | | 40.0 | 01 | IRRIGATION | (47) GOODING |

Total Acres: 175.5

+ - - Diversion Means - 25 HP PUMP, SPRINKLERS

+ - - Non-Irrigation Use -

VERIFIED BY

MICROFILMED
JAN 21 1993

Water right number - R36-00048A

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - 36-00049

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 104 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 36-00049 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.51 CFS, A TOTAL COMBINED
CONSUMPTIVE USE VOLUME OF 526.5 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 175.5 ACRES IN A SINGLE IRRIGATION SEASON.

THE NUMBER OF IRRIGATED ACRES FOR THIS RIGHT WAS DETERMINED
BASED ON A DIVERSION RATE OF 0.01 CFS PER ACRE AT THE FIELD
HEADGATE.

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

3600048

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

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO IDAHO CODE 42-1416A.

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

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

Date: 02/12/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS
BOTH DECREES IRRIG THE 178.5 ACRES WITH A TOTAL OF 19.7 CFS.

+ - - Audit Fields - - +
08/04/92 CHRISTEN

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

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 08/04/1992 | Old Judicial District | - |
| Claim Received Date | - 08/30/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - X777777 | Water District | - 36A |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - AND/OR | Presumption Flag | - C |
| | | | | Notice of Error Flag | - |

MICROFILMED
JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:55:09
06/29/90

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00048

| 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
2-12-92 | DB | KKC
4-8-92 |
| POINT OF DIV | Y (Y) | | 7-26-90
SCC/HHT | (Y) | 1,5 | | | |
| SOURCE | | | | N | | | | |
| PLACE OF USE | Y (Y) | | 7-26-90
SCC/HHT | (Y) | 1,5,6 | | | |
| DIV. AMOUNT
CFS/VOLUME | N (X) XS FLOW | | | (Y) | 6. ~~Process~~ | | | |
| CONSUMPTIVE USE | N | | | (Y) (Y) | 6. | | | |
| PURPOSES | N | | SCC/HHT
7-26-90 | N | | | | |
| PERIOD OF USE | Y N | | | (Y) (Y) | 6. | | | |
| BASIS OF CLAIM | Y N | | | N | | | | |
| REMARKS | Y N | | | (Y) | 6. | | | |

hht 7-18-90

"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.

(XS WATER = 0.11 cfs/ac. claims combined)

RECEIVED
JAN-21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:55:09
06/29/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00048

LAST: FISH & GAME
ADDRESS:
CITY: BOISE
PHONE NUMBER: 208-000-0000

FIRST:

STATE: ID ZIP: 83707

OWNER CODE: K

LAST: MC FADDAN
ADDRESS: RT. 1 BOX 406
CITY: HAGERMAN
PHONE NUMBER: 208-837-6649

FIRST: DAN H.

STATE: ID ZIP: 83332

OWNER CODE: C

LAST: MC FADDAN
ADDRESS: RT. 1 BOX 406
CITY: HAGERMAN
PHONE NUMBER: 208-837-6649

FIRST: IRMA R.

STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: BOTH DECREES IRRIG THE 178.5 ACRES WITH A TOTAL OF 19.7 CFS.

MICROFILMED
JAN 21 1993

CONTACT PERSON: Dan McFadden

PHONE NUMBER: () 837-6649

DATE OF FIELD EXAM: 7/26/90

APPOINTMENT MADE: Y(X) N()

TIME: 7:30 A(X) P()

ACCOMPANIED BY: _____

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: CLAIMANT

DIRECTIONS TO PROPERTY / REMARKS:

POU claim is in error; track in Sec. 13 shifted to the east. Need
to correct by describing 40 ac. in NWNW & 36 in NENW

Renumber this claim to 48A.

see 8-4-92

MICROFILMED

JAN 21 1991

A. AJ CLAIM: # A36-00048 PRIORITY DATE: 11-04-1885 STAGE: D
B. WR RECORD: # 36-00048 PRIORITY DATE: 11-04-1885 STAGE: D

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

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

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:
11-04-1885

REVIEWED BY hht DATE 7-18-90

=====

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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 |
|-----------|------|------|------|-----|-----|-----|-----|---------|
| A36-00048 | 07S | 13E | 13 | NW | NE | NE | | GOODING |

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-00057
36-02005
36-02602
36-07080
36-07092A
36-07642
36-07725
36-07731
36-08089
L36-07731

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|----------|------|------|------|-----|-----|-----|-----|---------|
| 36-00048 | 07S | 13E | 13 | | NE | NE | | GOODING |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-00057
36-02005
36-02602
36-07080
36-07092A
36-07642
36-07725
36-07731
36-08089

A36-07725
A36-07731
A37-11259
A36-10855
A36-10856
A36-00057
A36-07080
A36-07092A

NONE

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER

Y
N

7S. 13E. 13 ~~NW~~ NW NE

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JAN 21 1993

REMARKS:

POU remarks: It appears that 1/4 1/4's in Sec. 13 are inadvertently moved east by 1/4 mi. and should be 40 ac. in NWNW 36 acres in NENE - verify.
POD not identified on map.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY:

Sc

DATE:

7-31-90

(C03)

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JAN 21 1993

A. ROOT WATER RIGHT NUMBERS: A36-00048
A36-00048B

A36-00048C

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|----------------------|------------------|----------------|-----------------|----------------|------------------|
| 07S | 13E | 11 | SE | NE | | FISH & GAME | A36-00048 / 6.0 | 36-00048 / | 29.0 | | |
| | | | | | | HOLMES , H.L. | A36-10588 / 1.5 | - / | | | |
| | | | | | | ROBINSON , GEORGE E. | A36-04068 / | 36-04068 / | | | |
| | | | | | | TYLER , DENNY | A36-04261 / 4.0 | 36-04261 / 4.0 | | | |
| | | | | | | KIPP , RUDY B. | A36-07658 / 0.5 | 36-07658 / 1.0 | | | |
| | | | | | | KIPP , RUDY B. | A36-10119 / | - / | | | |
| | | | | | | KIPP , RUDY B. | A36-10120 / 0.5 | - / | | | |
| | | | | | | PETRICK , HERMAN W. | A36-10559 / | - / | | | |
| | | | | | | SANDY , WILLIAM A. | A36-10751 / | - / | | | |
| | | | | | | SANDY , WILLIAM A. | A36-10752 / | - / | | | |
| | | | | | | TROUT-CO | A36-10755 / | - / | | | |
| | | | | | | WARD , JOHN P. | A36-04008 / 1.0 | 36-04008 / 1.0 | | | |
| | | | | | | HOLMES , ALICE M. | A36-00090E / | - / | | | |
| | | | | | | PETRICK , HERMAN W. | A36-00048C / 1.0 | - / | | | |
| | | | | | | WARD , JOHN P. | A36-00090B / | - / | | | |
| | | | | | | TYLER , BRUCE H. | A36-00090C / | - / | | | |
| | | | | | | CULBERTSON , S.A. | A36-00090D / | - / | | | |
| | | | | | | PAR-6 PARTNERSHIP | A36-00090F / | - / | | | |
| | | | | | | NORTHRUP , HAROLD N. | A36-00090G / | - / | | | |
| | | | | | | CLOUSER , JOHN F. | A36-00090A / | - / | | | |
| | | | | | | BOTHWELL , MARY | A36-00103A / 1.0 | - / | | | |
| | | | | | | ROBINSON , GEORGE E. | A36-00048B / 2.0 | - / | | | |
| | | | | | | MC FADDAN , DAN H. | A36-00049 / 6.0 | 36-00049 / | | | |
| | | | | | | CLOUSER , DORIS H. | A36-00089A / 1.5 | - / | | | |
| | | | | | | HOLMES , H.L. | A36-00089C / 2.0 | - / | | | |
| | | | | | | NORTHRUP , HAROLD N. | A36-00089D / 1.0 | - / | | | |
| | | | | | | TROUT-CO | A36-07834 / | 36-07834 / | | | |
| | | | | | | TROUT-CO | A36-08058 / | 36-08058 / | | | |
| | | | | | | POPE , ELIJAH | | 36-00089 / | | | |
| | | | | | | POPE , ELIJAH | | 36-00090 / | | | |
| | | | | | | TROVILLO , D. C. | | 36-00147 / | | | |
| | | | | | | PARKER , CHARLES | | 36-07957 / | | | |
| | | | | | | STATE OF IDAHO | | 36-08353 / | | | |
| 07S | 13E | 11 | NE | SE | | FISH & GAME | A36-00048 / 36.5 | 36-00048 / | 31.0 | | |
| | | | | | | MC FADDAN , DAN H. | A36-00049 / 36.5 | 36-00049 / | | | |
| | | | | | | WARD , JOHN P. | A36-00089B / 1.0 | - / | | | |
| | | | | | | MOORE , DANIEL | | 36-00079 / | | | |
| | | | | | | MOORE , JOHN | | 36-00150 / | | | |
| | | | | | | MOORE , DANIEL | | 36-00151 / | | | |
| | | | | | | STATE OF IDAHO | | 36-08353 / | | | |
| 07S | 13E | 11 | SE | SE | | FISH & GAME | A36-00048 / 40.0 | 36-00048 / | 37.0 | | |
| | | | | | | MC FADDAN , DAN H. | A36-00049 / 40.0 | 36-00049 / | | | |

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JAN 21 1993

6

36.5

37.0

- allow 3 Acres
for Horse facilities
per field Exam.

| | | | | | | | |
|-------------|-----------------------------|----|---|---|---|--------|-------|
| 07S 13E 12 | NW | SW | FISH & GAME
MC FADDAN , DAN H.
STATE OF IDAHO | A36-00048 / 1.0
A36-00049 / 1.0 | 36-00048 /
36-00049 /
36-08353 / | 32.0 | 1.0 |
| 07S 13E 12 | SW | SW | FISH & GAME
MC FADDAN , DAN H.
STATE OF IDAHO | A36-00048 /18.0
A36-00049 /18.0 | 36-00048 /
36-00049 /
36-08353 / | 34.0 | 1.0 |
| 07S 13E 13 | NE | NW | FISH & GAME
MC FADDAN , DAN H.
RINGERT , W.F.
STATE OF IDAHO | A36-00048 /40.0
A36-00049 /40.0
A36-07731 / | 36-00048 /
36-00049 /
36-07731 /
36-08353 / | 34.0 | 1.0 |
| 07S 13E 12 | SE | SW | FISH & GAME
MC FADDAN , DAN H.
STATE OF IDAHO | A36-00048 / 1.0
A36-00049 / 1.0 | 36-00048 /
36-00049 /
36-08353 / | 17.0 | 1.0 |
| 07S 13E 13 | ~~NW~~ ~~NE~~ | | FISH & GAME
TAYLOR , MAURICE M.
REESE , BRUCE W.
REESE , BRUCE W.
RINGERT , W. F.
TAYLOR , MAURICE M.
MC FADDAN , DAN H.
RINGERT , W.F.
RINGERT , W.F.
PARR , WILLIAM H.
STATE OF IDAHO
CLEAR LAKES TROUT CO. INC. | A36-00048 /36.0 -
A36-04072 /
A36-10231 /
A36-04091 /11.0
A36-07800 /
A36-07655 /
A36-00049 /36.0 -
A36-07725 /
A36-07731 / | 36-00048 /
36-04072 /
- /
- /
36-07800 /
36-07655 /
36-00049 /
36-07725 /
36-07731 /
36-04071 / 5.0
36-08353 /
L36-07731 / | 28.0 | 40.0 |
| TOTAL ACRES | | | A36-00048 | 178.50 | | 242.00 | 175.5 |

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
X

Decreed lands claimed.
all sprinkler irrigation.
no conveyance losses.

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SHOULD BE
NW NW
Sec. 13

PRESUMPTION FLAG:

REMARKS:

see pg. 5- remarks for info.

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JAN 21 1993

RECOMMENDATIONS:

TOTAL ACRES: 175.5

REVIEWED BY: SC

DATE: 7-31-90

A. AJ CLAIMED USES:

PURPOSES
A36-00048 IRRIGATION

MONTH/DAY
FROM 03-01 TO 11-15

DIVERSION QUANTITY
10.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

10.000 CFS

B. WR RECORDED USES:

PURPOSES
36-00048 IRRIGATION

MONTH/DAY
FROM TO

DIVERSION QUANTITY
10.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

10.000 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

X = flow

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(X)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(X) N() 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: 10.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 10.000 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***

** If an amount smaller than the original diversion rate is **

** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD

DATABASE EXAMINER

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

Y

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JAN 21 1993

B.

FLOW MEASUREMENT

MEASUREMENT METHOD Theoretical Calc., SEE ~~ATTACHED~~ CALCULATIONS.

1.04 cfs pump cap.

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

OTHER RIGHTS LISTED IN CLAIM: A36-00049

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|---------------------------|----------------------|-----------|----------------|-----------|----------------|
| A36-00048 | BILLINGSLEY CREEK | FISH & GAME | 10.000 | 0.056 | | |
| A36-10588 | BILLINGSLEY CREEK | HOLMES , H.L. | 0.050 | 0.033 | | |
| A36-04008 | SPRING | WARD , JOHN P. | 0.020 | 0.020 | | |
| A36-00048C | BILLINGSLEY CREEK | PETRICK , HERMAN W. | 0.030 | 0.030 | | |
| A36-00103A | BILLINGSLEY CREEK | BOTHWELL , MARY | 0.060 | 0.060 | | |
| A36-00048B | BILLINGSLEY CREEK | ROBINSON , GEORGE E. | 0.180 | 0.090 | 8.00 | 4.00 |
| A36-00049 | FLORENCE LIVESTOCK SPRING | MC FADDAN , DAN H. | 9.700 | 0.054 | | |
| A36-00089A | BILLINGSLEY CREEK | CLOUSER , DORIS H. | 0.030 | 0.020 | | |
| A36-00089C | BILLINGSLEY CREEK | HOLMES , H.L. | 0.060 | 0.030 | | |
| A36-00089D | BILLINGSLEY CREEK | NORTHROP , HAROLD N. | 0.040 | 0.040 | | |
| A36-00089B | BILLINGSLEY CREEK | WARD , JOHN P. | 0.030 | 0.030 | | |
| A36-04091 | SPRING | REESE , BRUCE W. | 0.360 | 0.032 | 44.00 | 4.00 |

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

0.11 combined RATE

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|-----------|----------|----------------------|---------------------|----------|--------|
| A36-04068 | DOMESTIC | ROBINSON , GEORGE E. | FROM 01-01 TO 12-31 | .020 CFS | |
| A36-07658 | DOMESTIC | KIPP , RUDY B. | FROM 03-15 TO 11-15 | .040 CFS | |
| A36-10119 | DOMESTIC | KIPP , RUDY B. | FROM 01-01 TO 12-31 | .020 CFS | |
| A36-10120 | DOMESTIC | KIPP , RUDY B. | FROM 03-15 TO 11-15 | .030 CFS | |
| A36-10559 | DOMESTIC | PETRICK , HERMAN W. | FROM 01-01 TO 12-31 | .040 CFS | |
| A36-10751 | DOMESTIC | SANDY , WILLIAM A. | FROM 01-01 TO 12-31 | .040 CFS | |

A36-10752 DOMESTIC
A36-10755 DOMESTIC
A36-00090E DOMESTIC
A36-00090E COMMERCIAL
A36-00090B DOMESTIC
A36-00090C DOMESTIC
A36-00090D DOMESTIC
A36-00090F DOMESTIC
A36-00090G DOMESTIC
A36-00090A DOMESTIC
A36-07834 POWER
A36-08058 POWER
A36-07731 FISH PROPAGATION
A36-04072 DOMESTIC
A36-04072 STOCKWATER
A36-10231 DOMESTIC
A36-07800 FISH PROPAGATION
A36-07655 FISH PROPAGATION
A36-07655 STOCKWATER
A36-07725 FISH PROPAGATION

SANDY, WILLIAM A.
TROUT-CO
HOLMES, ALICE M.
HOLMES, ALICE M.
WARD, JOHN P.
TYLER, BRUCE H.
CULBERTSON, S.A.
PAR-6 PARTNERSHIP
NORTHROP, HAROLD N.
CLOUSER, JOHN F.
TROUT-CO
TROUT-CO
RINGERT, W.F.
TAYLOR, MAURICE M.
TAYLOR, MAURICE M.
REESE, BRUCE W.
RINGERT, W. F.
TAYLOR, MAURICE M.
TAYLOR, MAURICE M.
RINGERT, W.F.

FROM 01-01 TO 12-31 .040 CFS
FROM 01-01 TO 12-31 .040 CFS
FROM 01-01 TO 12-31 .040 CFS
FROM 01-01 TO 12-31 .100 CFS
FROM 01-01 TO 12-31 .020 CFS
FROM 01-01 TO 12-31 .020 CFS
FROM 01-01 TO 12-31 .020 CFS
FROM 01-01 TO 12-31 .080 CFS
FROM 01-01 TO 12-31 .040 CFS
FROM 01-01 TO 12-31 .020 CFS
FROM 01-01 TO 12-31 100.000 CFS
FROM 01-01 TO 12-31 100.000 CFS
FROM 01-01 TO 12-31 18.000 CFS
FROM 01-01 TO 12-31 .040 CFS
FROM 01-01 TO 12-31 .020 CFS
FROM 01-01 TO 12-31 .040 CFS
FROM 01-01 TO 12-31 8.000 CFS
FROM 01-01 TO 12-31 .580 CFS
FROM 01-01 TO 12-31 .020 CFS
FROM 01-01 TO 12-31 100.000 CFS

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JAN 21 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 175.5 x 0.02 CFS/ACRE = 3.51 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 = 535.5 AF/A

ACRES 175.5 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =

TOTAL CONSUMPTIVE USE 526.5 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 175.5 x DIVERSION VOL. AF/A FOR AREA 4.0 =

TOTAL DIVERSION VOLUME 702 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

1b. CALCULATIONS

Theo. Calc.
$$\frac{(8.8)(25)(.70)}{10 + (60 \times 2.31)} = \frac{154}{148.6} = 1.04 \text{ cfs}$$

as claimed:

$$\frac{10 \text{ cfs}}{175.5 \text{ Ac}} = 0.05698 \text{ cfs/Ac}$$

$$(2.8''/\text{Ac})$$

— this rate cannot be delivered by sprinkler method.

$$\frac{1.04 \text{ cfs}}{0.01 \text{ cfs/Ac}} = 104 \text{ Acres}$$

Maximum Beneficial Irrigation

* allow pump Capacity = 1.04 cfs

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

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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
~~03-01 11-15~~
3-15 | DATABASE EXAMINER
10.000 ~~3.33~~ 1.04
10.000 ~~1.04~~ | DATABASE EXAMINER
702
~~702~~ | DATABASE EXAMINER
535.5
~~535.5~~ 526.5 |
| TOTAL FOR THIS RIGHT | | | | |
| REVIEWED BY: <u>SCC</u> | DATE: <u>7-31-90</u> | | | |

SC 8-4-92

~~XS FLOW CLAIMED = 0.11 cfs/Acre Combined w/ A36 00049~~

~~WR PROPORTIONAL RATE: $\frac{10.0 \text{ cfs}}{520 \text{ Ac.}} = 0.019 \text{ cfs/Ac.}$ Limit to 1" / Acres (allowed rate)~~
~~(13x40 = 520)~~
 SCC 12-28-90
 SC 2-12-92

K06 = 175.5
 E09 = $\frac{3.51 \text{ cfs}}{702 \text{ AF Vol}}$
 526.5 AF CU

C03

SC 2-12-92

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

| | |
|------------------------|-----------------|
| ACCEPTED
AS CLAIMED | NEEDS
REVIEW |
| () | () |
| () | () |
| () | () |

✓ Xs water

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00048

| | | | |
|-----------------------------------|--------------------|-------------------|-----|
| TOTAL DIVERSION RATE OF WR SPLITS | DATABASE
10.000 | EXAMINER
_____ | CFS |
|-----------------------------------|--------------------|-------------------|-----|

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|--------------------------|---------------------|-------------------|
| - | A36-00048 <u>A</u> | 10.000 | - | 3.33 1.04 | 36-00048 | 10.000 |
| A36-00048 | A36-00048B | 0.180 | - | ~~Disallow/Rev.~~ | 36-00048 | 10.000 |
| A36-00048 | A36-00048C | 0.030 | - | - DISALLOW - | 36-00048 | 10.000 |
| TOTAL CFS | | 10.210 | | | | 10.000 |

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
<u>OR</u> |
|---------------|--------------------------------|

REMARKS:

Based on Conversations with all three parties above, McFadden has full claim to this WR. Mr. Robinson has purchased water in the Buckeye ditch from an unknown source. Mrs. Petrish has never used the water claimed.

Legal Staff Review: Lands of Mr Robinson were under original Deeds - McFadden cannot beneficial use all the water. ∴ allow the split

AUTHENTICATION:

SIGNATURE: _____

Steve Clelland SC

2-12-92

DATE: _____

7-31-90

NAME OF FIELD EXAMINER: _____

Steve Clelland

TITLE: _____

WR Agent

MICROFILMED
JAN 21 1993

REMARK AND CONDITION CODE WORKSHEET

SYSTEM CLAIM NUMBERS

R36 00048A

AGENT

INITIALS

DATE _____

CLAIM NO.

**OR ENTRY
ORDER**

REMARK
CODE

ENTRY DATA

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

STAGE

OR
STATUS

**PRESUMPTION
CODE**

K05

0.01 cfs

C03

K06

104 Ac

E09

36-00049

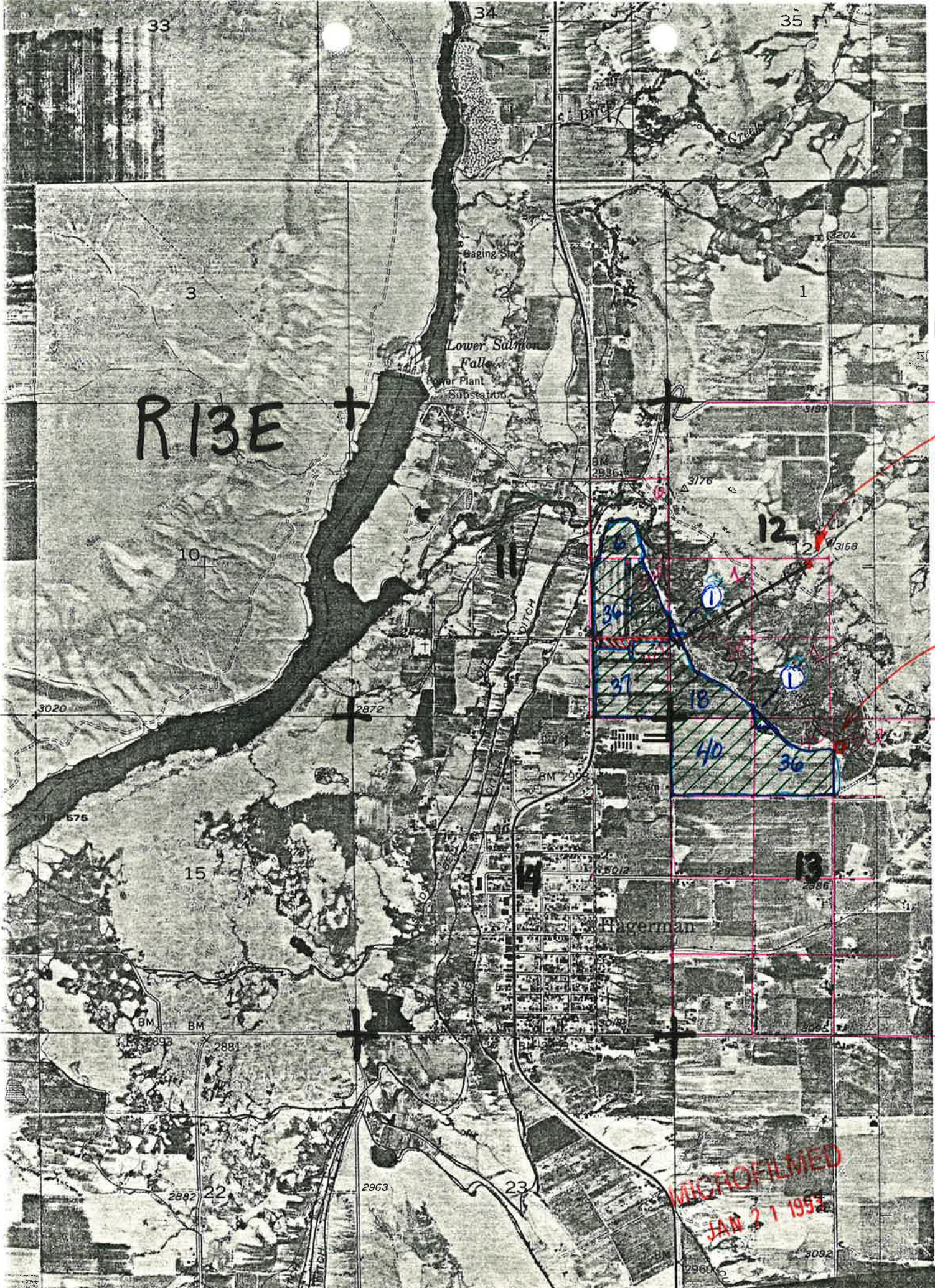
3.51 cfs

526.5 AF CU.

175.5 Ac.

MICROFILMED

JAN 24 1993



R13E

Lower Salmon Falls
Power Plant
Substation

Hagerman

T
T
7
S

POD
Florence
LIVE STOCK
SPRING

POD
pump

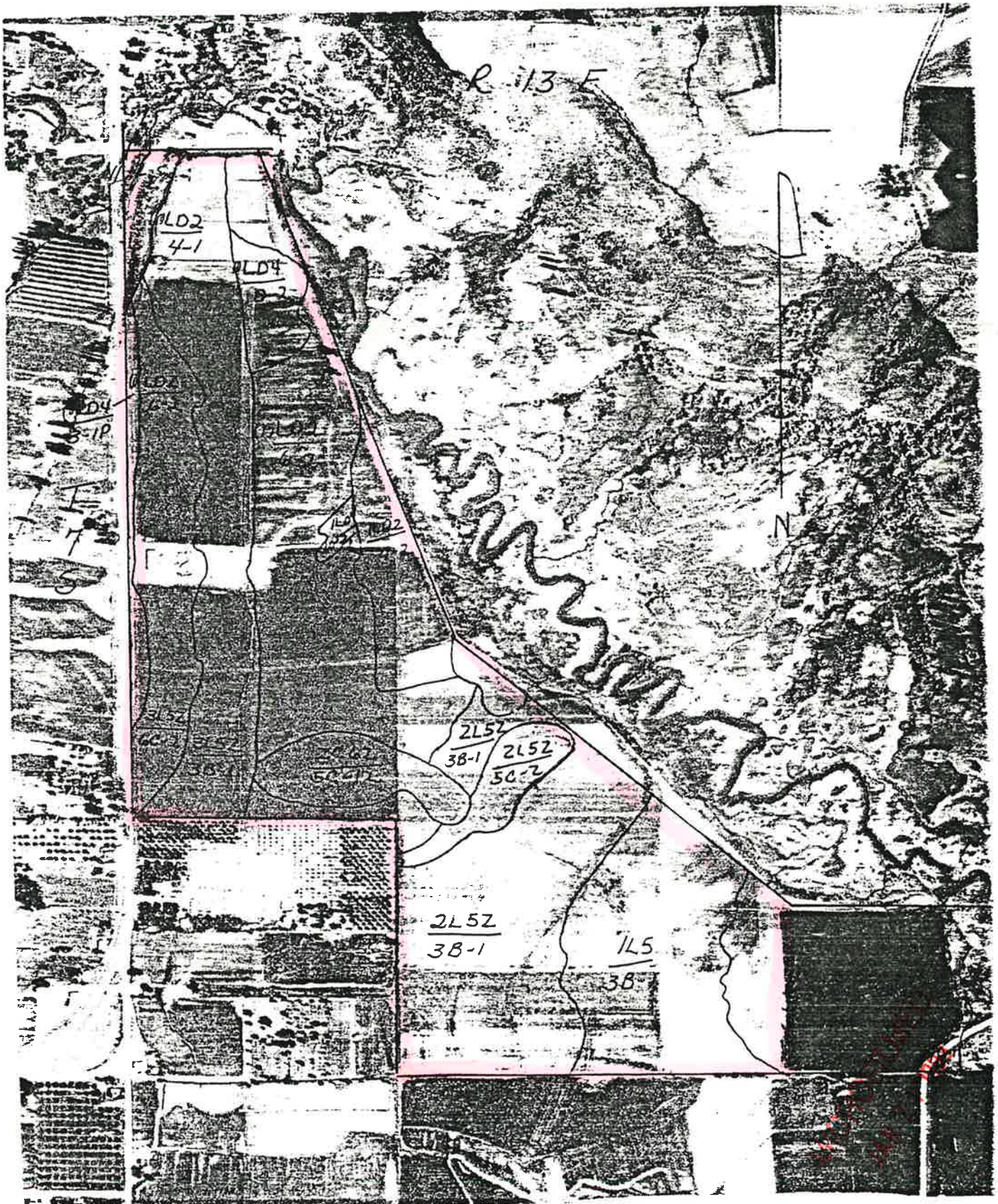
837-6649

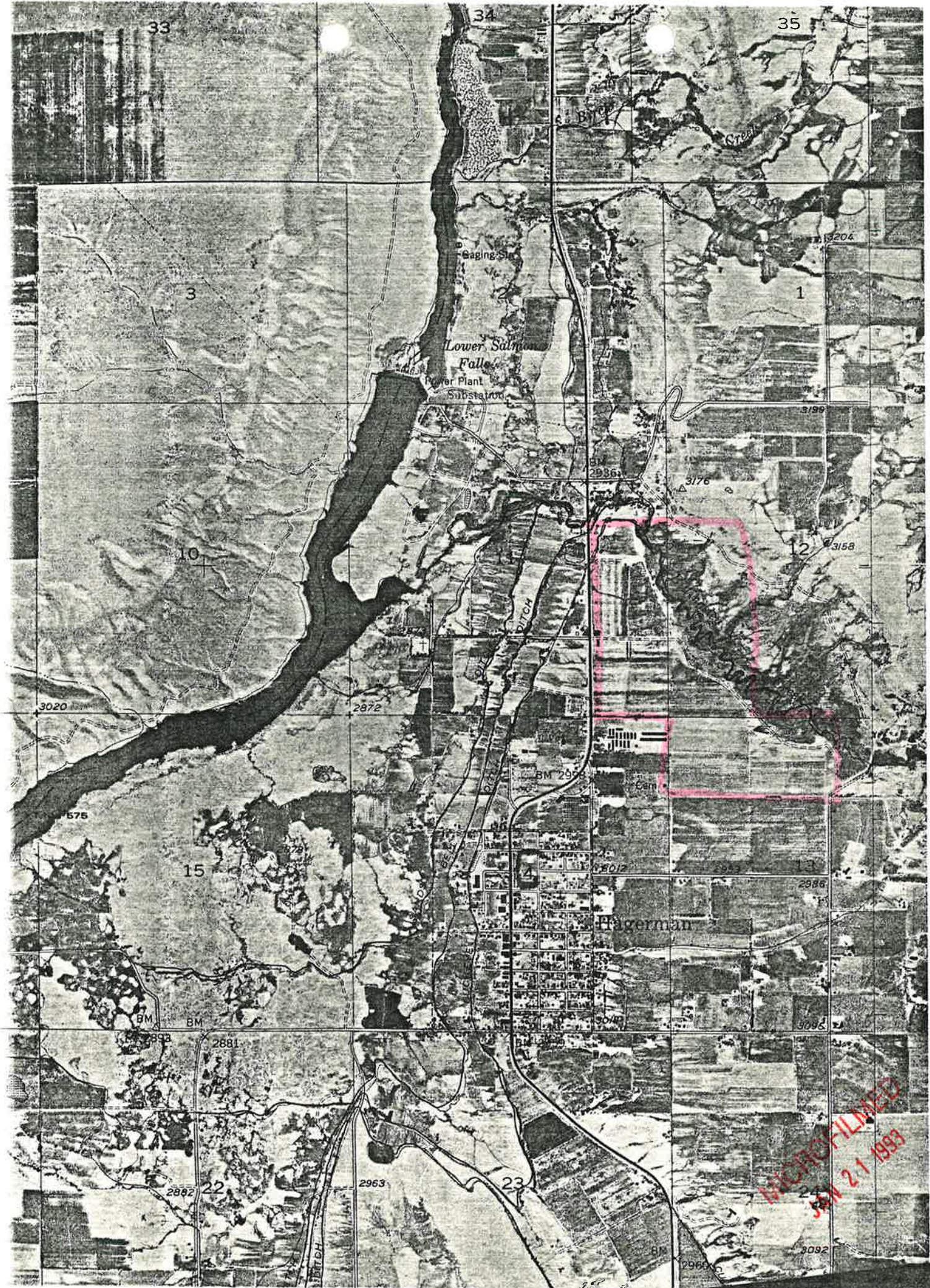
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JAN 21 1993

29.

8" = 1 mile

Gooding





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JUN 21 1993

Florence Livestock Spring (FLS)

Res. Mr. Dan McFadden (7-26-90)

originally appurtenant to Chicker Farm, & McFadden
— need to see ~~tracts~~ ^{tracts} identified as decreed

The Cary place was originally from a spring
near the FLS and a separate pipeline
joined the main pipeline & carried it over to POU
approx. 9 years ago, the ~~small~~ ^{& MAIN PIPELINE} pipeline ~~dissevered~~
fell apart and they never replaced the
small line — ^(THE MAIN DIVERSION LINE WAS REPLACED) i.e. source transferred for the
Cary property to the FLS.

STEVE CLELLAND
HELEN HARRINGTON

MICROFILMED
JAN 21 1993