State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED
DEC 27 2001
Department of Water Resources

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 21, 2001

RAIDA LOVELAND
LAMAR LOVELAND
PO BOX 777
HAGERMAN ID 83332

Re: Snake River Basin Adjudication (SRBA)
Water Right(s) #36-51A, 36-51H, 36-54A, 36-7323, 36-13162, 36-13163
Change of Address

Records Modified 12-27-01. -SS

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary **and list any other water rights you may have** before returning this letter by January 11, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#######

The address is correct as shown above or as otherwise changed.

LaMar Loveland
Claimant Signature

837-4300
Telephone No.

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S POSTAL SERVICE
PS FORM 3547

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S POSTAL SERVICE
PS FORM 3547

Snake River Basin Adjudication
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

ADDRESS SERVICE REQUESTED

BOISE NOV 27 01 ID

U.S.POSTAGE 0.80

LOVE450 833502006 1801 07 11/29/01
FORM 3547

LOVELAND
18950 AUTUMN WAY
MONUMENT CO 80132-9017

LOVELAND, LARRY E
~~RT 3 BOX 3269~~
RUPERT ID 83350 1450

36-7580
36-12046

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	JOSEPH A SHEA JR	06/26/1881	IRRIGATION	03-15	11-15	0.120 CFS	
C	MARSHA A MORELLO						
	PO BOX 777				TOTAL DIVERSION:	0.120 CFS	
	HAGERMAN ID 83332						
	(208) 837-4403						
D	WALTEN E MILDREN						
D	MARJORIE J MILDREN						
	PO BOX 5715						
	SUN CITY WEST AZ 85376						

Water Source: BILLINGSLEY CREEK Tributary to: SNAKE RIVER Stage: DECREED

Point(s) of Diversion: T07S R13E S11 NESENE GOODING County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
07S	13E	2													03				3.0
																		TOTAL ACRES	3.0

POU County: GOODING

Other Rights: 36-00054A

Remarks: GEN WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.
0.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
USE OF THIS RIGHT WITH RIGHT NO. 36-00054A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.12 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 9.0 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 3.0 ACRES IN A SINGLE IRRIGATION SEASON.

Dates: Exam Made Date: Verified Date: Objection Filed Date: 04/29/1993

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

Form 42-248/42-1409(6) 12/2/96

decreed NCAP

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
JAN 12 1999
Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page. Incomplete forms will be returned.

1. Water Right Number(s) A 36-00051A

   Adjudication Claim Number(s) _____

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

   A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

   AND

   B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.) OR

   C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) WALTEN E. MILDREN AND M. JOAN MILDREN

   P.O. BOX 5715
   SUN CITY WEST, ARIZONA 85376

4. New Owner/Claimant(s) JOSEPH A. SHEA JR AND MARSHA A. MORELLO

   Name connector (Check one): [ ] AND, [ ] OR, [ ] AND/OR

   New Mailing Address 30600 NORTH PIMA ROAC, #39

   City, State and ZIP Code SCOTTSDALE, AZ 85262

   New Telephone Number (602) 488-6102

5. Date you acquired the property 7-31-98 per Warranty Deed #176555, Copy attached

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

   Number of acres actually irrigated _____ Number and type of stock _____

   Diversion rate in CFS _____ (cubic feet per second) Number of homes _____ Other uses _____

   If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Joseph A. Shea, Jr. Date 1-5-99
   JOSEPH A. SHEA JR

   Marsha A. Morello Date 1-5-99
   MARSHA A. MORELLO

   (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

WARRANTY DEED

#G-27124

For Value Received

WALTEN E. MILDREN AND M. JOAN MILDREN, TRUSTEES UNDER THE GENE AND JOAN MILDREN LIVING TRUST DATED MARCH 29, 1995

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

JOSEPH A. SHEA JR. and MARSHA A. MORELLO, HUSBAND AND WIFE
Address: 30600 NORTH PIMA ROAD, #39, Scottsdale, AZ 85262

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

SEE EXHIBIT "A" ATTACHED HERETO

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Assessments of any local irrigation district.

TAXES for 1998 and subsequent years, which are a lien but not yet due and payable.

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

Dated: July 31ST, 1998

WALTEN E. MILDREN, Trustee

M. JOAN MILDREN, Trustee

STATE OF IDAHO)
) ss.
COUNTY OF GOODING)

On this 31ST day of July, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared WALTEN E. MILDREN and M. JOAN MILDREN, known or identified to me to be the persons whose names are subscribed to the within instrument as Trustees for the GENE AND JOAN MILDREN LIVING TRUST DATED MARCH 29, 1995, and acknowledged to me that they executed the same as such Trustees.

BETTY FREDERICKSEN
NOTARY PUBLIC
STATE OF IDAHO
Gooding County, Idaho
Commission Expires 1-25-2000

Notary Public
Residing at: Gooding, Id
My Commission expires: 3-29-2000

176555

STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of Land Title & Escrow Inc.
42 min. past 3 o'clock P m. this 31ST
of July, 1998 600
By Penny Archibald Deputy

CONTINUATION

SCHEDULE A

Order Number: G-27124

TRACT I

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

Section 2: Part of the NE¼SE¼ described as follows:

Beginning at a point on the Easterly right-of-way of U.S. Highway No. 30, Project F-2361 (18) according to the survey thereof, which point is 208.00 feet South and 30 feet East of the Southwest corner of said NE¼SE¼;

Thence Northwesterly along said Highway right-of-way, 855.65 feet to a point on said right-of-way opposite Station 238 + 69.56;
Thence North 88°22' East, 440.00 feet to the TRUE POINT OF BEGINNING;
Thence North 1°38' West, 129.83 feet;
Thence North 88°22' East, 76.87 feet;
Thence North 0°48' West, 463.70 feet more or less to a point 107 feet 3 inches (107.25 feet measured) South of the North boundary of said NE¼SE¼;
Thence East parallel with the North boundary of said NE¼SE¼ to a point of intersection with the East boundary of said NE¼SE¼;
Thence South along the East boundary of said NE¼SE¼ to point 592.83 feet North of the Southeast corner of said NE¼SE¼;
Thence West 587.19 feet;
Thence South 85°35' West, 246.03 feet;
Thence North 64°48' West, 103.40 feet;
Thence South 88°22' West, 94.80 feet to the TRUE POINT OF BEGINNING.

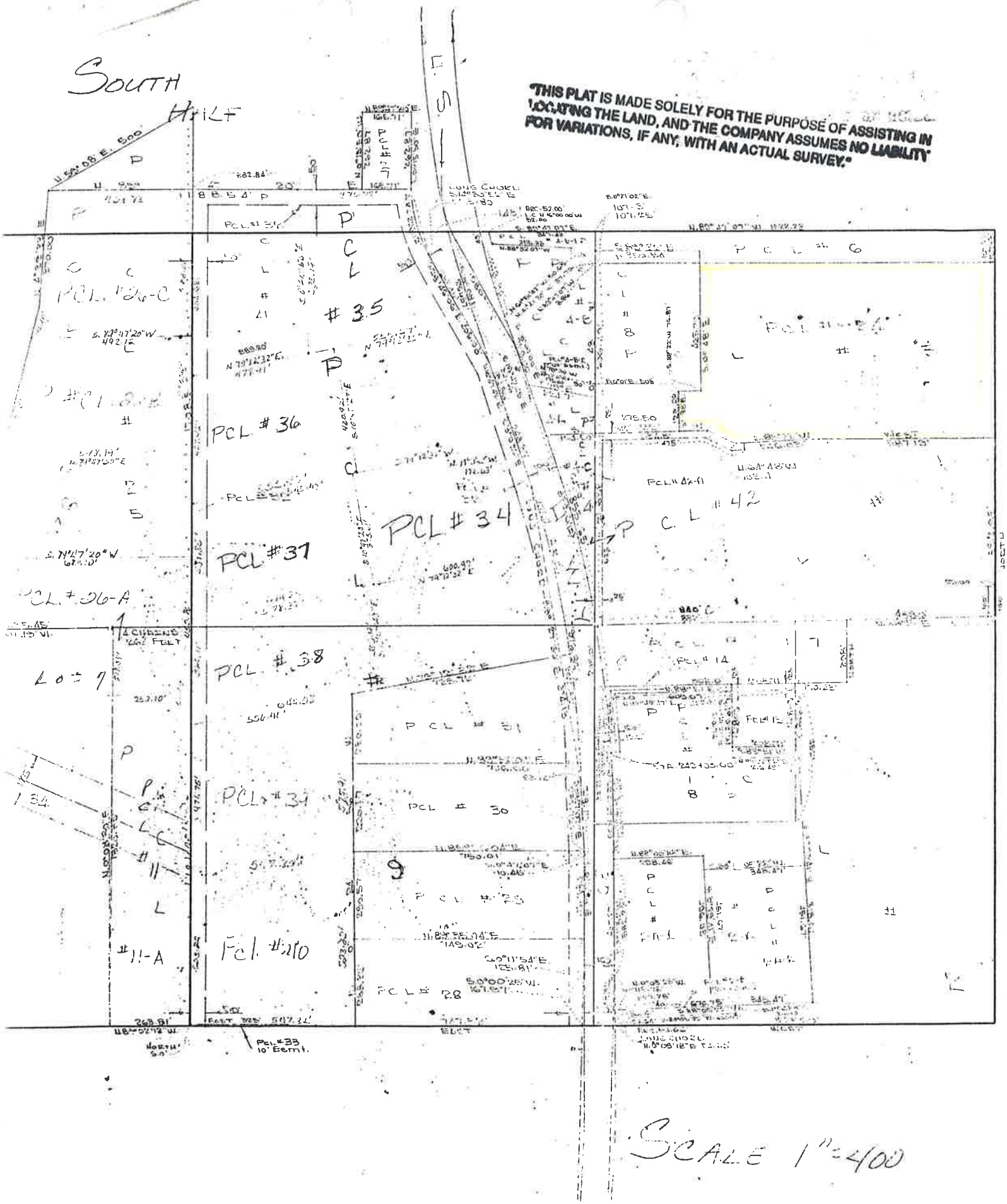
TOGETHER WITH AN EASEMENT AS FOLLOWS:

TRACT II

An existing road right-of-way for ingress and egress along the West line of said NE¼SE¼ and running a distance of approximately 625 feet North from the Southwest corner of said NE¼SE¼ and also a road right-of-way 25 feet in width and running parallel to the South boundary line of said property, a distance of approximately 475 feet East from the West line of said NE¼SE¼ as set forth in microfilmed Instrument Number 28712.

TOGETHER with thirty (30) miner's inches of water from the John Bell Ditch being a part of Water Right Number A 36-00051; Water Number A36-00054 for .4 C.F.S.; and State of Idaho Water Right License 36-7323 for .06 C.F.S.

SEC. 2 TWP. 7 S RGE. 12 EBM.



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

RECEIVED
JUN 27 1989
Department of Water Resources
Southern Region Office

A36-00051A
Ident. Number: ~~A36-00051~~
Date Received: 7/25/1988
Receipt No: S001083
Received By:

TB 2/1/91

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

COPY
FOR YOUR FILES
DO NOT RETURN

1. Name: WALTEN E. MILDREN 208-837-4770
   Address: BOX 510
   HAGERMAN, ID 83332
   AND/OR
   Name: MARJORIE J. MILDREN 208-837-4770
   Address: BOX 510
   HAGERMAN, ID 83332

2. Date of Priority: JUN 26, 1881

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	13E	11	SE NE		GOODING

5. Description of diverting works:
   VIA JOHN BELL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED
OCT 11 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	13E	2	NE	SE		IRR	4.0
						Section Acres	4.0
						Total Acres	4.0

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:
YES A36-00054, A3607323

14. Remarks:
P/U INCOMPLETE. SEE FILE.
THIS PROPERTY WAS SOLD BY JACK MARTIN TO MR. & MRS. MILDREN ON JUNE 1, 1989.

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

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

MICROFILMED
OCT 11 1994

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): [signature] Date: 6-20-89

[signature] Date: 6-20-89

State of Idaho)
) SS.
County of Gooding)

Subscribed and sworn (or affirmed) before me this 20th day of June 19 89

[signature]
Notary Public

Seal

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

MICROFILMED
OCT 11 1994

G-001049 G-00671

WARRANTY DEED

For Value Received, **Jack M. Martin** and **Lillias P. Martin**, husband and wife, of 8601 Roberts Drive # 2-2, Dunwoody, Georgia, 30350, the Grantors, do hereby grant, bargain, sell and convey unto **Walten E. Mildren** and **Marjorie J. Mildren**, husband and wife, whose current address is Route # 1, Hagerman, Idaho, 83332, the Grantees, all of their right, title and interest in and to certain real property located in Gooding County, Idaho, and more particularly described as follows, to-wit:

TRACT I

Township 7 South, Range 13 East of the Boise Meridian

Section 2: Part of the NE1/4SE1/4 described as follows:

Beginning at a point on the Easterly right-of-way of U.S. Highway No. 30, Project F-2361 (18) according to the survey thereof, which point is 208.00 feet South and 30 feet East of the Southwest corner of said NE1/4SE1/4;

Thence Northwesterly along said Highway right-of-way, 855.65 feet to a point on said right-of-way opposite Station 238 + 69.56;

Thence N 88°22' E, 440.00 feet to the True Point of Beginning;

Thence N 1°38' W, 129.83 feet;

Thence N 88°22' E, 76.87 feet;

Thence N 0°48' W, 463.70 feet more or less to a point 107 feet 3 inches (107.25 feet measured) South of the North boundary of said NE1/4SE1/4;

LAW OFFICES
HNGL
-Chartered-
Hepworth, Ungester, & Lezamiz

MICROFILMED
OCT 11 1994

Thence East parallel with the North boundary of said NE1/4SE1/4 to point of intersection with the East boundary of said NE1/4SE1/4;

Thence South along the East boundary of said NE1/4SE1/4 to point 592.83 feet North of the Southeast corner of said NE1/4SE1/4;

Thence West 587.19 feet;

Thence S 85°35' W, 246.03 feet;

Thence N 64°48' W, 103.40 feet;

Thence S 88°22' W, 94.80 feet to the True Point of Beginning.

TRACT II

An existing road right-of-way for ingress and egress along the West line of said NE1/4SE1/4 and running a distance of approximately 625 feet North from the Southwest corner of said NE1/4SE1/4 and also a road right-of-way 25 feet in width and running parallel to the South boundary line of said property, a distance of approximately 475 feet East from the West line of said NE1/4SE1/4, as set forth in microfilmed instrument No. 28712.

Together with thirty (30) miner's inches of water from the John Bell Ditch being part of Water Right Number A 36-00051; Water Right A 36-00054 for .4 C.F.S.; and State of Idaho Water Right License 36-7323 for .06 C.F.S.

TO HAVE AND TO HOLD the premises, with appurtenances unto the said Grantees and to the Grantees' heirs and assigns forever. And the said Grantors do hereby covenant to and with the Grantees that **Jack M. Martin** and **Lillias P. Martin** are the owners in fee simple of said premises; that the premises are free from encumbrances except as described above and that the Grantors will warrant and defend the same from all lawful claims whatsoever.

LAW OFFICES
HN&L
Chartered
Hepworth, Nungester & Lezamiz

MICROFILMED
OCT 11 1994

DATED: June 1, 1989

Jack M. Martin
JACK M. MARTIN

Lillias P. Martin
LILLIAS P. MARTIN

STATE OF Georgia)
) ss.
COUNTY OF Fulton)

On this 1st day of June, 1989, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **JACK M. MARTIN and LILLIAS P. MARTIN**, 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.

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

Ramona B. Hess
Notary Public for
Residing at:
My Commission Expires:

Ramona B. Hess
Notary Public, Fulton County, Georgia
My Commission Expires November 24, 1991

WLN\91228WAR.DEE\LDZ

FILED
'89 JUN 2 PM 2 09
Fidelity National Title

136866

MICROFILMED
OCT 11 1994

LAW OFFICES
HNGL
Hepworth, Nungester, & Lezamiz

AJ5514NP

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION ATTORNEY NAME ADD/UPDATE

DATE: 03/31/93
TIME: 23:15:11.4
PAGE: 1

INPUT: AJ_SELECTION:HHT-BROWN-NOA4.SEL

TYPE OF ACTION: ADD
MODIFY ALL FIELDS FLAG:

LAST NAME: BROWN
FIRST NAME: PATRICK D
ADDRESS LINE 1: HEPWORTH NUNGESTER LEZAMIZ
ADDRESS LINE 2:133 SHOSHONE ST N
ADDRESS LINE 3: PO BOX 389
CITY: TWIN FALLS STATE: ID ZIP: 833030389 PHONE NUMBER: (208) 734-7510

36-00029B ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00039F ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00039P ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00051A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00054A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00125A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-07323 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10673 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00039F ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00039P ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00051A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00054A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00125A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-07323 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10220 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10673 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-00792F ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-07852 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

MICROFILMED
OCT 11 1994

RECEIVED
APR 06 1993
Department of Water Resources
Southern Region Office

HEPWORTH, NUNGESTER & LEZAMIZ,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510
Attorneys for Claimant
(PPK\21530SUP.NO3\lmr)

RECEIVED
MAR 0 2 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. 39576
The State of Idaho, ex rel. R. Keith Higginson in his official capacity as director of the Idaho Department of Water Resources, Petitioner, vs. United States; State of Idaho; and all claimants to the use of water from the Snake River Basin Water System, Respondents.	**HAGERMAN WATER RIGHT OWNERS, INC. AND ITS INDIVIDUAL MEMBERS' THIRD SUPPLEMENTAL NOTICE OF APPEARANCE**

* * * * * * * * * * *

COMES NOW the law firm of Hepworth, Nungester & Lezamiz and supplements it Notice of Appearance to add on behalf of

LAW OFFICES
HN&L
Chartered
Hepworth, Nungester, & Lezamiz

MICROFILMED
OCT 1 1 1994

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

Mavencamp, John V.	A36-00189A
Mavencamp, John V.	A36-10766
Zabala, Ignacio Nick	A36-08320

Dated this 1 day of March, 1993.

HEPWORTH, NUNGESTER & LEZAMIZ, CHARTERED

By _____
Patrick D. Brown
Attorneys for Respondents

CERTIFICATE OF MAILING

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the respondents in this matter, certifies that he caused to be mailed a copy of the above and foregoing THIRD SUPPLEMENTAL NOTICE OF APPEARANCE on the 1 day of March, 1993, to:

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

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

LAW OFFICES
HN&L
Chartered
Hepworth, Nungester, & Lezamiz

MICROFILMED
OCT 11 1994

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

Patrick D. Brown

MICROFILMED
OCT 1 1 1994

LAW OFFICES
HN&L
Chartered
Hepworth, Nungester, & Lezamiz

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

A36-00051A
Ident. Number: ~~A36-00051~~ AB
Date Received: 7/25/1988 2/1/91
Receipt No: S001083
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK MARTIN 208-837-4594
   Address: BOX 281
   HAGERMAN, ID 83332
   AND/OR
   Name: LILLIAS MARTIN 208-837-4594
   Address: BOX 281
   HAGERMAN, ID 83332

2. Date of Priority: JUN 26, 1881

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	13E	11	SE NE		GOODING

5. Description of diverting works:
   VIA JOHN BELL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED
JAN 21 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	13E	2	NE	SE		IRR	4.0
					Section Acres		4.0
					Total Acres		4.0

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:
YES A36-00054, A3607323

14: Remarks:
P/U INCOMPLETE. SEE FILE.

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

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

MICROFILMED
JAN 21 1993

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): Jack Martin Date: 7/25/88

_____ Date: _____

State of Idaho)
) SS.
County of T.F)

Subscribed and sworn (or affirmed) before me this _____ day of July 19 88

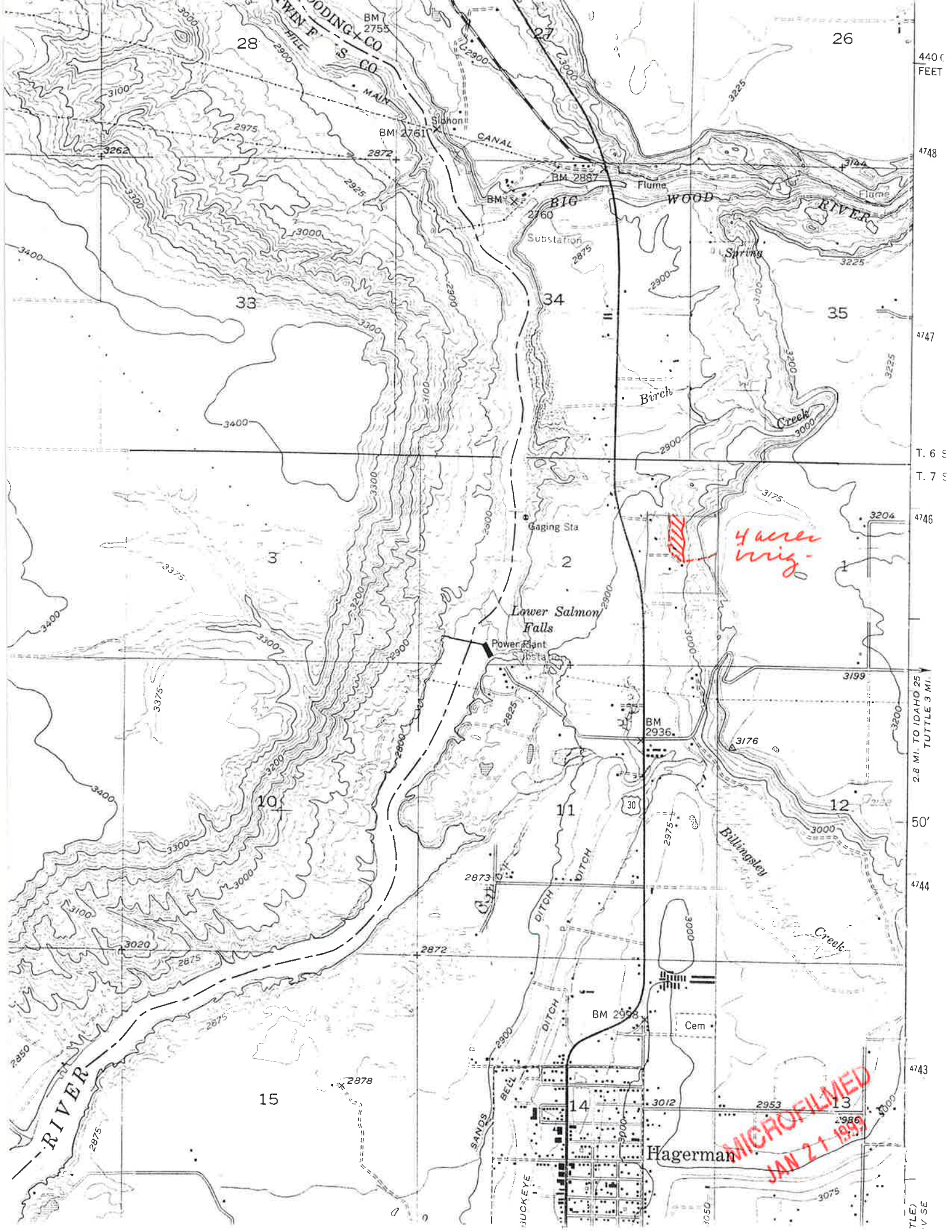
Lori White
Notary Public

Seal

Residing at T.F

My Commission Expires 5/95

MICROFILMED
JAN 21 1993



MICROFILMED JAN 21 1993

S te of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

05-Feb-1991 09:13

WALTEN E MILDREN
P O BOX 510
HAGERMAN ID 83332

RE: SRBA Claim A36-00051 number change to A36-00051A F

Dear Claimants:

In our review of the claims filed in the Snake River Basin Adjudication we have found it necessary to renumber your claim as described above. This action may have been taken as a result of one of the following described situations:

A. We are correcting a duplication of numbers made when the claims were initially taken.

B. We are correcting the number since it was initially assigned in the wrong basin.

C. We have matched an existing water right number with the water use you claimed and for continuity have changed the number to correspond.

D. We have reviewed the water right record corresponding to the your initial claim and have found that the water right record does not exactly correspond so a new number has been assigned.

Please note that the change in the number of your claim does not affect the validity of your claim. Please refer to the new number in all future correspondence. Please find enclosed a copy of the computer record of A36-00051A. If you have any questions please feel free to contact our office.

Sincerely,

Allen Merritt

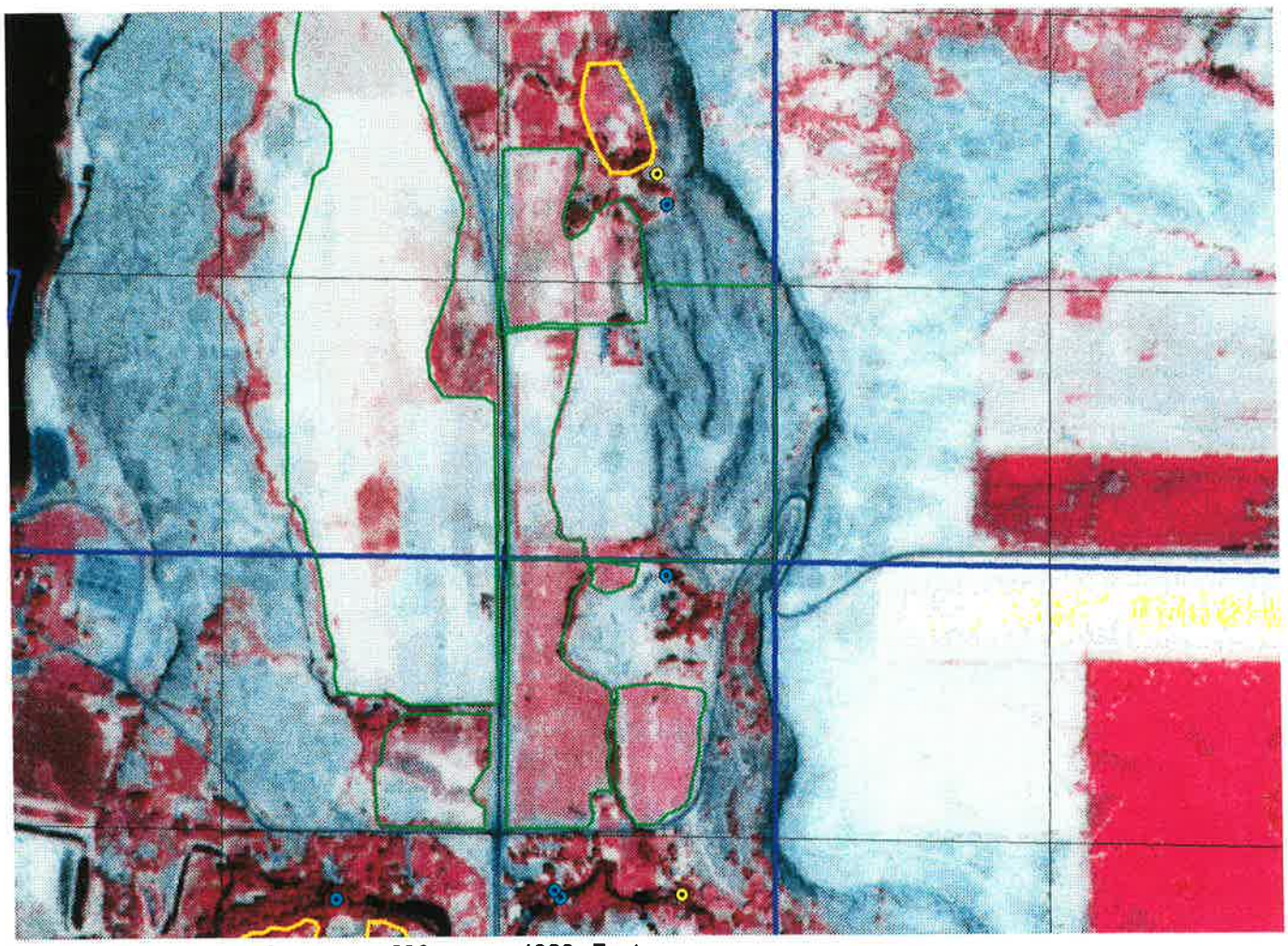
Allen Merritt, P.E.
Water Rights Supervisor

Enc:

MICROFILMED
JAN 21 1993

IDAHO DEPARTMENT OF WATER RESOURCES

36-00051A & 36-00054A
WALTER & MARJORIE MILDREN



N
W E
S

TNS 7S, RNG 13E, SEC 2

⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

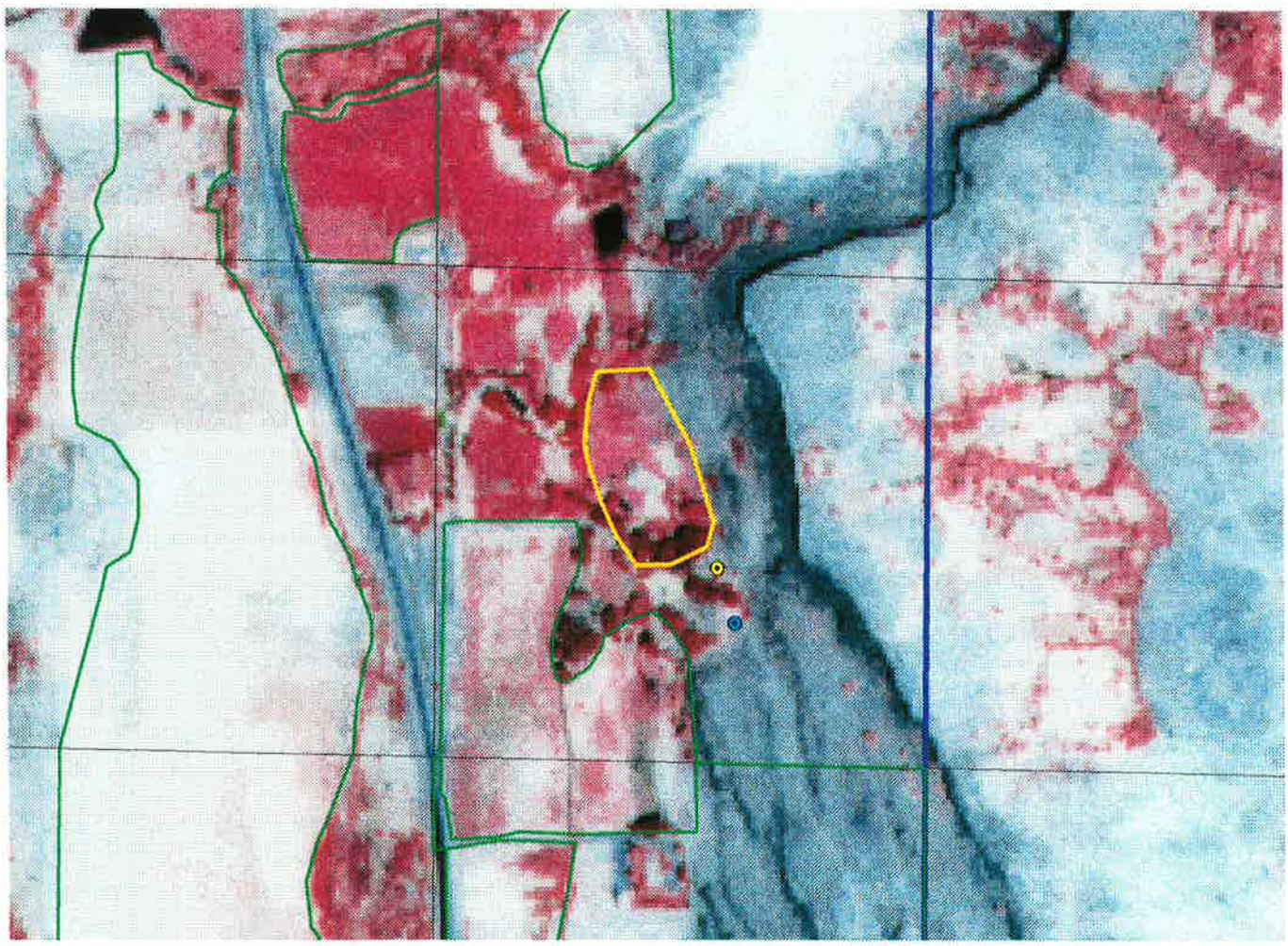
SECTION LINES

QUARTER/QUARTER LINES

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

IDAHO DEPARTMENT OF WATER RESOURCES

36-00051A & 36-00054A
WALTER & MARJORIE MILDREN



660 0 660 1320 Feet

N

W E

S

TNS 7S, RNG 13E, SEC 2

⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES

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

RECEIVED
FEB 09 1999
Department of Water Resources
Southern Region

RECEIVED
FEB 03 1999
Department of Water Resources

1999 FEB -1 PM 4:31
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

SOUTH
ESC
DATA ENTRY TO CONFORM TO SMR.

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

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

NOTICE OF ISSUANCE OF SPECIAL MASTER'S RECOMMENDATION

Water Right(s): 36-00051A
36-00054A

On February 01, 1999, Special Master FRITZ X HAEMMERLE issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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

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

DATED February 01, 1999.

TERI HRANAC
Deputy Clerk

1999 FEB -1 PM 4:31
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	)	**SPECIAL MASTER'S REPORT**
	)	
Case No. 39576	)	**FINDINGS OF FACT AND CONCLUSIONS OF LAW**
	)	
	)	**FOR WATER RIGHT 36-00051A**
	)	

I. FINDINGS OF FACT

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

An objection to this water right was filed by the claimant. Subsequently, on December 17, 1998, the claimant withdrew his objection and requested that this water right be decreed as recommended in the Director's Report.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be **decreed** with the elements as set forth in the ***Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-00051A.***

DATED: February 1, 1999.

FRITZ X. HAEMMERLE
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	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 36-00051A

NAME AND ADDRESS: MARJORIE J MILDREN
WALTEN E MILDREN
PO BOX 5715
SUN CITY WEST, AZ 85376

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.12 CFS

USE OF THIS RIGHT WITH RIGHT 36-00054A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.12 CFS.

0.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSS FOR DELIVERY OF THIS RIGHT.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S11 NESENE Within Gooding County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.12 CFS

PLACE OF USE: Irrigation Within Gooding County
T07S R13E S02 NESE 3.0
3.0 Acres Total

USE OF THIS RIGHT WITH RIGHT 36-00054A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3.0 ACRES IN A SINGLE IRRIGATION SEASON.

RULE 54(b) CERTIFICATE

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

Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION
FEB - 1 1999
SPECIAL MASTER

COPY

1999 DEC 22 AM 11: 38

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

In Re SRBA

Case No. 39576

NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDINGS

Subcase No. 36-00051A, 36-00054A, 36-07323

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? []Yes [X]No

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

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

DATED: 12/17/99

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 12/22, 1999, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
   Clerk of the District Court
   Snake River Basin Adjudication
   253 Third Avenue North
   PO Box 2707
   Twin Falls ID 83303-2707

2. One Copy to:
   Claimant/Seller for Substitution of Party or attorney of record:
   Joseph A Shea Jr
   Marsha Morello
   PO Box 777
   Hagerman ID 83332
3. One Copy to:
   Claimant/Purchaser for Substitution of Party or attorney of record:
   Lamar Loveland
   Raida Loveland
   17890C Hwy 30
   Hagerman ID 83332
4. One Copy to:
   Each party in the subcase or attorney of record:

5. One Copy to:
   Chief Natural Resources Division
   Office of the Attorney General
   PO Box 44449
   Boise ID 83711-4449

6. One Copy to:
   United States Dept Of Justice
   Environment & Natural Resource Div
   550 West Fort Street MSC 033
   Boise ID 83724

Natrisha Jewett
Signature of person or attorney mailing the form

RIGHT NUMBER: 36-00051A

NAME & ADDRESS: LAMAR LOVELAND
RAIDA LOVELAND
PO BOX 771
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.12 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-00054A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.12 CFS.
0.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSS FOR DELIVERY OF THIS RIGHT.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S11 NESENE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	02-15 11-30	0.12 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S02 NESE 3
3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-00054A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.

RIGHT NUMBER: 36-00054A

NAME & ADDRESS: LAMAR LOVELAND
RAIDA LOVELAND
PO BOX 771
HAGERMAN ID 83332

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.09 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-00051A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.12 CFS.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S02 SENESE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	02-15 11-30	0.09 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S02 NESE 3
3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-00051A IS LIMITED TO THE IRRIGATION OF OF COMBINED TOTAL OF 3 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
RIGHT NOS. 36-00054B & 36-07323 ARE ALSO DIVERTED THROUGH POINT DIVERSION DESCRIBED ABOVE.

AJ5856NP

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

RIGHT NUMBER: 36-07323

NAME & ADDRESS: LAMAR LOVELAND
RAIDA LOVELAND
PO BOX 771
HAGERMAN ID 83332

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.06 CFS
4.6 AFY

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

PRIORITY DATE: 03/27/1973

POINT OF DIVERSION: T07S R13E S02 SENESE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	0.02 CFS 4.0 AFY
DOMESTIC 1 HOME	01-01 12-31	0.04 CFS 0.6 AFY

PLACE OF USE:

IRRIGATION Within GOODING County
T07S R13E S02 NESE 1
1 ACRES TOTAL

DOMESTIC Within GOODING County
T07S R13E S02 NESE

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 22, 1999

LAMAR LOVELAND
RAIDA LOVELAND
17890C HWY 30
HAGERMAN ID 83332

RE: SRBA Claim(s) 36-00051A, 36-00054A, 36-07323

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Joseph Shea Jr and Marsha Morello

Form 42-248/42-1409(6) February 3, 1997

RECEIVED
OCT 01 1999
Department of Water Resources
Southern Region

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: A 36-00051; A36-00054; 36-7323

   Adjudication Claim No(s).: _____

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

   A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

   AND

   B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

   OR

   C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant: Joesph A. Shea, Jr. & Marsha A. Morrello

   17890C US Highway 30, Hagerman, ID 83332

4. New Owner/Claimant(s): Lamar Loveland and Raida Loveland

   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

   New Mailing Address: 17890C US Highway 30

   City, State and ZIP Code: Hagerman, ID 83332

   New Telephone Number: ( )_____

5. Date you acquired the property: 6-4-99

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

   Number of acres you irrigate _____ Number and type of stock _____

   Diversion rate in CFS _____ Number of homes _____ Other uses _____

   If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s): Lamar Loveland Raida Loveland

   Lamar Loveland Raida Loveland

   (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

Order No. G990186

WARRANTY DEED

RECEIVED
OCT 01 1999
Department of Water Resources
Southern Region

For Value Received

Joseph A. Shea Jr. And Marsha A. Morello,
Husband And Wife.

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

Lamar Loveland And Raida Loveland,
Husband And Wife.

the grantee(s), whose current address is

17890C US HIGHWAY 30, HAGERMAN, ID 83332

the following described premises, to-wit:

See Attached Exhibit "A"

180819
STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of GOODING TITLE & ESCROW
25 min. past 2 o'clock P m. this 4th
of June, 1999. 6.00
By Penny Archibald Deputy

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

Dated: June 4, 1999

Joseph A. Shea, Jr.
JOSEPH A. SHEA JR.

Marsha A. Morello
MARSHA A. MORELLO

STATE OF IDAHO
: ss
COUNTY OF GOODING

On This 4th day of JUNE, in the year 1999, before me, a Notary Public in and for said State, personally appeared **Joseph A. Shea Jr. And Marsha A. Morello,**
known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Notary Public of Idaho
Residing at WENDELL, Idaho
Commission Expires: 03/22/02

DANIELLE M. REYES NOTARY PUBLIC STATE OF IDAHO

TITLE & ESCROW COMPANIES

RECEIVED
OCT 01 1999
Department of Water Resources
Southern Region

EXHIBIT A

G990186

RP07S13E027461

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

Section 2: Part of the Northeast Quarter of the Southeast Quarter, described as follows:

BEGINNING at a point on the Easterly right of way of U. S. Highway No. 30, Project F-2361(18) according to the survey thereof, which point is 208.00 feet South and 30 feet East of the Southwest corner of said Northeast Quarter of the Southeast Quarter;
Thence Northwesterly along said Highway right of way 855.65 feet to a point on said right of way opposite Station 238+69.56;
Thence North 88°22' East 440.00 feet to the TRUE POINT OF BEGINNING;
Thence North 1°38' West 129.83 feet;
Thence North 88°22' East 76.87 feet;
Thence North 0°48' West 463.70 feet, more or less, to a point 107.3 feet (107.25 feet measured) South of the North boundary of said Northeast Quarter of the Southeast Quarter;
Thence East parallel with the North boundary of said Northeast Quarter of the Southeast Quarter to a point of intersection with the East boundary of said Northeast Quarter of the Southeast Quarter;
Thence South along the East boundary of said Northeast Quarter of the Southeast Quarter to a point 592.83 feet North of the Southeast corner of said Northeast Quarter of the Southeast Quarter;
Thence West 587.19 feet;
Thence South 85°35' West 246.03 feet;
Thence North 64°48' West 103.40 feet;
Thence South 88°22' West 94.80 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH an easement for an existing road right of way for ingress and egress along the West line of said Northeast Quarter of the Southeast Quarter running a distance of approximately 625 feet North from the Southwest corner of said Northeast Quarter of the Southeast Quarter and also a road right of way 25 feet in width running parallel to the South boundary line of said property a distance of approximately 475 feet East from the West line of said Northeast Quarter of the Southeast Quarter as set forth in Instrument No. 28712.

GOODING
TITLE & ESCROW
COMPANY

September 30, 1999

RECEIVED
OCT 01 1999
Department of Water Resources
Southern Region

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: A 36-00051
A 36-00054
A 36-7323

Dear Clerk:

Enclosed please find a Notice of Change of Water Right Ownership in connection with the above-referred to water rights. Also enclosed is copy of the recorded Warranty Deed for your reference.

If you have any questions or need anything further in connection with this transaction, please do not hesitate to contact our office.

Sincerely,

GOODING TITLE & ESCROW CO.

DeNene M. Dixon

DeNene M. Dixon
Escrow Assistant

/dmd
Encl.

COPY

1999 AUG 13 PM 2:35

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA Case No. 39576	**NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDINGS** **Water Rights 36-07323, 36-00051A and 36-00054A**

IDWR has completed the following Administrative Proceeding:

|_| Change of Address

|X| Substitution of Party

|_| I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

Does the change in "ownership" result in a splitting of the water right claimed? |_| Yes |X| No

If yes, does the split involve an I.C. 42-222 transfer? |_| Yes |_| No

Water Right(s): **36-07323, 36-00051A and 36-00054A**

CERTIFICATE OF MAILING

I certify that on 8/13/99 I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

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

2. One Copy to:
   Claimant/Seller for Substitution of Party or attorney of record:

   WALTEN E MILDREN
   MARJORIE J MILDREN
   PO BOX 5715
   SUN CITY WEST AZ 85376

3. One Copy to:
   Claimant/Purchaser for Substitution of Party or attorney of record:

   MARSHA A MORELLO
   JOSEPH A SHEA JR
   PO BOX 777
   HAGERMAN ID 83332

4. One Copy to:
   Each party in the subcase, or attorney of record:

5. One Copy to:
   Chief, Natural Resources Division
   Office of the Attorney General
   P.O. Box 44449
   Boise, Idaho 83711-4449

AJ5856NP

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

DATE: AUG-5-1999
PAGE: A-1

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00051A

NAME & ADDRESS:
JOSEPH A SHEA JR
MARSHA A MORELLO
PO BOX 777
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.12 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-00054A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.12 CFS.

0.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSS FOR DELIVERY OF THIS RIGHT.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S11 NESENE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	02-15 11-30	0.12 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S02 NESE 3
3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-00054A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3 ACRES IN A SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00054A

NAME & ADDRESS:
JOSEPH A SHEA JR
MARSHA A MORELLO
PO BOX 777
HAGERMAN ID 83332

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY: 0.09 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-00051A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.12 CFS.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S02 SENESE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	02-15 11-30	0.09 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S02 NESE 3
3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-00051A IS LIMITED TO THE IRRIGATION OF OF COMBINED TOTAL OF 3 ACRES IN A SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
RIGHT NOS. 36-00054B & 36-07323 ARE ALSO DIVERTED THROUGH POINT DIVERSION DESCRIBED ABOVE.

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-07323

NAME & ADDRESS:
JOSEPH A SHEA JR
MARSHA A MORELLO
PO BOX 777
HAGERMAN ID 83332

SOURCE: SPRING TRIBUTARY: SNAKE RIVER

QUANTITY:
0.06 CFS
4.6 AFY

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

PRIORITY DATE: 03/27/1973

POINT OF DIVERSION: T07S R13E S02 SENESE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE		QUANTITY	
IRRIGATION	03-15	11-15	0.02	CFS
			4.0	AFY
DOMESTIC 1 HOME	01-01	12-31	0.04	CFS
			0.6	AFY

PLACE OF USE:

IRRIGATION Within GOODING County
T07S R13E S02 NESE 1
1 ACRES TOTAL

DOMESTIC Within GOODING County
T07S R13E S02 NESE

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	JOSEPH A SHEA JR	06/26/1881	IRRIGATION	02-15	11-30	0.120 CFS	
C	MARSHA A MORELLO						
	PO BOX 777				TOTAL DIVERSION:	0.120 CFS	
	HAGERMAN ID 83332						
	(208) 837-4403						
D	WALTEN E MILDREN						
D	MARJORIE J MILDREN						
	PO BOX 5715						
	SUN CITY WEST AZ 85376						

Water Source: BILLINGSLEY CREEK Tributary to: SNAKE RIVER Stage: DECREED

Point(s) of Diversion: T07S R13E S11 NESENE GOODING County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
07S	13E	2													03				3.0
																		TOTAL ACRES	3.0

POU County: GOODING

Other Rights: 36-00054A

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 36-00054A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.12 CFS. 0.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSS FOR DELIVERY OF THIS RIGHT.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 36-00054A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3 ACRES IN A SINGLE IRRIGATION SEASON.

EXP WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.

Dates: Exam Made Date: Verified Date: 08/04/1999 Objection Filed Date:

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

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

☒ Water Right Number(s): 36 07323

36 00051A

36 00054B A

☐ Old Mailing Address: Lot 39

30600 N. Pima Rd

Scottsdale, AZ 85262

☐ New Mailing Address: P.O. Box 777

Hagerman Id 83332

☐ New Telephone Number: (208) 837-4403

☐ Signature of Claimant(s): Joseph A Shea, Jr

Date: August 4, 1999

FOR IDWR USE ONLY
Initial Review and Data Entry
Date: 8/4/99 By: Sec
Further Action Needed:
NCAP to SRBA Court
Further Action Taken
Date: By:
Final Review and Data Entry
Date: By:

Modify the change of ownership record for these claims.

Form 42-248/42-1409(6) 12/2/96

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

* form filed previously new address filed 8/4/99 sm

Please print or type. Attach pages with additional information. Instructions are on the back of this page. Incomplete forms will be returned.

1. Water Right Number(s) A 36-00051A , -54 A , -7323

   Adjudication Claim Number(s) _____

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

   A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

   AND

   B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.) OR

   C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) WALTEN E. MILDREN AND M. JOAN MILDREN

   P.O. BOX 5715
   SUN CITY WEST, ARIZONA 85376

4. New Owner/Claimant(s) JOSEPH A. SHEA JR AND MARSHA A. MORELLO

   Name connector (Check one): [ ] AND, [ ] OR, [ ] AND/OR

   New Mailing Address 30600 NORTH PIMA ROAC, #39

   City, State and ZIP Code SCOTTSDALE, AZ 85262

   New Telephone Number (602) 488-6102

   UPDATE: New Address

5. Date you acquired the property 7-31-98 per Warranty Deed #176555, Copy attached

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

   No Split

   8/4/99 Data Entry Complete sm

   Number of acres actually irrigated _____ Number and type of stock _____

   Diversion rate in CFS _____ (cubic feet per second) Number of homes _____ Other uses _____

   If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Joseph A. Shea, Jr. Date 1-5-99

   JOSEPH A. SHEA JR

   Marsha A. Morello Date 1-5-99

   MARSHA A. MORELLO

   (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

   Steve Clelland

WARRANTY DEED

#G-27124

For Value Received

WALTEN E. MILDREN AND M. JOAN MILDREN, TRUSTEES UNDER THE GENE AND JOAN MILDREN LIVING TRUST DATED MARCH 29, 1995

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

JOSEPH A. SHEA JR. and MARSHA A. MORELLO, HUSBAND AND WIFE
Address: 30600 NORTH PIMA ROAD, #39, Scottsdale, AZ 85262

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

SEE EXHIBIT "A" ATTACHED HERETO

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Assessments of any local irrigation district.

TAXES for 1998 and subsequent years, which are a lien but not yet due and payable.

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

Dated: July 31st, 1998

WALTEN E. MILDREN, Trustee

M. JOAN MILDREN, Trustee

STATE OF IDAHO)
) ss.
COUNTY OF GOODING)

On this 31st day of July, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared WALTEN E. MILDREN and M. JOAN MILDREN, known or identified to me to be the persons whose names are subscribed to the within instrument as Trustees for the GENE AND JOAN MILDREN LIVING TRUST DATED MARCH 29, 1995, and acknowledged to me that they executed the same as such Trustees.

BETTY FREDERICKSEN
NOTARY PUBLIC
STATE OF IDAHO

Notary Public
Residing at: [illegible]
County, Idaho

SEE EXHIBIT "A" ATTACHED HERETO

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Assessments of any local irrigation district.

TAXES for 1998 and subsequent years, which are a lien but not yet due and payable.

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

Dated: July 31st, 1998

WALTEN E. MILDREN, Trustee

M. JOAN MILDREN, Trustee

STATE OF IDAHO)
) ss.
COUNTY OF GOODING)

On this 31st day of July, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared WALTEN E. MILDREN and M. JOAN MILDREN, known or identified to me to be the persons whose names are subscribed to the within instrument as Trustees for the GENE AND JOAN MILDREN LIVING TRUST DATED MARCH 29, 1995, and acknowledged to me that they executed the same as such Trustees.

BETTY FREDERICKSEN
NOTARY PUBLIC
STATE OF IDAHO

Notary Public
Residing at: Gooding
My Commission expires: 3-29-2000

Gooding County, Idaho
Commission Expires 3-29-2000

176555

STATE OF IDAHO, COUNTY OF GOODING
Filed for record at the request of Land Title & Escrow Inc.
42 min. past 3 o'clock P m. this 31st
of July, 1998. 6.00
By Penny Archibald Deputy

CONTINUATION

SCHEDULE A

Order Number: G-27124

TRACT I

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

Section 2: Part of the NE¼SE¼ described as follows:

Beginning at a point on the Easterly right-of-way of U.S. Highway No. 30, Project F-2361 (18) according to the survey thereof, which point is 208.00 feet South and 30 feet East of the Southwest corner of said NE¼SE¼;

Thence Northwesterly along said Highway right-of-way, 855.65 feet to a point on said right-of-way opposite Station 238 + 69.56;
Thence North 88°22' East, 440.00 feet to the TRUE POINT OF BEGINNING;
Thence North 1°38' West, 129.83 feet;
Thence North 88°22' East, 76.87 feet;
Thence North 0°48' West, 463.70 feet more or less to a point 107 feet 3 inches (107.25 feet measured) South of the North boundary of said NE¼SE¼;
Thence East parallel with the North boundary of said NE¼SE¼ to a point of intersection with the East boundary of said NE¼SE¼;
Thence South along the East boundary of said NE¼SE¼ to point 592.83 feet North of the Southeast corner of said NE¼SE¼;
Thence West 587.19 feet;
Thence South 85°35' West, 246.03 feet;
Thence North 64°48' West, 103.40 feet;
Thence South 88°22' West, 94.80 feet to the TRUE POINT OF BEGINNING.

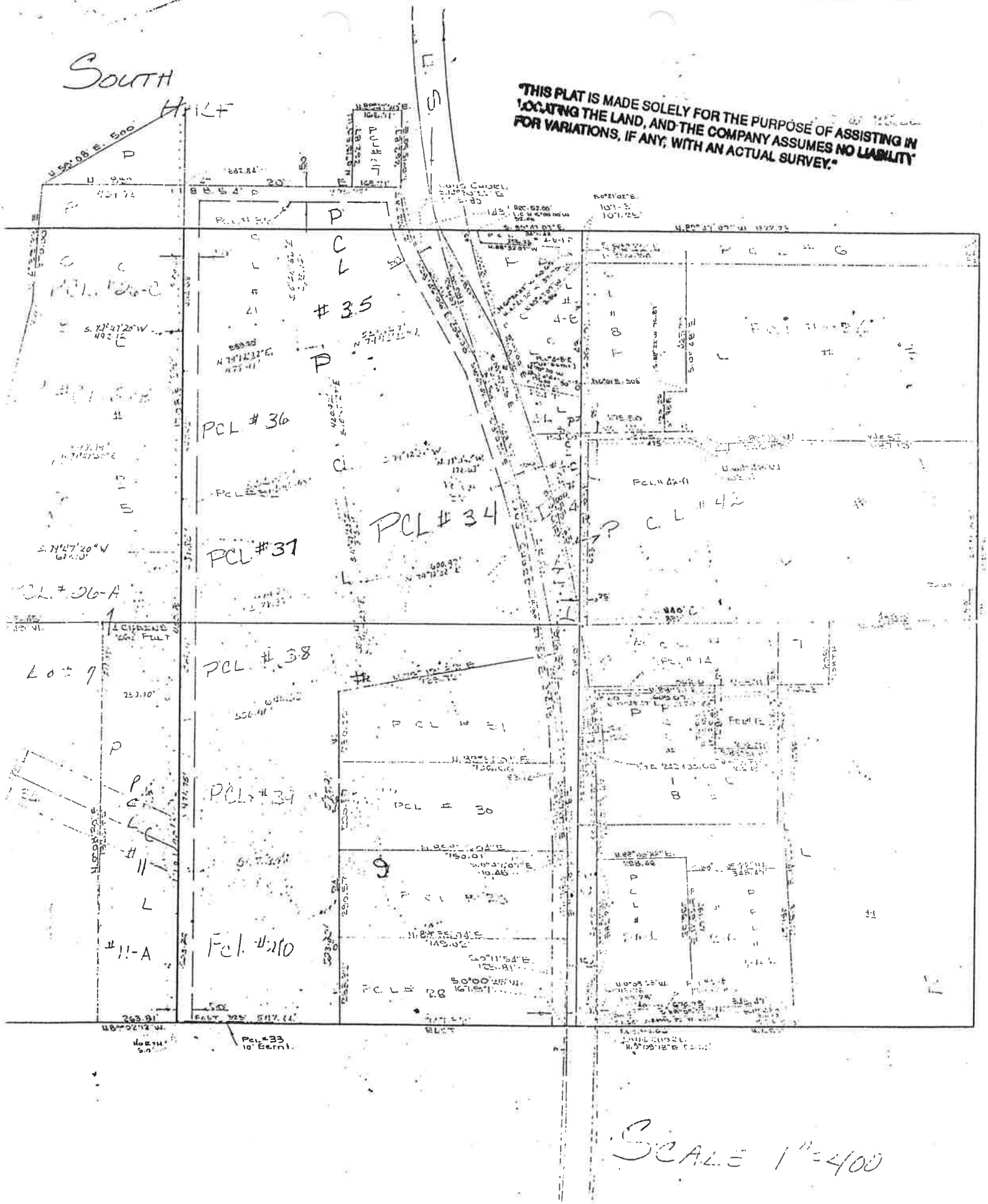
TOGETHER WITH AN EASEMENT AS FOLLOWS:

TRACT II

An existing road right-of-way for ingress and egress along the West line of said NE¼SE¼ and running a distance of approximately 625 feet North from the Southwest corner of said NE¼SE¼ and also a road right-of-way 25 feet in width and running parallel to the South boundary line of said property, a distance of approximately 475 feet East from the West line of said NE¼SE¼ as set forth in microfilmed Instrument Number 28712.

TOGETHER with thirty (30) miner's inches of water from the John Bell Ditch being a part of Water Right Number A 36-00051; Water Number A36-00054 for .4 C.F.S.; and State of Idaho Water Right License 36-7323 for .06 C.F.S.

SEC. _____ TWP _____ S RGE _____ EBM.



TRANSMITTAL COVER SHEET

TO: Lisa @ GOODING
LAND TITLE & ESCROW
FAX # 934-5890

TOTAL PAGES SENT: 13
(including cover sheet)
DOCUMENT DESCRIPTION: PROFILE REPORTS OF SNAKE RIVER BASIN ADJUDICATION CLAIM RECORDS: A36-00051A, 36-00051A, R36-00051A, A36-07323, R36-07323, A36-00054A, 36-00054A, R36-00054A
FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380
PHONE: 736-3033
FAX: 736-3037

CHARGES: One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost $0.25 per page. ($0.50 minimum)

Please consider this document as a billing statement.
The charge for your fax copies is: _____ Please remit to the above address.

SENDER: Corey Skinner

COMMENTS:

PLEASE NOTE: THESE CLAIMS HAVE NOT YET BEEN SETTLED IN THE SNAKE RIVER BASIN ADJUDICATION. THE RECORDS WITH THE "R PREFIX" (R36-00051A, R36-07323, AND R36-00054A) REPRESENT "WORKING COPIES" OF CLAIM RECOMMENDATIONS AND ARE SUBJECT TO CHANGE.

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	WALTEN E MILDREN	06/26/1881	IRRIGATION	03-15	11-15	0.09 CFS	
C	MARJORIE J MILDREN						
	PO BOX 510				TOTAL DIVERSION:	0.09 CFS	
	HAGERMAN ID 83332						
	(208) 837-4770						

Water Source: BILLINGSLEY CREEK Tributary to: SNAKE RIVER Stage: DECREED

Point(s) of Diversion: T07S R13E S11 NESENE GOODING County

Place of use Legal Description for: IRRIGATION

			NE					NW					SW					SE					
			NENE	NWNE	SWNE	SENE		NENW	NWNW	SWNW	SENW		NESW	NWSW	SWSW	SESW		NESE	NWSE	SWSE	SESE		
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac		Lt Ac	Lt Ac	Lt Ac	Lt Ac		Lt Ac	Lt Ac	Lt Ac	Lt Ac		Lt Ac	Lt Ac	Lt Ac	Lt Ac		SUM
07S	13E	2																02					2.0
																					TOTAL ACRES		2.0

POU County: GOODING

Other Rights: 36-00054A

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 36-00054A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.09 CFS.

EXP WATER IS DELIVERED THROUGH THE JOHN BELL DITCH. 0.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

Dates: Exam Made Date: Verified Date: 05/14/1998 Objection Filed Date:

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

MILDREN

5/11/98

Sec

- 7323 – license will be Recd as (2)
– reduce the (2) decreed rights by 1.0 Acre in response. (in supplemental Dir. Rep.)

per Hearing w/ Haemmerle

* pending amendments on -54A & -51A
→ investigate amendments ASAP

5/18 trial to be vacated (class I)

"GIS on Disk" (will send priority listing of rights)

-0051A (see 5/14/98)

was 3 Acres @ 0.09 cfs (.03/Ac)
(+ CL.) = .12 cfs

1 Acre Exclusion to license, 2 Acres to other rights.

Recd: 2 Acres @ .03 cfs/Ac = .06 cfs
.03 con Loss
total .09 cfs

No overlap w/ Lic. 36 7323

From: DWR60::SCLELLAN "Steve at Southern" 25-FEB-1998 14:43:55.28
To: DWR03::JMARSHAL
CC: SCLELLAN
Subj: INITIAL HEARING 36-00054A 36-07323

John,

Here is a quick synopsis of the hearing today.

Pat and I attempted to resolve the issues of objection for the two rights listed above. Another right, 36-00051A, was not part of this action; unclear why that is so. We were unable to settle at this time.

36-07323: Basically want the 1 acre and 0.02 cfs added back to the license. I tried to show Pat how this is a duplication of the water and acres listed in 36-00054A; both the same spring source.

36-00054A: wants the entire amount claimed of 0.40 cfs. Apparently is having some water studies done to support the rate claimed. Pat thought maybe by Brockway?

TRIAL: May 18, 1998 10:00 am

IDWR to supply the following;
-Certified copy of the License 36-07323.
-Copies of the License exam report and records.
-Portion of the 1932 decree for 36-00054.
-Pro rata split of 36-00054.
-GIS shape file map. (I gave one copy of this to Pat today)

Copies of these items to Pat Brown by APRIL 18, 1998.

Call me if have questions.
Steve

S.O. FYI

RECEIVED
JAN 21 1998
Department of Water Resources

Walten E. Mildren

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

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

****

Records Modified 01-22-98.
JD

In Re SRBA	)	Subcase Nos. 36-00051A, 36-00054A and 36-07323
Case No. 39576	)	**NOTICE OF APPEARANCE**

****

COMES NOW the firm of Hepworth, Lezamiz & Hohnhorst, Chartered, and appears on behalf of Walten E. Mildren, Claimant in the above entitled matter.

Dated this 20 day of January, 1998.

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED

By: _____
Patrick D. Brown

6/9/94

COMMUNICATION DOCUMENTATION

AJ - 00054 A
00051 A

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

CUSTOMER:
JOE SHAY

DATE: December 5, 1997 2:46 pm

SUBJECT: STATUS OF 36-07323, 00054, AND 00051
phone (X) walk-in()

He is considering purchasing the Mildron property and wants to be able to irrigate about 10 acres. I explained that the rights are for 3 acres of irrigation. I also gave him a general overview of the adjudication process as he is from out of state. I explained the general procedures for adj claim review and recommenations. I also gave him general info concerning these claims.

CLAIM NUMBERS 36-00051A 36-00054A DATE 10/14/97

#36-07323 _____ _____ AGENT _____

_____ _____ _____

TRANSFER NUMBER _____

OBJECTION FILED ✓

TOTAL ACRES FROM RECOMMENDATION 3

GEOGRAPHIC INFO SYSTEM 3

RIGHT NO	TNS	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
RECOM	07S	13E	02													3				3
GIS																2.90				2.90
RECOM																				
GIS																				
RECOM																				
GIS																				
RECOM																				
GIS																				

UPDATED

B36-DBPOU.DBF 571

B36-DBPOD.DBF 458~, 578~

POLYGON # UPDATED

POLYGON CREATED ON 604 ( ) _____

ATTRIBUTES OF B36-POU.SHP (571) _____

ATTRIBUTES OF B36-POD.SHP (458) NESENE-1 (John Bell Ditch)

36-00051A

(578) SENESE-2

36-00054A

#36-07323 → disallowed - recommended as 36-00054A

P/U CONFLICT yes ( ) no (✓)

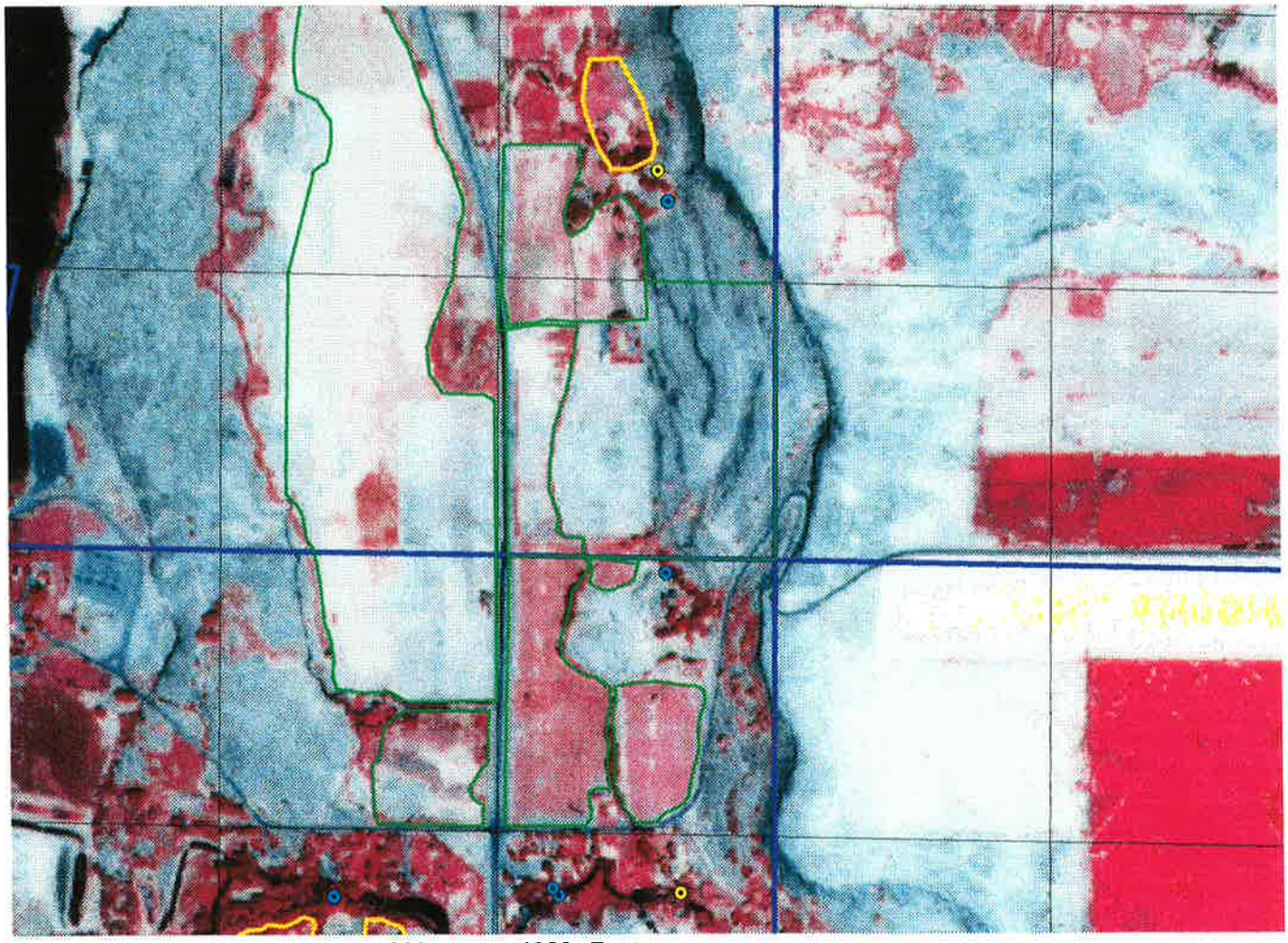
P/D CONFLICT yes ( ) no (✓)

READY FOR DECREE yes (✓) no ( )

SENT FOR DECREE yes ( ) no ( )

IDAHO DEPARTMENT OF WATER RESOURCES

36-00051A & 36-00054A
WALTER & MARJORIE MILDREN



TNS 7S, RNG 13E, SEC 2

N
W E
S

⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES

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

RECEIVED
DEC 26 1995
Department of Water Resources
Adjudication Bureau

RECEIVED
DEC 22 1995
OFFICE OF THE
ATTORNEY GENERAL

1995 DEC 21 PM 1:55
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

RECEIVED
JAN 10 1996
Department of Water Resources
Southern Region

In Re SRBA Case No. 39576	**Subcase Nos.: 36-00021B (36-00021) 36-00039D, 36-00048A, 36-00049, 36-00051A, 36-02169, 36-04260B, 36-10283A and 36-15168** **AMENDED ORDER DENYING MOTIONS TO STRIKE AFFIDAVITS and ORDER GRANTING MOTIONS TO FILE LATE RESPONSES**

On August 18, 1995, Cranney Bros. filed its *Motion to File Late Responses* (Cranney *Motion*) in five of the above subcases: 36-00039D, 36-00048A, 36-00049, 36-02169 and 36-04260B.[1] Attached to the Cranney *Motion* was its *Brief in Support of Motion to File Late Responses*. The same date, Cranney Bros. lodged responses to objections in each of the five subcases.

On August 18, 1995, May Farms, Ltd. (May Farms), Sand Springs Ranch Partnership (Sand Springs) and Faulkner Land & Livestock Company (Faulkner) filed their *Motions to FileLate Responses*[2] (May Farms, Sand Springs and Faulkner *Motions*) in six of the above

[1] The claimants/objectors in these five subcases are: Fred and Susan Walmsley (36-00039D); Dan and Irma McFaddan (36-00048A, 36-00049 and 36-02169); and Robert H. Brailsford (36-04260B).

[2] Amended May Farms *Motions* in Subcase Nos. 36-00021B and 36-10283A were filed on September 12, 1995.

MICROFILMED
DEC 04 1996

subcases: 36-00021B, 36-00048A, 36-00049, 36-00051A, 36-10283A and 3615168.[3] Attached to the May Farms, Sand Springs and Faulkner *Motions* were six separate but similar *Memoranda in Support of Motions to File Late Responses*.[4] The same date, May Farms, Sand Springs and Faulkner lodged responses to objections in each of the six subcases.

Cranney Bros., May Farms, Sand Springs and Faulkner will sometimes be referred to collectively as Movants.

On November 21, 1995, the claimants in all nine of the above subcases (Claimants) filed their *Consolidated Memorandum Opposing Intervention*. The Claimants also filed their *Motion to Strike* the affidavit of attorney Michael C. Creamer and the attached portion of Mike Cranney's deposition (Subcase Nos. 36-00039D, 36-00048A, 36-00049, 36-02169 and 36-04260B). Finally, the Claimants filed six *Objections and Motions to Strike Affidavits* of Ralph L. May (36-00021B and 36-10283A), Mike Faulkner (36-00048A and 36-00049) and Tom Ambrose (36-00051A and 36-15168). Attached was the Claimants' *Memorandum in Support of Objection and Motion to Strike Affidavits and Preclude Intervention*.

On November 21, 1995, Cranney Bros. lodged its *Pre-Hearing Memorandum*.

A hearing was held on November 22, 1995, at the SRBA Courthouse in Twin Falls, Idaho. Jeffrey C. Fereday appeared for Cranney Bros.; Dana L. Hofstetter and Josephine P. Beeman for May Farms, Sand Springs and Faulkner; Patrick D. Brown for the Claimants; and Brent R. King for IDWR. The Cranney *Motion* was set for hearing the same day as the May Farms, Sand Springs and Faulkner *Motions*. However, because of similarities of the *Motions* and the Claimants' consolidated opposition, the hearings were combined. All counsel were present and participated throughout the hearing.

After the hearing, on December 1, 1995, Cranney Bros. filed its *Response to Motion to Strike*. The same day, the Claimants wrote to the Special Master asking that the pleading be disregarded and Cranney Bros.' counsel be admonished for submitting post-hearing briefs and

---

[3] The claimants/objectors in four of the subcases are: Harry R. Gisler (36-00021B); Walten and Marjorie Mildren (36-00051A); Ya-Ta-Hay Investments, Inc. (36-10283A); and Hagerman Water Users Association (36-15168).

[4] Amended Faulkner and Sand Springs *Memoranda* in Subcase Nos. 36-00049 and 36-00051A were filed on September 12, 1995.

evidence.

Motions to Strike

The Claimants moved to strike certain affidavits because the affidavits were not served with the *Motions* or they contain hearsay testimony, lack foundation and the affiants are not qualified as experts. While these criticisms are well taken for purposes of summary judgment or trial, they are less compelling in the context of these motions to file late pleadings -- particularly in these subcases. The Claimants and Movants have followed a particularly contentious motion practice and the court has been required to fashion its responses accordingly. On top of that, these are "test" subcases where fundamental and unique issues are being explored. Sweeping legislative changes in the midst of ongoing litigation only added to the challenges. The result has been a certain "flexible" application of ***SRBA Administrative Order 1*** and the Idaho Rules of Civil Procedure to accomplish the ends of justice.

Judge Daniel C. Hurlbutt's July 28, 1995 ***Order***[5] concerning late filings clearly intended to provide "special consideration" to some parties to the adjudication. The ***Order*** was made because of legislative changes in the party status of IDWR and its Director. Even now, over a year after the amendments to the SRBA statutes went into effect, the court and the partes continue to discover new implications.

Even though the affidavits complained of by the Claimants are flawed in certain respects, the timing of their filing and their contents are sufficient for purposes of these motions to file late pleadings. It must be remembered that the motions were filed by SRBA parties seeking to participate in subcases. The Movants have not had the opportunity to conduct discovery. It may reasonably be expected that their responses will be substantially refined and amended as they gather more information. The suggestion that the Movants will step into the shoes of the Director and defend the whole Director's Report is not reasonable. At this point, their burden is not to *prove* a case but to *plead* sufficient facts to support their motions. The affidavits meet that minimal burden and will not be stricken.

---

[5] The full title of the **Order** is **Order Granting in Part, and Denying in Part, Joint Motions for Amendment of Administrative Order 1.**

MICROFILMED
DEC 0 4 1996

Motions to File Late Responses

The Movants argue that they meet the criteria of Judge Hurlbutt's July 28, 1995 Order: (1) they filed their pending motions in a timely manner and attached completed responses; (2) they have shown good cause for not filing responses in a timely manner; (3) they have demonstrated the existence of a meritorious position; and (4) they do not seek to enlarge or add to existing issues. In support of their allegation of "good cause," all three Movants suggest that they chose not to file responses in a timely manner because they relied upon IDWR to "defend" the Director's Report. Now that the Director's Report is no longer a pleading and IDWR and the Director are no longer parties, they seek to file late responses in all nine subcases.

There is no question that the pending motions were filed in a timely manner and completed responses were attached. It is also clear that the Movants do not seek to enlarge nor add to existing issues. Almost any element they might have chosen to respond to was objected to by the Claimants. So, the issues are whether good cause and a meritorious position have been shown.

The court is satisfied that the Movants have shown both good cause for untimeliness and the existence of a meritorious position. It was reasonable for them to rely upon the Director to investigate all SRBA water claims and defend his findings in strict accord with Idaho water laws. When IDWR and its Director were removed as parties by the Legislature, it was also reasonable for the Movants to suspect that some claims might result in excessive rights. After all, at the time the *Motions* were filed, no subcase had proceeded to a full hearing before the Special Master.

The fact that the Movants chose these particular subcases to intervene is no accident. These subcases concern water claims in the Hagerman Valley where the *Musser*[6] case arose. Right or wrong, the Movants were concerned that future "calls," as happened in that case, *might* impact their farm operations. Given the information generally available to water users, their concern was understandable. It made no difference that none of the Movants knew details in the Director's Report or specific facts about the Claimants' water uses.

Having said that, the court feels compelled to remind the Movants and Claimants of Rule 11(a)(1), Idaho Rules of Civil Procedure:

---

6 *Musser* v. *Higginson*, 125 Idaho 392, 871 P.2d 809 (1994).

> The signature of an attorney or party constitutes a certificate that the attorney or party has read the pleading, motion or other paper; that to the best of the signer's knowledge, information, and belief after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, **and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation** [emphasis added].

Therefore, IT IS ORDERED that the Claimants' *Motions to Strike Affidavits* are **denied**. It is further ordered that the Cranney *Motion to File Late Responses* and the May Farms, Sand Springs and Faulkner *Motions* and *Amended Motions to File Late Responses* are **granted**. However, participation of Cranney Bros., May Farms, Sand Springs and Faulkner shall be limited to litigation of those elements in the Director's Report to which the Claimants have objected and to which IDWR has responded. They may not enlarge or add to existing issues. Responses previously lodged with the court by Cranney Bros., May Farms, Sand Springs and Faulkner are deemed filed as of December 12, 1995.

DATED December 21, 1995.

Terrence A. Dolan
Special Master, Reporting Area 3
Snake River Basin Adjudication

MICROFILMED
DEC 04 1996

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **(AMENDED) ORDER DENYING MOTIONS TO STRIKE AFFIDAVITS** and **ORDER GRANTING MOTIONS TO FILE LATE RESPONSES** was mailed December 21, 1995, with sufficient first-class postage to the following:

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

Patrick D. Brown
Hepworth, Lezamiz & Hohnhorst
P.O. Box 389
Twin Falls, ID 83303-0389

Josephine P. Beeman
Dana L. Hofstetter
Dillon, Bosch, Daw & Bock, Chartered
Suite 200
242 North 8th Street
Boise, ID 83720

Jeffrey C. Fereday
Givens, Purlsey & Huntley
P.O. Box 2720
Boise, ID 83701

Brent R. King
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Courtesy copies to:

Daria J. Zane
R. Lee Leininger
William M. Ferry
The United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724-0663

Cheri C. Jacobus
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Deputy Clerk

RECEIVED
JAN 1 0 1996
Department of Water Resources
Western Region

Party's Name: Sand Springs Ranch Partnership

Attorney's Name and Address
Josephine P. Beeman
DILLION BOSCH DAW & BOCK Chtd.
Fidelity Building
242 N. 8th Street, Suite 200
Boise, Idaho 83702

RECEIVED
AUG 2 4 1995
Department of Water Resources
Adjudication Bureau

RECEIVED
AUG 2 3 1995
OFFICE OF THE
ATTORNEY GENERAL

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

In Re: SRBA	)	Subcase No. 36-00051A
	)	
Case No. 39576	)	**MOTION TO FILE LATE RESPONSE TO MILDREN OBJECTION**
	)	
	)	

DESCRIPTIVE SUMMARY

Sand Springs Ranch Partnership seeks to file a late response to the Mildren objection to water right 36-00051A as recommended in the Director's Report Part I for reporting area 3 (basin 36).

MOTION TO FILE LATE RESPONSE

Sand Springs Ranch Partnership seeks to participate as a full party in subcase 36-00051A and files this motion and the attached Response to Mildren Objection pursuant to the July 28, 1995 order of Judge Hurlbutt. The July 28 order states, "it is necessary to provide a mechanism for parties to participate in subcases where participation is required due to the removal of the Director and IDWR as a party and the change in the status of the Director's Report as a pleading."

The Motion is supported by a Memorandum in Support of Late Response (Mildren) and affidavits which accompany the Memorandum and Response.

MICROFILMED
DEC 0 4 1996

DATED this 18th day of August, 1995.

/s/
JOSEPHINE P. BEEMAN

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of August, 1995, I mailed the original and copies of the foregoing motion 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. Copies to:

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

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

Patrick D. Brown
HEPWORTH LEZAMIZ & HOHNHORST, Chtd.
P.O. Box 389
Twin Falls, ID 83303-0389

/s/
JOSEPHINE P. BEEMAN

MICROFILMED
DEC 04 1996

Party's Name: Sand Springs Ranch Partnership

Attorney's Name and Address
Josephine P. Beeman
DILLION BOSCH DAW & BOCK Chtd.
Fidelity Building
242 N. 8th Street, Suite 200
Boise, Idaho 83702

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. 36-00051A
Case No. 39576	)	
	)	RESPONSE TO MILDREN
	)	OBJECTION

I. GENERAL INFORMATION

1. Person responding to objection:

   Name: Sand Springs Ranch Partnership

   Address: Post Office Box 400
   Wendell, ID 83355

   Briefly describe your interest in this water right:

   Sand Springs Ranch Partnership, an Idaho general partnership, is a water claimant in reporting area 3 (Basin 36) who diverts from a common aquifer with Mildren.

2. Person who filed objection:

   Name: Walten E. & Marjorie Mildren

   Address: Post Office Box 510
   Hagerman, Idaho 83332

3. If this response is filed by an attorney:

MICROFILMED
DEC 04 1996

Attorney Name: Josephine P. Beeman

Attorney Address: DILLION BOSCH DAW & BOCK Chtd.
Fidelity Building
242 N. 8th Street, Suite 200
BOISE, ID 83702

Attorney Phone No.: (208) 344-8990

II. STATEMENT OF THE RESPONSE

3. ☒ Quantity: I respond to the objection concerning:

a. ☒ the total quantity of water used in cubic feet per second; or

8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.

9. ☒ Place of Use: I respond to the objection concerning:

a. ☒ the legal description of the place of use; or

10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.

14. ☒ Other: I respond to the objection concerning:

All matters raised in the claimant's answer, affirmative defenses, and prayer for relief.

REASONS SUPPORTING EACH BOX CHECKED

A. Statement of Objections 3 and 3.a. In response to Statement of Objections 3 and 3.a., and all allegations of the objection regarding those items, Sand Springs Ranch responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is

MICROFILMED
DEC 0 4 1996

not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402), (3) the recommendation of the Director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

B. Statement of Objection 7. In response to Statement of the Objection item 7, and all allegations of the objection regarding that item, Sand Springs Ranch responds that it recommended the same purpose of use that was identified on the notice of claim and that was found when the claim was investigated. By identifying in the objection wildlife, aesthetics, and stockwater as additional uses that the claimant did not list on the notice of claim, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a Director's report is filed, just as a party must obtain leave of the court to file a late claim after the Director's report is filed. Once leave of the court is granted, Sand Springs Ranch can investigate the amended claim and make an appropriate recommendation to the court.

C. Statement of Objection 8. In response to Statement of the Objection item 8, and all allegations of the objection regarding this item, Sand Springs Ranch responds as follows: the decree asserted by the claimant does not contain a period of use decreed for this water right. Idaho Code 42-1411(2)(g) requires the Director to determine the period of use of each water right acquired under state law that is recommended in the Director's report. Sand Springs Ranch has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree Fahrenheit frost. The irrigation season of use cannot exceed the period in which water may be beneficially used. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. Water may be used for irrigation outside the standard season of use for the area in which the place of use of this water right is located. Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the Director's report.

D. Statement of Objections 9 and 9.b. In response to Statement of the Objection 9 and 9.b, and all allegations of the objection regarding those items, Sand Springs Ranch responds that the

MICROFILMED
DEC 0 4 1996

recommended water right accurately describes the total number of acres within each 40 acre subdivision upon which Sand Springs Ranch found water was beneficially used for irrigation under this water right.

E. Statement of Objection 10. In response to Statement of the Objection item 10 and all allegations of the objection regarding this item, Sand Springs Ranch responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2) Idaho Code Sec. 42-1411(2)(I) requires the Director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the Director's report. (3) Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided for by Idaho Code Sec. 42-1401A(2). (5) The recommendation of the Director to the SRBA Court as to how the right, should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

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

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

H. General Objection. 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," Sand Springs Ranch responds as follows: Insofar

MICROFILMED
DEC 04 1996

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 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

Sand Springs Ranch proposes no changes to the description of this claim in the director's report.

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

Affidavit of Josephine P. Beeman	2 pages
May Farms, Ltd.'s Response to Answer Affirmative Defenses and Prayer for Relief of Claimant	4 pages

VERIFICATION

State of IDAHO)
: SS
County of ADA)

Tom Ambrose, being first duly sworn, upon oath, deposes and says:

I am a principal in Sand Springs Ranch, a party to this proceeding, as defined by I.C. § 42-1401A(1) and (7); that Josephine P. Beeman is my attorney in fact for these matters and is authorized to verify this response; and 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.

SAND SPRINGS RANCH

By: /S/

DILLION BOSCH DAW & BOCK, Chtd.

MICROFILMED
DEC 04 1996

By: /s/
Josephine P. Beeman, Attorney signing in Representative capacity

Subscribed and sworn to before me this 18th day of August, 1995 .

/s/
Notary Public for _____
Residing at: _____
My Commission expires: _____

MICROFILMED
DEC 04 1996

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of August, 1995, 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 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. Copies to:

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

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

Patrick D. Brown
HEPWORTH LEZAMIZ & HONHORST, Chtd.
P.O. Box 389
Twin Falls, ID 83303-0389

/S/
JOSEPHINE P. BEEMAN

MICROFILMED
DEC 04 1996

Movant's Name
Sand Springs Ranch Partnership

Attorney's Name & Addresses
JOSEPHINE P. BEEMAN
C. A. DAW
Dillion, Bosch, Daw & Bock
Chartered
Fidelity Building
242 N. 8th St., Suite 200
Boise, ID 83702
Tel. (208) 344-8990
Fax. (208) 344-9140

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. 36-00051A
	)	
Case No. 39576	)	**AFFIDAVIT OF JOSEPHINE**
	)	**BEEMAN**
	)	
	)	

Josephine Beeman, duly sworn on oath, states as follows:

1. I am the attorney for Sand Springs Ranch Partnership, the Movant in this matter.

2. Attached are true and correct copies of documents maintained by the Idaho Department of Water Resources with respect to SRBA claim 36-00051A.

DATED: August 18, 1995

/s/
Josephine Beeman

MICROFILMED
DEC 04 1996

STATE OF IDAHO)
) ss
County of Ada)

Subscribed and sworn before me on August 18, 1995.

/s/
Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires: _____

MICROFILMED
DEC 0 4 1996

MOVANT'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)

MICROFILMED
DEC 04 1996

(16) VI. General Provision **7. MEASURING DEVICES AND CONTROL WORKS** (page 11 of Part I of the director's report)

(17) VI. General Provision **8. FIRE FIGHTING PURPOSES** (page 11 of Part I of the director's report)

(18) VI. General Provision **9. CONSUMPTIVE USE** (page 12 of Part I of the director's report)

(19) VI. **GENERAL PROVISION 10 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE** (page 12 of Part I of the director's report)

(20) VI. General Provision **10. DOMESTIC USE** (page 12 of Part I of the director's report)

(21) VI. **GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE** (page 13 of Part I of the director's report)

(22) VI. General Provision **11. STOCK WATER USE** (page 13 of Part I of the director's report)

(23) VI. **GENERAL PROVISIONS 12-16 APPLY TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH IRRIGATION AS A PURPOSE OF USE** (page 13 of Part I of the director's report)

(24) VI. General Provision **12. IRRIGATION USE** (pages 13-14 of Part I of the director's report)

(25) VI. General Provision **13. DIVERSION VOLUME FOR IRRIGATION** (page 14 of Part I of the director's report)

(26) VI. General Provision **14. CONSUMPTIVE USE FOR IRRIGATION** (pages 14-15 of Part I of the director's report)

(27) VI. General Provision **15. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION** (page 15 of Part I of the director's report)

(28) VI. General Provision **16. DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE** (pages 15-16 of Part I of the director's report)

(30) VI. **17. INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS** (pages A-i through A-iii of Part I of the director's report)

(31) VI. **18. IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW** (pages A-1 through B-25 of Part I of the director's report)

(32) **DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36).** (DIRECTOR'S REPORT PART II)

(33) **DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36).** (DIRECTOR'S REPORT PART III)

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

MICROFILMED
DEC 04 1996

In response to each of the items enumerated above Movant responds that pursuant to Section 4 a.(2)(c) of SRBA Administrative Order 1, Rules of Procedure, Movant generally denies each and every allegation, if any, contained in each enumerated portion of the attachment. Movant affirmatively responds that neither SRBA Administrative Order 1, Rules of Procedure, nor Title 42, Chapter 14, Idaho Code, make provision for Movant to affirm, amplify, or otherwise respond to the claimant's admissions, or to deny the claimant's denials, and that Movant 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, Movant further responds as follows:

Movant 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 Movant 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, Movant 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, Movant generally denies each and every affirmative defense asserted. Movant further responds that affirmative

MICROFILMED
DEC 04 1996

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, Movant 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, Movant responds as follows:

1. Movant 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. Movant 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. Movant denies that any acts upon its part constitute the taking of private property for which just compensation should be allowed and awarded.

4. Movant denies that the claimant is entitled to recover court costs and reasonable attorney fees.

5. Movant denies that the claimant by this objection has raised any claims 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.

MICROFILMED
DEC 0 4 1996

Movant's Name
Sand Springs Ranch Partnership

Attorney's Name & Address
JOSEPHINE P. BEEMAN
C. A. DAW
Dillion, Bosch, Daw & Bock
Chartered
Fidelity Building
242 N. 8th St., Suite 200
Boise, ID 83702
Tel. (208) 344-8990
Fax. (208) 344-9140

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. 36-00051A
	)	
Case No. 39576	)	**MEMORANDUM IN SUPPORT OF MOTION TO FILE LATE RESPONSE (MILDREN)**
	)	
	)	
	)	
	)	

INTRODUCTION

Sand Springs Ranch Partnership, an Idaho partnership, (Sand Springs) submits this memorandum in support of its Motion to File Late Response. The Motion seeks the Court's permission to enter a late response on the objection of Walten Mildren ("Mildren") to the Director's Report regarding WR # 36-00051A. The Court's Order of July 28, 1995, ("July 28th Order") regarding the Joint Motions for Amending Administrative Order 1 and for Expedited Hearing indicates that such motions may be made within 21 days of the July 28th Order. Sand Springs' motion is made within the 21 days and is accordingly timely.

MICROFILMED
DEC 0 4 1996

The Court's July 28th Order also indicates that such motions will be granted or not according to criteria similar to those prevailing under I.R.C.P. 55(c) for setting aside a default (i.e. showing both good cause for untimeliness and the existence of a meritorious position.).

FACTUAL SITUATION

The Court's July 28th Order states the factual situation with respect to the basis for entry of the late response to objection by Sand Springs:

> The removal of IDWR and the Director as a party to the SRBA and all subcases necessitates special considerations for some parties to the adjudication. . . Based on the pleadings and party status of IDWR prior to the 1994 amendments to the SRBA statutes, some parties decided not to participate in certain subcases, choosing instead to rely on the Director's report and IDWR's defense of its pleading. . . Those parties who opted to rely on IDWR to litigate and advocate in favor of the Director's Report are unable to do so. Therefore it is necessary to provide a mechanism for parties to participate in subcases where participation is required due to the removal of the Director and IDWR as a party and the change in the status of the Director's Report as a pleading.

Movant is a party who relied on the IDWR to defend the Director's Report. See Affidavit of Tom Ambrose.

There has been no effort by any party to bring the Mildren objection to trial. There is no discovery in the file and no indication that any progress has been made on the case by either Mildren or the Department (prior to the 1994 statutory amendments removing the Department as a party.)

Mildren has objected to the Director's Report with respect to his water right number 36-00051A in Basin 36. The source of the water is Billingsley Creek. The water right has a claimed priority date of June 26, 1881. The differences between the Director's Report and Mildren's objection is significant. Mildren claims 4 irrigated acres. The Department's Report suggests that

MICROFILMED
DEC 04 1996

only 3 acres are irrigated. Mildren claims 1.2 cfs are necessary to irrigate these 4 acres or 15 inches of water per acre. The Department recommends .12 cfs, or 2 inches per irrigated acre recommended in the Report, including a reasonable allowance of .5 inch per acre for transmission losses. Mildren's claim is so unreasonable as to be facially invalid. Cf. IDAHO CODE § 42-220. Reputable studies, including the Department's, indicate that the statutory standard of one inch per acre is sufficient, on average, to irrigate property such as Mildren's.

Mildren also claimed year round irrigation use. The Director recommended March 15 to November 15. Mildren's objection also seeks to add year-round uses for stockwater, aesthetics, and wildlife habitat, which were not part of the Mildren claim and should be disallowed. These facts, if established, would consitute a meritorious defense to the Mildren objection.

LEGAL BASIS FOR PERMITTING SAND SPRONGS' LATE RESPONSE

I. CRITERIA FOR PERMITTING LATE RESPONSE.

The Court's July 28th Order indicates that the criteria for determining whether to permit the late response will be similar to those under which motions under I.R.C.P. 55(c) to set aside a default will be determined. Such motions are within the sound discretion of the trial court and will not be reversed on appeal unless an abuse of discretion clearly appears. *Clear Springs Trout Company v. Anthony*, 123 Idaho 141, 845 P.2d 559 (1992). Judgments by default are not favored and there is a preference for setting them aside so that cases can be decided on the merits. *Baldwin v. Baldwin*, 114 Idaho 525, 757 P.2d 1244 (Ct. App. 1988) ("*Baldwin*"); *Gro-Mor, Inc. v. Butts*, 109 Idaho 1020, 712 P.2d 721 (Ct. App. 1985). Even in doubtful cases, relief from a default is favored. *Baldwin*

MICROFILMED
DEC 04 1996

Since this response comes early in the history of this case, indeed, before any default has been entered, the motion should be granted.

II. NECESSARY ELEMENTS OF MOTION.

In order to set aside a default under rule 55(c), there must be a showing of reasonable cause for the late pleading and a factual showing that if granted, a meritorious basis supporting the pleading exists. See, e.g., *McFarland v. Curtis*, 123 Idaho 931, 854 P.2d 274 (Ct. App. 1988). Cf., Court's Order of July 28th, p. 2. However, this is not to say that the existence of the meritorious basis for the pleadings should be subject to trial at this point. It is only necessary to plead facts which, if established at trial, would support the motion. *Baldwin*. A final determination of the validity of the facts is not appropriate at this stage and the general rule, even in doubtful cases, is to grant relief in order to reach a judgment on the merits. *Johnson v. Pioneer Title Co.*, 104 Idaho 727, 626 P.2d 1171.

A. Reasonable Cause Exists to Support the Late Filing of the Response.

The affidavit submitted in favor of the motion shows that Sand Springs reasonably relied on the IDWR to defend the Director's report. The facts of this subcase indicate that the Department's defense of the Report would be successful or would significantly reduce the rate of diversion from that claimed in the objection, without outside intervention.

B. The Facts in the Supporting Affidavit, the Department's File and in the Proposed Response Provide a Meritorious Basis for Opposing the Objection.

The Affidavit of Tom Ambrose establishes the factual basis for the proposed response to the Mildren objection. This affidavit incorporates the Department's file on the objection. The facts outlined above, if established at trial,

MICROFILMED
DEC 04 1996

demonstrate good cause for the granting a water right according to the diversion rate recommended in the Director's Report and for rejecting the diversion rate claimed in the objection. There is a significant discrepancy between the Director's Report and Mildren's objection in the acreage subject to irrigation, and the amount of water necessary to irrigate the claimed acreage. Mildren's objection claim exceeds three inches of water per acre of ground. Reputable studies indicate that the statutory standard of one inch per acre is sufficient, on average, to irrigate property such as Mildren's. Cf. IDAHO CODE § 42-220.

III. GRANTING THE MOTION WILL NOT PREJUDICE MILDREN.

The issue of whether to grant leave to file a late response involves a consideration of the prejudice to HWUA if the motion is granted. *Traguth v. Zuck*, 710 F.2d 90 (2d Cir. 1983); *Meehan v. Snow*, 652 F.2d 1074 (2d Cir. 1981); *Cribb v. Matlock Communications, Inc.*, 236 Montana 27, 768 P.2d 337 (1989). However, the prejudice to be considered must based on some other ground than the mere allowance of the late response and the direct consequences flowing therefrom. See, *In re: General Determination of Rights to the Use of Surface and Ground Waters of the Payette River Drainage Basin*, 107 Idaho 221, 687 P.2d 1348 (1984); *Johnson v. Noland*, 78 Idaho 642, 308 P.2d 588 (1957); Otherwise no later response would ever be allowed.

Since no progress has been made in this subcase, there is no prejudice uniquely attributable to permitting the late response vis' a vis' a timely response of identical dimensions. Accordingly, the Sand Springs motion for leave to enter a late response should be granted.

MICROFILMED
DEC 04 1996

CONCLUSION

Sand Springs motion should be granted and the Sand Springs Response to Mildren's objection should be entered as a pleading in this matter.

Respectfully submitted,

Dillion, Bosch, Daw & Bock
Chartered

by: /S/
Josephine P. Beeman, of the firm

by: /S/
C. A. Daw, of the firm

MICROFILMED
DEC 04 1996

Movant's Name
Sand Springs Ranch Partnership

Attorney's Name & Addresses
JOSEPHINE P. BEEMAN
C. A. DAW
Dillion, Bosch, Daw & Bock
Chartered
Fidelity Building
242 N. 8th St., Suite 200
Boise, ID 83702
Tel. (208) 344-8990
Fax. (208) 344-9140

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. 36-00051A
	)	
Case No. 39576	)	**AFFIDAVIT OF TOM**
	)	**AMBROSE IN SUPPORT**
	)	**OF MEMORANDUM**
	)	

Tom Ambrose, duly sworn on oath, states as follows:

1. I am a partner of Sand Springs Ranch Partnership, the Movant in this matter.

2. Sand Springs Ranch Partnership is the owner of water rights located in Basin 36 of the Snake River Basin Adjudication ("SRBA").

3. Walten Mildren ("Mildren") has objected to the Director's Report with respect to his water right number 36-00051A in Basin 36. The source of the water is Billingsley Creek. The water right has a claimed priority date of June 26, 1881. The differences between the Director's Report and Mildren's objection is significant. Mildren claims 4 irrigated acres. The Department's Report

MICROFILMED
DEC 04 1996

suggests that only 3 acres are irrigated. Mildren claims 1.2 cfs are necessary to irrigate these 4 acres or 15 inches of water per acre. The Department recommends .12 cfs, or 2 inches per irrigated acre recommended in the Report, including a reasonable allowance of .5 inch per acre for transmission losses. Mildren's claim is so unreasonable as to be facially invalid. Cf. IDAHO CODE § 42-220. Reputable studies, including the Department's, indicate that the statutory standard of one inch per acre is sufficient, on average, to irrigate property such as Mildren's.

4. Mildren also claimed year round irrigation use. The Director recommended March 15 to November 15. Mildren's objection also seeks to add year-round uses for stockwater, aesthetics, and wildlife habitat, which were not part of the Mildren claim and should be disallowed. These facts, if established, would consitute a meritorious defense to the Mildren objection.

5. Based on the pleadings and party status of IDWR prior to the 1994 amendments to the SRBA statutes, Ambrose Farms decided not to participate in this subcase, choosing instead to rely on the Director's report and IDWR's defense of its pleading. The facts of this situation show that the IDWR, had it remained a party to this subcase, would have been, without substantial outside assistance, able to defend its report and significantly reduce the claimed diversion rate by Mildren.

6. With the removal of IDWR and the Director as a party to the SRBA and all subcases, parties such as Ambrose Farms who opted to rely on IDWR to litigate and advocate in favor of the Director's Report are unable to do so.

DATED: August 18, 1995

/s/
Tom Ambrose, Partner

MICROFILMED
DEC 04 1996

STATE OF IDAHO)
) ss
County of Ada)

Subscribed and sworn before me on August 18, 1995.

/S/
Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires: _____

MICROFILMED
DEC 0 4 1996

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM	TO	MAXIMUM QUANTITY		BASIS OF CLAIM
	SOURCE: BILLINGSLEY CREEK		TRIBUTARY: SNAKE RIVER					
36-00106	PAUL E WATKINS INEZ S WATKINS RT 1 BOX 412 HAGERMAN ID 83332	04/01/1880	IRRIGATION	03-15	11-15	.44	CFS	DECREED
			TOTAL QUANTITY:			.44	CFS	
			CONSUMPTIVE USE:			30.0	AFY	

POINT OF DIVERSION:
T07S R13E S11 SESENW
PLACE OF USE: IRRIGATION

T07S R13E S11 NWSW 10.0
10.0 ACRES TOTAL
REMARKS: 0.24 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 36-08099.
WATER IS DIVERED THROUGH THE BARLOGI DITCH.

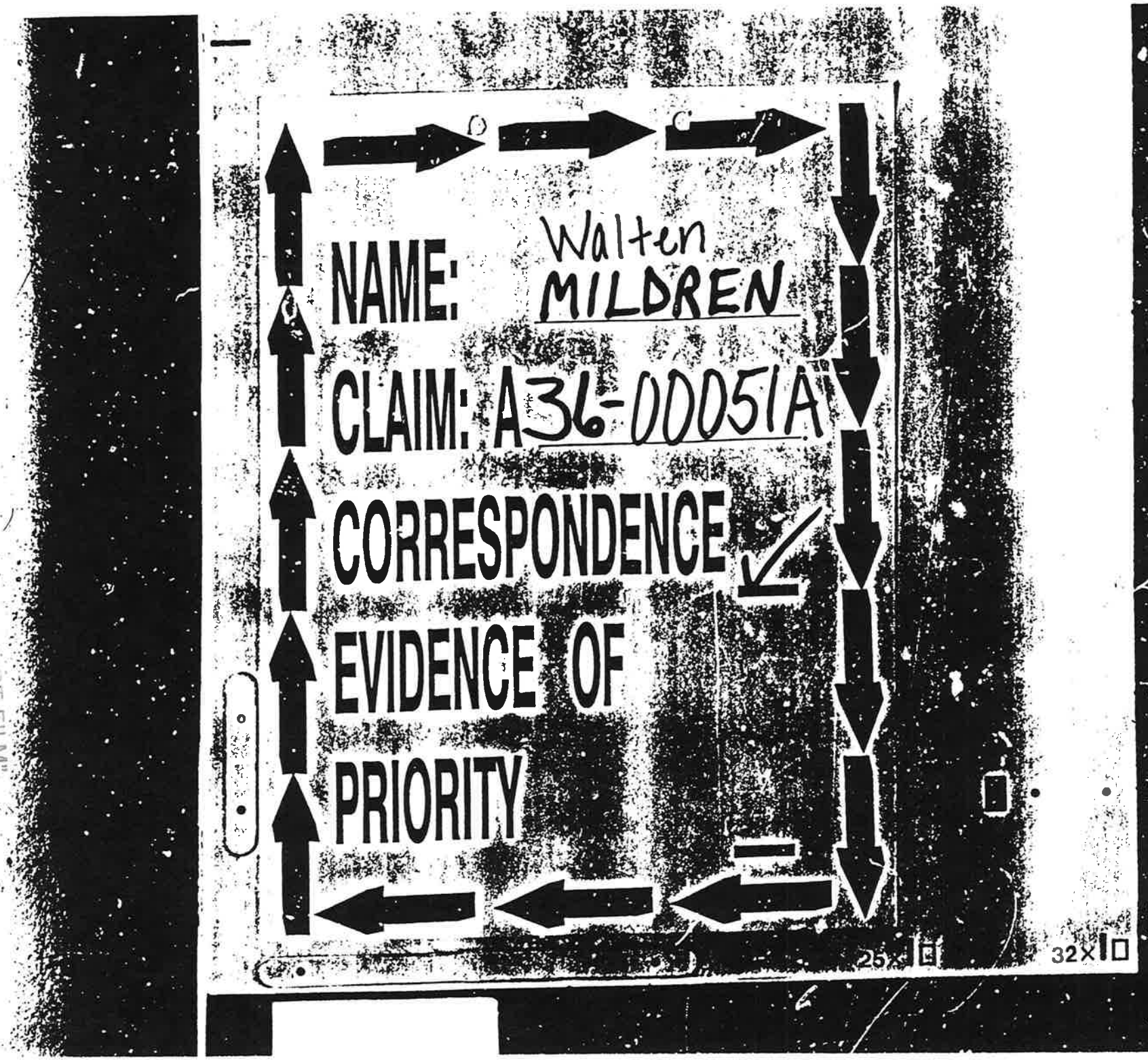
36-00051A	WALTEN E MILDREN MARJORIE J MILDREN PO BOX 510 HAGERMAN ID 83332	06/26/1881	IRRIGATION	03-15	11-15	.12	CFS	DECREED
			TOTAL QUANTITY:			.12	CFS	

POINT OF DIVERSION:
T07S R13E S11 NESENE
PLACE OF USE: IRRIGATION

T07S R13E S02 NESE 3.0
3.0 ACRES TOTAL
REMARKS: WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.
0.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
USE OF THIS RIGHT WITH RIGHT NO. 36-00054A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.12 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 9.0 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 3.0 ACRES IN A SINGLE IRRIGATION SEASON.

"DO NOT FILM"

RECEIVED
AUG 2 5 1995
Department of Water Resources
Adjudication Bureau


NAME: Walter MILDREN
CLAIM: A36-00051A
CORRESPONDENCE
EVIDENCE OF
PRIORITY
25x
32x

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: A36-00051A ~~A36-00051~~ B 2/1/91
Date Received: 7/25/1988
Receipt No: 8001083
Received By:

JUN 27 1989

Department of Water Resources
Southern Region Office

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WALTEN E. MILDREN 208-837-4770
Address: BOX 510
RAGERMAN, ID 833[illegible]

AND/OR

Name: MARJORIE J. MILDREN 208-837-4770
Address: BOX 510
RAGERMAN, ID 83332

2. Date of Priority: JUN 26, 1881

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	13E	11	SE NE		GOODING

5. Description of diverting works:
VIA JOHN BILL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S (or)	A.F.A.
IRRIGATION	01/01	12/31	1.200	

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A36-00051A ~~A36-00051~~ Page 1 Date: 06/15/89

DO NOT FILM

25X10 32X10 25X10 32X10

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
07S	13E	2	NE	SE		IRR	4.0
					Section Acres		4.0
					Total Acres		4.0

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:
YES A36-00054, A3607323

14. Remarks:
P/U INCOMPLETE. SEE FILE.
THIS PROPERTY WAS SOLD BY JACK MARTIN TO MR. & MRS. MILDREN ON JUNE 1, 1989.

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

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

DO NOT FILM"

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): [signature] Date: 6-20-89

[signature] Date: 6-20-89

State of Idaho)
) ss.
County of Gooding)

Subscribed and sworn (or affirmed) before me this 20th day of June 19 89

[signature]
Notary Public

Seal

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

"DO NOT FILM"

C-001049 C30671

WARRANTY DEED

For Value Received, Jack M. Martin and Lillian F. Martin, husband and wife, of 8601 Roberts Drive, Dunwoody, Georgia, 30350, the Grantors, do hereby grant, bargain, sell and convey unto Walter E. Mildren and Marjorie J. Mildren, husband and wife, whose current address is Route 1, Hagerman, Idaho, 83332, the Grantees, all of their right, title and interest in and to certain real property located in Gooding County, Idaho, and more particularly described as follows, to-wit:

TRACT 1

Township 7 South, Range 13 East of the Boise Meridian

Section 2: Part of the NE1/4SE1/4 described as follows:

Beginning at a point on the Easterly right-of-way of U.S. Highway No. 30, Project F-2361(18) according to the survey thereof, which point is 208.00 feet South and 30 feet East of the Southwest corner of said NE1/4SE1/4;

Thence Northwesterly along said Highway right-of-way, 855.65 feet to a point on said right-of-way opposite Station 238 + 69.56;

Thence N 88°22' E, 440.00 feet to the True Point of Beginning;

Thence N 1°38' W, 129.83 feet;

Thence N 88°22' E, 76.17 feet;

Thence N 0°48' W, 463.70 feet more or less to a point 107 feet 3 inches (107.25 feet measured) South of the North boundary of said NE1/4SE1/4;

WARRANTY DEED - 1

"DO NOT FILM"

32×10

25×10

32×10

Thence East parallel with the North boundary of said NE1/4SE1/4 to point of intersection with the East boundary of said NE1/4SE1/4;

Thence South along the East boundary of said NE1/4SE1/4 to point 592.83 feet North of the Southeast corner of said NE1/4SE1/4;

Thence West 587.19 feet;

Thence S 85°35' W, 246.03 feet;

Thence N 44°48' W, 103.40 feet;

Thence S 88°22' W, 94.80 feet to the True Point of Beginning.

TRACT II

An existing road right-of-way for ingress and egress along the West line of said NE1/4SE1/4 and running a distance of approximately 625 feet North from the Southwest corner of said NE1/4SE1/4 and also a road right-of-way 25 feet in width and running parallel to the South boundary line of said property, a distance of approximately 475 feet East from the West line of said NE1/4SE1/4, as set forth in microfilmed instrument No. 28712.

Together with thirty (30) miner's inches of water from the John Bell Ditch being part of Water Right Number A 36-00051; Water Right A 36-00054 for .4 C.F.S.; and State of Idaho Water Right License 36-7123 for .06 C.F.S.

TO HAVE AND TO HOLD the premises, with appurtenances unto the said Grantees and to the Grantees' heirs and assigns forever. And the said Grantors do hereby covenant to and with the Grantees that Jack M. Martin and Lillian F. Martin are the owners in fee simple of said premises; that they are free from encumbrances except as described above; that they Grantors will warrant and defend the same from all lawful claims whatsoever.

WARRANTY DEED - 2

DATED: 9

STATE

COUNTY OF

me, the und
and State,
MARTIN, hus
names are
acknowledge

affixed my

WLN\91228WA

WARRANTY D

DATED: June 1, 1989

Jack M. Martin
JACK M. MARTIN

Lillias P. Martin
LILLIAS P. MARTIN

STATE OF Georgia)
) ss.
COUNTY OF Fulton)

On this 1st day of June, 1989, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JACK M. MARTIN and LILLIAS P. MARTIN, 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.

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

Notary Public for Georgia
Residing at: Fulton County
My Commission Expires: 11/24/91

Frances B. Nash
Notary Public, Fulton County, Georgia
My Commission Expires November 24, 1991

WLN\91228WAR.DEE\LDI

WARRANTY DEED - 3

DO NOT FILM"

25×10

32×10

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

A36-00051A
Ident. Number: ~~A36-00051~~ AB
Date Received: 7/25/1988 2.1.91
Receipt No: 8001083
Received By: TW

"DO NOT FILM"

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: JACK MARTIN , 208-837-4594
   Address: BOX 281 HAGERMAN, ID 83332

   AND/OR

   Name: LILLIAS MARTIN 208-837-4594
   Address: BOX 281 HAGERMAN, ID 83332

2. Date of Priority: JUN 26, 1881

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	13E	11	SE NE		GOODING

5. Description of diverting works:
   VIA JOHN BELL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A36-00051A
~~A36-00051~~

Date: 07/25/88

32X10 25X10 32X10

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	2	NE SE		IRR	4.0
				Section Acres		4.0
				Total Acres		4.0

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:
YES A36-00054, A3607323

14: Remarks:
P/U INCOMPLETE. SEE FILE.

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

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

"DO NOT FILM"

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): Jack Martin Date: 7/25/88

_____ Date: _____

State of Idaho)
) ss.
County of T.F)

Subscribed and sworn (or affirmed) before me this ___ day of July 19 88

Seal

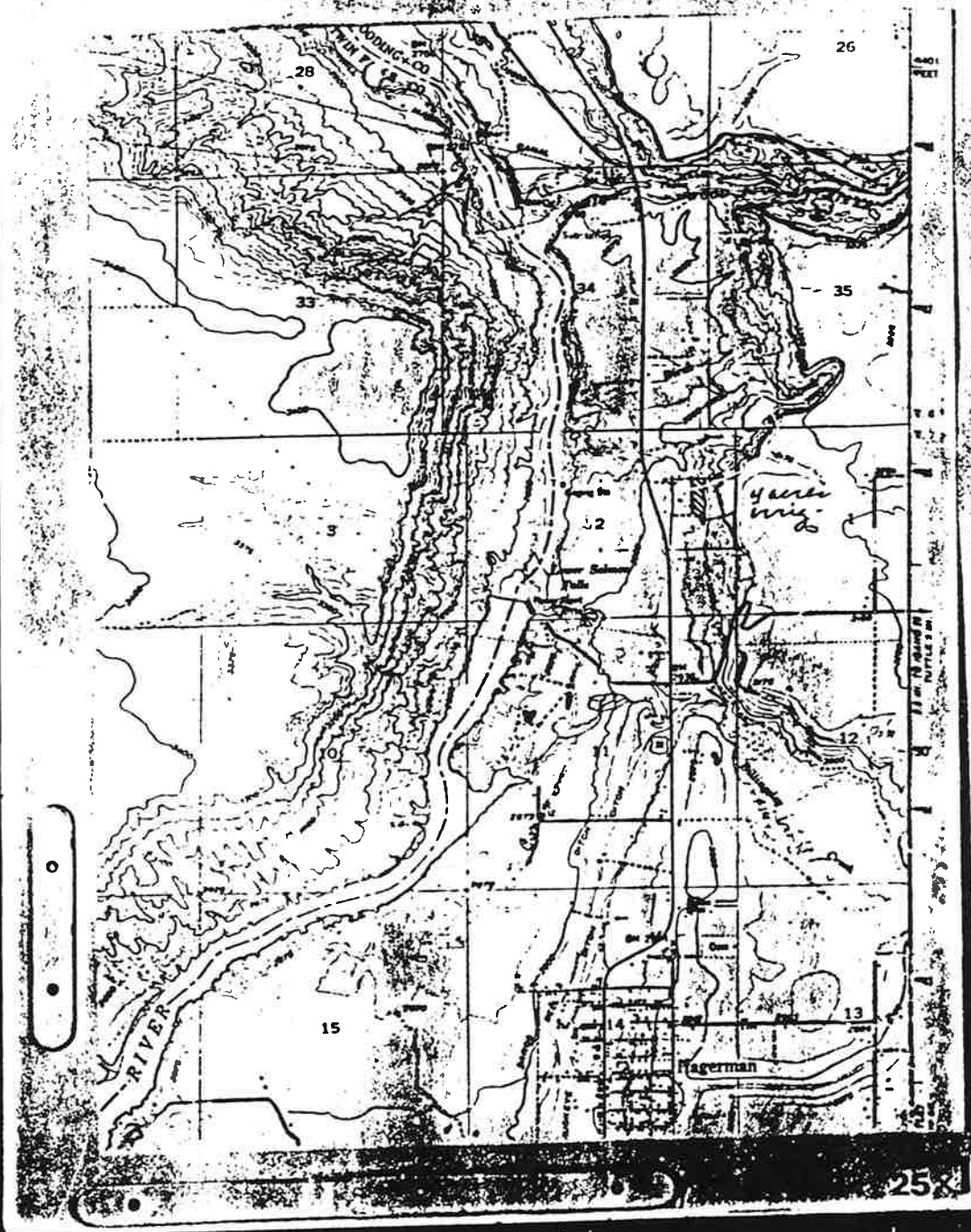
Lori White
Notary Public

Residing at T.F

My Commission Expires 5/95

"DO NOT FILM"





DO NOT FILM"

IDWR

CECIL D. A

05-Feb-19

WALTEN E MI
P O BOX 510
NAGERMAN

RE: SRBA

Dear Clai

In our re
we have f
This acti
described

A.
claims wo

B.
in the wa

C.
use you c
correspon

D.
your init
exactly c

Please n
the vali
future
record

Enc:

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3378

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

05-Feb-1991 09:13

WALTER E MILDREN
P O BOX 510
HAGERMAN ID 83332

RE: SRBA Claim A36-00051 number change to A36-00051A F

Dear Claimants:

In our review of the claims filed in the Snake River Basin Adjudication we have found it necessary to renumber your claim as described above. This action may have been taken as a result of one of the following described situations:

A. We are correcting a duplication of numbers made when the claims were initially taken.

B. We are correcting the number since it was initially assigned in the wrong basin.

C. We have matched an existing water right number with the water use you claimed and for continuity have changed the number to correspond.

D. We have reviewed the water right record corresponding to the your initial claim and have found that the water right record does not exactly correspond so a new number has been assigned.

Please note that the change in the number of your claim does not affect the validity of your claim. Please refer to the new number in all future correspondence. Please find enclosed a copy of the computer record of A36-00051A. If you have any questions please feel free to contact our office.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enc:

"DO NOT FILM"

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

DO NOT FILM"

Please type or print clearly.
Idaho Department
Statehouse Mail
Boise, Idaho 83720
The notice of error must be
below with your proposed

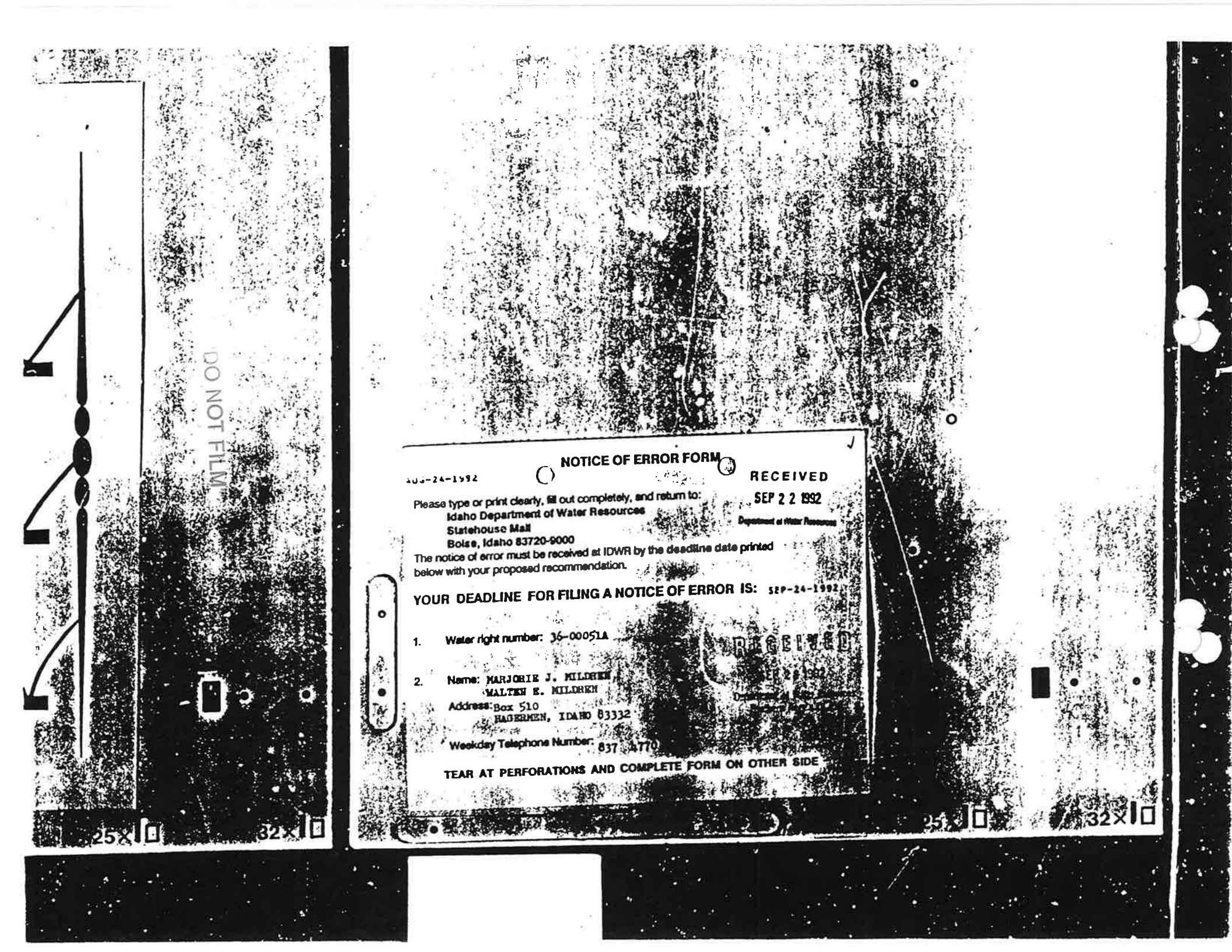
YOUR DEAD FO

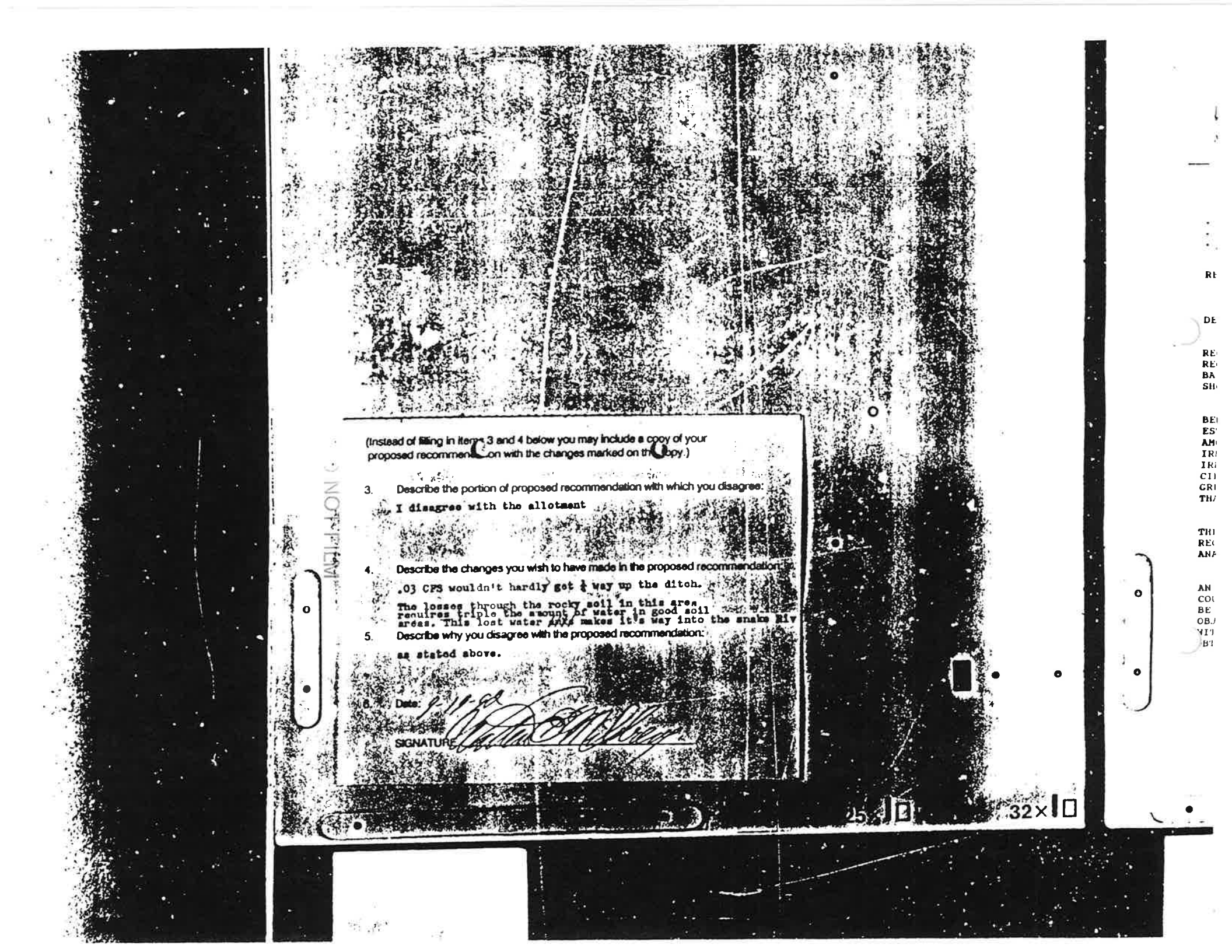
1. Water right

2. Name:
Address:

Weekday Telephon

TEAR AT PERFOR


DO NOT FILM
NOTICE OF ERROR FORM
AUG-24-1992
RECEIVED
SEP 2 2 1992
Please type or print clearly, fill out completely, and return to:
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000
The notice of error must be received at IDWR by the deadline date printed below with your proposed recommendation.
YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992
1. Water right number: 36-00051A
2. Name: MARJORIE J. MILDREN
WALTER E. MILDREN
Address: Box 510
HAGERMEN, IDAHO 83332
Weekday Telephone Number: 837 4770
TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE
25X
32X



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

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

I disagree with the allotment

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

.03 CFS wouldn't hardly get it way up the ditch.

The losses through the rocky soil in this area requires triple the amount of water in good soil areas. This lost water also makes it's way into the snake River

5. Describe why you disagree with the proposed recommendation:

as stated above.

6. Date: 9-11-92

SIGNATURE

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

OCTOBER 13, 1992

- MR & MRS WALTEN E. MILDREN
- P O BOX 510
- HAGERMAN, ID 83332

RE: NOTICE OF ERROR FOR DIVERSION AMOUNT
WATER RIGHT NO.: 36-00051A

DEAR MR & MRS MILDREN:

THIS LETTER IS IN RESPONSE TO THE NOTICE(S) OF ERROR (NOE) YOU RECENTLY FILED WITH IDWR REGARDING THE DIRECTOR'S PROPOSED RECOMMENDATION OF THE CLAIM(S) LISTED ABOVE. YOUR NOE QUESTIONS THE BASIS FOR RECOMMENDATION OF AN AMOUNT THAT IS LESS THAN THE AMOUNT SHOWN IN A PREVIOUS DECREE.

UNDER IDAHO LAW, A WATER RIGHT IS LIMITED TO THE AMOUNT OF WATER BENEFICIALLY USED FOR THE PURPOSES FOR WHICH THE WATER RIGHT WAS ESTABLISHED. THE AMOUNT OF WATER BENEFICIALLY USED IS LIMITED TO THE AMOUNT THAT IS ACTUALLY USED AND IS REASONABLY REQUIRED. FOR IRRIGATION PURPOSES, A REASONABLE AMOUNT IS THE AMOUNT REQUIRED USING IRRIGATION METHODS THAT ARE REASONABLY EFFICIENT UNDER CURRENT CIRCUMSTANCES. IF THE AMOUNT OF A WATER RIGHT SHOWN IN A DECREE IS GREATER THAN THE AMOUNT THAT IS BENEFICIALLY USED, THEN THE PORTION THAT IS NOT BENEFICIALLY USED IS FORFEITED.

THE AMOUNT PROPOSED TO BE RECOMMENDED FOR YOUR CLAIM IS BASED ON THE AMOUNT OF WATER DETERMINED TO BE BENEFICIALLY USED FOR THE RECOMMENDED USES, BASED ON AVAILABLE DATA AND CURRENT METHODS OF ANALYSIS.

IF YOU STILL DISAGREE WITH IDWR'S RECOMMENDATIONS, YOU WILL HAVE AN OPPORTUNITY TO FILE AN OBJECTION TO THE DIRECTOR'S REPORT WITH THE COURT. WHEN THE DIRECTOR'S REPORT IS FILED WITH THE COURT, YOU WILL BE MAILED A NOTICE THAT WILL CONTAIN MORE INFORMATION ABOUT THE OBJECTION PROCESS. AS PART OF THE OBJECTION PROCESS, IDWR WILL WORK WITH THE CLAIMANTS TO RESOLVE DISPUTED ISSUES, INCLUDING EFFORTS TO OBTAIN ADDITIONAL DATA WHICH WILL BE SHARED WITH THE WATER USERS.

SINCERELY,

Robert W. Worstell

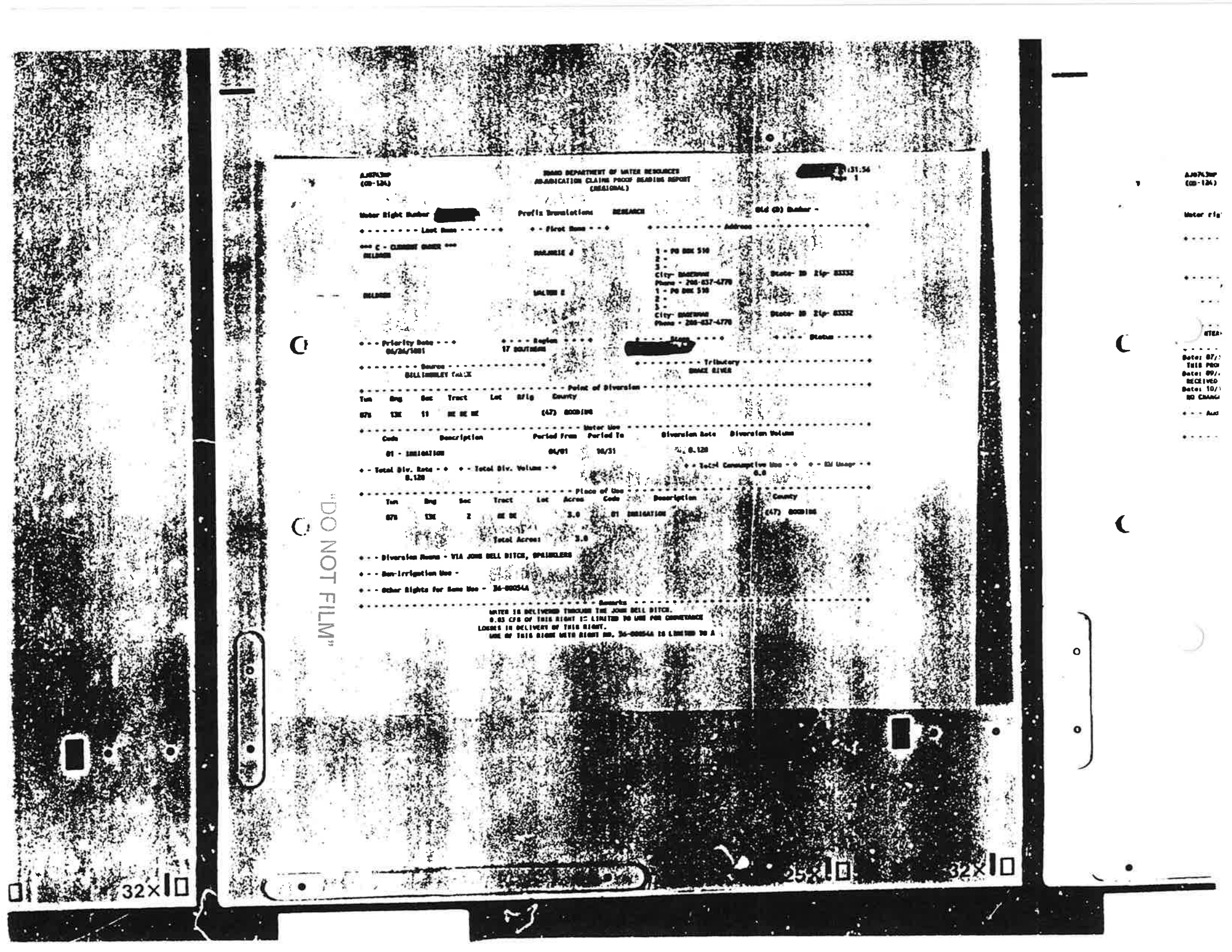
WATER AGENT

"DO NOT FILM"

32X10

25X10

32X10



A.407L3WP
(08-124)

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

[redacted] 31:56
Page 1

Water Right Number [redacted] Profile Translations RESEARCH Old (D) Number -

Last Name	First Name	Address	Status
*** C - CURRENT OWNER ***			
BELDEN	DARLENE J	1 - PO BOX 510 2 - 3 - City- EMERSON Phone - 208-837-4770	State- ID Zip- 83332
BELDEN	WALTER E	1 - PO BOX 510 2 - 3 - City- EMERSON Phone - 208-837-4770	State- ID Zip- 83332

Priority Date: 06/26/1981
Region: 17 SOUTHERN
Source: BELLEVUE-HAILEY [illegible]
Tributary: SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	B/Lg	County
07S	13E	11	NE NE NE		(47)	0000196

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	0.128	

Total Div. Rate: 0.128
Total Div. Volume:
Total Consumptive Use: 0.0
EM Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	2	NE NE		3.0	01	IRRIGATION	(47) 0000196

Total Acres: 3.0

Diversion Means - VIA JOHN BELL DITCH, SPRINKLERS
Non-Irrigation Use -
Other Rights for Same Use - 36-000544A

Remarks

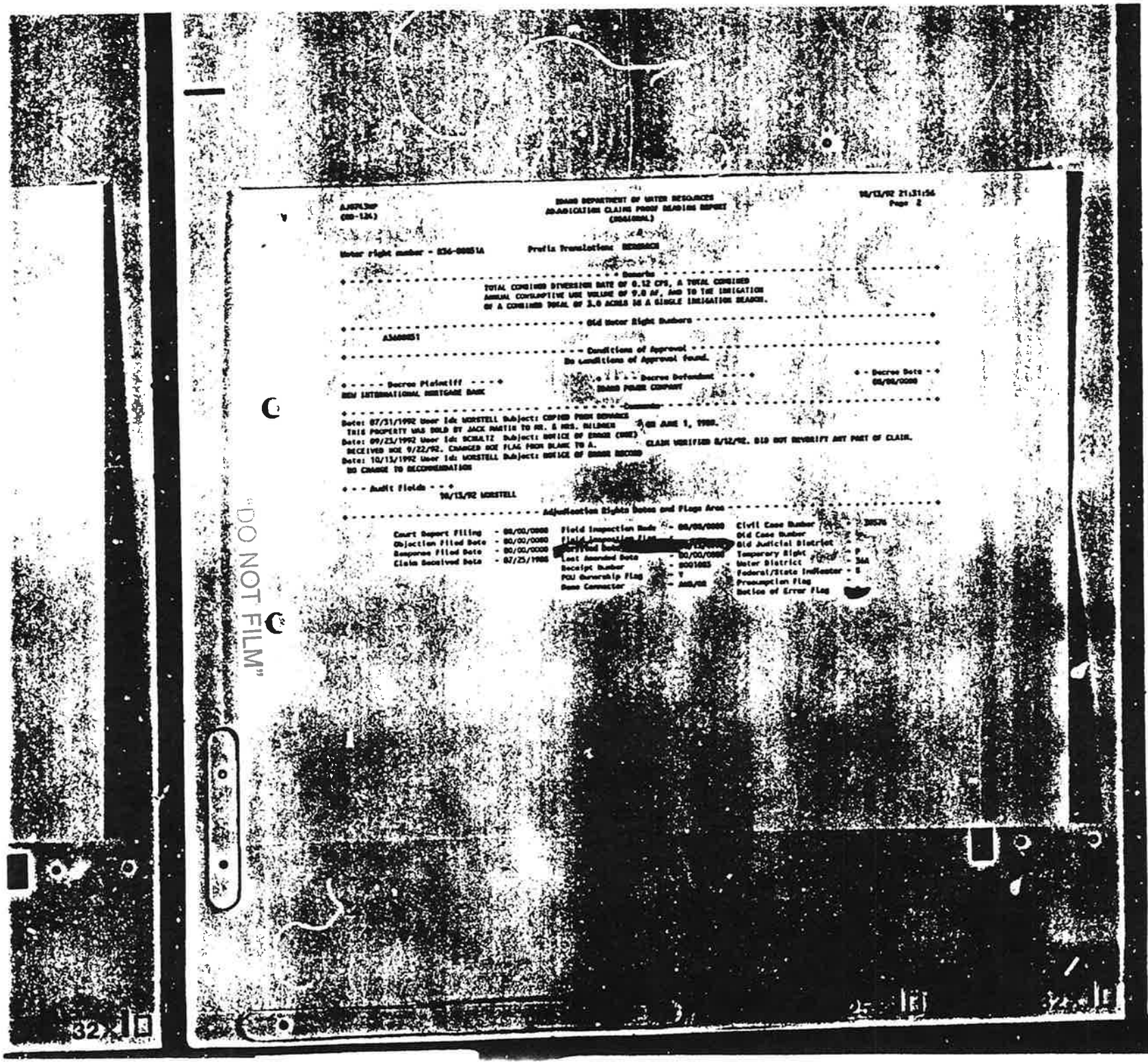
WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.
0.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
USE OF THIS RIGHT WITH RIGHT NO. 36-000544 IS LIMITED TO A

"DO NOT FILM"

32×10

25×10

32×10



AJSRLSHP
(RD-126)

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

10/13/92 21:31:56
Page 2

Water right number - 036-000051A Profit Translation: RESERVOIR

Remarks

TOTAL COMBINED DIVERSION RATE OF 0.12 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 9.0 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 3.0 ACRES IN A SINGLE IRRIGATION SEASON.

Old Water Right Numbers

A3600051

Conditions of Approval

No conditions of Approval found.

Decree Plaintiff
BOH INTERNATIONAL MORTGAGE BANK

Decree Defendant
BOARD POWER COMPANY

Decree Date
00/00/0000

Comments

Date: 07/31/1992 User Id: MORSTELL Subject: COPIED FROM DOMANCE
THIS PROPERTY WAS SOLD BY JACK MARTIN TO MR. & MRS. PALMER ON JUNE 1, 1988.
Date: 09/23/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/12/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/13/1992 User Id: MORSTELL Subject: NOTICE OF ERROR RECORD
NO CHANGE TO RECOMMENDATION

Audit Fields
10/13/92 MORSTELL

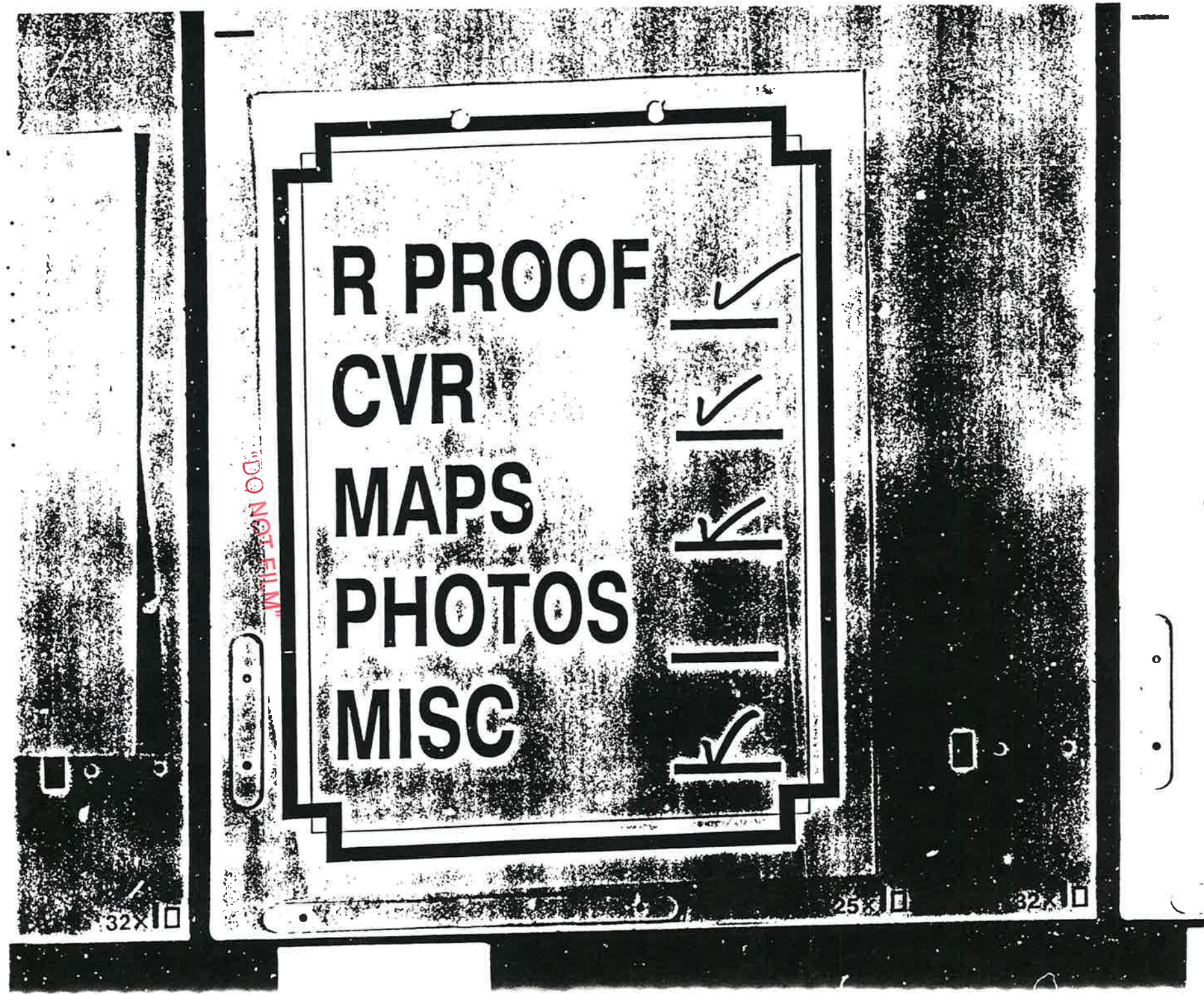
Adjudication Rights Notes and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 20570
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Certified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 07/23/1986	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- 0001003	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Done Connector	- ABS/RR	Presumption Flag	-
				Notice of Error Flag	-

DO NOT FILM"

32x

REF
CVR
MAP
PHO
MIS


R PROOF
CVR
MAPS
PHOTOS
MISC
"DO NOT FILM"
32X
25X
32X

A.007439P
(GD-124)

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

05/12/92 10:06:00
Page 1

VERIFIED BY AHT

Water Right Number - 036-000514 Prefix Translation: REREARCE

Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER *** HOLLOWAY	MALANIE J	1 - PO BOX 510 2 - 3 - City- BAKERVAN Phone - 208-537-4770
HOLLOWAY	WALTER E	1 - PO BOX 510 2 - 3 - City- BAKERVAN Phone - 208-537-4770

Priority Date: [illegible] Region: 37 [illegible] Stage: D - DECREED Status:

Source: SMALLWOODLEY CREEK Tributary: SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	Mrlg	County
07S	13E	11	NE NE NE		(47)	[illegible]

Water Use

Code	Description	Period from	Period to	Diversion Rate	Diversion Volume
01	[illegible]	04/01	10/31	[illegible]	

Total Div. Rate - 0.120 Total Div. Volume - Total Consumptive Use - 0.0 DU Usage -

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	2	NE SE		3.0	01	[illegible]	(47) [illegible]

Total Acres: 3.0

Diversion Means - VIA JOHN BELL DITCH, SPRINKLERS

Non-Irrigation Use -

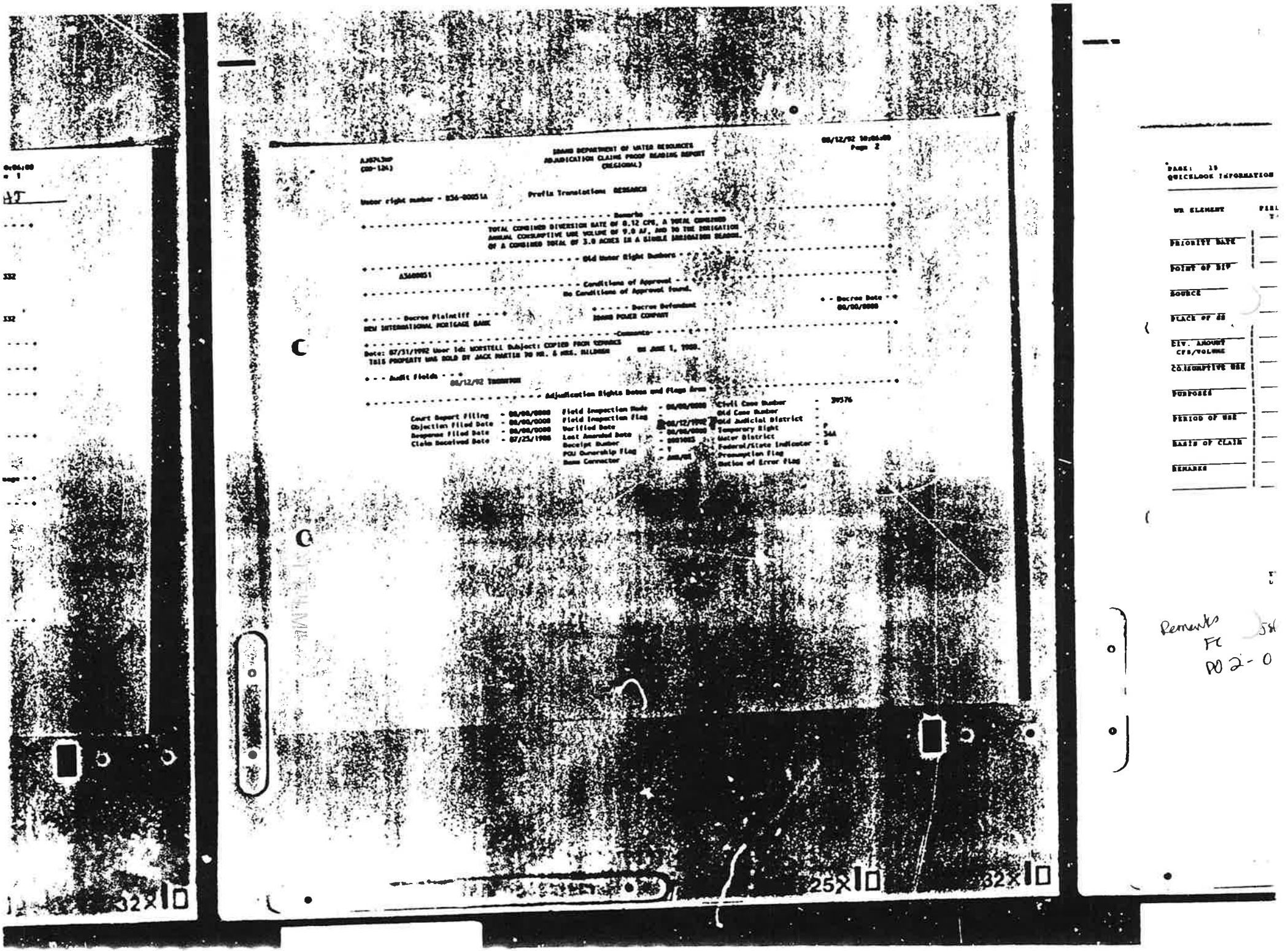
Other Rights for Same Use - 36-000544

Remarks

WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.
0.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
USE OF THIS RIGHT WITH RIGHT NO. 36-000544 IS LIMITED TO A

"DO NOT FILM"

32x 25x 32x



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

09/12/92 10:06:00
Page 2

AJ07A3RP
(IDD-12A)

Water right number - 036-00051A Prefix Translations RESEARCH

Remarks

TOTAL COMBINED DIVERSION RATE OF 0.12 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 9.0 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 3.0 ACRES IN A SINGLE IRRIGATION SEASON.

Old Water Right Numbers

A3600051

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff
NEW INTERNATIONAL MORTGAGE BANK

Decree Defendant
IDAHO POWER COMPANY

Decree Date
00/00/0000

Comments

Date: 07/31/1992 User Id: MORSTELL Subject: COPIED FROM 12MARCS
THIS PROPERTY WAS SOLD BY JACK MARTIN TO MR. & MRS. BELDEN on JUNE 1, 1988.

Audit Fields
08/12/92 THOMPSON

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Mode	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/12/1992	Old Judicial District	-
Claim Received Date	- 07/23/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- 0001003	Water District	- 34A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

BASE: 39
QUICKLOOK INFORMATION

WR ELEMENT	PERI
PRIORITY DATE	
POINT OF DIV	
SOURCE	
PLACE OF USE	
DIV. AMOUNT CFS/VOLUME	
CO.CONSUMPTIVE USE	
PURPOSES	
PERIOD OF USE	
BASIS OF CLAIM	
REMARKS	

Remarks
Fc
PO 2-0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATIONS CLAIM VERIFICATION REPORT

11:02:28
04/25/90

CLAIM NUMBER: A36-00051A

PAGE: 13
QUICKLOOK INFORMATION

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE				N	4,5	HJT 7/24/90	DB	
POINT OF DIV	Y			Y				
SOURCE				N				
RATE OF USE	Y		7-24-90 SCC/HAT	Y	1,2,4,5			
DIV. LOCATION T/R/S/COUNTY				Y	6 Basin			
CONSUMPTIVE USE	-			Y	4			
PURPOSES				N				
PERIOD OF USE	Y			Y				
DATES OF CLAIM	Y			N				
REMARKS	Y			Y	Lands			

"VERIFIED BY" CODES
1 = FROM MAP/METES-BD
2 = ASCS MAP
3 = WATERMASTER RECORDS
4 = MAPP PRINTOUT
5 = FIELD EXAM
6 = OTHER (SEE REMARKS)

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

"DO NOT FILM"

Remarks —
FOI - John Bell Ditch
PD 2 - 0.03

11:02:28
06/29/96

A36-00051A

LETED ENTRY N/DATE	VERIFIED DATE WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:02:28
06/29/96

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00051

FIRST: MARJORIE J.

LAST: HILDRETH
ADDRESS: P.O. BOX 310
CITY: HAGERMAN
PHONE NUMBER: 208-837-6770

STATE: ID ZIP: 83332

OWNER CODE: C

FIRST: WALTER E.

LAST: HILDRETH
ADDRESS: P.O. BOX 310
CITY: HAGERMAN
PHONE NUMBER: 208-837-6770

STATE: ID ZIP: 83332

OWNER CODE: C

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

CLAIM REMARKS: THIS PROPERTY WAS SOLD BY JACK MARTIN TO MR. & MRS. HILDRETH ON JUNE 1, 1988.

"DO NOT FILM"

25x10 32x10

PAGE: 2
FIELD EXAMINATION I

CONTACT PERSON: ___
DATE OF FIELD EXAM: ___
ACCOMPANIED BY: ___
RELATIONSHIP TO CLA ___
DIRECTIONS TO PROP: ___

CLAIM NUMBER: A16-00051

PAGE: 2
FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER: (___) ___-____

DATE OF FIELD EXAM: __/__/__ APPOINTMENT MADE: Y(___) N(___) TIME: ___:___ A(___) P(___)

ACCOMPANIED BY: A/O Bate Hanes PHONE NUMBER: (___) ___-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

DO NOT FILM"

32X10 25X10 32X10

PAGE: 3
PRIORITY DATE REVIEW F

A. AJ CLAIM: # A16-

B. [illegible] RECORD: # 16-

C. FIELD EXAM REQUIRED
DUE TO PRIORITY DA

ARE THERE OBVIOUS EXAM
IF YES EXPLAIN.

REMARKS: ___ ___

RECOMMENDED PRIORITY DA
06-26-1851

REVIEWED BY _____

PAGE: 3
PRIORITY DATE REVIEW PAGE

CLAIM NUMBER: A36-00051

A. AJ CLAIM: @ A36-00051 PRIORITY DATE: 06-26-1951 STAGE: D

B. MR RECORD: @ 36-00051 PRIORITY DATE: 06-26-1951 STAGE: D

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N)	N	

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

REMARKS: N/A

RECOMMENDED PRIORITY DATE:
06-26-1951

REVIEWED BY Scc DATE 11-23-90

"NOT FILM"

32X10 25X10 32X10

PAGE: 4
POINT OF DIVERSION RI

A. AJ CLAIM POINT OF

RIGHT	TWP.
A36-00051	07S

OTHER AJ CLAIMS
A PREFIX
A36-00025
A36-00067
A36-01658
A3[illegible]4489

PAGE: 4
POINT OF DIVERSION REVIEW SHEET

CLAIM NUMBER: A36-00051

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CFFT
					SE	NE		0000186
A36-00051	07S	13E	11					

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	B PREFIX
	NONE
A36-00025	
A36-00047	
A36-07458	
A36-10400	

WR RECORDS IN SAME 40 ACRE TRACT

36-00001
36-00005
36-00010
36-00021
36-00024
36-00025
36-00026
36-00027
36-00034
36-00035A
36-00035B
36-00039A
36-00039B
36-00046
36-00052
36-00064
36-00065
36-00067
36-00071
36-00076
36-00077
36-00082
36-00083
36-00085
36-00087
36-00088
36-00089
36-00090
36-00091
36-00094
36-00095
36-00096
36-00101
36-00106
36-00112A
36-00112B
36-00113B
36-00113C
36-00113D
36-00125
36-04000
36-04119
36-04261
36-07271
36-07458
36-07729

"DO NOT FILM"

32X 25X 32X

SOURCE: BILLINGSLEY CREEK

3. THE POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.
36-000051	07S	13E	11

OTHER WR RECORDS WITH SAME WR POD

36-000001
36-000009
36-000010
36-000011
36-000014
36-000015
36-000016
36-000017
36-000018
36-000019A
36-000019B
36-000019C
36-000020
36-000052
36-000064
36-000065
36-000067
36-000071
36-000076
36-000077
36-000082
36-000083
36-000085
36-000087
36-000088
36-000089
36-000090
36-000091
36-000094
36-000095
36-000096
36-000100
36-001127A
36-001127B
36-001127C
36-001128
36-001129
36-001130

36-07814
36-07840
36-07852
36-07875
36-07957
36-08056
36-08319
36-08335

TRIB: SNAKE RIVER

1/4	1/4	1/4	LOT	CITY
	SE	NE		GOODING

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	B PREFIX
A36-000025	DONE
A36-000067	
A36-07852	
A36-10400	
A36-000051B	
A36-10119	
A36-10120	
A36-10751	
A36-10752	
A36-10755	
A36-10061	
A36-001028	
A36-001028A	
A36-000026	
A36-00027	
A36-000039C	
A36-000050E	
A36-000051B	
A36-000076A	
A36-000085B	
A36-000089B	
A36-10263	
A36-10312	
A36-000090A	
A36-000093B	
A36-000088B	
A36-000089C	
A36-000090B	
A36-000094F	
A36-001086F	
A36-001129A	
A36-000026	
A36-000051C	
A36-000071A	
A36-000089A	
A36-001086C	
A36-001089D	
A36-001088E	

36-001130
36-00125
36-04008
36-04115
36-04261
36-07271
36-07658
36-07739
36-07814
36-07840
36-07852
36-07875
36-07957
36-08056
36-08319
36-08335

SOURCE: BILLING [illegible]

C. FIELD EXAM REQUIRED?

REMARKS:

"DO NOT FILM"

32x 25x 32x

36-001138	A36-001088
36-00125	A36-04088
36-04088	A36-04115
36-04115	A36-04261
36-04261	A36-001138
36-07271	A36-10016
36-07458	A36-10558
36-07739	A36-000139
36-07814	A36-00004A
36-07840	A36-001139
36-07853	A36-001138
36-07879	A36-10550
36-07957	A36-00044B
36-08058	A36-00044C
36-08319	A36-10221
36-08338	A36-00103A
	A36-00003B
	A36-00003C
	A36-00003E
	A36-00003F
	A36-00003J
	A36-000106

SOURCE: BILLINGSLEY CREEK TRIB: SNAKE RIVER

C. FIELD EVAL REQUIRED?

		DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY?	(Y/N)	Y	N
DUE TO SOURCE DISCREPANCY?	(Y/N)	N	N

REMARKS:

All 10 A. 1/4

"DO NOT FILM"

32×10

252 10

32×10

PAGE: 7
POINT OF DIVERSION REVIEW SHEET CONTINUED

CLAIM NUMBER: A36-00051

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
		Same	NE				

SOURCE: BILLINGSLEY CREEK TRIB: SNAKE RIVER

REVIEWED BY: Scc DATE: 11-23-90

VIA JOHN BELL PITCH

"NOT FILM"

25×10

32×10

PAGE: 6
PLACE OF USE REVIEW SHEET

CLAIM NUMBER: A36-000551

A. ROOT WATER RIGHT NUMBERS: A36-000551
A36-000551B
A36-000551C
A36-000551D

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES		NR #/ACRES		LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	2	NE	SE		HILDRETH, MARJORIE J.	A36-000551	/ 4.0	36-000551	/	21.0	3.0	3.0
						LANGELIER, CRAIG J.	A36-000551D	/12.0	-	/			
						GOSSI, PHILLIP C.	A36-046033	/	36-046033	/			
						BARLOGEN, KATHARYN	A36-10188	/	-	/			
						GOSSI, PHILLIP C.	A36-10268	/	-	/			
						BARLOGEN, KATHARYN	A36-000551B	/	-	/			
						BARLOGEN, KATHARYN	A36-000548	/ 4.0	-	/			
						GOSSI, MARILYN L.	A36-000576A	/ 1.0	-	/			
						LANGELIER, CRAIG J.	A36-07009	/12.0	-	/			
						HILDRETH, MARJORIE J.	A36-000554	/ 4.0	36-000554	/			
						HILDRETH, WALTER E.	A36-07323	/ 1.0	36-07323	/ 1.0			
						LEWELLEN, DOT			36-000576	/			
						TOTAL ACRES	A36-000551		4.00		21.00		(3.0)

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

C. FIELD EXAM REQUIRED? DUE TO POU DISCREPANCY? (Y/N)

DATABASE	FIELD EXAMINER
	X

OVERLAP:
Same 3 acres covered by spring water in A36-00054
and license 1 acre under 36-7323.
? Why was the spring licensed again for
land decreed in 36-00054?

7-30-92 - Recommended limits disallowed; covered by A36-00054A

"DO NOT FILM"

32X

PAGE: 6
PLACE OF USE REVIEW SH

PRESUMPTION FLAG:

REMARKS: Acres A

RECOMMENDA

PAGE: 9
PLACE OF USE REVIEW SHEET CONTINUED

CLAIM NUMBER: A36-00051

PRESUMPTION FLAG:

REMARKS: Acres Not within allowed tolerance.

RECOMMENDATIONS:

TOTAL ACRES: 3.0

REVIEWED BY: See

DATE: 11-23-90

: A36-00051

FIELD EXAM.	RECOMM. ACRES
3.0	3.0

3.0

DO NOT FILM

36-00054

Again for
0054?

PAGE: 10
PURPOSES REVIEW

A. AJ CLAIMED US
PUR
A36-00051 ERRI

B. WR RECORDED
PUR
36-00051 ERRI

PRESU FLAG

C. FIELD EXAM RE
DUE TO WATER
DUE TO DIVER
DUE TO PERIO

D. PERIOD OF US
RECOMM
RECOMM

REMARKS:

PAGE: 10
PURPOSES REVIEW SHEET

CLAIM NUMBER: A36-000851

A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-000851	IRRIGATION	FROM 01-01 TO 12-31	1.200 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED		1.200 CFS

B. ~~WR~~ RECORDED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00094	[illegible]	FROM TO	1.200 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED		1.200 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED. Y(__) N(X)

RECOMMEND AS STANDARD OR OTHER: Y(X) N(__) Explain in remarks, below.

REMARKS: Decree

2-15 to 11-15

4-1 to 10-31

PAGE: 11
DIVERSION AMOUNT REVIEW SH

A. DOES DIVERSION RATE CL

AJ TOTAL CLAIMED DI
WR ROOT RIGHT TOTAL

*** IF NO or IF STAT
** If no amount
** claimed and

FLOW MEAS ET RE

DOE OR O

B.

MEASUREMENT

C. ARE OTHER WATER RIGHTS

OTHER RIGHTS LISTED

LIST ALL RIGHTS WITH A SA

CLAIM	SOURCE
A36-000851	BILLIN
A36-000851B	BILLIN
A36-000854B	SPRING
A36-00076A	BILLIN
A36-07689	SPRING
A36-00054	SPRING
A36-000851B	BILLIN
A36-07328	SPRING

LIST ALL RIGHTS WITH SAME

CLAIM NO.	PURPOS
A36-04633	STOCKW
A36-04633	DOMEST
A36-10188	DOMEST
A36-10268	DOMEST
A36-10268	STOCKW
A36-00851F	STOCKW

PAGE: 11
DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A16-00051

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

AJ TOTAL CLAIMED DIVERSION RATE:	1.200	CFS
MR ROOT RIGHT TOTAL DIVERSION RATE:	1.200	CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) — DATABASE EXAMINER FIELD: N — AJ

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A16-00054, A16-07323 .

LIST ALL RIGHTS WITH A SAME POD AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A16-00051	BILLINGSLEY CREEK	HILDRETH , MARJORIE J.	1.200	0.300		
A16-00051B	BILLINGSLEY CREEK	LAUGHLIN , CRAIG J.	0.600	0.040		
A16-00054B	SPRINGS	BARLAGREN , KATHARYN	0.050	0.012		
A16-00076A	BILLINGSLEY CREEK	GOOSI , HARILYN E.	0.480	0.040		
A16-07009	SPRINGS	LAUGHLIN , CRAIG J.	0.260	0.026		
A16-00054	SPRINGS	HILDRETH , MARJORIE J.	0.480	0.160		
A16-00051B	BILLINGSLEY CREEK	BARLAGREN , KATHARYN	0.150	0.017	16.10	4.02
A16-07323	SPRINGS	HILDRETH , HELEN E.	0.060	0.060	6.60	6.60

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY		RATE	VOLUME
A16-04033	STOCKWATER	GOOSI , PHILLIP C.	FROM 01-01	TO 12-31	.020 CFS	
A16-04033	DOMESTIC	GOOSI , PHILLIP C.	FROM 01-01	TO 12-31	.040 CFS	
A16-10199	DOMESTIC	BARLAGREN , KATHARYN	FROM 01-01	TO 12-31	.040 CFS	
A16-10266	DOMESTIC	GOOSI , PHILLIP C.	FROM 01-01	TO 12-31	.040 CFS	
A16-10266	STOCKWATER	GOOSI , PHILLIP C.	FROM 01-01	TO 12-31	.020 CFS	
A16-00051B	STOCKWATER	BARLAGREN , KATHARYN	FROM 04-01	TO 06-31	.020 CFS	

DO NOT FILM

32×10

25×10

32×10

PAGE: 12
DIVERSION AMOUNT REVIEW SHEET CONTINUED

CLAIM NUMBER: A36-00031

RATE/VOLUME CALCULATIONS: (IRRIGATION)

2a. IRRIGATION RATE 0.09
ACRES 9.0 x 0.01 CFS/ACRE = 0.09 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.01 CFS/ACRE? Y(X) N(__)

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

2b. CALCULATIONS

Irrigated w/ sprinklers

0.09
+ 0.03 C.L
0.12

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES 9.0 x CONSUMPTIVE VOL. AF/A FOR AREA 2.0 =

TOTAL CONSUMPTIVE USE 9.0 AF/A

4. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 3 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 12 AF/A

5. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(___) N(___)

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

"DO NOT FILM"

32X 25X 32X

PAGE: 13
DIVERSION AMOUNT REVIEW S.

RECOMMENDATIONS:

REC.
PURPOSES

IRRIGATION

TOTAL FOR THIS RIGHT

REVIEWED BY:

63R prop

Add. Combined

PAGE: 13
DIVERSION AMOUNT REVIEW SHEET CONTINUED

CLAIM NUMBER: A36-60051

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM	REC. PERIOD TO	REC. DIV RATE CFS DATABASE	REC. DIV RATE CFS EXAMINER	REC. DIV VOL. AF/A DATABASE	REC. DIV VOL. AF/A EXAMINER	REC. CONS. USE DATABASE	REC. CONS. USE EXAMINER
IRRIGATION	~~04-01~~	~~10-31~~	~~1.200~~	~~0.09~~		12	~~0.0~~	9.0
TOTAL FOR THIS RIGHT	~~3-15~~ 4-1	~~11-15~~ 10-31	1.200				0.0	

REVIEWED BY: SCe DATE: 11-23-90

Beneficial use — 1'/ac for sprinklers

~~WR proportional rate = 1.2 cfs / 120 Ac = 0.01 cfs/Ac.~~

~~allows 0.02 cfs/Ac since not all lands diverted~~

Add. Combined limits =

NOT FILM

PAGE: 14
BASIS OF CLAIM REV

A. CHECK ONLY

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV.

B. SPLIT WATER

ROOT WAT

TOTAL DI

TE:

OLD
TURN

A36

DIVERSION RATE REV

DO THE SUM OF
IF NO, EX THE

REMARKS:
Reviewed
IDWR Sta

AUTHENTICATION:

SIGNATURE:

NAME OF EXA

BER: A36-00051

REC. CODE
USE

ATABASE EXAMINER
-0- 9.0
-0-

ficial use —
1 1/ac
for sprinklers

DO NOT FILM

PAGE: 14
BASIS OF CLAIM REVIEW SHEET

CLAIM NUMBER: A36-00051

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP		
FORFEIT/ABANDON		
ADDITIONAL DIV. AMOUNT		legal review

B. SPLIT WATER RIGHT REVIEW

DOCT WATER RIGHT NUMBER: 36-00051 DATABASE EXAMINER

TOTAL DIVERSION RATE OF WR SPLITS 1.200 CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE		CURRENT "B" CLAIM NUM.	"B" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-					0.09	36-00051	1.200
A36-00051	A36-00051B	0.240	0.12	-	0.12	36-00051	1.200
-	A36-00051C	0.120		-	-	-	
-	A36-00051D	0.600		-	0.22		
	TOTAL CFS	2.100					1.200

DIVERSION RATE REVIEW DATABASE FIELD EXAMINER

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE DOCT RIGHT CFS RATE? (Y/N) N
IF NO, is the written review sheet attached? (Y/N)

REMARKS:
Review file to be included here when Complete. Allowed splits with to be claimed, either IDWR standards, since not all lands are claimed (i.e. Canyon Rim + Creek bottom.)

AUTHENTICATION:
SIGNATURE: Steve [illegible] DATE: 11-23-90
NAME OF FIELD EXAMINER: TITLE:

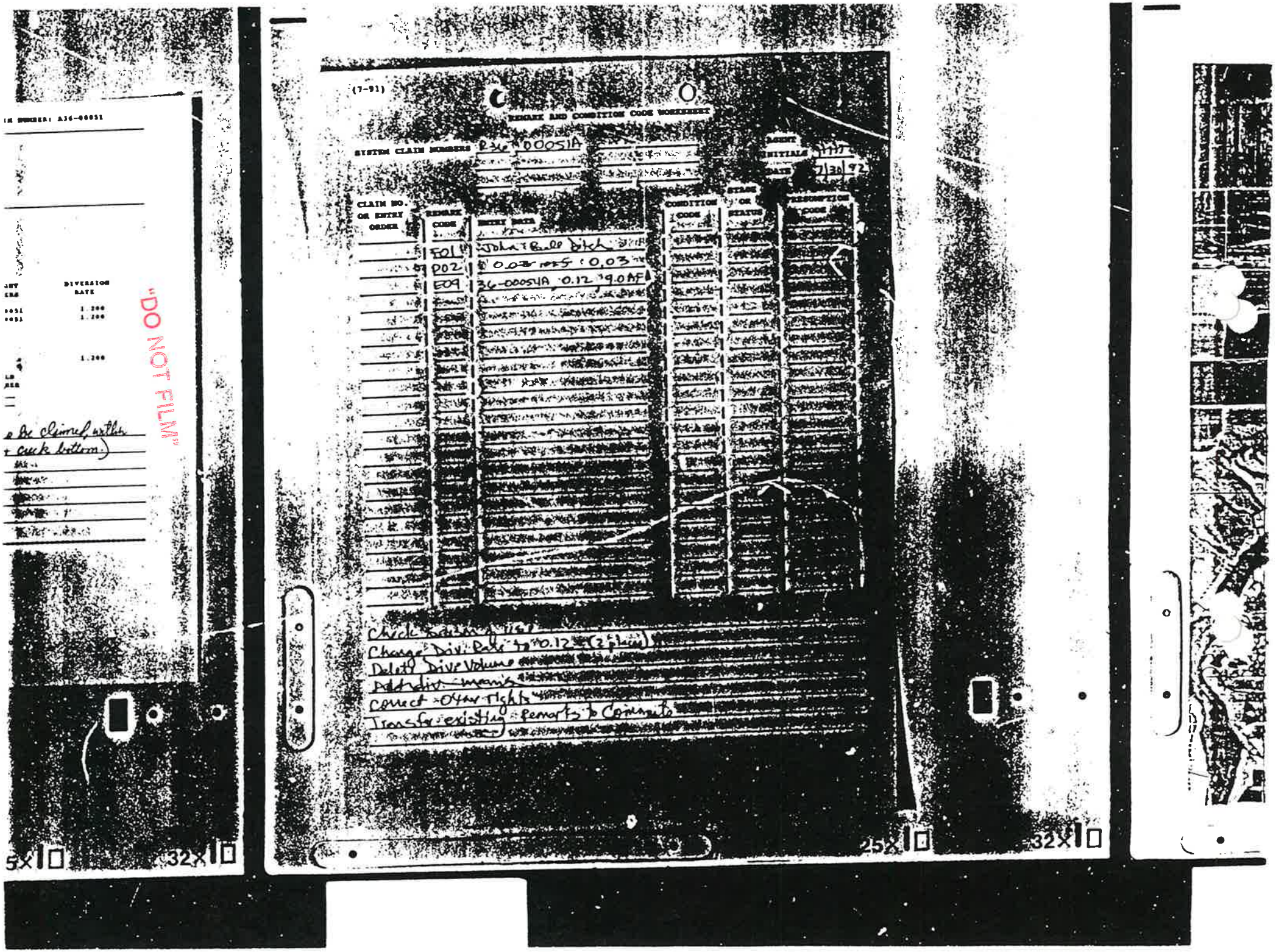
(7-91)

SYSTEM CLAIM

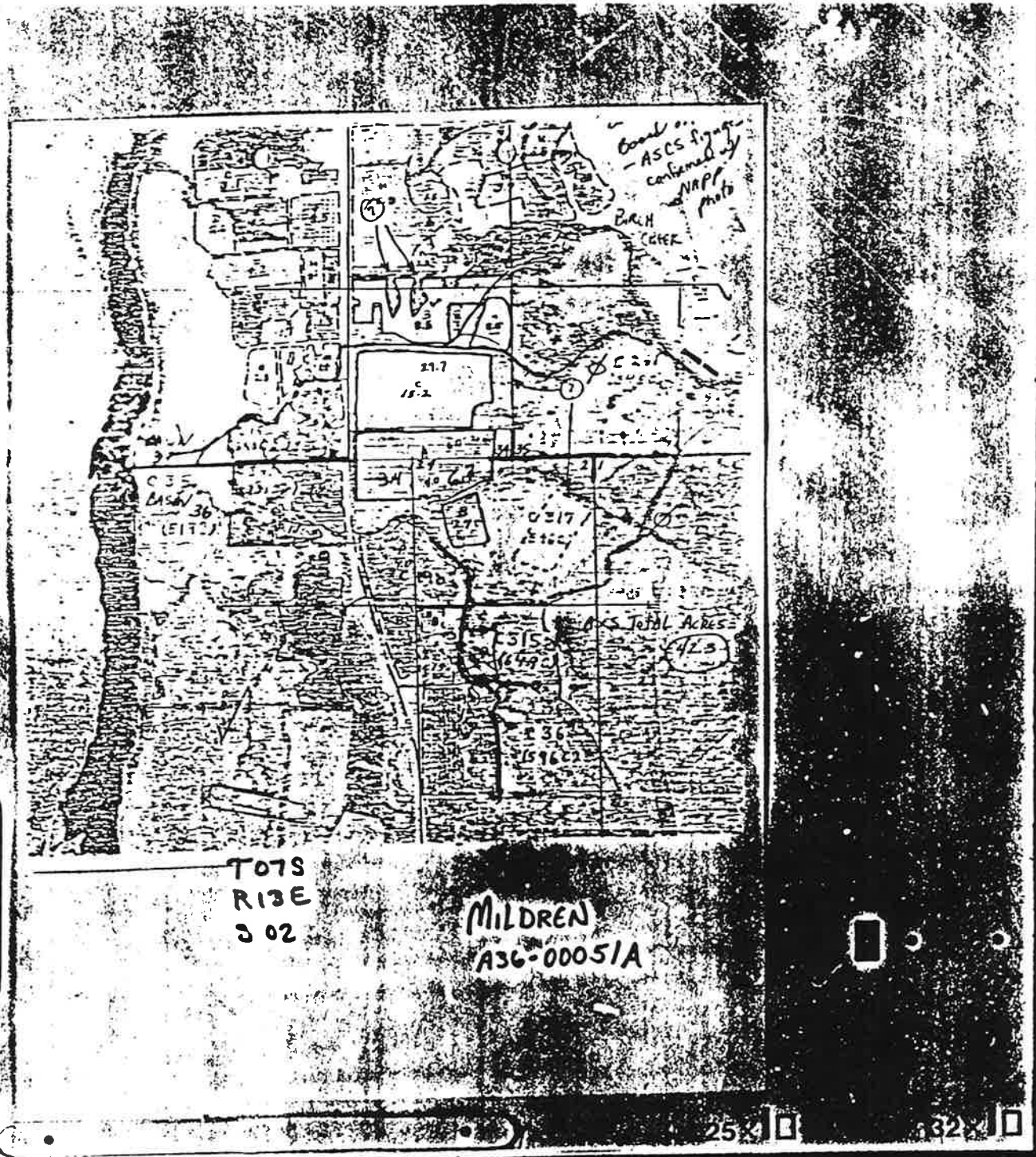
CLAIM NO. OR ENTRY ORDER

C
Change
Delete
Add
Correct
Transf

32x10 25x8 32x10


(7-91)
REMARK AND CONDITION CODE WORKSHEET
SYSTEM CLAIM NUMBER: R36-00051A
AGENT INITIALS
DATE 7/30/92
CLAIM NO. OR ENTRY ORDER
REMARK CODE
REMARK DATA
CONDITION CODE
STAGE OR STATUS
RESUMPTION CODE
E01 John Bull Ditch
P02 0.03 cfs : 0.03
E09 36-00054A 0.12 : 9.0 AF
Change Diversion Rate to 0.12 (2 pt min)
Delete Diversion Volume
Add div. means
Correct Other Rights
Transfer existing remarks to Comments
"DO NOT FILM"
5x
32x
25x
32x

NOT FILM



(7-92, 323)

PARENT RIGHT NO. 36

CLAIM PORTION	CLAIMED RATE
A	1
B	0
C	0
D	
E	0.03

DO NOT FILM"

32X

25X

32X

(7-92, 323)

DECREED RIGHT SPLIT ANALYSIS

PARENT RIGHT NO. 36-00051 TOTAL DIVERSION RATE 1.20 PREPARATION DATE 7-29-92 MH

CLAIM PORTION	CLAIMED RATE	RECOMMENDED RATE	IS CLAIMED RATE EXCEEDED BY ANALYSIS	CONVEYANCE LOSS	DOES DIV RATE + CALC. C.L. EXCEED CLAIMED RATE	TOTAL RECOMMENDED DIV. RATE
A	1.2	0.09	N	0.03	N	0.12
B	0.15	0.12	N	0.03	N	0.15
C	0.15	0.12	N	0.025	N	0.145
D	DISALLOWED					
E	0.05	0.04	N	0.025	Y	0.05
						.0465

DO NOT FILM

32×10

25×10

32×10

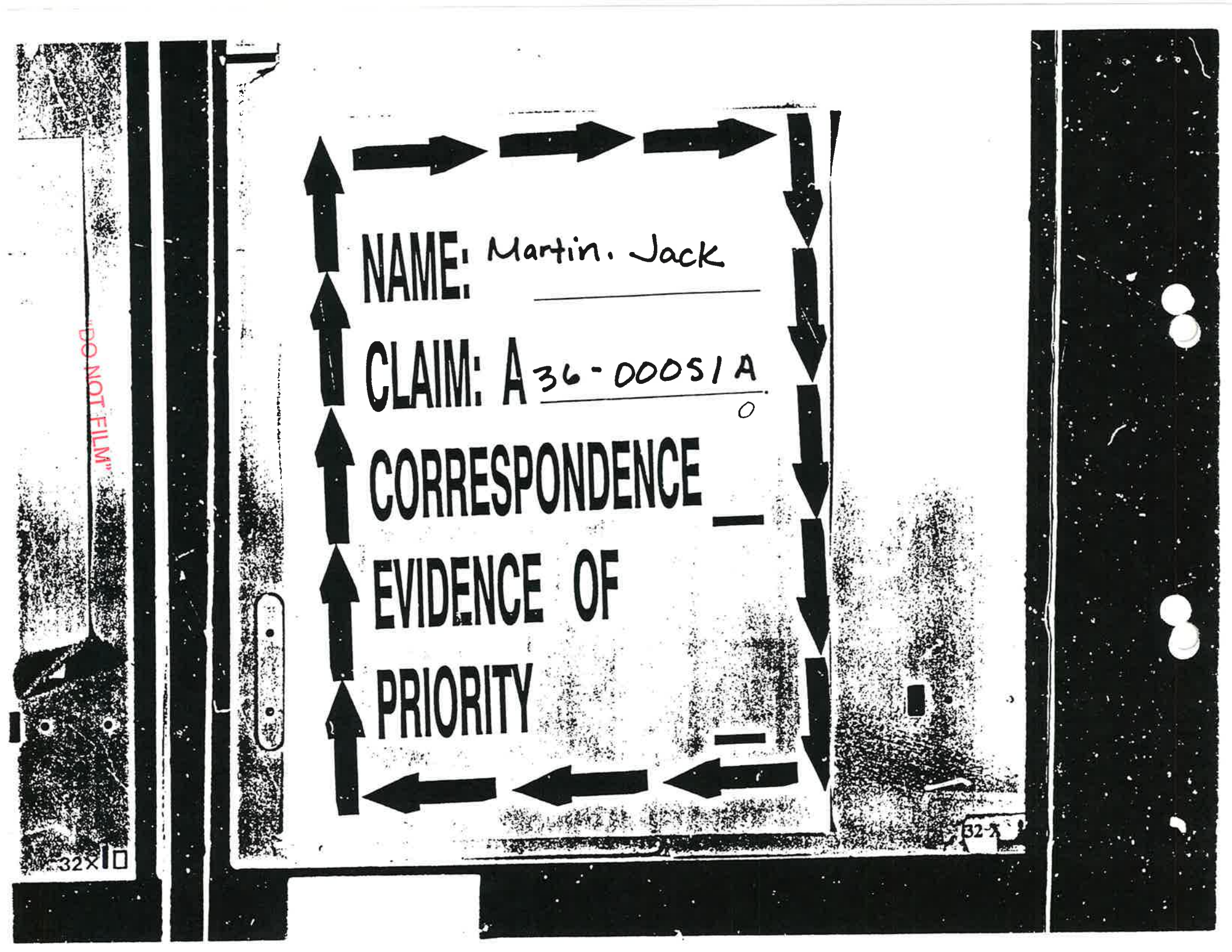
CONVEYANCE LOSS - MORSTELL

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	MORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)	
								0.00	2.22	-99 A,B,C,D
1	[illegible]	4.0	2.00	0.03	0.12	1.81	0.0166	0.01	2.67	-[illegible]
2	[illegible]	4.0	2.00	0.02	0.22	1.69	0.0120	0.01	1.85	-[illegible] A
3	[illegible]	4.0	2.00	0.15	0.24	1.47	0.1021	0.03	1.43	-74 A
4	[illegible]	3.0	2.00	0.05	0.36	1.23	0.0378	0.04	1.01	-[illegible] A+B
5	[illegible]	3.0	2.00	0.05	0.21	0.85	0.0535	0.05	0.75	-[illegible] +C
6	[illegible]	3.0	2.00	0.04	0.14	0.64	0.0592	0.05	0.56	-76 A
7	[illegible]	3.0	2.00	0.08	0.48	0.48	0.1579	0.21		
8				0.00		0.00	0.0000	0.00	0.00	
9				0.00		0.00	0.0000	0.00	0.00	
10				0.00		0.00	0.0000	0.00	0.00	
11				0.00		0.00	0.0000	0.00	0.00	
12				0.00		0.00	0.0000	0.00	0.00	
13				0.00		0.00	0.0000	0.00	0.00	
14				0.00		0.00	0.0000	0.00	0.00	
15				0.00		0.00	0.0000	0.00	0.00	
16				0.00		0.00	0.0000	0.00	0.00	
17				0.00		0.00	0.0000	0.00	0.00	
18				0.00		0.00	0.0000	0.00	0.00	
19				0.00		0.00	0.0000	0.00	0.00	
20				0.00		0.00	0.0000	0.00	0.00	
TOTALS	[illegible]			0.41	1.81			0.41		

REACH = SECTION OF CHANNEL
LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
AVE WIDTH = AVERAGE TOP WIDTH OF REACH
SEEPAGE = USER SEEPAGE RATE OF REACH
MORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON MORSTELL METHOD
DELIVERY = TOTAL DELIVERIES IN REACH
DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)
LOSS FACTOR = MORSTELL LOSS/DELIVERY LEFT
DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY, REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH
FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

JOHN BELL
DITCH
8-4-92

DO NOT FILM


NAME: Martin. Jack
CLAIM: A36-00051A
CORRESPONDENCE
EVIDENCE OF
PRIORITY
"DO NOT FILM"
32X10
32X

AJ551SBP

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION ATTORNEY NAME ADD/UPDATE

DATE: 03/31/93
TIME: 13:15:11.6
PAGE: 1

INPUT: AJ_SELECTION:BRT-BROWN-BOA4.SEL

TYPE OF ACTION: ADD
MODIFY ALL FIELDS FLAG:

LAST NAME: BROWN
FIRST NAME: PATRICK B
ADDRESS LINE 1: HEPWORTH HUMPHREY LEZAMIZ
ADDRESS LINE 2: 133 SHOSHONE ST E
ADDRESS LINE 3: PO BOX 369
CITY: TWIN FALLS
STATE: ID ZIP: 833030369
PHONE NUMBER: (208) 734-7510

36-000398 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-000397 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-000399 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-000451A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-000454A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-001235A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-07323 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10673 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-000397 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-000399 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-000451A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-000454A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-001235A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-07323 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10220 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10673 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-007921 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A37-07852 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

RECEIVED
APR 05 1993
Department of Water Resources
Southern Region Office

N.C.A.

"DO NOT FILM"

32-2

32-2

HEPWORTH, NUNGESTER & LEZAMIZ,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510
Attorneys for Claimant
(PPE\2153OSUP.NO3\lmc)

RECEIVED
MAR 0 2 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. 39576
The State of Idaho, ex rel. R. Keith Higginson in his official capacity as director of the Idaho Department of Water Resources, Petitioner, vs. United States; State of Idaho; and all claimants to the use of water from the Snake River Basin Water System, Respondents.	HAGERMAN WATER RIGHT OWNERS, INC. AND ITS INDIVIDUAL MEMBERS' THIRD SUPPLEMENTAL NOTICE OF APPEARANCE

* * * * * * * * * * *

COMES NOW the law firm of Hepworth, Nungester & Lezamiz and supplements it Notice of Appearance to add on behalf of

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

Mavencamp, John V.	A36-00189A
Mavencamp, John V.	A36-10766
Zabala, Ignacio Nick	A36-08320

Dated this 1 day of March, 1993.

HEPWORTH, NUNGESTER & LEZAMIZ, CHARTERED

By _____
Patrick D. Brown
Attorneys for Respondents

CERTIFICATE OF MAILING

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the respondents in this matter, certifies that he caused to be mailed a copy of the above and foregoing THIRD SUPPLEMENTAL NOTICE OF APPEARANCE on the 1 day of March, 1993, to:

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

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

Hepworth Nungester & Lezamiz

NOT FILM

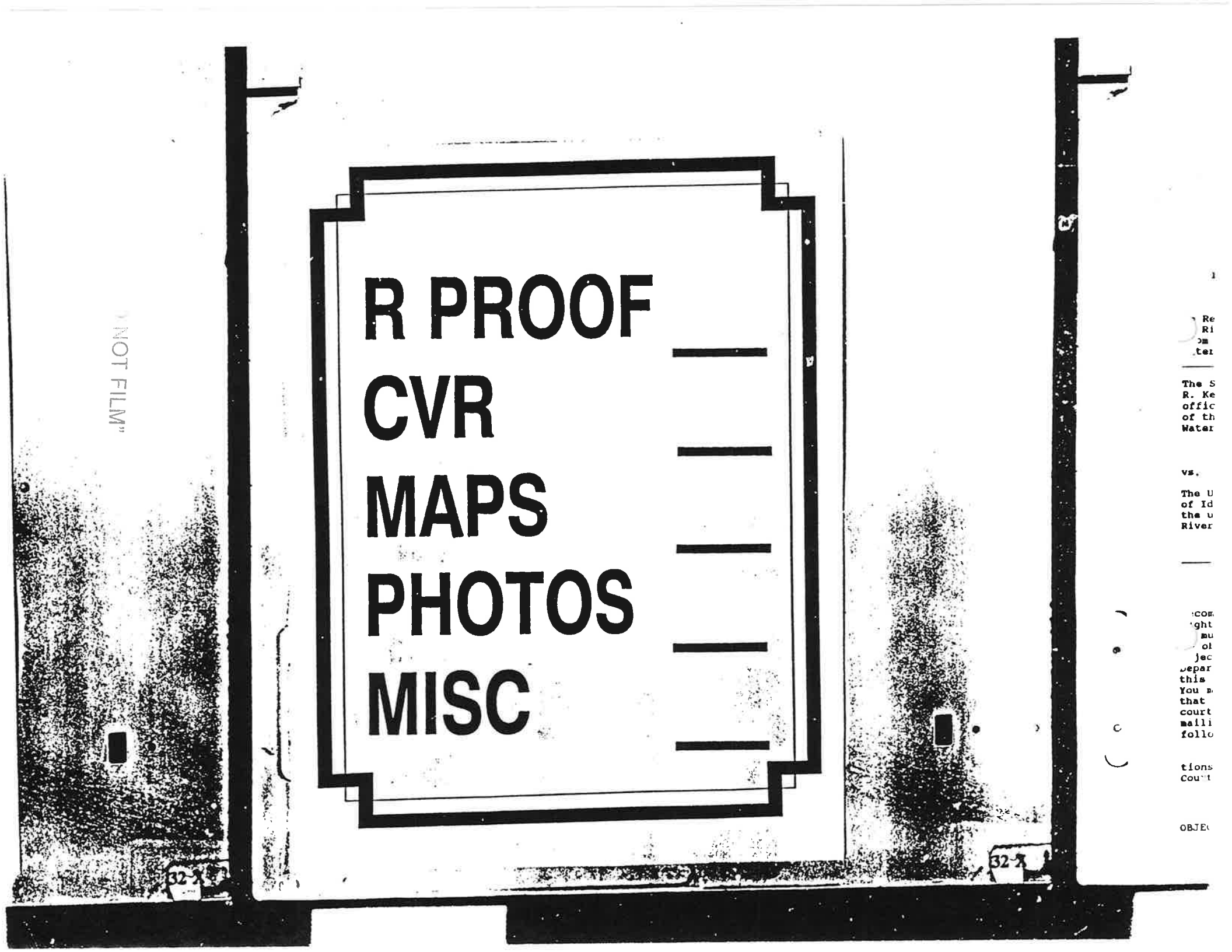
"DO NOT FILM"

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

Patricia D. Brown

INL
Hepworth
Nettleton
S. Lezamiz

32-1


R PROOF
CVR
MAPS
PHOTOS
MISC
NOT FILM"

RECEIVED
APR 3 0 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. A36-00051A (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, 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.	OBJECTION 36-00051A -0001/ 83-04-0057

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)

By filing a
objection is well-g
a good-faith argume
of existing law; an
such as to harass,
the cost of litigat

Pleas fill

1. Pers ples
N
Ad s:

Briefly

2. Owner of th
Name:
Address:

3. If t obj
Attorney

Attorney

If filed b
will be se

NOT FILM

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: Walten E. Mildren and/or Marjorie J. Mildren

   Address: P. O. Box 510

   Hagerman, Idaho 83332

   Briefly describe your interest in this water right:

   Priority date June 26, 1881; Decreed right pursuant to New International Mortgage Bank v. Idaho Power Company - March 22, 1932

2. Owner of the water right:

   Name: Walten E. Mildren and/or Marjorie J. Mildren

   Address: P. O. Box 510

   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.

RECEIVED

"DO NOT FILM"

32

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)

DO NOT FILM"

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.

1.20 cfs maximum quantity: Use for Irrigation from 01/01 to 12/31; Stockwater from 1/1 to 12/31; Wildlife Habitat from 01/01 to 12/31; Aesthetic from 01/01 to 12/31; place of use: 4 acres; consumptive use: to correspond with maximum quantity; remarks: strike all remarks after "John Bell Ditch".

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

32

DO NOT FILM"

☒ 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

Walten E. Mildren/Marjorie J. Mildren, being first duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Signature of person filing objection

By: _____
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 19th day of April, 1991.

Notary Public for Idaho
Residing at: Hagerman Idaho
My Commission Expires: 5-18-97

(Over)

OBJECTION - 5

DO NOT FILM"

"DO NOT FILM"

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

2. One copy to the owner of the water right, and you must fill in 6the following information:

   Owner name: Malten E. Mildren/Marjorie J. Mildren

   Owner's address: P. O. Box 510

   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

32-X

REASON

Box 3, and/or consti

Box 7 claim.

use.

Box 11 Direct

CHANGE

Object quanti

OBJECTION

32-X

"DO NOT FILM"

REASONS SUPPORTING EACH BOX CHECKED, page 4

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

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

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

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

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

32

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. 36-00051A -0001
The State of Idaho, ex rel. R. Keith Higginson in his official capacity as Director of the Idaho Department of Water Resources, 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.	RESPONSE TO OBJECTION

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)

NOT FILM"

2. Person who filed objection:

Name: WALTEN E & MARJORIE MILDREN
Address: PO BOX 510
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. [X] Quantity: I respond to the objection concerning:

3a. [X] The total quantity of water used in cubic feet per second.

7. [X] Purposes of Use: I respond to the objection concerning the purpose(s) of use.

8. [X] Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.

9. [X] Place of Use: I respond to the objection concerning:

9b. [X] The number of irrigated acres within each forty (40) acre subdivision.

10. [X] Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

11. [X] Remarks: I respond to the objection concerning the "remarks" listed with the water right.

"DO NOT FILM"

14. [X] Other: I respond to the objection concerning:

ALL MATTERS RAISED IN THE CLAIMANT'S ANSWER, AFFIRMATIVE DEFENSES, AND PRAYER FOR RELIEF

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402); (3) the recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

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 of use that was identified on the notice of claim and that was found when the claim was investigated. By identifying in the objection wildlife, aesthetics, and stockwater as additional uses that the claimant did not list on the notice of claim, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection item 8, and all allegations of the objection regarding this item, IDWR responds as follows: The decree asserted by the claimant does not contain a period of use decreed for this water right. Idaho Code 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The

(Over)

"DO NOT FILM"

irrigation season of use cannot exceed the period in which water may be beneficially used. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report.

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

In response to Statement of the Objection item 10 and all allegations of the objection regarding this item, IDWR responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2) Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. (3) Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided for by Idaho Code Sec. 42-1401A(2). (5) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

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

"OT FILM"

define this water right.

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

[X] 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. A36-00051A	6
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4

(Over)

"DO NOT FILM"

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: Nick Spencer
(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 8, 1994

NOT FILM"

"DO NOT FILM"

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 HUNGESTER & 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

Nicky Spencer
Signature of Respondent or attorney mailing on Respondent's behalf

32-2

IN THE DISTRICT

IN RE THE GENERA
OF RIGHTS TO [illegible]
THE SNAKE RIVER

Depar
So

AMENDED

1. Name WA
   Addi BO
   HA

   Nam MA
   Address: BO
   HA

2. Date of Pri

3. Source: BIL

4. Point of Di

   Township R
   07S

5. Description
   VIA JOHN

6. Water is us

   Purpose
   IRRIGATION

7. Total Quant
   1.2

8. Total consu

9. Nor igat

A36-00051A
~~A36-00051~~

32-2

"DO NOT FILM"

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

17-Mar-1993

WALTEN E MILDREN
PO BOX 510
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00051A, 36-00054A, 36-07323

Dear Mr. Mildren:

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:

$2.19

Sincerely,

Joanie Robertson
Records Clerk

Encl:

Mildren
47
39
37
3123 x 5 6.15
post. 2.90
cer. 1.4
9.19

32-X

32-X

"DO NOT FILM"

RECEIVED

MAR 1 1 1993

Department of Water Resources
Southern Region Office

3-9-93
(Date)

IDAHO DEPARTMENT OF WATER RESOURCES
Southern Region
722 Shoshone St. East
Twin Falls, Idaho 83301-6602

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 36-07323 36-00054 36-00051

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,

(Name)

Box 66
(Address)

Hansen ID 83334
(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

32-2

32-2

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED
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. A36-00051A (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, 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.	**OBJECTION** 36-00051A -0001/ 93-04-0057

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.

MICROFILMED
OCT 11 1994

(Over)

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: Walten E. Mildren and/or Marjorie J. Mildren

   Address: P. O. Box 510

   Hagerman, Idaho 83332

   Briefly describe your interest in this water right:

   Priority date June 26, 1881; Decreed right pursuant to New International Mortgage Bank v. Idaho Power Company - March 22, 1932

2. Owner of the water right:

   Name: Walten E. Mildren and/or Marjorie J. Mildren

   Address: P. O. Box 510

   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.

RECEIVED

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.

MICROFILMED
OCT 1 1 1994

(Over)

12. ☐ Water Right Recommendation: I object to:

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

b. ☐ this water right not being recommended.

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

14. ☒ Other: I object to: See attached

REASONS SUPPORTING EACH BOX CHECKED

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

See Page 7

CHANGES TO THE DIRECTOR'S REPORT

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

1.20 cfs maximum quantity; Use for Irrigation from 01/01 to 12/31; Stockwater from 1/1 to 12/31; Wildlife Habitat from 01/01 to 12/31; Aesthetic from 01/01 to 12/31; place of use: 4 acres; comsumptive use: to correspond with maximum quantity; remarks: strike all remarks after "John Bell Ditch".

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

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

See Hagerman Water Right Owners, Inc.'s Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of ~~Twin Falls~~ Gooding

Walten E. Mildren/Marjorie J. Mildren, being first duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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~~.

Signature of person filing objection

By: _____
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 19th day of April, 1993.

Notary Public for Idaho
Residing at: Hagerman Idaho
My Commission Expires: 5-10-97

MICROFILMED
OCT 11 1994

(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

2. One copy to the owner of the water right, and you must fill in 6the following information:

   Owner name: Walten E. Mildren/Marjorie J. Mildren

   Owner's address: P. O. Box 510

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

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

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

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

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

MICROFILMED
OCT 1 1 1994



Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

MICROFILMED
OCT 1 1 1994

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.

MICROFILMED
OCT 1 1 1994

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

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

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

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

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

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

MICROFILMED
OCT 1 1 1994

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

MICROFILMED
OCT 11 1994

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

MICROFILMED
OCT 11 1994

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

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

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

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

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

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

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

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

MICROFILMED
OCT 1 1 1994

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

MICROFILMED
OCT 11 1994

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

MICROFILMED
OCT 11 1994

AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

MICROFILMED
OCT 11 1994

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.

MICROFILMED
OCT 1 1 1994

AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

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

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

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

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

MICROFILMED
OCT 11 1994

(WATER\21530ANS)

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. 36-00051A -0001
The State of Idaho, ex rel. R. Keith Higginson in his official capacity as Director of the Idaho Department of Water Resources, 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.	**RESPONSE TO OBJECTION**

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)

MICROFILMED
OCT 11 1994

2. Person who filed objection:

Name: WALTEN E & MARJORIE MILDREN
Address: PO BOX 510
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. |X| Quantity: I respond to the objection concerning:

3a. |X| The total quantity of water used in cubic feet per second.

7. |X| Purposes of Use: I respond to the objection concerning the purpose(s) of use.

8. |X| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.

9. |X| Place of Use: I respond to the objection concerning:

9b. |X| The number of irrigated acres within each forty (40) acre subdivision.

10. |X| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

11. |X| Remarks: I respond to the objection concerning the "remarks" listed with the water right.

14. |X| Other: I respond to the objection concerning:

ALL MATTERS RAISED IN THE CLAIMANT'S ANSWER, AFFIRMATIVE DEFENSES, AND PRAYER FOR RELIEF

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402); (3) the recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

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 of use that was identified on the notice of claim and that was found when the claim was investigated. By identifying in the objection wildlife, aesthetics, and stockwater as additional uses that the claimant did not list on the notice of claim, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection item 8, and all allegations of the objection regarding this item, IDWR responds as follows: The decree asserted by the claimant does not contain a period of use decreed for this water right. Idaho Code 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The

(Over)

MICROFILMED
OCT 11 1994

irrigation season of use cannot exceed the period in which water may be beneficially used. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report.

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

In response to Statement of the Objection item 10 and all allegations of the objection regarding this item, IDWR responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2) Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. (3) Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided for by Idaho Code Sec. 42-1401A(2). (5) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

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

define this water right.

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

|X| 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. A36-00051A	6
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4

(Over)

MICROFILMED
OCT 11 1994

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: Nick Spencer
(Attorney signing in representative capacity)

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

Danni M Smith
Notary Public for Idaho
Residing at: _____
My Commission expires: _____

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

CERTIFICATE OF MAILING

I hereby certify that on the 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

Nick Spencer
Signature of Respondent or attorney mailing on Respondent's behalf

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

RECEIVED
JUN 27 1989
Department of Water Resources
Southern Region Office

A36-00051A
Ident. Number: ~~A36-00051~~
Date Received: 7/25/1988
Receipt No: S001083
Received By:

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

1. Name: WALTEN E. MILDREN 208-837-4770
   Address: BOX 510
   HAGERMAN, ID 83332
   AND/OR
   Name: MARJORIE J. MILDREN 208-837-4770
   Address: BOX 510
   HAGERMAN, ID 83332

2. Date of Priority: JUN 26, 1881

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	13E	11	SE NE		GOODING

5. Description of diverting works:
   VIA JOHN BELL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED JAN 21 1993
MICROFILMED OCT 11 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	2	NE SE		IRR	4.0
				Section Acres		4.0
				Total Acres		4.0

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:
YES A36-00054, A3607323

14. Remarks:
P/U INCOMPLETE. SEE FILE.
THIS PROPERTY WAS SOLD BY JACK MARTIN TO MR. & MRS. MILDREN ON JUNE 1, 1989.

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

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

MICROFILMED
OCT 1 1993
MICROFILMED
JAN 21 1993

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): [signature] Date: 6-20-89

[signature] Date: 6-20-89

State of Idaho)
) SS.
County of Gooding)

Subscribed and sworn (or affirmed) before me this 20th day of June 19 89

[signature]
Notary Public

Seal

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

MICROFILMED
OCT 1 7 1994
JAN 2 1 1993

G-001089 G-09671

WARRANTY DEED

For Value Received, **Jack M. Martin** and **Lillias P. Martin**, husband and wife, of 8601 Roberts Drive # 2-2, Dunwoody, Georgia, 30350, the Grantors, do hereby grant, bargain, sell and convey unto **Walten E. Mildren** and **Marjorie J. Mildren**, husband and wife, whose current address is Route # 1, Hagerman, Idaho, 83332, the Grantees, all of their right, title and interest in and to certain real property located in Gooding County, Idaho, and more particularly described as follows, to-wit:

TRACT I

Township 7 South, Range 13 East of the Boise Meridian

Section 2: Part of the NE1/4SE1/4 described as follows:

Beginning at a point on the Easterly right-of-way of U.S. Highway No. 30, Project F-2361 (18) according to the survey thereof, which point is 208.00 feet South and 30 feet East of the Southwest corner of said NE1/4SE1/4;

Thence Northwesterly along said Highway right-of-way, 855.65 feet to a point on said right-of-way opposite Station 238 + 69.56;

Thence N 88°22' E, 440.00 feet to the True Point of Beginning;

Thence N 1°38' W, 129.83 feet;

Thence N 88°22' E, 76.87 feet;

Thence N 0°48' W, 463.70 feet more or less to a point 107 feet 3 inches (107.25 feet measured) South of the North boundary of said NE1/4SE1/4;

MICROFILMED
JAN 21 1993
MICROFILMED
JAN 11 1994

LAW OFFICES
HNGL
-Chartered-
Hepworth, Hungerford & Lezamiz

Thence East parallel with the North boundary of said NE1/4SE1/4 to point of intersection with the East boundary of said NE1/4SE1/4;

Thence South along the East boundary of said NE1/4SE1/4 to point 592.83 feet North of the Southeast corner of said NE1/4SE1/4;

Thence West 587.19 feet;

Thence S 85°35' W, 246.03 feet;

Thence N 64°48' W, 103.40 feet;

Thence S 88°22' W, 94.80 feet to the True Point of Beginning.

TRACT II

An existing road right-of-way for ingress and egress along the West line of said NE1/4SE1/4 and running a distance of approximately 625 feet North from the Southwest corner of said NE1/4SE1/4 and also a road right-of-way 25 feet in width and running parallel to the South boundary line of said property, a distance of approximately 475 feet East from the West line of said NE1/4SE1/4, as set forth in microfilmed instrument No. 28712.

Together with thirty (30) miner's inches of water from the John Bell Ditch being part of Water Right Number A 36-00051; Water Right A 36-00054 for .4 C.F.S.; and State of Idaho Water Right License 36-7323 for .06 C.F.S.

TO HAVE AND TO HOLD the premises, with appurtenances unto the said Grantees and to the Grantees' heirs and assigns forever. And the said Grantors do hereby covenant to and with the Grantees that **Jack M. Martin** and **Lillias P. Martin** are the owners in fee simple of said premises; that the premises are free from encumbrances except as described above and that the Grantors will warrant and defend the same from all lawful claims whatsoever.

MICROFILMED
JAN 21 1993
MICROFILMED
OCT 11 1994

LAW OFFICES
HNGL
Chartered
Hepworth, Jungester, & Lezamiz

DATED: June 1, 1989

Jack M. Martin
JACK M. MARTIN

Lillias P. Martin
LILLIAS P. MARTIN

STATE OF Georgia)
) ss.
COUNTY OF Fulton)

On this 1st day of June, 1989, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **JACK M. MARTIN and LILLIAS P. MARTIN**, 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.

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

Ramona B. Hess
Notary Public for
Residing at:
My Commission Expires:

Ramona B. Hess
Notary Public, Fulton County, Georgia
My Commission Expires November 24, 1991

WLN\91228WAR.DEE\LDZ

FILED
89 JUN 2 PM 4:
Fulton County, Ga.
First American Title
Rec. Fee 9.00

136886-1

MICROFILMED
OCT 11 1994

LAW OFFICES
Hepworth, Lungcaler, & Lezamiz

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**

MICROFILMED
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.

MICROFILMED
OCT 11 1994

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.

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED
JAN 2 1 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

17-Mar-1993

WALTEN E MILDREN
PO BOX 510
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00051A, 36-00054A, 36-07323

Dear Mr. Mildren:

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:

$9.19

Sincerely,

Jeanie Robertson
Records Clerk

Encl:

Mildren
47
39
37
123 x 5 = 6.15
post. 2.90
env. 14
9.19

MICROFILMED
OCT 11 1994

RECEIVED
MAR 11 1993
Department of Water Resources
Southern Region Office

3-9-93
(Date)

IDAHO DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone St. East
Twin Falls, Idaho 83301-6602

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 A36-07323 A36-00054 & A36-00051

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,

(Name)

Box 510
(Address)

Hagerman 83332
(City, State, Zip Code)

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

MICROFILMED
OCT 11 1994

NOTICE OF ERROR FORM

AUG-24-1992

RECEIVED
SEP 2 2 1992
Department of Water Resources

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

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

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

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

1. Water right number: 36-00051A

2. Name: MARJORIE J. MILDREN
WALTEN E. MILDREN
Address: Box 510
HAGERMEN, IDAHO 83332

Weekday Telephone Number: 837 4770

RECEIVED
SEP 22 1992
Department of Water Resources
MICROFILMED
JAN 21 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

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

I disagree with the allotment

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

.03 CFS wouldn't hardly get ¼ way up the ditch.

The losses through the rocky soil in this area requires triple the amount of water in good soil areas. This lost water ~~anks~~ makes it's way into the snake Riv

5. Describe why you disagree with the proposed recommendation:

as stated above.

6. Date: 9-19-98

SIGNATURE

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

OCTOBER 13, 1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

MR and MRS. WALTEN E. MILDREN
P O BOX 510
HAGERMAN, ID 83332

RE: NOTICE OF ERROR FOR DIVERSION AMOUNT
WATER RIGHT NO.: 36-00051A

DEAR MR. and MRS. MILDREN:

THIS LETTER IS IN RESPONSE TO THE NOTICE(S) OF ERROR (NOE) YOU RECENTLY FILED WITH IDWR REGARDING THE DIRECTOR'S PROPOSED RECOMMENDATION OF THE CLAIM(S) LISTED ABOVE. YOUR NOE QUESTIONS THE BASIS FOR RECOMMENDATION OF AN AMOUNT THAT IS LESS THAN THE AMOUNT SHOWN IN A PREVIOUS DECREE.

UNDER IDAHO LAW, A WATER RIGHT IS LIMITED TO THE AMOUNT OF WATER BENEFICIALLY USED FOR THE PURPOSES FOR WHICH THE WATER RIGHT WAS ESTABLISHED. THE AMOUNT OF WATER BENEFICIALLY USED IS LIMITED TO THE AMOUNT THAT IS ACTUALLY USED AND IS REASONABLY REQUIRED. FOR IRRIGATION PURPOSES, A REASONABLE AMOUNT IS THE AMOUNT REQUIRED USING IRRIGATION METHODS THAT ARE REASONABLY EFFICIENT UNDER CURRENT CIRCUMSTANCES. IF THE AMOUNT OF A WATER RIGHT SHOWN IN A DECREE IS GREATER THAN THE AMOUNT THAT IS BENEFICIALLY USED, THEN THE PORTION THAT IS NOT BENEFICIALLY USED IS FORFEITED.

THE AMOUNT PROPOSED TO BE RECOMMENDED FOR YOUR CLAIM IS BASED ON THE AMOUNT OF WATER DETERMINED TO BE BENEFICIALLY USED FOR THE RECOMMENDED USES, BASED ON AVAILABLE DATA AND CURRENT METHODS OF ANALYSIS.

IF YOU STILL DISAGREE WITH IDWR'S RECOMMENDATIONS, YOU WILL HAVE AN OPPORTUNITY TO FILE AN OBJECTION TO THE DIRECTOR'S REPORT WITH THE COURT. WHEN THE DIRECTOR'S REPORT IS FILED WITH THE COURT, YOU WILL BE MAILED A NOTICE THAT WILL CONTAIN MORE INFORMATION ABOUT THE OBJECTION PROCESS. AS PART OF THE OBJECTION PROCESS, IDWR WILL WORK WITH THE CLAIMANTS TO RESOLVE DISPUTED ISSUES, INCLUDING EFFORTS TO OBTAIN ADDITIONAL DATA WHICH WILL BE SHARED WITH THE WATER USERS.

SINCERELY,

Robert V. Worstell

WATER AGENT

MICROFILMED
JAN 21 1993

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

MICROFILMED
JAN 21 1993

Water Right Number - R36-00051A Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
MILDREN	MARJORIE J	1 - PO BOX 510 2 - 3 - City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-4770
MILDREN	WALTEN E	1 - PO BOX 510 2 - 3 - City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-4770

Priority Date	Region	Stage	Status
06/26/1881	17 SOUTHERN	D - DECREED	

Source	Tributary
BILLINGSLEY CREEK	SNAKE RIVER

Point of Diversion

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

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	0.120	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
0.120		0.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	2	NE SE		3.0	01	IRRIGATION	(47) GOODING

Total Acres: 3.0

Diversion Means - VIA JOHN BELL DITCH, SPRINKLERS

Non-Irrigation Use -

Other Rights for Same Use - 36-00054A

Remarks

WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.
0.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
USE OF THIS RIGHT WITH RIGHT NO. 36-00054A IS LIMITED TO A

MICROFILMED
JAN 21 1993

Water right number - R36-00051A Prefix Translation: RESEARCH

Remarks

TOTAL COMBINED DIVERSION RATE OF 0.12 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 9.0 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 3.0 ACRES IN A SINGLE IRRIGATION SEASON.

Old Water Right Numbers

A3600051

Conditions of Approval

No Conditions of Approval found.

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

Comments

Date: 07/31/1992 User Id: WORSTELL Subject: COPIED FROM REMARKS
THIS PROPERTY WAS SOLD BY JACK MARTIN TO MR. & MRS. MILDREN ON JUNE 1, 1989.
Date: 09/23/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/12/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/13/1992 User Id: WORSTELL Subject: NOTICE OF ERROR RECORD
NO CHANGE TO RECOMMENDATION

Audit Fields

10/13/92 WORSTELL

Adjudication Rights Dates and Flags Area

Court Report Filing	00/00/0000	Field Inspection Made	00/00/0000	Civil Case Number	39576
Objection Filed Date	00/00/0000	Field Inspection Flag		Old Case Number	
Response Filed Date	00/00/0000	Verified Date	10/13/1992	Old Judicial District	
Claim Received Date	07/25/1988	Last Amended Date	00/00/0000	Temporary Right	P
		Receipt Number	S001083	Water District	36A
		POU Ownership Flag	Y	Federal/State Indicator	S
		Name Connector	AND/OR	Presumption Flag	
				Notice of Error Flag	B

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFI
JAN 2 1

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

VERIFIED BY HHT

MICROFILMED
JAN 21 1993

Water Right Number - R36-00051A Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
MILDREN	MARJORIE J	1 - PO BOX 510 2 - 3 - City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-4770
MILDREN	WALTEN E	1 - PO BOX 510 2 - 3 - City- HAGERMAN State- ID Zip- 83332 Phone - 208-837-4770

Priority Date	Region	Stage	Status
06/26/1881	17 SOUTHERN	D - DECREED	

Source	Tributary
BILLINGSLEY CREEK	SNAKE RIVER

Point of Diversion

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

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	0.120	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
0.120		0.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	2	NE SE		3.0	01	IRRIGATION	(47) GOODING

Total Acres: 3.0

Diversion Means - VIA JOHN BELL DITCH, SPRINKLERS

Non-Irrigation Use -

Other Rights for Same Use - 36-00054A

Remarks

WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.
0.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
USE OF THIS RIGHT WITH RIGHT NO. 36-00054A IS LIMITED TO A

MICROFILMED
JAN 21 1993

Water right number - R36-00051A Prefix Translation: RESEARCH

Remarks

TOTAL COMBINED DIVERSION RATE OF 0.12 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 9.0 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 3.0 ACRES IN A SINGLE IRRIGATION SEASON.

Old Water Right Numbers

A3600051

Conditions of Approval

No Conditions of Approval found.

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

Comments

Date: 07/31/1992 User Id: WORSTELL Subject: COPIED FROM REMARKS
THIS PROPERTY WAS SOLD BY JACK MARTIN TO MR. & MRS. MILDREN ON JUNE 1, 1989.

Audit Fields

08/12/92 THORNTON

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/12/1992	Old Judicial District	-
Claim Received Date	- 07/25/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001083	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:02:28
06/29/90

PAGE: 15
QUICKLOOK INFORMATION

CLAIM NUMBER: ~~A36-0005I~~ A36-00051A

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			1	N		HHT 7/30/92	DB	
POINT OF DIV	Y			Y	1,5			
SOURCE				N				
PLACE OF USE	Y		7-24-90 SCC/HHT	Y	1,2,4,5			
DIV. AMOUNT CFS/VOLUME				Y	6. Decree			
CONSUMPTIVE USE	-			Y				
PURPOSES				N				
PERIOD OF USE	Y			Y				
BASIS OF CLAIM	Y			N				
REMARKS	Y		N	Y	Limits			

MICROFILMED JAN 2-1 1993

"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.

Remarks —
FO1 - John Bell Ditch
PO 2 - 0.03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:02:28
06/29/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00051

MICROFILMED
JAN 21 1993

LAST: MILDREN FIRST: MARJORIE J.
ADDRESS: P.O. BOX 510
CITY: HAGERMAN STATE: ID ZIP: 83332
PHONE NUMBER: 208-837-4770

OWNER CODE: C

LAST: MILDREN FIRST: WALTEN E.
ADDRESS: P.O. BOX 510
CITY: HAGERMAN STATE: ID ZIP: 83332
PHONE NUMBER: 208-837-4770

OWNER CODE: C

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

CLAIM REMARKS: THIS PROPERTY WAS SOLD BY JACK MARTIN TO MR. & MRS. MILDREN ON JUNE 1, 1989.

FIELD EXAMINATION INFORMATION

CLAIM NUMBER: A36-00051

CONTACT PERSON: _____ PHONE NUMBER: (___) ___-____

DATE OF FIELD EXAM: ___/___/___ APPOINTMENT MADE: Y(___) N(___) TIME: ___:___ A(___) P(___)

ACCOMPANIED BY: NO ONE Home PHONE NUMBER: (___) ___-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED
JAN 21 1993

PRIORITY DATE REVIEW PAGE

CLAIM NUMBER: A36-00051

MICROFILMED
JAN 21 1998

A. AJ CLAIM: # A36-00051 PRIORITY DATE: 06-26-1881 STAGE: D

B. WR RECORD: # 36-00051 PRIORITY DATE: 06-26-1881 STAGE: D

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N)	N	N

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

REMARKS: _____

RECOMMENDED PRIORITY DATE:
06-26-1881

REVIEWED BY SCL DATE 11-23-90

CLAIM NUMBER: A36-00051

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00051	07S	13E	11		SE	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-00025	NONE
A36-00087	
A36-07658	
A36-10409	

WR RECORDS IN SAME 40 ACRE TRACT

36-00003
36-00005
36-00019
36-00021
36-00024
36-00025
36-00026
36-00027
36-00034
36-00035A
36-00035B
36-00039A
36-00039B
36-00040
36-00052
36-00064
36-00065
36-00067
36-00071
36-00076
36-00077
36-00082
36-00083
36-00085
36-00087
36-00088
36-00089
36-00090
36-00091
36-00094
36-00095
36-00096
36-00103
36-00108
36-00112A
36-00112B
36-00113B
36-00113C
36-00113D
36-00125
36-04008
36-04115
36-04261
36-07271
36-07658
36-07739

MICROFILMED
JAN 21 1998

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

MICROFILMED
JAN 21 1993

SOURCE: BILLINGSLEY CREEK TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-00051	07S	13E	11		SE	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

36-00003
36-00005
36-00019
36-00021
36-00024
36-00025
36-00026
36-00027
36-00034
36-00035A
36-00035B
36-00039A
36-00039B
36-00040
36-00052
36-00064
36-00065
36-00067
36-00071
36-00076
36-00077
36-00082
36-00083
36-00085
36-00087
36-00088
36-00089
36-00090
36-00091
36-00094
36-00095
36-00096
36-00103
36-00108
36-00112A
36-00112B
36-00113B
36-00113C

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A36-00025	NONE
A36-00087	
A36-07658	
A36-10409	
A36-00051D	
A36-10119	
A36-10120	
A36-10751	
A36-10752	
A36-10755	
A36-10061	
A36-00103B	
A36-00108A	
A36-00003G	
A36-00027	
A36-00039C	
A36-00090E	
A36-00051B	
A36-00076A	
A36-00089B	
A36-00089D	
A36-10283	
A36-10312	
A36-00090A	
A36-00003D	
A36-00090B	
A36-00090C	
A36-00090D	
A36-00090F	
A36-00108F	
A36-00125A	
A36-00026	
A36-00051C	
A36-00071A	
A36-00089A	
A36-00108C	
A36-00108D	
A36-00108E	

36-00113D
36-00125
36-04008
36-04115
36-04261
36-07271
36-07658
36-07739
36-07834
36-07840
36-07853
36-07875
36-07957
36-08058
36-08319
36-08335

A36-00108H
A36-04008
A36-04115
A36-04261
A36-00113B
A36-10316
A36-10588
A36-00039J
A36-00096A
A36-00113F
A36-00113G
A36-10559
A36-00048B
A36-00048C
A36-10223
A36-00103A
A36-00003B
A36-00003C
A36-00003E
A36-00003F
A36-00003J
A36-00039G

MICROFILMED

SOURCE: BILLINGSLEY CREEK TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

		DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY?	(Y/N)	Y	N
DUE TO SOURCE DISCREPANCY?	(Y/N)	N	N

REMARKS:

Add 10 Ac. 1/4

POINT OF DIVERSION REVIEW SHEET CONTINUED

CLAIM NUMBER: A36-00051

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SOURCE: BILLINGSLEY CREEK TRIB: SNAKE RIVER

REVIEWED BY: SCC DATE: 11-23-90

VIA JOHN BELL DITCH

MICROFILMED JAN 21 1993

PLACE OF USE REVIEW SHEET

CLAIM NUMBER: A36-00051

A. ROOT WATER RIGHT NUMBERS: A36-00051
A36-00051B
A36-00051C
A36-00051D

MICROFILMED JAN 21 1993

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES		WR #/ACRES		LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	2	NE	SE		MILDREN , MARJORIE J.	A36-00051	/ 4.0	36-00051	/	23.0	3.0	3.0
						LAUGHLIN , CRAIG J.	A36-00051D	/12.0	-	/			
						GOSSI , PHILLIP C.	A36-04033	/	36-04033	/			
						DAHLGREN , KATHARYN	A36-10199	/	-	/			
						GOSSI , PHILLIP C.	A36-10260	/	-	/			
						DAHLGREN , KATHARYN	A36-00051B	/	-	/			
						DAHLGREN , KATHARYN	A36-00054B	/ 4.0	-	/			
						GOSSI , MARILYN L.	A36-00076A	/ 1.0	-	/			
						LAUGHLIN , CRAIG J.	A36-07089	/12.0	-	/			
						MILDREN , MARJORIE J.	A36-00054	/ 4.0	36-00054	/			
						MILDREN , WALTEN E.	A36-07323	/ 1.0	36-07323	/ 1.0			
						LEWELLEN , ROY			36-00076	/			
						TOTAL ACRES	A36-00051		4.00		23.00		3.0

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

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POU DISCREPANCY? (Y/N)	Y	X

OVERLAP!
Same 3 acres covered by spring water in #36-00054 and license 1 acre under 36-7323.
? why was the spring licensed again for land decreed in 36-00054?

7-30-92 - Recommended license disallowed; covered by A36-00054A

PLACE OF USE REVIEW SHEET CONTINUED

CLAIM NUMBER: A36-00051

PRESUMPTION FLAG:

REMARKS: Acres Not within allowed tolerance.

RECOMMENDATIONS:

TOTAL ACRES: 3.0

REVIEWED BY: SCC

DATE: 11-23-90

MICROFILMED
JAN 21 1993

PURPOSES REVIEW SHEET

CLAIM NUMBER: A36-00051

A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00051	IRRIGATION	FROM 01-01 TO 12-31	1.200 CFS
		TOTAL DIVERSION RATE/VOLUME CLAIMED	1.200 CFS

B. WR RECORDED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00051	IRRIGATION	FROM TO	1.200 CFS
		TOTAL DIVERSION RATE/VOLUME CLAIMED	1.200 CFS

MICROFILMED JAN 21 1993

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(___) N(X)

RECOMMEND TO WR STANDARDS OR OTHER? Y(X) N(___) Explain in remarks, below.

REMARKS:

Decree

~~3-15 to 11-15~~

4-1 to 10-31

DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A36-00051

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

AJ TOTAL CLAIMED DIVERSION RATE: 1.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.200 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

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

MICROFILMED JAN 21 1993

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A36-00054, A36-07323

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00051	BILLINGSLEY CREEK	MILDREN , MARJORIE J.	1.200	0.300		
A36-00051D	BILLINGSLEY CREEK	LAUGHLIN , CRAIG J.	0.600	0.040		
A36-00054B	SPRINGS	DAHLGREN , KATHARYN	0.050	0.012		
A36-00076A	BILLINGSLEY CREEK	GOSSI , MARILYN L.	0.480	0.048		
A36-07089	SPRINGS	LAUGHLIN , CRAIG J.	0.360	0.024		
A36-00054	SPRINGS	MILDREN , MARJORIE J.	0.400	0.100		
A36-00051B	BILLINGSLEY CREEK	DAHLGREN , KATHARYN	0.150	0.037	16.10	4.02
A36-07323	SPRING	MILDREN , WALTEN E.	0.060	0.060	4.60	4.60

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-04033	STOCKWATER	GOSSI , PHILLIP C.	FROM 01-01 TO 12-31	.020 CFS	
A36-04033	DOMESTIC	GOSSI , PHILLIP C.	FROM 01-01 TO 12-31	.040 CFS	
A36-10199	DOMESTIC	DAHLGREN , KATHARYN	FROM 01-01 TO 12-31	.040 CFS	
A36-10260	DOMESTIC	GOSSI , PHILLIP C.	FROM 01-01 TO 12-31	.040 CFS	
A36-10260	STOCKWATER	GOSSI , PHILLIP C.	FROM 01-01 TO 12-31	.020 CFS	
A36-00051B	STOCKWATER	DAHLGREN , KATHARYN	FROM 04-01 TO 08-31	.020 CFS	

CLAIM NUMBER: A36-00051

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 3.0 x ~~0.02~~ CFS/ACRE = ~~0.09~~ CFS
(Taken from p/u review)

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

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

1b. CALCULATIONS

Irrigated w/ sprinklers

9
0.09
+ 0.03 C.L
0.12

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

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

TOTAL CONSUMPTIVE USE 9.0 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 3 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 12 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(___) N(___)

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

MICROFILMED
JAN 21 1993

 CLAIM NUMBER: A36-00051

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM	REC. PERIOD TO	REC. DIV RATE CFS DATABASE	REC. DIV RATE CFS EXAMINER	REC. DIV VOL. AF/A DATABASE	REC. DIV VOL. AF/A EXAMINER	REC. CONS. USE DATABASE	REC. CONS. USE EXAMINER
IRRIGATION	~~01-01~~ ~~3-15~~ 4-1	~~12-31~~ ~~11-15~~ 10-31	~~1.200~~	~~0.09~~		12	~~0.0~~	9.0
TOTAL FOR THIS RIGHT			~~1.200~~				~~0.0~~	

REVIEWED BY: SCe DATE: 11-23-90

MICROFILMED JAN 21 1993

~~WR proportional Rate~~ = ~~1.2 cfs / 120 Ac~~ = ~~0.01 cfs/Ac.~~

Beneficial use — 1"/ac for sprinklers

~~* allows 0.03 cfs/Ac since not all lands claimed~~

~~Add.~~

Combined limits =

BASIS OF CLAIM REVIEW SHEET

CLAIM NUMBER: A36-00051

MICROFILMED
JAN 21 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	( )	( )
FORFEIT/ABANDON	(X)	( )
ADDITIONAL DIV. AMOUNT	( )	(X) legal review

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00051

	DATABASE	EXAMINER	
TOTAL DIVERSION RATE OF WR SPLITS	1.200	_____	CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE		CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-00051 Milliken	1.200	0.09	-	0.09	36-00051	1.200
A36-00051	A36-00051B Dahlgren	0.150	0.12	-	0.12	36-00051	1.200
-	A36-00051C	0.150		-	-	-	
-	A36-00051D Laughlin	0.600		-	0.22	-	
	TOTAL CFS	2.100					1.200

DIVERSION RATE REVIEW

	DATABASE	FIELD EXAMINER
DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)	N	N
IF NO, is the written review sheet attached? (Y/N)		Y

REMARKS:

Review file to be included here when complete. Allowed extra water to be claimed, within IDWR standards, since not all lands are claimed (i.e. canyon Rim + creek bottom.)

==========

AUTHENTICATION:

SIGNATURE: Steve Adams DATE: 11-23-90

NAME OF FIELD EXAMINER: _____ TITLE: _____

(7-91)

REMARK AND CONDITION CODE WORKSHEET

SYSTEM CLAIM NUMBERS R36 00051A _____ _____
_____ _____ _____ _____
_____ _____ _____ _____

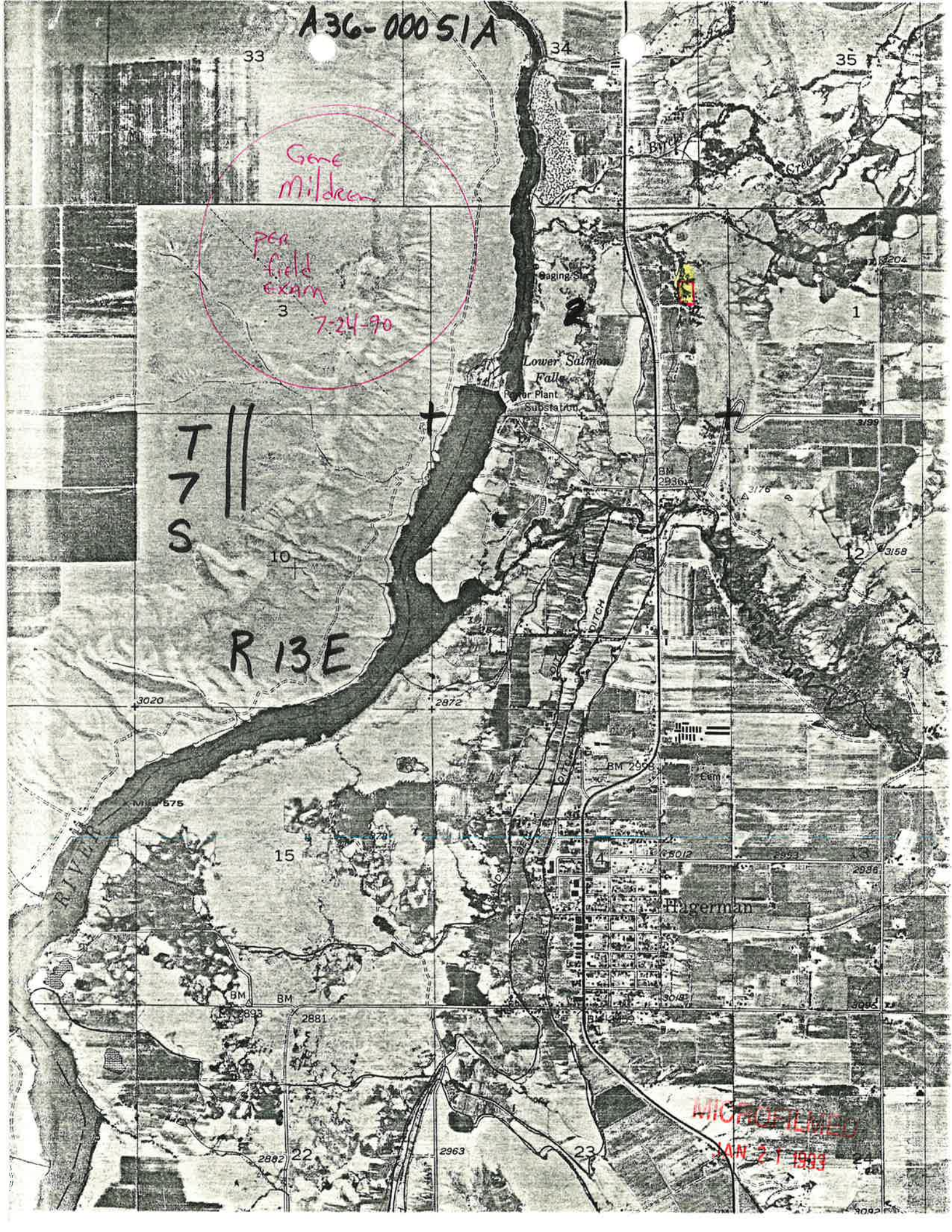
AGENT INITIALS HHH

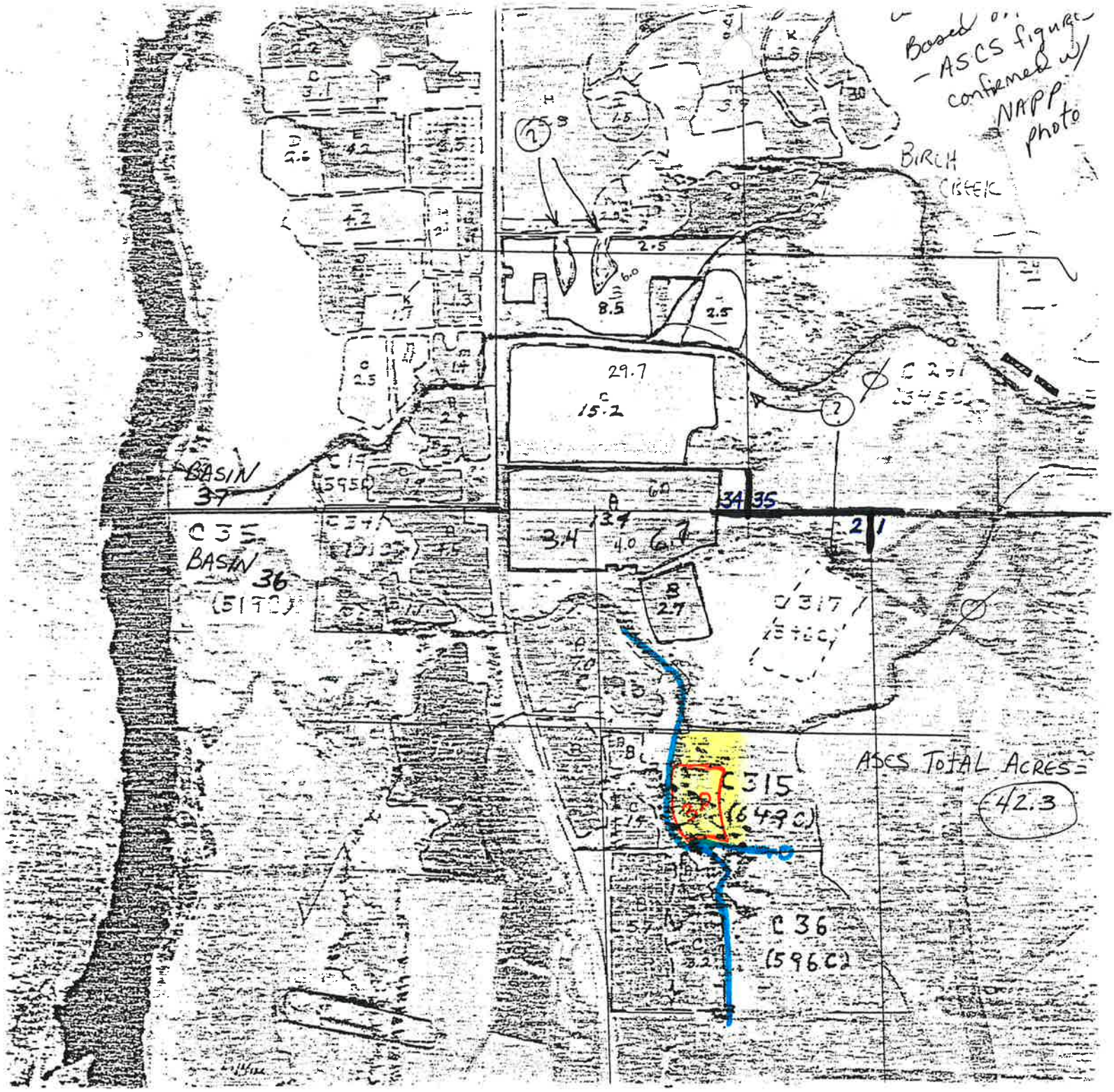
DATE 7/30/92

CLAIM NO. OR ENTRY ORDER	REMARK CODE	ENTRY DATA	CONDITION CODE	STAGE OR STATUS	PRESUMPTION CODE
	F01	John Bell Ditch			
	D02	~~0.03 .025~~ 0.03			
	E09	36-00054A, 0.12, 9.0 AFA			

Check ~~season~~ & use
Change Div. Rate to 0.12 (2 places)
Delete Div. Volume
~~Add div. means~~
Correct Other rights
Transfer existing Remarks to Comments

MICROFILMED
JAN 21 1993


A36-00051A
Gene Mildren
per field exam
7-24-90
T 11 S
R 13 E
Lower Salmon Falls
Power Plant
Substation
Gaging Sta
Hagerman
BM 2936
BM 2893
BM 2881
2882
2963
MICROFILMED
JAN 21 1993



T07S
R13E
S 02

MILDREN
A36-00051A

MICROFILMED
JAN 2 1 1988

(7-92, 323)

DECREED RIGHT SPLIT ANALYSIS

PARENT RIGHT NO. 36-00051 TOTAL DIVERSION RATE 1.20

PREPARATION DATE 7-29-92 HHJ

CLAIM PORTION	CLAIMED RATE	RECOMMENDED RATE	IS CLAIMED RATE EXCEEDED BY ANALYSIS	CONVEYANCE LOSS	DOES DIV RATE + CALC. C.L. EXCEED CLAIMED RATE	TOTAL RECOMMENDED DIV. RATE
A	1.2	0.09	N (0.06)	0.03	N	0.12
B	0.15	0.12	N	0.03	N	0.15
C	0.15	0.12	N	0.025	N	0.145
D	DISALLOWED		(0.05)			
E	0.05	0.04	N	0.025	Y	0.05

.0465

MICROFILMED
MICROFILMED
JAN 21 1993

CONVEYANCE LOSS - WORSTELL

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)	
1	300	4.0	2.00	0.03	0.12	1.81	0.0168	0.00	2.22	-89 A, B, C, D
2	200	4.0	2.00	0.02	0.22	1.69	0.0120	0.01	2.07	-151 84
3	1500	4.0	2.00	0.15	0.24	1.47	0.1031	0.03	1.83	-10283 A
4	600	3.0	2.00	0.05	0.38	1.23	0.0370	0.06	1.43	-71 A
5	600	3.0	2.00	0.05	0.21	0.85	0.0535	0.05	1.01	-51 A + B
6	500	3.0	2.00	0.04	0.16	0.64	0.0592	0.05	0.75	-51 E + C
7	1000	3.0	2.00	0.08	0.48	0.48	0.1579	0.21	0.56	-76 A
8				0.00		0.00	0.0000	0.00	0.00	
9				0.00		0.00	0.0000	0.00	0.00	
10				0.00		0.00	0.0000	0.00	0.00	
11				0.00		0.00	0.0000	0.00	0.00	
12				0.00		0.00	0.0000	0.00	0.00	
13				0.00		0.00	0.0000	0.00	0.00	
14				0.00		0.00	0.0000	0.00	0.00	
15				0.00		0.00	0.0000	0.00	0.00	
16				0.00		0.00	0.0000	0.00	0.00	
17				0.00		0.00	0.0000	0.00	0.00	
18				0.00		0.00	0.0000	0.00	0.00	
19				0.00		0.00	0.0000	0.00	0.00	
20				0.00		0.00	0.0000	0.00	0.00	
TOTALS	4700			0.41	1.81			0.41		

REACH = SECTION OF CHANNEL
LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
AVE WIDTH = AVERAGE TOP WIDTH OF REACH
SEEPAGE = SOIL SEEPAGE RATE OF REACH
WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD
DELIVERY = TOTAL DELIVERIES IN REACH
DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)
LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT
DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH
FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

JOHN BELL
DITCH
8-4-92

MICROFILMED
JAN 21 1993