

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

COPY
Ident. Number: A36-00050B-
Date Received: 9/01/1988
Receipt No: S002011
Received By: SCC

COPY

**FOR YOUR FILES
DO NOT RETURN**

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

1. Name: KEN ELLIS
Address:

BUHL, ID 83316

OR

Name: ROBERT MEYERS
Address: RT. 5 BOX 5053
BUHL, ID

208-543-4312

83316

2. Date of Priority: APR 01, 1901

3. Source: SPRING

Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	12	SE	SE	NW		GOODING

5. Description of diverting works:
16" PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.460		
STOCKWATER	01/01	12/31	0.460		
DOMESTIC	01/01	12/31	0.080		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

D/ 3 HOUSES S/ 200,000 POULTRY

A36-00050B

Page 1

Date: 09/01/88

**MICROFILMED
OCT 11 1994**

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	14	NE		NE		IRR	17.0
			NE		NE		DOMEST	
			NE		NE		STOCK	

Section Acres 17.0

Total Acres 17.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A36-00093, A3610812

14. Remarks:
PORTION OF DECREED WR #36-0050.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER CO.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X 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): Don Ellis Date: 9-1-88

Date: _____

State of Idaho)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 1st day

of September 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, ID

My Commission Expires 6-30-94

tion line; thence 32 rods due south at right angles; Thence 50 rods due West at right angles; thence 32 rods due north to the point of beginning.

Also: All of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 13, Twp. 7 S. R. 13 E. B. M., save and excepting therefrom, four acres, described as follows: Beginning at the northwest corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 13, Twp. 7 S. R. 13 E. B. M., thence east 20 rods, thence south 32 rods, thence west 20 rods, thence north 32 rods to point of beginning.

36-0048

FLORENCE
LIVESTOCK
COMPANY

10 Billingsley Creek Nov. 4, 1885 Florence Livestock
Company Ditch;
9.7 Spring April 1, 1900 Florence Livestock
Spring;

(The diversion point of said Florence Livestock Company Ditch is immediately below the old railroad fill on the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 13, Twp. 7 S. R. 13 E. B. M. The diversion point of said Florence Livestock Spring is on the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 12, Twp. 7 S. R. 13 E. B. M.)

appurtenant to

SW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 12; the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, both in Sec. 11; the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the NW $\frac{1}{4}$, both in Sec. 13; all in Twp. 7 S. R. 13 E. B. M.

36-0050

.5 Spring April 1, 1901 Florence Livestock
Spring;

appurtenant to

A certain parcel of land situate in Sec. 14, Twp. 7 S. R. 13 E. B. M. more particularly described as follows, to-wit: Beginning at the northwest corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 14, Twp. 7 S. R. 13 E. B. M. and running thence East 1320 feet, thence South 330 feet, thence West 1320 feet, thence North 330 feet to place of beginning, containing 10 acres.

36-0051

GLAUNER,
JOHN AND
EMMA A.
GLAUNER

1.2 Billingsley Creek June 26, 1881 John Bell Ditch;
.4 Unnamed Springs June 26, 1881 4 Unnamed Springs

(The diversion point of said John Bell Ditch is on the bank of Billingsley Creek 30 yards below the diversion point of the Buckeye Ditch heretofore described. Said four unnamed springs arise on the land described immediately hereafter.)

appurtenant to

These certain tracts of land more particularly described as follows, to-wit:

36-0054

436-00050B

2.97 ac.

Commencing at the northwest corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, Twp. 7 S. R. 13 E. B. M.; thence running south along the west boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, township and range aforesaid 208 feet; thence east parallel to the north boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, Township and Range aforesaid 832 feet; thence north 208

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Idaho Street
Idaho 83338
Idaho (208) 324-2103

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR GOODING COUNTY

ROBERT M. EVANS and SYDNEE G.)
EVANS, husband and wife,)

Plaintiffs,)

vs.)

KENNETH S. ELLIS and BRENDA)
ELLIS, husband and wife;)
DAVE MATHENY, d/b/a MATHENY)
TRUCKING, a sole proprietor-)
ship; DARWIN P. NEIBAR and)
JUNE NEIBAR, husband and wife,)
THE STATE OF IDAHO, acting)
through the IDAHO STATE TAX)
COMMISSION; THE UNITED STATES)
OF AMERICA, acting through)
the INTERNAL REVENUE SERVICE;)
SOUTHERN IDAHO PRODUCTION)
CREDIT ASSOCIATION,)

Defendants.)

Case No. 19437

STIPULATION FOR JUDGMENT
AND JUDGMENT

DEP. CLERK, REC.
86 FEB 14 PM 2:17
FEE \$8.00

Rettig, Fredericksen & Williams

110671

COME NOW Plaintiffs, Robert M. Evans and Sydnee G. Evans, husband and wife, by and through their attorney of record, Robert E. Williams III of the firm of Rettig, Fredericksen & Williams, and Defendants Kenneth S. Ellis and Brenda Ellis, by and through their attorney of record, Stephen W. Bean, and stipulate that judgment be entered in this matter as follows:

1. That Plaintiffs have judgment against Defendants on Count II of their Complaint, and that title to the real property more particularly described on Exhibit "A" attached hereto be quieted in the Plaintiffs, free and clear from any right, title, claim or interest on the part of any Defendant, or any person claiming through or under any of them, and that Plaintiffs be entitled to the immediate possession of the above described real property; that all rights of the Defendants in the contract

STIPULATION FOR JUDGMENT AND JUDGMENT - 1

MOFILMET
MOFILMET

JUDGMENT

UPON READING the foregoing Stipulation, and the Court having further examined the contents of the Court's file herein and determining that all Defendants in this action have been duly and regularly served with process, and that all Defendants, except for Defendants Ellis, have either had defaults entered against them or have filed Disclaimers of interest in the real property which is the subject matter of this action, and the Court otherwise being fully advised in the premises and good cause appearing therefore:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That Plaintiffs have judgment against Defendants on Count II of their Complaint, and that title to the real property more particularly described on Exhibit "A" attached hereto be quieted in the Plaintiffs, free and clear from any right, title, claim or interest on the part of any Defendant, or any person claiming through or under any of them, and that Plaintiffs be entitled to the immediate possession of the above described real property; that all rights of the Defendants in the contract between the parties dated June 4, 1981, with respect to the above described real property are also forfeited, and that Defendants hereby expressly waive any and all rights of redemption which they have with respect to said real property and contract.

2. That the Idaho State Bank, Hagerman, Idaho, the designated escrow holder under the terms and conditions of a certain agreement between the parties dated June 4, 1981, be ordered to release all documents presently held in the name of Ellis escrow to the Plaintiffs.

3. That all Defendants, other than Defendants Ellis, have either been defaulted or have filed Disclaimers of interest in the real property which is the subject matter of this action, and that judgment is therefore properly taken against each of said Defendants.

4. That Count I of Plaintiffs' Complaint be, and the same hereby is, dismissed.

5. That Plaintiffs have judgment against Defendants on Count III of their Complaint, and that as between the parties, Plaintiffs are ordered to be entitled to insurance proceeds from the Farmers Insurance Group of Companies, Inc. as insured by their draft no. 186455-0 in the sum of \$20,000.00.

6. The parties shall bear their respective costs and fees and costs incurred in this matter.

DATED this 11 day of February, 1982.

POOR ORIGINAL

STIPULATION FOR JUDGMENT AND ORDER

MK

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that the Idaho State Bank, Hagerman, Idaho, the
holder under the terms and conditions of a
release all documents presently held in the
to the Plaintiffs.

that the Idaho State Bank, Hagerman, Idaho, the
holder under the terms and conditions of a
release all documents presently held in the
to the Plaintiffs.

that all Defendants, other than Defendants Ellis,
have been defaulted or have filed Disclaimers of
interest in the real property which is the subject matter of
this action, and that judgment is therefore properly taken
against each of said Defendants.

that Count I of Plaintiffs' Complaint be, and the
same hereby is dismissed.

that Plaintiffs have judgment against Defendants on
Count II of their Complaint, and that as between the parties,
Plaintiffs are ordered to be entitled to insurance proceeds
from the Farmers Insurance Group of Companies now represented
by their draft no. 186455-6 in the face amount of \$20,000.00.

that the parties shall bear their respective attorney's
fees and costs incurred in this matter.

DATED this 12th day of February,
1986.

Stephen W. Beane
STEPHEN W. BEANE
Attorney for Defendants

DATED this 16th day of February,
1986.

RETTIG, FREDERICKSEN & WILLIAMS

BY: Robert E. Williams III
ROBERT E. WILLIAMS III
Attorney for Plaintiffs

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OCT 11 1986

TOWNSHIP 7 SOUTH, RANGE 13, EAST OF THE
BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 14. A parcel of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$,
described as follows:

Beginning at a point on the East boundary line
of State Highway right-of-way which point is
192 feet south of the north line of the
NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 7 South,
Range 13, East Boise Meridian, said point
being in the said NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence East 220 feet;
Thence South 192 feet;
Thence West to the East boundary line of said
Highway right-of-way;
Thence Northerly on the East boundary line of
said right-of-way to THE POINT OF BEGINNING.

STATE OF IDAHO

COUNTY OF GOODING

I, John A. Myers, District Court Clerk,
do hereby certify that foregoing is a true copy of
the original submitted for filing in my office.

Witness my hand and seal this 2-14-1991

JOHN A. MYERS
District Court Clerk

By Deputy Clerk
Deputy Clerk

POOF ORIGINAL

MICROFILMED
MICROFILMED

JAN 21 1991

WARRANTY DEED

BEFORE ME, the undersigned authority, on this 1st day of October, 1994, personally appeared JOHN M. BEARD, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

JOHN M. BEARD, 1st, and THE VOISE MERIDIAN, 1st

are the persons, described as

being a point on the East boundary line of the Highway right-of-way which point is 100 feet South of the North line of the Section 14, Township 7 South, Range 14, East Boise Meridian, said point being on the said BEARING:
S 100° 00' 00" E 100 feet
to the East boundary line of said Highway right-of-way;
and is also on the East boundary line of the Highway right-of-way to the True Point of Beginning.

The following partitions, more particularly set forth, are attached hereto:

POOR ORIGINAL

And the Grantor does hereby covenant to and with the said Grantee and their heirs, assigns and assigns forever, that they are free from all incumbrances, and that the said Grantee will warrant and defend the same from all lawful claims.

WITNESSETH my hand and seal this 1st day of October, 1994.

[Signature]
Notary Public

[Signature]
JOHN M. BEARD

JOHN M. BEARD, 1st, and SYBILLE M. BEARD, 1st, are the persons, described as

JOHN M. BEARD, 1st, and SYBILLE M. BEARD, 1st, are the persons, described as

JOHN M. BEARD, 1st, and SYBILLE M. BEARD, 1st, are the persons, described as

[Signature]
Notary Public
Idaho

FIRST AMERICAN TITLE CO.
OCT 25 1994

MICROFILMED
OCT 11 1994

JAN 21 1999

Instrument No.

EXHIBIT "A"

1. Unpaid taxes for 1985 and prior years.
2. Any unpaid assessments levied by any irrigation district.
3. Power Line Easement given by J. H. Moore and Inez M. Moore, husband and wife, to Idaho Power Company, a corporation, dated May 27, 1963, recorded June 12, 1963 as Instrument Number 8283, Gooding County records, affecting a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 7 South, Range 13, East Boise Meridian.
4. Easement contained in Second Judgment and Decree of Condemnation in the case of The State of Idaho, ex rel, Wallace C. Burns, Ernest F. Gaffney and P. Doyle Symms, Idaho Board of Highway Directors, Plaintiff, vs. J. H. Moore and Inez Moore, husband and wife, Defendants, dated March 20, 1964, recorded March 20, 1964 as Instrument Number 10906, Gooding County records, affecting a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 7 South, Range 13, East Boise Meridian.
5. Power Line Easement given by Moore Egg Farm, Inc., to Idaho Power Company, a corporation, dated May 12, 1966, recorded November 23, 1966 as Instrument Number 20017, Gooding County records, affecting a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 7 South, Range 13, East Boise Meridian.
6. Terms and conditions of a Well Agreement by and between Moore Egg Farm, Inc., an Idaho corporation, and Robert M. Evans and Sydnee J. Evans, husband and wife, recorded June 10, 1980 as Instrument Number 81636, Gooding County records, affecting a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 7 South, Range 13, East Boise Meridian.

FURTHER SUBJECT to any right of redemption of any party that may exist by virtue of Judgment entered in Case Number 19437, Fifth Judicial District, District Court of the State of Idaho, in and for the County of Gooding, on the 11th day of February, 1986.

Grantees take title with the knowledge of the condition of the real property and its present state of disrepair, in "as is" condition.

POOR ORIGINAL

MICROFILMED

UC 11 1984
MICROFILM

JAN 21 1985



WARRANTY DEED

POOR ORIGINAL

For Value Received

Stephen W. Beane and Trudy R. Beane, husband and wife,
hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto
Anita G. Andersen, a single woman,
hereinafter referred to as Grantee, whose current address is
HC60, Box 1430, Bliss, ID, 83314
the following described premises, to-wit:

A parcel of land in the Northeast Quarter of the Northeast Quarter
of Section 14, Township 7 South, Range 13, East of the Boise
Meridian, Gooding County, Idaho, described as follows:

Beginning at a point on the East boundary line of State Highway
right-of-way which point is 192 feet South of the North line
of the Northeast Quarter of the Northeast Quarter of Section
14, Township 7 South, Range 13, East Boise Meridian, said point
being in the said Northeast Quarter of the Northeast Quarter;
Thence East 220 feet;
Thence South 198 feet;
Thence West to the East boundary line of said Highway right-of-way;
Thence Northerly on the East boundary line of said right-of-way to
the TRUE POINT OF BEGINNING.

Together with 0.04 cfs from Florence Livestock Spring for irrigation, stockwater
and domestic purposes

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

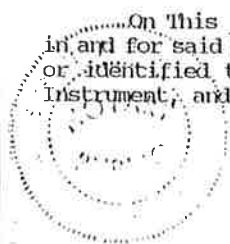
Dated: September 18, 1990.


Stephen W. Beane


Trudy R. Beane

STATE OF IDAHO)
COUNTY OF Gooding) ss

On this 18th day of September, in the year 1990, before me, a Notary Public
in and for said State, personally appeared Stephen W. Beane and Trudy R. Beane, known
or identified to me to be the persons whose names are subscribed to the within
Instrument, and acknowledged to me that they executed the same.



13322

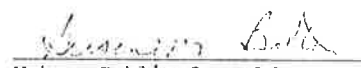
STATE OF IDAHO, COUNTY OF GOODING

for record at the request of FIRST AMERICAN TITLE

15 min. past 4 o'clock P.M. this 19th

Sept 1990

JOHN A. MYERS, Notary


Notary Public for Idaho
Residing at Gooding, Idaho
Commission Expires: 10-16-92

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First American Title Company of Idaho

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



Hepworth,
Nungester,
& Lezamiz

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



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 3

MICROFILMED
OCT 11 1994

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

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

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

14
 15 By 
 16 PATRICK D. BROWN
 Attorneys for Respondents

17
 18 CERTIFICATE OF MAILING

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



Hepworth,
 Nungester,
 & Lezamiz

MICROFILMED
OCT 11 1994

1 February, 1993, to:

2 Snake River Adjudication
3 District Court
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

MICROFILMED

OCT 11 1994

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

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

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

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

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

MICROFILMED

OCT 11 1994

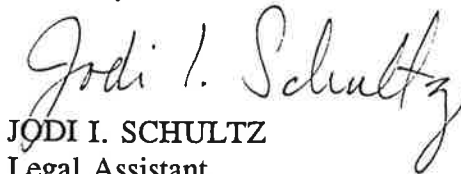
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

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

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

Sincerely,



JODI I. SCHULTZ

Legal Assistant

Idaho Department of Water Resources

cc: IDWR Southern Region

MICROFILMED

OCT 11 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00050D
Date Received: 9/01/1988
Receipt No: X999999
Received By: R.V. Z.

Change of Owner.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANITA G. ANDERSEN 208-837-4876
Address: 18022-A US HIGHWAY 30
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1901

3. Source: SPRING Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	12	SE	SE	NW		GOODING

5. Description of diverting works:
16" PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.020		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		

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

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

9. Non-irrigation uses:
DOMESTIC, 1 HOME, S/2 CALVES OR ONE HORSE.

10. Place of Use:

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

A36-00050D

Page 1

Date: 10/03/90

MICROFILMED
JAN 21 1993

10. Place of Use: Continued

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

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS A SPLIT FROM A36-00050B. A36-00050C FOR 0.42 CFS
FOR ELLIS & MEYERS, AND A36-00050D FOR .06 CFS FOR ANDERSEN.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs IDAHO POWER CO.
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of) SS.
)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[] Water Right Number(s): Part of #A36-00050B

[] Name and Address of
Former Claimant: Ken Ellis or Robert Meyers

Route #3, Box #50

Buhl, Idaho 83316

[] New Claimant(s): Anita G. Andersen

[] New Mailing Address: 18022-A U. S. Highway #30

Hagerman, Idaho 83332

New Telephone Number: (208) 837 - 4876

[] Does the change in ownership result in a splitting of the
water right claimed? X yes no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

0.04 cfs from Florence Livestock Spring for irrigation , stockwater &
domestic purposes

[] Attach proof of ownership Describe proof attached: Copy of the Stipulation for Judgment, Warranty
Deed from Evans to Beane & Warranty Deed from
Beane to Andersen

[] Signature of New Claimant(s): Anita G. Andersen

Date: September 19, 1990

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

MICROFILMED
JAN 21 1993

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

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

CIVIL CASE NUMBER: 39576

COPY
Ident. Number: A36-00050B
Date Received: 9/01/1988
Receipt No: S002011
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KEN ELLIS
Address:

BUHL, ID

83316

OR

Name: ROBERT MEYERS
Address: RT. 5 BOX 5053
BUHL, ID

83316

*still need
original for
this one...*

2. Date of Priority: APR 01, 1901

3. Source: SPRING

Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	12	SE	SE	NW		GOODING

5. Description of diverting works:
16" PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.460		
STOCKWATER	01/01	12/31	0.460		
DOMESTIC	01/01	12/31	0.080		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

D/ 3 HOUSES S/ 200,000 POULTRY

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	14	NE		NE		IRR	17.0
			NE		NE		DOMEST	
			NE		NE		STOCK	

Section Acres 17.0

Total Acres 17.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A36-00093, A3610812

14. Remarks:
PORTION OF DECREED WR #36-0050.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER CO.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not x 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): Don Ellis Date: 9-1-88

Date: _____

State of Idaho

County of Twin Falls)
SS.

Subscribed and sworn (or affirmed) before me this 1st day
of September 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, ID
My Commission Expires 6-30-94

tion line; thence 32 rods due south at right angles; Thence 50 rods due West at right angles; thence 32 rods due north to the point of beginning.

Also: All of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 13, Twp. 7 S. R. 13 E. B. M., save and excepting therefrom, four acres, described as follows: Beginning at the northwest corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 13, Twp. 7 S. R. 13 E. B. M., thence east 20 rods, thence south 32 rods, thence west 20 rods, thence north 32 rods to point of beginning.

36-0048

FLORENCE
LIVESTOCK
COMPANY

10 Billingsley Creek Nov. 4, 1885 Florence Livestock
Company Ditch;
9.7 Spring April 1, 1900 Florence Livestock
spring;

(The diversion point of said Florence Livestock Company Ditch is immediately below the old railroad fill on the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 13, Twp. 7 S. R. 13 E. B. M. The diversion point of said Florence Livestock Spring is on the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 12, Twp. 7 S. R. 13 E. B. M.)

appurtenant to

SW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 12; the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, both in Sec. 11; the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the NW $\frac{1}{4}$, both in Sec. 13; all in Twp. 7 S. R. 13 E. B. M.

36-0050

1.5 Spring April 1, 1901 Florence Livestock
Spring;

appurtenant to

A certain parcel of land situate in Sec. 14, Twp. 7 S. R. 13 E. B. M. more particularly described as follows, to-wit: Beginning at the northwest corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 14, Twp. 7 S. R. 13 E. B. M. and running thence East 1320 feet, thence South 330 feet, thence West 1320 feet, thence North 330 feet to place of beginning, containing 10 acres.

36-0051

GLAUNER,
JOHN AND
EMMA A.
GLAUNER

1.2 Billingsley Creek June 26, 1881 John Bell Ditch;
1.4 Unnamed Springs June 26, 1881 4 Unnamed Springs

(The diversion point of said John Bell Ditch is on the bank of Billingsley Creek 30 yards below the diversion point of the Buckeye Ditch heretofore described. Said four unnamed springs arise on the land described immediately hereafter.)

appurtenant to

These certain tracts of land more particularly described as follows, to-wit:

36-0054

436-00050B

2.97 ac.

Commencing at the northwest corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, Twp. 7 S. R. 13 E. B. M.; thence running south along the west boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, township and range aforesaid 208 feet; thence east parallel to the north boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section, Township and Range aforesaid 832 feet; thence north 208

MICROFILMED
JAN 21 1993

117 South Adams Street
P. O. Box 118
Jarvis, Idaho 83338
Telephone (208) 324-2303

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

ROBERT M. EVANS and SYDNEE G.)
EVANS, husband and wife,)

Plaintiffs,)

Case No. 19437

vs.)

STIPULATION FOR JUDGMENT
AND JUDGMENT

KENNETH S. ELLIS and BRENDA)
ELLIS, husband and wife;)
DAVE MATHENY, d/b/a MATHENY)
TRUCKING, a sole proprietor-)
ship; DARWIN P. NEIBAR and)
JUNE NEIBAR, husband and wife,)
THE STATE OF IDAHO, acting)
through the IDAHO STATE TAX)
COMMISSION; THE UNITED STATES)
OF AMERICA, acting through)
the INTERNAL REVENUE SERVICE;)
SOUTHERN IDAHO PRODUCTION)
CREDIT ASSOCIATION,)

Defendants.)

DEP. CLERK REC.
8 FEB 14 PM 2 17

119071

COME NOW Plaintiffs, Robert M. Evans and Sydnee G. Evans, husband and wife, by and through their attorney of record, Robert E. Williams III of the firm of Rettig, Fredericksen & Williams, and Defendants Kenneth S. Ellis and Brenda Ellis, by and through their attorney of record, Stephen W. Bean, and stipulate that judgment be entered in this matter as follows:

1. That Plaintiffs have judgment against Defendants on Count II of their Complaint, and that title to the real property more particularly described on Exhibit "A" attached hereto be quieted in the Plaintiffs, free and clear from any right, title, claim or interest on the part of any Defendant, or any person claiming through or under any of them, and that Plaintiffs be entitled to the immediate possession of the above described real property; that all rights of the Defendants in the contract

STIPULATION FOR JUDGMENT AND JUDGMENT - 1

PROFILMET
1993

JUDGMENT

UPON READING the foregoing Stipulation, and the Court having further examined the contents of the Court's file herein and determining that all Defendants in this action have been duly and regularly served with process, and that all Defendants, except for Defendants Ellis, have either had defaults entered against them or have filed Disclaimers of Interest in the real property which is the subject matter of this action; and the Court otherwise being fully advised in the premises and good cause appearing therefore;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That Plaintiffs have judgment against Defendants on Count II of their Complaint, and that title to the real property more particularly described on Exhibit "A" attached hereto be quieted in the Plaintiffs, free and clear from any right, title, claim or interest on the part of any Defendant, or any person claiming through or under any of them, and that Plaintiffs be entitled to the immediate possession of the above described real property; that all rights of the Defendants in the contract between the parties dated June 4, 1981, with respect to the above described real property are also forfeited, and that Defendants hereby expressly waive any and all rights of redemption which they have with respect to said real property and contract.
2. That the Idaho State Bank, Hagerman, Idaho, the designated escrow holder under the terms and conditions of a certain agreement between the parties dated June 4, 1981, be ordered to release all documents presently held in the Evans/Ellis escrow to the Plaintiffs.
3. That all Defendants, other than Defendants Ellis, have either been defaulted or have filed Disclaimers of Interest in the real property which is the subject matter of this action, and that judgment is therefore properly taken against each of said Defendants.
4. That Count I of Plaintiffs' Complaint be, and the same hereby is, dismissed.
5. That Plaintiffs have judgment against Defendants on Count III of their Complaint, and that as between the parties, Plaintiffs are ordered to be entitled to insurance proceeds from the Farmers Insurance Group of Companies now represented by their draft no. 186455-6 in the face amount of \$20,000.00.
6. The parties shall bear their respective attorney's fees and costs incurred in this matter.

DATED this 11 day of February, 1985.

Philip M. Becker
Philip M. Becker, District Judge

STIPULATION FOR JUDGMENT AND JUDGMENT - 3

FILMED

between the parties dated June 4, 1981, with respect to the above described real property are also forfeited, and that Defendants hereby expressly waive any and all rights of redemption which they have with respect to said real property and contract.

2. That the Idaho State Bank, Hagerman, Idaho, the designated escrow holder under the terms and conditions of a certain agreement between the parties dated June 4, 1981, be ordered to release all documents presently held in the State of Idaho escrow to the Plaintiffs.

3. That all Defendants, other than Defendants Ellis, have either been defaulted or have filed Disclaimers of interest in the real property which is the subject matter of this action, and that judgment is therefore properly taken against each of said Defendants.

4. That Count I of Plaintiffs' Complaint be, and the same hereby is, dismissed.

5. That Plaintiffs have judgment against Defendants on Count III of their Complaint, and that as between the parties, Plaintiffs are ordered to be entitled to insurance proceeds from the Farmers Insurance Group of Companies now represented by their draft no. 186455-6 in the face amount of \$20,000.00.

6. The parties shall bear their respective attorney's fees and costs incurred in this matter.

DATED this 12 day of February, 1986.


STEPHEN W. BEANE
Attorney for Defendants

DATED this 16th day of February, 1986.

RETTIG, FREDERICKSEN & WILLIAMS

BY: 
ROBERT E. WILLIAMS III
Attorney for Plaintiffs

MICROFIL
JAN 21 1986

TOWNSHIP 7 SOUTH, RANGE 13, EAST OF THE
BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 14: A parcel of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$,
described as follows:

Beginning at a point on the East boundary line
of State Highway right-of-way which point is
192 feet South of the North line of the
NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 7 South,
Range 13, East Boise Meridian, said point
being in the said NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence East 220 feet;
Thence South 192 feet;
Thence West to the East boundary line of said
Highway right-of-way;
Thence Northerly on the East boundary line of
said right-of-way to THE POINT OF BEGINNING.

CLERK OF DISTRICT COURT
COUNTY OF GOODING, IDAHO

I hereby certify that the foregoing is a true copy of
the original instrument as the same is on file in my office.

Dated 2-14 1993

JOHN A. MYERS
District Court Clerk

by Donna J. Johnson
Deputy Clerk

EXHIBIT A

MICROFILMED
JAN 21 1993

WARRANTY DEED

ALL THAT CERTAIN TRACT, hereinafter described, and conveyed unto
the undersigned, BEANE, husband and wife
Idaho 81712
the following described premises situated in Gooding County, Idaho,

BEANE, EAST 1/2 OF THE BOISE MERIDIAN,

containing 1 and 1/2 the BEANE, described as

- Beginning at a point on the East boundary line of the Highway right-of-way which point is 192 feet South of the North line of the BEANE of Section 14, Township 7 South, Range 14, East Boise Meridian, said point being in the said BEANE;
- THENCE East 220 feet;
- THENCE South 192 feet;
- THENCE West to the East boundary line of said Highway right-of-way;
- THENCE Northerly on the East boundary line of said right-of-way to the True Point of Beginning.

The following conditions, more particularly as set forth in "A" attached hereto.

THE GRANTOR AND GRANTOR DO hereby warrant and defend the said premises, with their appurtenances unto the said Grantee and heirs, assigns and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, heirs, assigns and assigns that they are free from all incumbrances and that the Grantor will warrant and defend the same from all lawful claims.

WITNESSES

[Signature]
DEBERT M. EVANS

[Signature]
SYDNEY G. EVANS

Instrument No.

RECORDED IN BOOK 11, PAGE 11
ON MAY 25, 1991
AT 10:00 AM
BY CLERK OF DISTRICT COURT FOR SAID STATE

DEBERT M. EVANS and SYDNEY G. EVANS, husband and wife

Known to me to be the person whose name is are
subscribed to the within instrument, and acknowledged
to me that they executed the same

[Signature]

Notary Public
Idaho

Residence at

Jerome

FIRST AMERICAN TITLE CO.,
600 N. 25th St.,
PO Box 26

MICROFILM

JAN 21 1991

EXHIBIT "A"

1. Unpaid taxes for 1985 and prior years.
2. Any unpaid assessments levied by any irrigation district.
3. Power Line Easement given by J. H. Moore and Inez N. Moore, husband and wife, to Idaho Power Company, a corporation, dated May 27, 1963, recorded June 12, 1963 as Instrument Number 8233, Gooding County records, affecting a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 7 South, Range 13, East Boise Meridian.
4. Easement contained in Second Judgment and Decree of Condemnation in the case of The State of Idaho, ex rel, Wallace C. Burns, Ernest F. Gaffney and R. Doyle Symms, Idaho Board of Highway Directors, Plaintiff, vs. J. H. Moore and Inez Moore, husband and wife, Defendants, dated March 20, 1964, recorded March 20, 1964 as Instrument Number 10906, Gooding County records, affecting a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 7 South, Range 13, East Boise Meridian.
5. Power Line Easement given by Moore Egg Farm, Inc., to Idaho Power Company, a corporation, dated May 12, 1966, recorded November 23, 1966 as Instrument Number 20017, Gooding County records, affecting a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 7 South, Range 13, East Boise Meridian.
6. Terms and conditions of a Well Agreement by and between Moore Egg Farm, Inc., an Idaho corporation, and Robert M. Evans and Sydnee G. Evans, husband and wife, recorded June 10, 1980 as Instrument Number 83636, Gooding County records, affecting a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 7 South, Range 13, East Boise Meridian.

FURTHER SUBJECT to any right of redemption of any party that may exist by virtue of Judgment entered in Case Number 19437, Fifth Judicial District, District Court of the State of Idaho, in and for the County of Gooding, on the 11th day of February, 1986.

Grantees take title with the knowledge of the condition of the real property and its present state of disrepair, in "as is" condition.

MICROFILM

JAN 21 1986



WARRANTY DEED

For Value Received

Stephen W. Beane and Trudy R. Beane, husband and wife,
hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto
Anita G. Andersen, a single woman,
hereinafter referred to as Grantee, whose current address is
HC60, Box 1430, Bliss, ID, 83314
the following described premises, to-wit:

A parcel of land in the Northeast Quarter of the Northeast Quarter of Section 14, Township 7 South, Range 13, East of the Boise Meridian, Gooding County, Idaho, described as follows:

Beginning at a point on the East boundary line of State Highway right-of-way which point is 192 feet South of the North line of the Northeast Quarter of the Northeast Quarter of Section 14, Township 7 South, Range 13, East Boise Meridian, said point being in the said Northeast Quarter of the Northeast Quarter;
Thence East 220 feet;
Thence South 198 feet;
Thence West to the East boundary line of said Highway right-of-way;
Thence Northerly on the East boundary line of said right-of-way to the TRUE POINT OF BEGINNING.

Together with 0.04 cfs from Florence Livestock Spring for irrigation, stockwater and domestic purposes

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

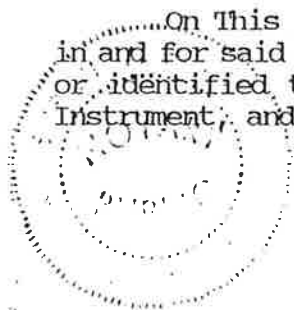
Dated: September 18, 1990.

Stephen W. Beane
Stephen W. Beane

Trudy R. Beane
Trudy R. Beane

STATE OF IDAHO)
COUNTY OF Gooding Ada) ss

On This 18th day of September, in the year 1990, before me, a Notary Public in and for said State, personally appeared Stephen W. Beane and Trudy R. Beane, known or identified to me to be the persons whose names are subscribed to the within Instrument, and acknowledged to me that they executed the same.



113322

STATE OF IDAHO, COUNTY OF GOODING

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

15 min. past 4 o'clock P M. this 19

Sept 1990

JOHN A. MYERS, Notary Public

John A. Myers
Notary Public for Idaho
Residing at Gooding, Idaho
Commission Expires: 10-16-92

fee
3.00

First American Title Company of Idaho

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

MICROFILMED

OCT 11 1994

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

DATE: NOV-14-1997

PAGE: A-1

RIGHTS FROM: SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

RIGHT NUMBER: 36-00050D

NAME AND ADDRESS: ANITA G ANDERSEN
18022-A US HIGHWAY 30
HAGERMAN ID 83332

SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.04 CFS

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

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/01/1901

POINT OF DIVERSION: T07S R13E S12 SESENW Within GOODING County

PURPOSE AND

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

PLACE OF USE: DOMESTIC Within GOODING County
T07S R13E S14 NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36/00049, 36/00050A, 36/00050B,
36/00092, 3602169, 36/08294 & 36/10047.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36-00049, 36-00050A, 36-00050C,
36-00092, 3602169, 36-08294 & 36-10047.

VERIFIED BY RB 11-14-97

Department of Water Resources
Southern Region

OCT 20 1997

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

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

In Re SRBA

SUBCASE(S) 36-00050D

Case No. 39576

SPECIAL MASTER'S REPORT

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

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

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

DATED: 10-20-97

Special Master

Snake River Basin Adjudication

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

In Re SRBA

Case No. 39576

SUBCASE(S): 36-00050D

NOTICE OF ISSUANCE and SERVICE

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

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

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

Representative of IDWR:

IDWR

Anita Anderson

Claimant/Attorney

Claimant/Attorney

Representative of U.S. Dept. of Justice

Party/Attorney

Party/Attorney

DATED 10-20-97

Daphne Lash
Deputy Clerk

OCT 20 1997

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

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

In Re SRBA

Case 39576

Subcase(s) 36-00050 D

STANDARD FORM 5

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

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

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

Date: 10/20/97

Royanne Brown
IDWR Concurrence

Antia J. Anderson
Claimant

Claimant/Attorney

Claimant/Attorney

Antia J. Anderson
Objector

Objector/Attorney

Objector/Attorney

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

DATE: OCT-16-1997

PAGE: A-1

RIGHTS FROM: SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

RIGHT NUMBER: 36-00050D

NAME AND ADDRESS: ANITA G ANDERSEN
18022-A US HIGHWAY 30
HAGERMAN ID 83332

SOURCE: FLORENCE LIVESTOCK SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.04 CFS

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

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/01/1901

POINT OF DIVERSION: T07S R13E S12 SESENW Within GOODING County

PURPOSE AND

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

PLACE OF USE: DOMESTIC Within GOODING County
T07S R13E S14 NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36-00049, 36-00050A, 36-00050C,
36-00092, 3602169, 36-08294 & 36-10047.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36-00049, 36-00050A, 36-00050C,
36-00092, 3602169, 36-08294 & 36-10047.

☐ RECOMMENDATION

OCT 20 1997


SPECIAL MASTER

SUBCASE NO. 36-00050D

	CLAIM* (9/1/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Ken Ellis Robert Meyers	N/A	Anita Andersen	XX address change.
BASIS OF CLAIM	Decree		Decree	
SOURCE	Spring		Florence Livestock Spring	
QUANTITY	0.46 cfs		0.04 cfs	
PRIORITY DATE	4/1/1901		4/1/1901	
PURPOSE OF USE	Irrigation Stockwater Domestic		Domestic	XX wants domestic, stockwater & irrigation
PERIOD OF USE	Irr.: 3/15 - 11/15 S.W.: 1/1 - 12/31 Domestic: 1/1 - 12/31		1/1 - 12/31	XX all uses year round
POINT OF DIVERSION	T07S R13E S12		T07S R13E S12	
PLACE OF USE	T07S R13E S14 17.0 acres		T07S R13E S14	
remarks	Portion of decreed right #36-00050.		The following rights are also diverted through point of diversion described above: 36- 00049, 36-00050A, 36- 00050C, 36-00092, 36- 02169, 36-08294 & 36- 10047.	

*claimed under 36-00050B. This right was split into 36-00050 C for 0.42 cfs (Ellis/Meyers) and 36-00050D for .04 cfs (Andersen).

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 11 1994

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

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

Case No. 36-00050D -0001

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

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

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

2. Person who filed objection:

Name: ANITA G ANDERSEN
Address: PO BOX 415
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

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
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 item 1, IDWR responds that it will change the claimant's address on its records to that shown on the objection. This, however, may not change the claimant's address on the records of the SRBA Court. The Court has developed its "Standard Form 3" to be used for reporting matters such as address changes and changes in ownership. The

claimant may need to file this form with the SRBA Court.

In response to Statement of the Objection item 7, and all allegations of the objection regarding that item, IDWR responds that it recommended the same purpose or purposes of use that were identified on the notice of claim and that were found when the claim was investigated. This water right was originally claimed as water right no. 36-00050B by the predecessor in interest of the present claimant. However, because of a change in ownership during the investigation of the claim, the right was split into two separate rights, water right nos. 36-00050C and 36-00050D. Water right no. 36-00050C was the portion retained by the present claimant's predecessor in interest, and water right no. 36-00050D was recommended in the name of the present claimant. The irrigation and stockwater uses identified in the notice of claim were recommended under water right no. 36-00050C. Domestic use was the only beneficial use of water found and recommended under water right no. 36-00050D.

In response to Statement of the Objection item 8, and all allegations regarding this item, IDWR responds as follows: IDWR recommended the season of use as claimed.

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

(Over)

MICHOE (WED)

☒ 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. A36-00050D	4
IDWR's Response to Answer, Affirmative Defenses and Prayer For Relief of Claimant	4

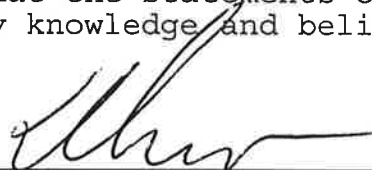
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

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



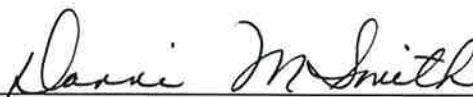
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 30th day of August,
1993.



Notary Public for Idaho

Residing at: _____

My Commission expires: _____

Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

(Over)

001 1 1 mgd
PUBLISHED

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of AUGUST, 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:

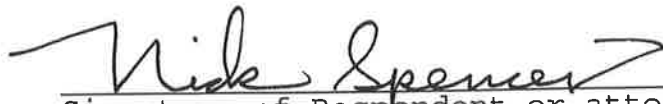
See No. 3

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: A36-00050B/D
Date Received: 9/01/1988
Receipt No: S002011
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KEN ELLIS
Address:

BUHL, ID 83316

OR

Name: ROBERT MEYERS
Address: RT. 5 BOX 5053
BUHL, ID

208-543-4312

83316

2. Date of Priority: APR 01, 1901

3. Source: SPRING

Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	12	SE	SE	NW		GOODING

5. Description of diverting works:
16" PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.460		
STOCKWATER	01/01	12/31	0.460		
DOMESTIC	01/01	12/31	0.080		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

D/ 3 HOUSES S/ 200,000 POULTRY

A36-00050B

Page 1

Date: 09/01/88

MICROFILMED
OCT 11 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	14	NE	NE		IRR	17.0
			NE	NE		DOMEST	
			NE	NE		STOCK	

Section Acres 17.0

Total Acres 17.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A36-00093, A3610812

14. Remarks:
PORTION OF DECREED WR #36-0050.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER CO.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X 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): Don Ellis Date: 9-1-88

Date: _____

State of Idaho)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 1st day

of September 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, ID

My Commission Expires 6-30-94

tion line; thence 32 rods due south at right angles; Thence 50 rods due West at right angles; thence 32 rods due north to the point of beginning.

Also: All of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 13, Twp. 7 S. R. 13 E. B. M., save and excepting therefrom, four acres, described as follows: Beginning at the northwest corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 13, Twp. 7 S. R. 13 E. B. M., thence east 20 rods, thence south 32 rods, thence west 20 rods, thence north 32 rods to point of beginning.

36-0048

FLORENCE
LIVESTOCK
COMPANY

36-0049

10 Billingsley Creek Nov. 4, 1885 Florence Livestock Company Ditch;
9.7 Spring April 1, 1900 Florence Livestock spring;

(The diversion point of said Florence Livestock Company Ditch is immediately below the old railroad fill on the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 13, Twp. 7 S. R. 13 E. B. M. The diversion point of said Florence Livestock Spring is on the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 12, Twp. 7 S. R. 13 E. B. M.)

appurtenant to

SW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 12; the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ both in Sec. 11; the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the NW $\frac{1}{4}$, both in Sec. 13; all in Twp. 7 S. R. 13 E. B. M.

36-0050

.5 Spring April 1, 1901 Florence Livestock Spring;

appurtenant to

A certain parcel of land situate in Sec. 14, Twp. 7 S. R. 13 E. B. M. more particularly described as follows, to-wit: Beginning at the northwest corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 14, Twp. 7 S. R. 13 E. B. M. and running thence East 1320 feet, thence South 330 feet, thence West 1320 feet, thence North 330 feet to place of beginning, containing 10 acres.

36-0051

GLAUNER,
JOHN AND
EMMA A.
GLAUNER

1.2 Billingsley Creek June 26, 1881 John Bell Ditch;
.4 Unnamed Springs June 26, 1881 4 Unnamed Spring

(The diversion point of said John Bell Ditch is on the bank of Billingsley Creek 30 yards below the diversion point of the Buckeye Ditch heretofore described. Said four unnamed springs arise on the land described immediately hereafter.)

appurtenant to

These certain tracts of land more particularly described as follows, to-wit:

436-00050B

3.97 ac.

Commencing at the northwest corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, Twp. 7 S. R. 13 E. B. M.; thence running south along the west boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, township and range aforesaid 208 feet; thence east parallel to the north boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, Township and Range aforesaid 832 feet; thence north 208

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

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

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

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OCT 11 1994

- 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.

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: A36-00050B
Date Received: 9/01/1988
Receipt No: S002011
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: **SPLIT CLAIM** 208-543-4312
Address: BUHL, ID 83316

2. Date of Priority: APR 01, 1901

3. Source: **SPRING** Trib. to: BILLINGSLEY CREEK
SPLIT CLAIM

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	12	SE	SE	NW		GOODING

5. Description of diverting works:
16" PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.460		
STOCKWATER	01/01	12/31	0.460		
DOMESTIC	01/01	12/31	0.080		

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

8. Total consumptive use is 52.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 3 HOMES; STOCKWATER, 200,000 POULTRY

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	13E	14	NE	NE		IRR	17.0

A36-00050B

Page 1

Date: 10/03/90

MICROFILMED
OCT 11 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	14	NE	NE		DOMEST	
			NE	NE		STOCK	

Section Acres 17.0

Total Acres 17.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A36-00093, A36-10812

14. Remarks:

THIS CLAIM IS FOR REFERENCE ONLY. IT HAS BEEN SPLIT INTO
A36-00050C FOR 0.42 CFS FOR ELLIS & MEYERS AND
A36-00050D FOR .04 CFS FOR ANDERSEN.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER CO.
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[] Water Right Number(s): Part of #A36-00050B

[] Name and Address of
Former Claimant: Ken Ellis or Robert Meyers

Route #3, Box #50

Buhl, Idaho 83316

[] New Claimant(s): Anita G. Andersen

[] New Mailing Address: 18022-A U. S. Highway #30

Hagerman, Idaho 83332

New Telephone Number: (208) 837 - 4876

[] Does the change in ownership result in a splitting of the
water right claimed? X yes no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

0.04 cfs from Florence Livestock Spring for irrigation , stockwater &
domestic purposes

[] Attach proof of ownership Describe proof attached: Copy of the Stipulation for Judgment, Warranty
Deed from Evans to Beane & Warranty Deed from
Beane to Andersen

[] Signature of New Claimant(s): Anita G. Andersen

Date: September 19, 1990

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

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OCT 11 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00050B
Date Received: 9/01/1988
Receipt No: S002011
Received By: SCC

COPY
FOR YOUR FILES
DO NOT RETURN

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

1. Name: KEN ELLIS
Address:

BUHL, ID 83316

OR

Name: ROBERT MEYERS
Address: RT. 5 BOX 5053
BUHL, ID

208-543-4312

83316

2. Date of Priority: APR 01, 1901

3. Source: SPRING

Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	12	SE	SE	NW		GOODING

5. Description of diverting works:
16" PIPELINE

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Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.460		
STOCKWATER	01/01	12/31	0.460		
DOMESTIC	01/01	12/31	0.080		

7. Total Quantity Appropriated is:
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A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

D/ 3 HOUSES S/ 200,000 POULTRY

A36-00050B

Page

1

Date: 09/01/88

MICROFILMED
OCT 11 1994

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	14	NE		NE		IRR	17.0
			NE		NE		DOMEST	
			NE		NE		STOCK	

Section Acres 17.0

Total Acres 17.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A36-00093, A3610812

14. Remarks:
PORTION OF DECREED WR #36-0050.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER CO.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X 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): _____ Date: 9-1-88

_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of September 19 88 Roxanne

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Ia

My Commission Expires 6-30-94

tion ne; thence 32 rods due south at right angles; Thence 50 rods due West at right angles; thence 32 rods due north to the point of beginning.

Also: All of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 13, Twp. 7 S. R. 13 E. B. M., save and excepting therefrom, four acres, described as follows: Beginning at the northwest corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 13, Twp. 7 S. R. 13 E. B. M., thence east 20 rods, thence south 32 rods, thence west 20 rods, thence north 32 rods to point of beginning.

36-0048
36-0049
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LIVESTOCK
COMPANY

10 Billingsley Creek Nov. 4, 1885 Florence Livestock
Company Ditch;
9.7 Spring April 1, 1900 Florence Livestock
spring;

(The diversion point of said Florence Livestock Company Ditch is immediately below the old railroad fill on the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 13, Twp. 7 S. R. 13 E. B. M. The diversion point of said Florence Livestock Spring is on the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 12, Twp. 7 S. R. 13 E. B. M.)

appurtenant to

SW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 12; the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ both in Sec. 11; the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ of the NW $\frac{1}{4}$, both in Sec. 13; all in Twp. 7 S. R. 13 E. B. M.

36-0050

.5 Spring April 1, 1901 Florence Livestock
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appurtenant to

A certain parcel of land situate in Sec. 14, Twp. 7 S. R. 13 E. B. M. more particularly described as follows, to-wit: Beginning at the northwest corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 14, Twp. 7 S. R. 13 E. B. M. and running thence East 1320 feet, thence South 330 feet, thence West 1320 feet, thence North 330 feet to place of beginning, containing 10 acres.

36-0051
GLAUNER,
JOHN AND
EMMA A.
GLAUNER

1.2 Billingsley Creek June 26, 1881 John Bell Ditch;
.4 Unnamed Springs June 26, 1881 4 Unnamed Spring

(The diversion point of said John Bell Ditch is on the bank of Billingsley Creek 30 yards below the diversion point of the Buckeye Ditch heretofore described. Said four unnamed springs arise on the land described immediately hereafter.)

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These certain tracts of land more particularly described as follows, to-wit:

Commencing at the northwest corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, Twp. 7 S. R. 13 E. B. M.; thence running south along the west boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, township and range aforesaid 208 feet; thence east parallel to the north boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, Township and Range aforesaid 832 feet; thence north 208

3.97 ac.

436-00050B

MICROFILMED
OCT 11 1994

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No:

5015296

RECEIVED

JAN 21 1993

Department of Water Resources
Southern Region Office

Date:

Time:

1/21/1993

Received

From:

ANDERSEN ANITA G.

Type of Payment

Program Acct Class

Amount

FEE FOR COPY OF ADJUDICATION CLAIM

64100

229 21 1760

3.61

Total

CHECK

8345

\$3.61

Region: SOUTHERN

Signature: R. Jost

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

19-Jan-1993

ANITA ANDERSEN
PO BOX 415
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00050D

Dear Ms. Andersen:

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

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

\$3.61

Sincerely,



Jeanie Robertson
Records Clerk

Encl:

MICROFILMED
OCT 11 1994

RECEIVED

JAN 13 1993

Department of Water Resources
Southern Region Office

1-12-93
(Date)

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in my file as it relates to water right number 36-00050D.

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,

Arita J. Anderson
(Name)

Box 415
(Address)

Hagerman, Id. 83332
(City, State, Zip Code)

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

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OCT 11 1994

RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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

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

Case No. A36-00050D
(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,

Respondents.

36-00050D -0001/
93-04-0056

INSTRUCTIONS

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

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

(Over)

MICROFILMED
OCT 11 1994

JUL 1 1980
RECORDED

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: Anita G. Andersen

Address: P. O. Box 415

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Water right decreed 03/22/32 in

New International Mortgage Bank v. Idaho Power

Company; priority date 04/01/1901

2. Owner of the water right:

Name: Anita G. Andersen

Address: P. O. Box 415

Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

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

Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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12. ☐ Water Right Recommendation: I object to:

a. ☐ this water right being recommended at all; or

b. ☐ this water right not being recommended.

13. ☐ Description of Reservation: I object to the legal description of the reservation.

14. ☒ Other: I object to: See attached

REASONS SUPPORTING EACH BOX CHECKED

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

See page 7

CHANGES TO THE DIRECTOR'S REPORT

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

Address: see paragraph 2, page 2; purpose of use: domestic,

stock water and irrigation; period of use: 1/1 through 12/31

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

☒

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

See Hagerman Water Right Owners, Inc.'s

Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of ~~Twin Falls~~ Gooding

Anita G. Andersen, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

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

Anita G. Andersen
Signature of person filing objection

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

Subscribed and sworn to before me this 16th day of April,
1993.

[Signature]
Notary Public for Idaho
Residing at: HAGERMAN Idaho
My Commission Expires: 5-10-97

(Over)

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INSTRUCTIONS FOR MAILING

001111001
You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Owner name: Anita G. Andersen
Owner's address: P. O. Box 415
Hagerman, Idaho 83332

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

Box 1 - See Paragraph 2, page 2 for correct name and/or address.

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

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

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DESCRIPTION OF THE WATER SYSTEM: BASIN 36**1. BOUNDARIES OF BASIN. (DRP-I at pages 4 - 6)**

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

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

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

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

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

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

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

EXHIBIT 10

INCL. 10/17/21

AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

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AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

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

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

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

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

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(WATER\21530ANS)



ANITA G. ANDERSEN
P.O. BOX 415
HAGERMAN, ID. 83332



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Department of Water Resources

JAN 21 1993

222 Shoshone St. E.

Department of Water Resources
Southern Region Office

Twin Falls, Id.

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ANITA G ANDERSEN
PO BOX 415
HAGERMAN ID 83332

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JAN 13 1993

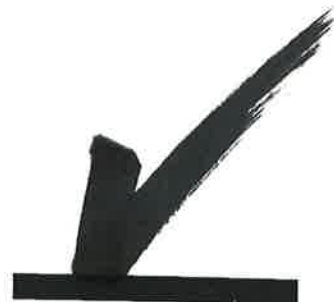
Department of Water Resources
Southern Region Office

Idaho Department

222 Shoshone

Twin Falls,

R PROOF



CVR



MAPS



PHOTOS



MISC



Water Right Number - R36-00050D Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***
ANDERSEN ANITA G 1 - 18022-A US HIGHWAY 30
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-4876

+ - - Priority Date - - + + - - Region - - + + - - Stage - - - + + - - Status - - - +
04/01/1901 ERROR IN REGION D - DECREED

+ - - - - Source - - - - + + - - - Tributary - - - - - +
FLORENCE LIVESTOCK SPRING BILLINGSLEY CREEK

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
07S 13E 12 SE SE NW (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
43 - DOMESTIC 01/01 12/31 0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.040 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 13E 14 NE NE 43 DOMESTIC (47) GOODING

Total Acres:

+ - - Diversion Means - 16" PIPELINE

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

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 36-00049, 36-00050A, 36-00050C,
36-00092, 3602169, 36-08294 & 36-10047.

+ - - - - Old Water Right Numbers - - - - - +
3600050

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Water right number - R36-00050D

Prefix Translation: RESEARCH

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

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

+ - - - - Comments - - - - -
Date: 02/06/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS
THIS CLAIM IS A SPLIT FROM A36-00050B. A36-00050C FOR 0.42 CFS FOR ELLIS & MEYERS, AND A36-00050D FOR .06 CFS FOR ANDERSEN.

+ - - Audit Fields - - +
08/05/92 WORSTELL

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/23/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/05/1992	Old Judicial District	-
Claim Received Date	- 09/01/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X999999	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:54:46
12/17/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00050D

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			7-23-90	N		See 2-6-92	DB	
POINT OF DIV	Y			Y	1,5	See 8-5-92		
SOURCE	Y			Y	1,5			
PLACE OF USE	Y			Y	1,4,5			
DIV. AMOUNT CFS/VOLUME	Y			Y	6. STDS			
CONSUMPTIVE USE	-			Y				
PURPOSES	Y			Y	5			
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS	Y			N	6,			

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:54:46
12/17/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00050D

LAST: ANDERSEN FIRST: ANITA G.
ADDRESS: 18022-A US HIGHWAY 30
CITY: HAGERMAN STATE: ID ZIP: 83332
PHONE NUMBER: 208-837-4876

OWNER CODE: C

FIELD EXAM REQUIRED? FIELD
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE EXAMINER
Y

CLAIM REMARKS: THIS CLAIM IS A SPLIT FROM A36-00050B. A36-00050C FOR 0.42 CFS
FOR ELLIS & MEYERS, AND A36-00050D FOR .06 CFS FOR ANDERSEN.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER: (____) ____-____
DATE OF FIELD EXAM: ____/____/____ APPOINTMENT MADE: Y(____) N(____) TIME: ____:____ A(____) P(____)
ACCOMPANIED BY: _____ PHONE NUMBER: (____) ____-____
RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

12-17-90 2:30 pm Placed call to Anita Andersen RE: USE of well ? = No Answer. (SCC)
See Memo of completed call: 2-6-92

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A. AJ CLAIM: # A36-00050D PRIORITY DATE: 04-01-1901 STAGE: D

B. WR RECORD: # 36-00050 PRIORITY DATE: 04-01-1901 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
N

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

REMARKS:

RECOMMENDED PRIORITY DATE:
04-01-1901

REVIEWED BY

JCC

DATE

12-17-90

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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
A36-00050D	07S	13E	12	SE	SE	NW		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-00050B	NONE

A36-10208
A36-00049
A36-00050A
A36-00092
A36-00050C
A36-00049A

WR RECORDS IN SAME 40 ACRE TRACT

36-00049
36-00092
36-00093
36-02169
36-08294

SOURCE: SPRING

TRIB: BILLINGSLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-00050	07S	13E	12		SE	NW		GOODING

OTHER WR RECORDS WITH SAME WR POD

36-00049
36-00092
36-00093
36-02169
36-08294

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A36-08294	NONE
A36-10047	

SOURCE: FLORENCE LIVESTOCK SPRING

TRIB: BILLINGSLEY CREEK

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)
DUE TO SOURCE DISCREPANCY?	(Y/N)

DATABASE	Y
	Y

FIELD
EXAMINER

~~_____~~
~~_____~~

MICROFILMED

JAN 21 1993

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>7S.</u>	<u>13E.</u>	<u>12</u>	<u>SE</u>	<u>SE</u>	<u>NW</u>	<u>—</u>	<u>47</u>

SOURCE: FLORENCE LIVESTOCK SPRING

TRIB: BILLINGSLEY CREEK

REVIEWED BY: SCC

DATE: 12-17-90

VIA PIPELINE

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JAN 21 1993

A. ROOT WATER RIGHT NUMBERS: A36-00050A
A36-00050B
A36-00050C
A36-00050D

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	14	NE	NE		ANDERSEN , ANITA G.	A36-00050D / 1.0	- /	23.0		
						MEYERS , ROBERT	A36-10812 /	- /			
						ELLIS , KEN	A36-00050C /	- /			
						HAGERMAN WATER USERS ASSOCIATIA	A36-00057 /15.0	- /			
						CITY OF HAGERMAN	A36-02465 /	- /			
						ERWIN , FRANK C.	A36-00092 /16.0	36-00092 /			
						MEYERS , ROBERT	A36-00093 /17.0	36-00093 /			
						CITY OF HAGERMAN	R36-02465 /	- /			
						FLORENCE LIVESTOCK CO.		36-00050 /			
						STRANGER , WILLIAM		36-04028 /12.0			
07S	13E	14	NE	NE		ANDERSEN , ANITA G.	A36-00050D /	- /	23.0		
						MEYERS , ROBERT	A36-10812 /	- /			
						ELLIS , KEN	A36-00050C /	- /			
						HAGERMAN WATER USERS ASSOCIATIA	A36-00057 /15.0	- /			
						CITY OF HAGERMAN	A36-02465 /	- /			
						ERWIN , FRANK C.	A36-00092 /16.0	36-00092 /			
						MEYERS , ROBERT	A36-00093 /17.0	36-00093 /			
						CITY OF HAGERMAN	R36-02465 /	- /			
						FLORENCE LIVESTOCK CO.		36-00050 /			
						STRANGER , WILLIAM		36-04028 /12.0			
07S	13E	14	NE	NE		ANDERSEN , ANITA G.	A36-00050D /	- /	23.0		
						MEYERS , ROBERT	A36-10812 /	- /			
						ELLIS , KEN	A36-00050C /	- /			
						HAGERMAN WATER USERS ASSOCIATIA	A36-00057 /15.0	- /			
						CITY OF HAGERMAN	A36-02465 /	- /			
						ERWIN , FRANK C.	A36-00092 /16.0	36-00092 /			
						MEYERS , ROBERT	A36-00093 /17.0	36-00093 /			
						CITY OF HAGERMAN	R36-02465 /	- /			
						FLORENCE LIVESTOCK CO.		36-00050 /			
						STRANGER , WILLIAM		36-04028 /12.0			
TOTAL ACRES							A36-00050D	1.00	69.00		

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

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JAN 21 1993
Domestic
USE

PRESUMPTION FLAG:

REMARKS:

No irrigation, stockwater, poultry or Feed Mill uses found.

Recommended: Domestic
1 House & 1/2 Acre irrigation

RECOMMENDATIONS:

TOTAL ACRES:

0

REVIEWED BY:

SCe

DATE:

12-17-90

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00050D IRRIGATION	FROM 03-15 TO 11-15	.020 CFS
A36-00050D STOCKWATER	FROM 01-01 TO 12-31	.020 CFS
A36-00050D DOMESTIC	FROM 01-01 TO 12-31	.040 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.060 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00050 IRRIGATION	FROM TO	.500 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.500 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	<u>Y</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	<u>Y</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	<u>Y</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(X)

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

Domestic only

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.060 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.500 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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B. FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00050D	SPRING	ANDERSEN , ANITA G.	0.060	0.060		
A36-00057	SPRINGS	HAGERMAN WATER USERS ASSOCIATI	36.200	0.073		
A36-00050C	SPRING	ELLIS , KEN	0.420	0.026		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-00050D	STOCKWATER	ANDERSEN , ANITA G.	FROM 01-01 TO 12-31	.020 CFS	
A36-00050D	DOMESTIC	ANDERSEN , ANITA G.	FROM 01-01 TO 12-31	.040 CFS	
A36-10812	DOMESTIC	MEYERS , ROBERT	FROM 01-01 TO 12-31	.080 CFS	
A36-10812	STOCKWATER	MEYERS , ROBERT	FROM 01-01 TO 12-31	.200 CFS	
A36-00050C	STOCKWATER	ELLIS , KEN	FROM 01-01 TO 12-31	.460 CFS	
A36-00050C	DOMESTIC	ELLIS , KEN	FROM 01-01 TO 12-31	.060 CFS	
A36-00057	STOCKWATER	HAGERMAN WATER USERS ASSOCIATI	FROM 01-01 TO 12-31	.300 CFS	
A36-02465	MUNICIPAL	CITY OF HAGERMAN	FROM 01-01 TO 12-31	4.000 CFS	
A36-00092	STOCKWATER	ERWIN , FRANK C.	FROM 01-01 TO 12-31	.020 CFS	
A36-00092	DOMESTIC	ERWIN , FRANK C.	FROM 01-01 TO 12-31	.120 CFS	
A36-00093	STOCKWATER	MEYERS , ROBERT	FROM 01-01 TO 12-31	.300 CFS	
A36-00093	DOMESTIC	MEYERS , ROBERT	FROM 01-01 TO 12-31	.080 CFS	
R36-02465	MUNICIPAL	CITY OF HAGERMAN	FROM 01-01 TO 12-31	4.000 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

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

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 3.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(☒)

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

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*IDWR standards for 1 Acre = 0.04 cfs
(This agrees with the change of ownership)*

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
DOMESTIC	1-1 12-31	0.04		
TOTAL FOR THIS RIGHT		0.04		

REVIEWED BY: Sec

DATE: 12-17-90

NOTE:

This is Based of the field exam done on A36-00050B which found 3 Houses as claimed. The well claimed under A36-10812 is for the same 3 Homes but was not mentioned in the change of ownership. No reference is made in this Recommendation for that portion. (12-17-90 Sec)

(FOG) other rights same PoD

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED
(X)
()
()

NEEDS
REVIEW
()
(X)
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00050

TOTAL DIVERSION RATE OF WR SPLITS
DATABASE 0.300

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-00040	A36-00050A	0.040	- A	.04	36-00040	0.300
A36-00050	A36-00050C	0.420	- C	.04	36-00050	0.500
A36-00050	A36-00050D	0.060	- D	.04	36-00050	0.500
TOTAL CFS		0.520		0.12		0.300

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)

FIELD
EXAMINER
DATABASE
N

REMARKS:

SPLIT = OK
See A36-00050B + A36-00050 for Split Review.

on 8-5-92

AUTHENTICATION:

SIGNATURE:

[Signature]

DATE:

12-17-90

NAME OF FIELD EXAMINER:

TITLE:

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JAN 21 1993

MARK AND CONDITION CODE WORKSHEET

SYSTEM CLAIM NUMBERS

R36 00050D

AGENT

INITIALS

Sc

DATE

8-5-92

**CLAIM NO.
OR ENTRY
ORDER**

REMARK
CODE

ENTRY DATA

**CONDITION
CODE**

STAGE
OR
STATU

**PRESUMPTION
CODE**

F06

36-00049, 36-00050A,
36-00050C, 36-00092
36-02169, 36-08294 &
36-10047

Water Disf

36 A:

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JAN 21 1993

A36-00050 D
ANDERSEN

CONVERSATION MEMORANDUM

NAME OF PARTY CLIFF JENSEN
EMPLOYEE: STEVE CLELLAND

DATE 8-14-90
FILE A36-00050B
A36-00093

RE: Abandonment.

Mr. Jensen agreed the water from Florence Livestock Spring has not been used here for over 5 years.

He says the property was involved in several lawsuits which prevented the operation of any beneficial uses.

The ^{White} House and one acres on the north end next to the highway are now under separate ownership.

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CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A34-00050 D

RE: WATER SOURCES USED

DATE 2-6-92

NAME OF PARTY

ANITA ANDERSON

I called and explained her filings in the SRBA then asked her if she used any well water. She said no, her only water is from the spring and it comes thru a community pump that is very old.

I asked if any houses there used well water and she said none... Then said maybe one house "down below" has a well.

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