

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

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

CIVIL CASE NUMBER: 39356

Ident. Number

436-00051C

Date Received

7-22-88

Receipt Number

3001137

scc

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) IGNACIO NICK ZABALA & CARMEN M. ZABALA Phone (208) 837-6654Mailing Address Route #1, Box #368, Hagerman, Idaho Zip 833322. Date of Priority (Only one (1) per claim) June 26, 18813. Source of water supply (a) John Bell Ditch
which is tributary to (b) Billingsley Creek4. a. Location of existing point of diversion is: Township 7 South Range 13 East Section 11,
NE 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Gooding

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. From the concrete diversion on the bank of
Billingsley Creek, the water is transported to the property by an open ditch named the
John Bell Ditch. Once the water is to the property, the property is irrigated by flood
irrigation.

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Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Mar. 15 to Nov. 15 amount 0.15 or _____

For Stockwater purposes from Jan. 1 to Dec. 31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.15 (cfs) and/or (b) 16 (acre feet)

8. Total consumptive use claimed is 12 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) From time to time, there are two to four calves on the property.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7 S	13 E	2														S 4			4

Total number of acres irrigated Four (4) acres

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

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

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

14. Remarks:

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Last Name ZABALA

Ident No.

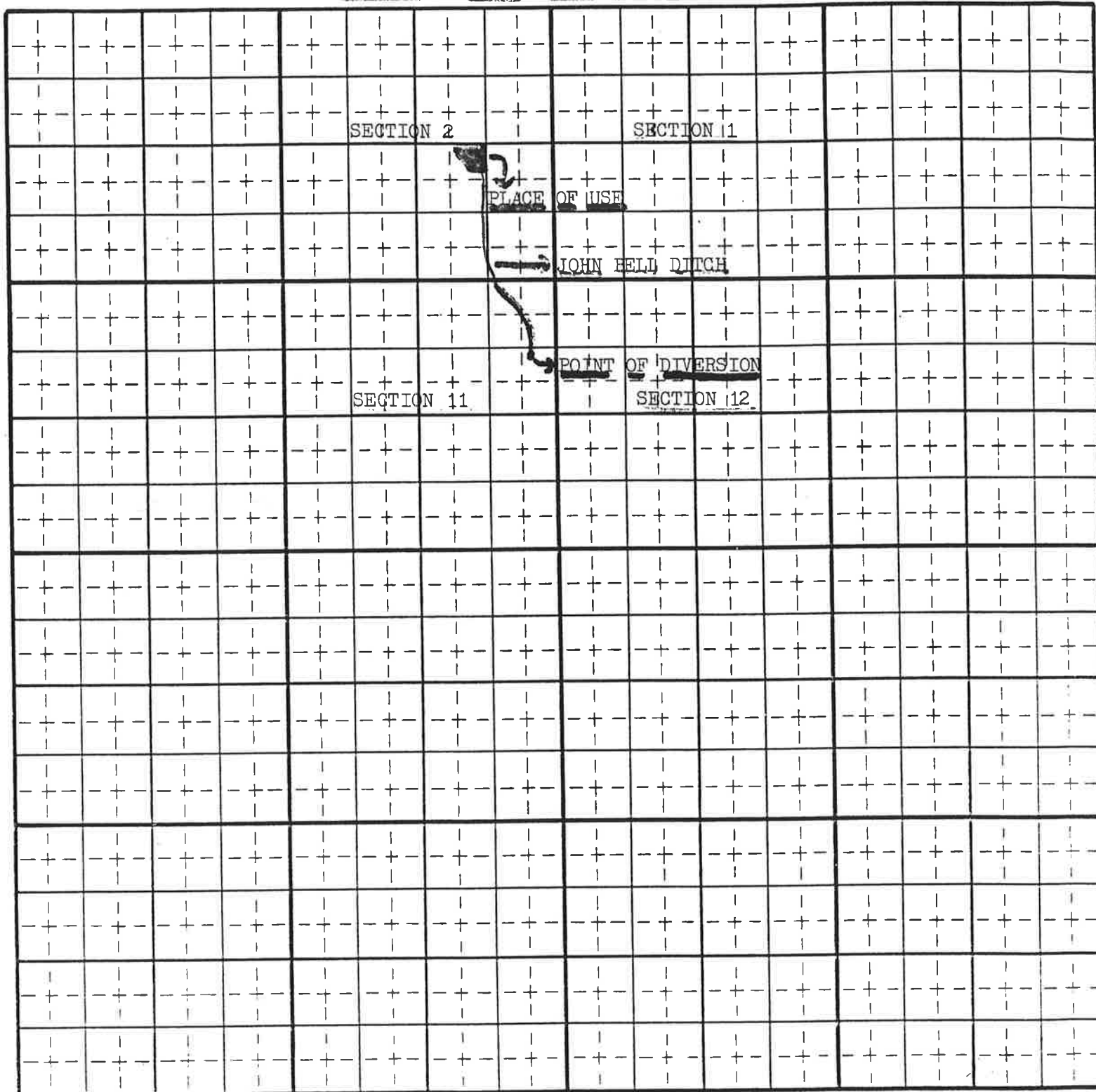
A36-00051C

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN



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Last Name ZABALA

Ident No. A36-00051C

Copies: White-State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number Part of 36-0051
Court U.S. District Court Case Number 1602 Decree Date March 22, 1932
Plaintiff vs Defendant New International Mortgage Bank vs Idaho Power Company

16. Signature (s)

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

Number of attachments two (2)

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

Signature of Claimant (s) Sergio Alex Zabalza Date 7-22-88
Carmen M Zabalza Date 7-22-88

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

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 22nd day of July 19 88

SEAL

Notary Public [Signature]

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name ZABALA Ident. Number A36-00051 C

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Copies White-State, Yellow-Claimant

1320 feet, thence South 330 feet, thence West 1320 feet, thence North 330 feet to place of beginning, containing 10 acres.

POOR ORIGINAL

151
152
Glauner,
John and
Anna A.
Glauner

1.2	Billingsley Creek	June 25, 1881	John Bell Ditch;
4	Unnamed Springs	June 25, 1881	4 Unnamed Springs

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

appurtenant to
These certain tracts of land more particularly described as follows, to-wit:
Commencing at the northwest corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, Twp. 7 S. R. 13 E. S. 3; thence running south along the west boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, township and range aforesaid 208 feet; thence east parallel to the north boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section, Township and Range aforesaid 332 feet; thence north 208 feet; thence West along the north boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section, Township and Range aforesaid 332 feet to the point of beginning.

also:
All that portion of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, Twp. 7 S. R. 13 E. S. 3. lying north and east of the state highway, known as the "Old Oregon Trail," as now laid out and existing across said subdivision of land. The lands herein conveyed being a triangular shape tract situate in the northeasterly portion of the said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, township and range aforesaid.

Also:
That certain part or portion of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 2, in Twp. 7 S. R. 13 E. S. 3. more particularly described as follows, to-wit: Beginning at a point on the southeast corner of the said NW $\frac{1}{4}$, running thence west to a point on the southwest corner of the said NW $\frac{1}{4}$, thence North to a point 321 feet and 7 inches

A36-0005-12

WARRANTY DEED

For Value Received

CARLOS M. HAUCK, a single man

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

IGNACIO NICK ZABALA and CARMEN M. ZABALA, husband and wife
Route #1
Hagerman, Idaho 83332

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

Township 7 South, Range 13 East of the Boise Meridian
Section 2: All that portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying North and
East of U. S. Highway No. 30, Project F-2361
(18) according to the survey thereof.

EXCEPT therefrom a tract described as follows:

Beginning at the Southeast corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$
of said Section;

thence Northwesterly along said right-of-way
839.6 feet more or less, to a point opposite of Station No.
236+81 of Project F-2361 (18);

thence N 79° E, 224.7 feet, more or less to the
East line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$;

thence South 829 feet, more or less along the
East line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ to the True Point of Beginning.

TOGETHER with a road right-of-way for ingress and egress along
the West line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and running a distance of approx-
imately 829 feet North from the Southwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$
and also a road right-of-way 25 feet in width and running
parallel to the South boundary line of said property, described
in Deed as set forth in microfilmed instrument No. 29869, records
of Gooding County, State of Idaho, a distance of approximately
475 feet East from the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, as set forth
in microfilmed instrument No. 28712, records of Gooding County,
State of Idaho.

IN THE COUNTY OF GOODING, STATE OF IDAHO

TOGETHER with 7 $\frac{1}{2}$ inches of irrigation water from the John Bell Ditch.

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

Dated: May 28, 1986

Carlos M. Hauck
CARLOS M. HAUCK

STATE OF IDAHO, COUNTY OF GOODING

On this 28th day of May 19 86
before me, a notary public in and for said State, per-
sonally appeared

CARLOS M. HAUCK, a single man

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged
to me that he executed the same.

Notary Public
Notary Public

Residing at Hagerman,
5-10-91

Idaho.

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OCT 11 1994

A 36-00051C

TYPE OF ACTION: ADD

MODIFY ALL FIELDS FLAG:

LAST NAME: BROWN

ADDRESS LINE 1: HEPWORTH NUNGESTER LEZAMIZ

ADDRESS LINE 3: PO BOX 389

CITY: TWIN FALLS

FIRST NAME: PATRICK D

ADDRESS LINE 2:133 SHOSHONE ST N

STATE: ID ZIP: 833030389

PHONE NUMBER: (208) 734-7510

36-00003A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00011A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00033D ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00033E ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00051C ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00051E ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00055AA ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00064A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00090D ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00090E WATER RIGHT HAS ONE ATTORNEY OWNER CODE - NOT ADDED
36-00104A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02008 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02009 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02588 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10308 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10309 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10310 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10314 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10409 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10588 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10706 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A36-10312 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A36-10409 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10588 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10706 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

ADDED / added on first Supplemental

ADDED / added on first Supplemental

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OCT 11 1994

1 HEPWORTH, NUNGESTER & LEZAMIZ,
2 CHARTERED
3 133 Shoshone St. North
4 P.O. Box 389
5 Twin Falls, ID 83303-0389
6 Telephone: (208)734-7510
7 Attorneys for Claimant
8 (PPK\21530SUP.NO2\lmr)

RECEIVED

FEB 25 1993

Department of Water Resources
Adjudication Bureau

9
10 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
11 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

12 * * * * *

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

Case No. 39576

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

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

23 Petitioner,)

24 vs.)

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

29 Respondents.)
30 _____)

31 * * * * *

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

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OCT 11 1994

34 SECOND SUPPLEMENTAL NOTICE OF APPEARANCE - 1



Hepworth,
Nungester,
& Lezamiz

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

3	Mallane, Thomas	A36-00055AA
	Mavencamp, John V.	A36-00104A
4	Pothier, Norman	A36-00064A
	Vader, Loren	A36-10706
5	Vader, Loren	A36-02588
	Culbertson, Stowe Allen & Mildred Sue	A36-00090D
6	Culbertson, Stowe Allen & Mildred Sue	A36-10409
	Barnard, Clifton R.	A36-02008
7	Barnard, Clifton R.	A36-02009
	Rea, Edna Mae & Bell, Verl C.	A36-00003A
	Rea, Edna Mae & Bell, Verl C.	A36-000033E
8	Sauer, Roy E.	A36-00033D
	Jensen, Darrell W.	A36-10308
9	Jensen, Darrell W.	A36-10309
	Jensen, Darrell W.	A36-10310
10	Jensen, Darrell W.	A36-00011A
	Robinson, Creed & Saundra	A36-00090E
11	Robinson, Creed & Saundra	A36-10588
	Zabala, Ignacio Nick	A36-00051C
12	Zabala, Ignacio Nick	A36-10312-00051E
	Zabala, Ignacio Nick	A36-10314

13 Dated this 24 day of February, 1993.

14 HEPWORTH, NUNGESTER & LEZAMIZ,
15 CHARTERED

16 By: 
17 Patrick D. Brown
18 Attorneys for Respondents

19
20 CERTIFICATE OF MAILING

21 The undersigned, a resident attorney of the State of
22 Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin
23 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 SECOND SUPPLEMENTAL NOTICE OF APPEARANCE on the



Hepworth,
Nungester,
& Lezamiz

SECOND SUPPLEMENTAL NOTICE OF APPEARANCE - 2

MICROFILMED

OCT 14 1994

1 ~~2A~~ day of February, 1993, to:

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

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

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

10 
11 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

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OCT 11 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00051C
Date Received: 7/27/1988
Receipt No: S001137
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IGNACIO NICK ZABALA 208-837-6654
Address: RT. 1 BOX 368
HAGERMAN, ID 83332
OR
Name: CARMEN M. ZABALA 208-837-6654
Address: RT. 1 BOX 368
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 of	Lot	County
07S	13E	11	NE	SE	NE		GOODING

5. Description of diverting works:
VIA BELL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.150		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 4 CALVES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	2	NW	SE		IRR	4.0
			NW	SE		STOCK	
						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:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number: 1602
Court :
Decree date: 3/23/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

RECORDED
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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

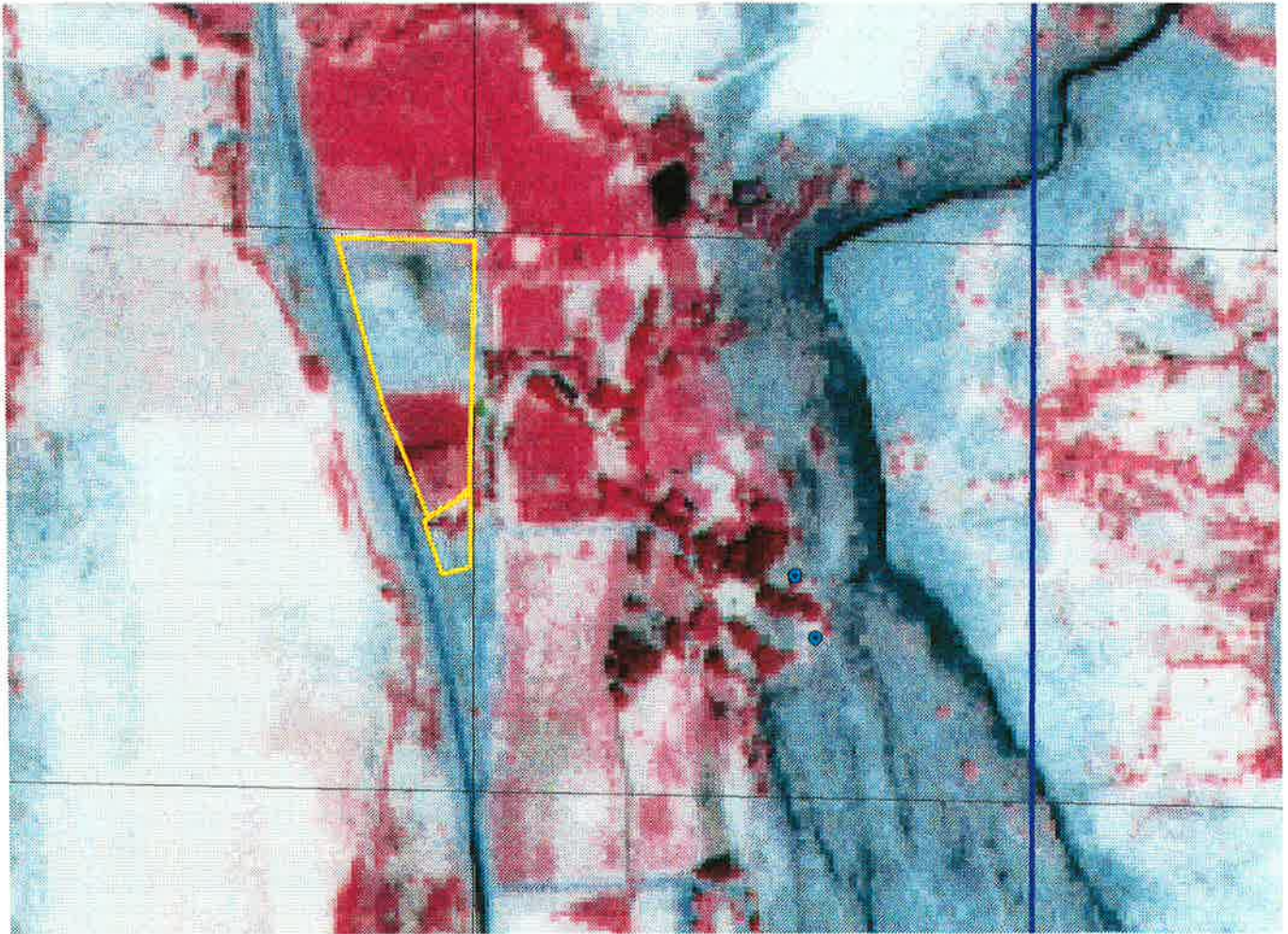
Residing at _____

My Commission Expires _____

RECEIVED
JAN 21 1988

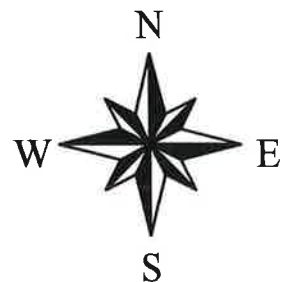
IDAHO DEPARTMENT OF WATER RESOURCES

36-00051C & 36-00051E



660 0 660 Feet

TNS 7S, RNG 13E
SEC 02, NWSE



● 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 STEVE CLELLAND

CLAIM NUMBERS 36-00051C
36-00051E

DATE 10/29/97
 AGENT su

TRANSFER NUMBER _____

OBJECTION FILED yes

TOTAL ACRES FROM RECOMMENDATION 4

GEOGRAPHIC INFO SYSTEM 3

-S1C-
-S1E-

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	7s	13E	2														4		4
GIS																	3		3
#692																			
RECOM																			
GIS																			
																	1		1
RECOM	7s	13E	2														.28		.28
GIS																			
#693																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF _____

B36-DBPOD.DBF _____

POLYGON CREATED ON 604 (✓) su 10/29/97

ATTRIBUTES OF B36-POU.SHP (*) su 10/29/97

ATTRIBUTES OF B36-POD.SHP 458 John Ball ditch

SF5 filed on this claim by Zabala.

36-00051C = 692

36-00051E = 693

P/U CONFLICT yes () no (X)

P/D CONFLICT yes () no (X)

READY FOR DECREE yes (X) no ()

SENT FOR DECREE yes (X) no ()

KKC: 8/13/97

AJ0749NP
No. 36-00051C

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

DATE: 02/11/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	IGNACIO NICK ZABALA	06/26/1881	IRRIGATION	03-15 11-15	0.15 CFS	
C	CARMEN M ZABALA		STOCKWATER	03-15 11-15	0.02 CFS	
	PO BOX 262		STOCKWATER	11-16 03-14	0.05 CFS	
	HAGERMAN ID 83332					
	(208) 837-6654					
				TOTAL DIVERSION:	0.15 CFS	
				CONSUMPTIVE USE:		12.00 AFA

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									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:		
07S	13E	2	:					:					:					:					:	4.0	
																							04		4.0
																							TOTAL ACRES		4.0

Place of use Legal Description for: STOCKWATER

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

Place of use Legal Description for: STOCKWATER

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

POU County: GOODING

Non-Irrigation Uses: STOCKWATER, 4 CALVES

Other Rights: NONE

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.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date: 04/29/1993

Misc: Water District Number: 36A

Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. 36-00051C

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

DATE: 02/11/97
PAGE: 2

=====

Comments: Date: 03/08/1991 User-ID: BEDKE Subject: SCC-STAFF REVIEW

Date: 10/21/1992 User-ID: CHRISTEN Subject: CHANGE IN CLAIM 10-21-92
CHANGED SEASON OF USE FOR STOCKWATER TO AGREE WITH IRR SEASON.KKC

Date: 08/22/1996 User-ID: DSHAFF Subject: NAME CHANGE-ATTY DELETED
COURT GRANTED MOTION FOR ATTORNEY TO WITHDRAW AS COUNSEL FOR THE
CLAIMANT.

Date: 02/11/1997 User-ID: SSHERMAN Subject: ADDRESS CHANGE
ADDRESS CHANGE BY CLAIMANT LETTER; NCAP DONE.

Audit: 02/11/97 SSHERMAN

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

DATE: 02/11/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	IGNACIO NICK ZABALA	06/26/1881	IRRIGATION	03-15 11-15	0.15 CFS	
C	CARMEN M ZABALA		STOCKWATER	01-01 12-31	0.02 CFS	
	PO BOX 262					
	HAGERMAN ID 83332					
				TOTAL DIVERSION:	0.15 CFS	
				CONSUMPTIVE USE:		14.00 AFA

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	:					:					:					:		04				:	4.0		
																							:	TOTAL ACRES		:	4.0

Place of use Legal Description for: STOCKWATER

[illegible]

POU County: GOODING

Other Rights: NONE

Conditions of Approval:

- of approval:
- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N07 - THE CONSUMPTIVE USE VOLUME IS ONLY FOR THE IRRIGATION PORTION
- OF THIS WATER RIGHT.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.
- N01 - THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
- DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
- WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO
- LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT
- CONSTITUTE UNREASONABLE WASTE.

Remarks: EXP WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 36A

Field Inspection Flag:

Presumption Flag:

AJ0749NP
No. R36-00051C

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

DATE: 02/11/97
PAGE: 2

=====

Comments: Date: 03/08/1991 User-ID: BEDKE Subject: SCC-STAFF REVIEW

Date: 10/21/1992 User-ID: CHRISTEN Subject: CHANGE IN CLAIM 10-21-92
CHANGED SEASON OF USE FOR STOCKWATER TO AGREE WITH IRR SEASON.KKC

Date: 08/22/1996 User-ID: DSHAFF Subject: NAME CHANGE-ATTY DELETED
COURT GRANTED MOTION FOR ATTORNEY TO WITHDRAW AS COUNSEL FOR THE
CLAIMANT.

Date: 09/17/1996 User-ID: DSHAFF Subject: CONVENYANCE LOSS AMOUNTS
0.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.

Date: 10/07/1996 User-ID: DSHAFF Subject: REVISED RECOMMENDATION
PREPARED CONSISTENT WITH SF5 AND REVISED CONSUMPTIVE USE AMOUNT
AT 3.5 AFY/ACRE.

Date: 02/11/1997 User-ID: SSHERMAN Subject: ADDRESS CHANGE
ADDRESS CHANGE BY CLAIMANT LETTER.

Audit: 02/11/97 SSHERMAN



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-0000

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

RECEIVED
FEB 11 1997
Department of Water Resources

PHILIP E. BATT
GOVERNOR

February 6, 1997

KARL J. DREHER
DIRECTOR

IGNACIO NICK AND CARMEN M ZABALA
PO BOX 262
HAGERMAN ID 83332

2-11-97 : modified
L' + R' records of 36-00051C
+ 3600051E; did not
modified decreed records
36-08320 + 36-10314.

Re: Snake River Basin Adjudication (SRBA)
Water Right Nos. 36-00051C, 36-00051E, 36-08320
+ 36-10314 + R " do + R " + R "
Change of Address

CC: W. D.

Dear Water Right Owners:

IDWR has been notified the address presently in our water right records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

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

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

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

Ignacio Nick Zabala
Claimant Signature

FEB 18 1997

Department of Water Resources
Southern Region

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

In Re SRBA)
Case No. 39576) NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS
Water Rights 36-00051C and 36-00051E

IDWR has completed the following Administrative Proceeding:

☒ Change of Address
☐ Substitution of Party
☐ I.C. 42-222 Transfer

CHANGE OF ADDRESS

Name of Claimant: IGNACIO NICK ZABALA
New Address: PO BOX 262
HAGERMAN ID 83332
Phone: (208) 837-6654

Claimant's Water Rights: 36-00051C and 36-00051E

The Claimant has filed Objections or Responses to the following water rights: 36-00051C, 36-00051E, 36-00071A and 36-00075

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.

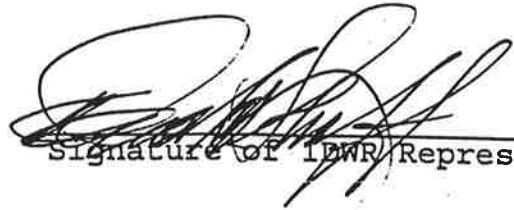
NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
2/12/1997

36-00051C AND 36-00051E

PAGE 1

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

DATED: *FEBRUARY 12, 1997*

A handwritten signature in black ink, appearing to be "D. J. Smith", is written over a horizontal line.

Signature of IDWR Representative

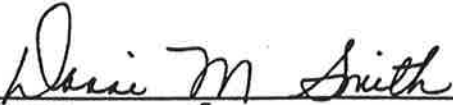
CERTIFICATE OF MAILING

I certify that on *Feb 12, 1997* 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:
Each party in the subcase, or attorney of record:

IGNACIO NICK ZABALA
PO BOX 262
HAGERMAN ID 83332

CARMEN M ZABALA
PO BOX 262
HAGERMAN ID 83332
3. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
4. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: FEB-12-1997
PAGE: A-1-----
RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00051C

NAME & ADDRESS: IGNACIO NICK ZABALA
CARMEN M ZABALA
PO BOX 262
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.15 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO
LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT
CONSTITUTE UNREASONABLE WASTE.

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	Irrigation Season	0.15 CFS
	STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S02 NWSE 4.0
4.0 ACRES TOTALSTOCKWATER Within GOODING County
T07S R13E S02 NWSE

CONSUMPTIVE USE: 14.0 AFY

THE CONSUMPTIVE USE VOLUME IS ONLY FOR THE IRRIGATION PORTION
OF THIS WATER RIGHT.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

AJ5856NP

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

DATE: FEB-12-1997
PAGE: A-2

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00051C (CONT)

EXPLANATORY MATERIAL: (CONT)

WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00051E

NAME & ADDRESS: CARMEN M ZABALA
IGNACIO NICK ZABALA
PO BOX 262
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.05 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.

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

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		Irrigation Season	0.05 CFS
STOCKWATER		01-01 12-31	0.01 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S02 NWSE 1.0
1.0 ACRES TOTAL

STOCKWATER Within GOODING County
T07S R13E S02 NWSE

CONSUMPTIVE USE: 3.5 AFY

THE CONSUMPTIVE USE VOLUME IS ONLY FOR THE IRRIGATION PORTION OF THIS WATER RIGHT.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

AJ5856NP

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

DATE: FEB-12-1997
PAGE: A-4

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00051E (CONT)

EXPLANATORY MATERIAL: (CONT)

WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

Work = 837-6103

February 6, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RIE (G E 47 E 11)

FEB 21 1997

IGNACIO NICK AND CARMEN M ZABALA
PO BOX 262
HAGERMAN ID 83332

Department of Water Resources
Southeast Region

Re: Snake River Basin Adjudication (SRBA)
Water Right Nos. 36-00051C, 36-00051E, 36-08320
and 36-10314
Change of Address

Dear Water Right Owners:

IDWR has been notified the address presently in our water right records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

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

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

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

Claimant Signature

6/9/94

COMMUNICATION DOCUMENTATION

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

IDWR Employee/Agent Douglas Jones

DATE: June 7, 1996 3:57pm **CUSTOMER:** NICK ZABALA

SUBJECT: 36-00051C & E, 36-00075 & 71A
phone call (FROM/TO) walk-in (.)

1) ZABALA WAS CONCERNED THAT THERE WASN'T AN SF-5 DONE YET ON THE 51C & E CLAIMS. HE EXPLAINED THAT HE HAS LEFT THE HWRO GROUP AND WAS SATISFIED WITH HIS RIGHTS. I TOLD HIM I DIDN'T KNOW WHAT HE COULD DO AND PROMISED TO CALL BOISE AND GET BACK TO HIM.

I SPOKE WITH BRENT KING AND HE WAS FAMILIAR WITH THE CASES AND SAID THAT HE HAD THE SF-5'S TO DO YET BUT WOULD TRY TO GET THEM DONE BY MID- TO END OF NEXT WEEK. HE DIDN'T THINK HE HAD A WITHDRAWAL OF ATTORNEY FORM FROM BROWN AND THAT IF NOT HE WOULD SEND THE SF-5'S TO BROWN. IF ZABALA HAS A FORM HE COULD SEND IT TO US AND BRENT COULD SEND THE SF-5'S TO HIM DIRECTLY. (ZABALA SO INFORMED)

2) HE WAS GETTING MAIL FROM THE COURT ON 71A & 75 AFTER SELLING THE PROPERTY TO HARNEY. OUR RECORDS ARE CHANGED, BUT THE COURTS APPARENTLY AREN'T. I TOLD HIM THIS AND THAT THE COURT HAS CHANGED PROCESS AND THIS COULD BE CAUGHT IN THE MIDDLE OF THE TRANSITION. I ASKED HIM TO GIVE THE MAIL TO THE HARNEYS IN THE INTERIM AND HOPEFULLY WE'LL HAVE A RESOLUTION ON HOW TO INFORM THE COURT SOON.

COMMUNICATION DOCUMENTATION

A36-00051E

IDWR Employee/Agent Steve Clelland

RE:
SRBA CLAIMS

HE WAS CONCERNED ABOUT HIS CLAIMS AS RECOMMENDED. WE REVIEWED THE CLAIMED AND REC'D AMOUNTS OF ACRES AND FLOW RATES. FOUND ALL CLAIMS TO BE AS ORIGINALLY CLAIMED. HE WAS HAPPY WITH THIS INFO. HE SAID THE HWRO HAVE BEEN PUSHING PEOPLE AROUND; HE SAID IT IS VERY CONFUSING TO THE PEOPLE IN THE VALLEY AND MOST PEOPLE DON'T UNDERSTAND WHAT THEIR WATER RIGHTS ARE.

COMMUNICATION DOCUMENTATION

A36-00051E

IDWR Employee/Agent Steve Clelland

UPDATE ON SF5 PROCESS

CLAIM: A36-00051C & -0051E.

1 Claimant:

1996 APR 19 AM Ignacio Nick Zabala

2 Attorney Name and Address: HEPWORTH, LEZAMIZ & HOHNHORST,

3 RECEIVED

TWIN FALLS, ID. CHARTERED

133 Shoshone St. North

P.O. Box 389

Twin Falls, ID 83303-0389

Telephone: (208)734-7510

4 JUL 29 1996

5 Department of Water Resources
Southern Region

6
7
8 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
9 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
10

11 * * * * *

12 In Re SRBA

) Subcase No. 36-00051C

)

) ORDER FOR WITHDRAWAL OF
) ATTORNEY
)

13 Case No. 39576

14
15 * * * * *

16 Based upon the motion and stipulation filed with this court, there is good
17 cause for the court to grant leave allowing Hepworth, Lezamiz & Hohnhorst, Chartered to
18 withdraw as counsel of record for Ignacio Nick Zabala.

19 IT IS THEREFORE ORDERED that under I.R.C.P. 11(b) Ignacio Nick Zabala
20 shall appoint another attorney to appear or shall appear in person by filing written notice
21 with the court stating how he will proceed without an attorney within 20 days from the date
22 of service of this order upon Ignacio Nick Zabala.

23
ORDER FOR WITHDRAWAL OF ATTORNEY - 1

1 IT IS FURTHER ORDERED the Hepworth, Lezamiz & Hohnhorst, Chartered
2 shall immediately serve a copy of this order upon Ignacio Nick Zabala and shall file proof
3 of such service with this court.

4 Dated this 19 day of April, 1996.

5 
6 Terrence A. Dolan, Special Master

R PROOF

CVR

MAPS

PHOTOS

MISC

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. A36-00051C
(You must insert the
water right number you
are objecting to)

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

OBJECTION

Petitioner,

vs.

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

36-00051C -0001/
93-04-0058

Respondents.

INSTRUCTIONS

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

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

(Over)

OCT 11 1994

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Ignacio Nick and/or Carmen M. Zabala

Address: 17876 U.S. Highway 30

Bliss, Idaho 83314

Briefly describe your interest in this water right:

Decreed water right pursuant to New

International Mortgage Bank v. Idaho Power

Company dated 3/22/32 with a priority

date of 6/26/1881

2. Owner of the water right:

Name: Ignacio Nick and/or Carmen M. Zabala

Address: 17876 U.S. Highway 30

Bliss, Idaho 83314

3. If this objection is filed by an attorney:

Attorney Name: Hepworth, Nungester & Lezamiz

Attorney Address: P. Parker & Patrick D. Brown

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

Attorney Phone No.: (208)734-7510; Fax: (208)734-4115

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

MICROFILMED

OCT 11 1994

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

REASONS SUPPORTING EACH BOX CHECKED

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

See page 7.

CHANGES TO THE DIRECTOR'S REPORT

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

Address, see paragraph 2, page 2; maximum quantity- as decreed
and/or beneficially used; period of use- 1/01 to 12/31; strike
4 calves; consumptive use- change accordingly; Remarks- strike
all 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 Gooding

Ignacio Nick Zabala, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

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

Ignacio Nick Zabala
Signature of person filing objection

By:

[Signature]
(Attorney signing in
representative capacity)

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

[Signature]
Notary Public for Idaho

Residing at: HAGERMAN, IDAHO
My Commission Expires: 5-10-97

(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Owner name: Ignacio N. & Carmen Zabala
Owner's address: 17876 U.S. Highway 30
Bliss, Idaho 83314

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

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

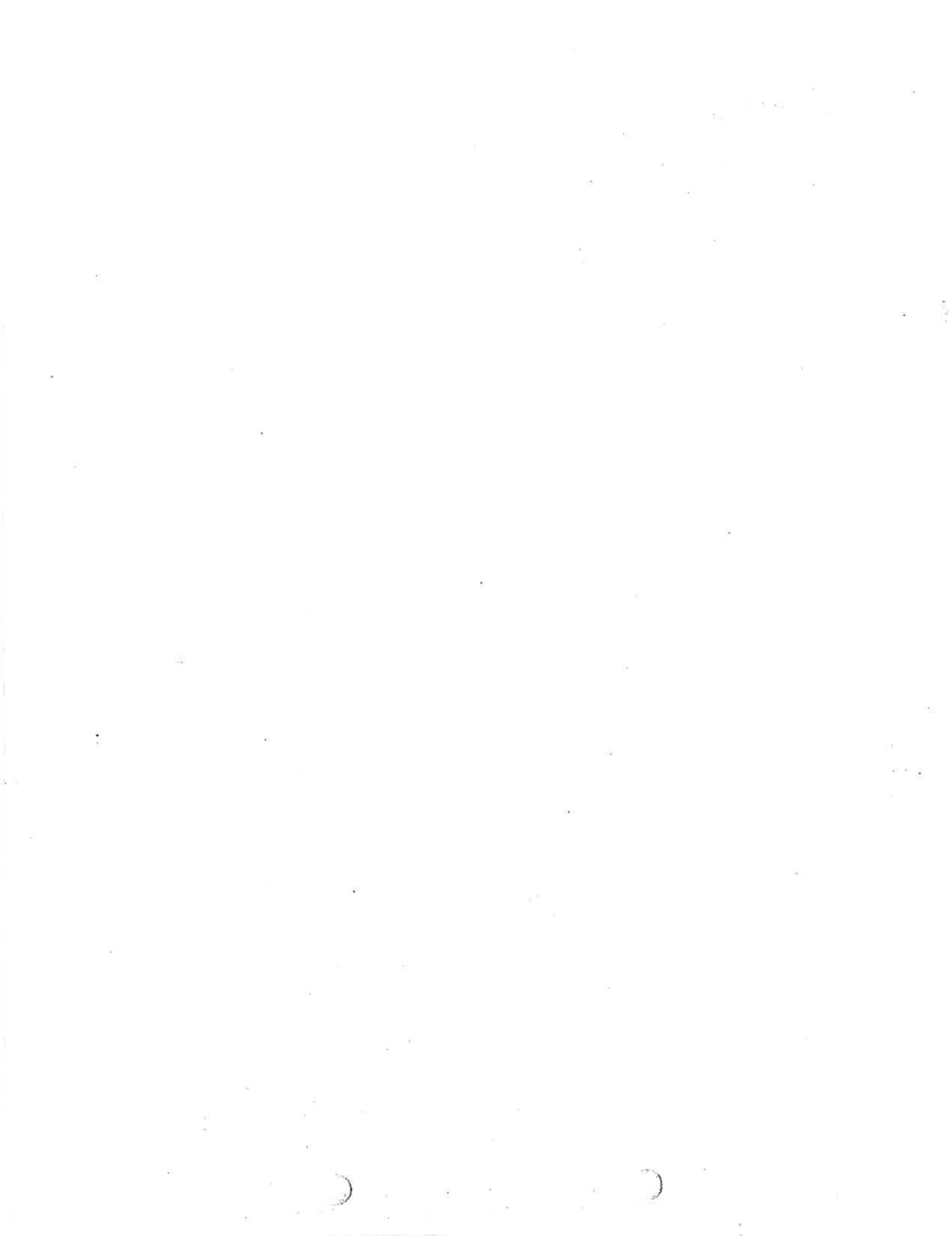
Box 3, 3a and 10 -- IDWR recommends an amount less than decreed and/or beneficially used. A reduction in water right would constitute a taking.

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

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

CHANGES TO DIRECTOR'S REPORT, page 4

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



Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

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V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

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

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

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

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

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

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

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AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

1. That the State of Idaho take nothing by reason of its Directors' Report, and that this action, and any claims asserted against objectors, be dismissed.
2. That a decree be entered adjudicating the existence, validity, amount and priority of objectors' water rights in accordance with objectors' claims.
3. That to the extent the acts of the Department or Director constitute a taking of objectors' property for public use, that objectors be allowed and awarded just compensation therefor.
4. That the objectors be allowed all costs of suit and reasonable attorney fees incurred herein.
5. For such further relief to which the Court finds objectors justly entitled.

(WATER\21530ANS)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:02:28
06/29/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00051C

LAST: ZABALA
ADDRESS: RT. 1 BOX 368
CITY: HAGERMAN
PHONE NUMBER: 208-837-6654

FIRST: CARMEN M.

STATE: ID ZIP: 83332

OWNER CODE: C

LAST: ZABALA
ADDRESS: RT. 1 BOX 368
CITY: HAGERMAN
PHONE NUMBER: 208-837-6654

FIRST: IGNACIO NICK

STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

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

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

Case No. 36-00051C -0001

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

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

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

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2. Person who filed objection:

Name: IGNACIO & CARMEN ZABALA
Address: 17876 US HIGHWAY 30
BLISS ID 83314

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. |X| Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
3. |X| Quantity: I respond to the objection concerning:
- 3a. |X| The total quantity of water used in cubic feet per second.
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.
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 CLAIMANTS' ANSWER,
AFFIRMATIVE DEFENSES, AND PRAYER FOR RELIEF.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1, IDWR responds that it will change the claimant's address on its records to that shown on the objection. This, however, may not change the claimant's address on the records of the SRBA Court. The Court has developed its "Standard Form 3" to be used for reporting matters such as address changes and changes in ownership. The claimant may need to file this form with the SRBA Court.

In response to Statement of the Objection 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 further response to this objection item, IDWR responds that it recommended the same quantity of water for irrigation and stockwater as was claimed. Moreover, the quantity claimed and recommended is the same quantity conveyed to the claimant by the claimant's predecessor in interest, as is evidenced by the copy of the deed attached to the Notice of Claim.

Although Statement of the Objection item 7 was not identified as being objected to by the claimant, IDWR believes that by the claimant's objection to the description of stockwater use, the claimant is objecting to the description of a purpose of use. In response to this item, and all allegations regarding it, IDWR responds as follows: Idaho Code section 42-1411(2) provides that the director's report shall include "such other matters as are necessary to define the right." The description of stockwater use describes the current use for stockwater purposes the same as stated on the notice of claim. Description of the current use is necessary to define the right and to prevent future expansions in use of the right.

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

(Over)

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a period of use decreed for this water right. Idaho Code 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The irrigation season of use cannot exceed the period in which water may be beneficially used. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report. IDWR further responds that it recommended the same seasons of use for both irrigation and stockwater as were claimed. By now seeking a longer irrigation season of use, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection 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 claimed and recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided for by Idaho Code Sec. 42-1401A(2). (5) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

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

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

	No. of Pages
Notice of Claim No. A36-00051C	6
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4

(Over)

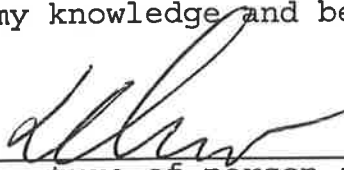
VERIFICATION (Must be Completed)

State of IDAHO

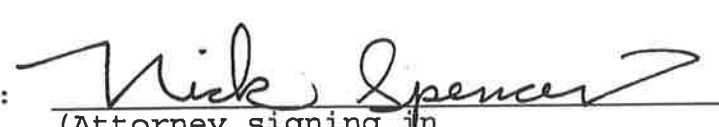
County of ADA

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

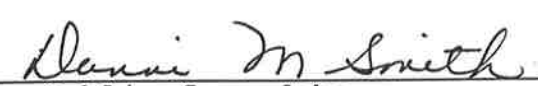
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director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


Signature of person filing response

By:


(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 31st day of August,
1993.


Notary Public for Idaho

Residing at:

My Commission expires

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

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of August, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

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

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

See No. 3

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

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

4. One copy to:

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


Signature of Respondent or attorney
mailing on Respondent's behalf

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

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

CIVIL CASE NUMBER: 39356
Ident. Number 436-00051C
Date Received 7-22-88 *gs*
Receipt Number 3001137 *scc*

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) IGNACIO NICK ZABALA & CARMEN M. ZABALA Phone (208) 837-6654

Mailing Address Route #1, Box #368, Hagerman, Idaho Zip 83332

2. Date of Priority (Only one (1) per claim) June 26, 1881

3. Source of water supply (a) John Bell Ditch
which is tributary to (b) Billingsley Creek

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

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. From the concrete diversion on the bank of
Billingsley Creek, the water is transported to the property by an open ditch named the
John Bell Ditch. Once the water is to the property, the property is irrigated by flood
irrigation.

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6. Water is claimed for the following uses:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Mar. 15 to Nov. 15 amount 0.15 or _____

For Stockwater purposes from Jan. 1 to Dec. 31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.15 (cfs) and/or (b) 16 (acre feet)

8. Total consumptive use claimed is 12 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) From time to time, there are two to four calves on the property.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7 S	13 E	2														S 4			4

Total number of acres irrigated Four (4) acres

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

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

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

14. Remarks:

Last Name ZABALA

Ident No.

A36-00051C

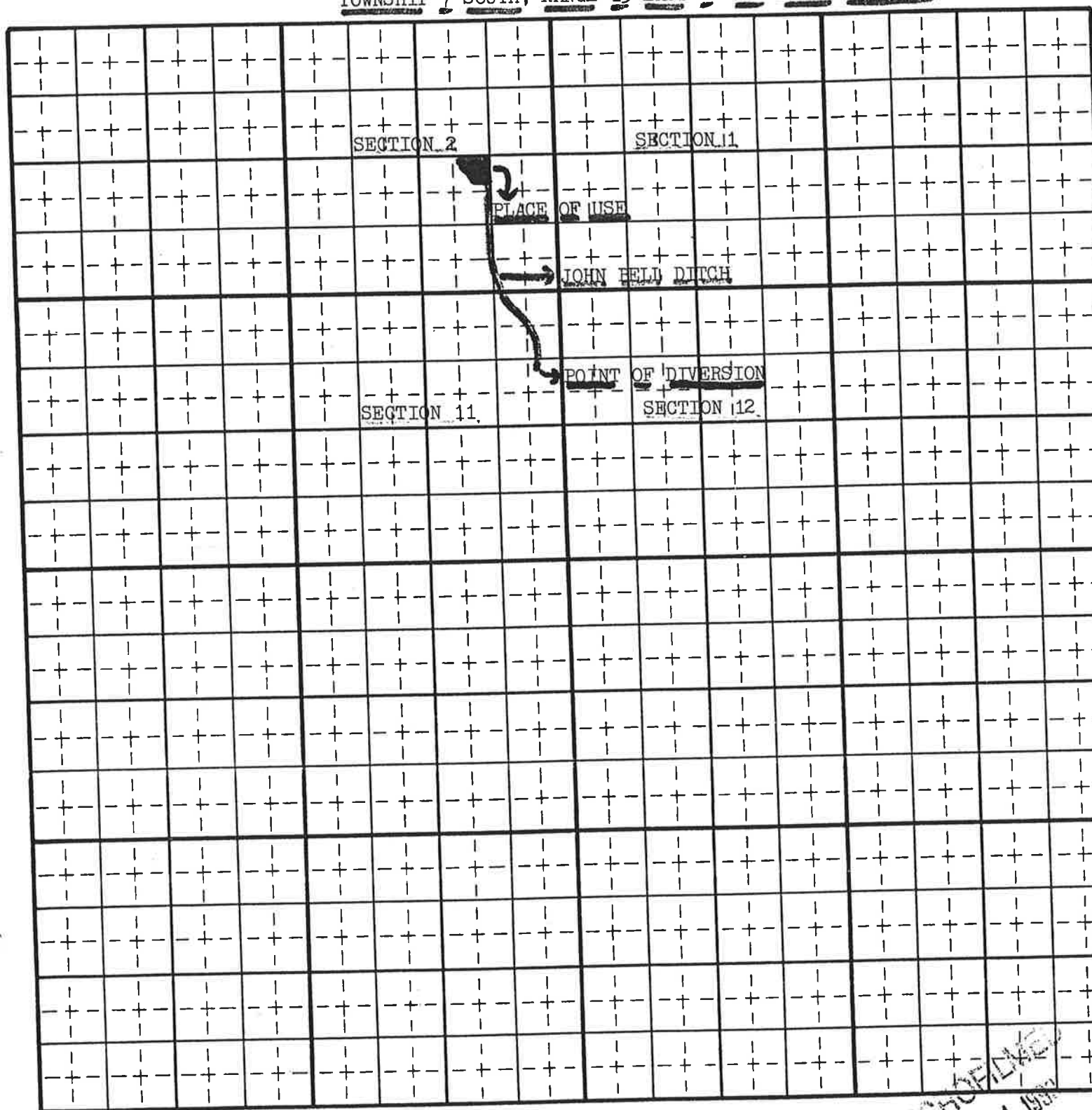
Copies: White - State, Yellow - Claimant

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

Scale: 2 inches equals 1 mile

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN



Last Name ZABALA

Ident No. A36-00051C

Copies: White-State, Yellow-Claimant

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15. Basis of Claim (check one) ☐ Special Use ☐ Posted Notice ☐ ☒ Permit ☐
Decree ☒

If applicable provide IDWR Water Right Number Part of 36-0051
Court U.S. District Court Case Number 1602 Decree Date March 22, 1932
Plaintiff vs Defendant New International Mortgage Bank vs Idaho Power Company

16. Signature (s)

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

Number of attachments two (2)

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

Signature of Claimant (s)

Sygnia Nick Zabalza
Carmen M Zabalza

Date 7-22-88

Date 7-22-88

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as

Title

of

Organization

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho/or

County of Gooding

SS.

Subscribed and sworn (or affirmed) before me this

22nd

day of

July

19 88

SEAL

Notary Public

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Address

Date

Last Name

ZABALA

Ident. Number

436-00051 C

Copies White-State, Yellow-Claimant

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JAN 2 1993
OCT 11 1994

1320 feet, thence South 330 feet, thence West 1320 feet, thence North 330 feet to place of beginning, containing 10 acres.

POOR ORIGINAL

151 Glauner,
John and
152 Emma A.
Glauner

1.2
4

Billingsley Creek
Unnamed Springs

June 26, 1861
June 26, 1861

John Bell Ditch;
4 Unnamed Springs

(The diversion point of said John Bell Ditch is on the bank of Billingsley Creek 30 yards below the diversion point of the Buckeye Ditch heretofore described. Said

four unnamed springs arise on the land described immediately hereafter.)

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

Commencing at the northwest corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, Twp. 7 S. R. 13 E. B. M.; thence running south along the west boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, township and range aforesaid 208 feet; thence east parallel to the north boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section, Township and Range aforesaid 332 feet; thence north 208 feet; thence West along the north boundary line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section, Township and Range 332 feet to the point of beginning.

Also:

All that portion of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 2, Twp. 7 S. R. 13 E. B. M. lying north and east of the state highway, known as the "Old Oregon Trail," as now laid out and existing according to said subdivision of land. The lands herein conveyed being

a triangular shape tract situate in the northeasterly portion of the said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said section, township and range aforesaid.

Also:

That certain part or portion of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 2, in Twp. 7 S. R. 13 E. B. M. more particularly described as follows, to-wit: Beginning at a point on the southeast corner of the said NW $\frac{1}{4}$, running thence west to a point on the southwest corner of the said NW $\frac{1}{4}$, thence North to a point 321 feet and 9 inches

A36-0005/C

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OCT 1964

WARRANTY DEED

For Value Received

CARLOS M. HAUCK, a single man.

POOF ORIGINAL

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
 IGNACIO NICK ZABALA and CARMEN M. ZABALA, husband and wife
 Route #1
 Hagerman, Idaho 83332

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

Township 7 South, Range 13 East of the Boise Meridian
 Section 2: All that portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying North and
 East of U. S. Highway No. 30, Project F-2361
 (18) according to the survey thereof.

EXCEPT therefrom a tract described as follows:

Beginning at the Southeast corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$
 of said Section;

thence Northwesterly along said right-of-way
 839.6 feet more or less, to a point opposite of Station No.
 236181 of Project F-2361 (18);

thence N 79° E, 224.7 feet, more or less to the
 East line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$;

thence South 829 feet, more or less along the
 East line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ to the True Point of Beginning.

TOGETHER with a road right-of-way for ingress and egress along
 the West line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and running a distance of approx-
 imately 829 feet North from the Southwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$
 and also a road right-of-way 25 feet in width and running
 parallel to the South boundary line of said property, described
 in Deed as set forth in microfilmed instrument No. 29869, records
 of Gooding County, State of Idaho, a distance of approximately
 475 feet East from the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, as set forth
 in microfilmed instrument No. 28712, records of Gooding County,
 State of Idaho.

IN THE COUNTY OF GOODING, STATE OF IDAHO

TOGETHER with $7\frac{1}{2}$ inches of irrigation water from the John Bell Ditch.

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

Dated: May 28, 1986

Carlos M. Hauck
 CARLOS M. HAUCK

Instrument No.

STATE OF IDAHO, COUNTY OF GOODING

On this 28th day of May 19 86
 before me, a notary public in and for said State, per-
 sonally appeared

CARLOS M. HAUCK, a single man

known to me to be the person whose name is
 subscribed to the within instrument, and acknowledged
 to me that he executed the same.

[Signature]
 Notary Public
 Residing at Hagerman,
 5-10-91 Idaho.

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

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

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

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.

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 8015888

RECEIVED

APR 22 1993

Department of Water Resources
Southern Region Office

Date: 4/22/1993
Time: 10:28:53

Received

From: HEPWORTH NUNGESTER CHART

Type of Payment	Program Acct Class	Amount
COPIES OF ADJUDICATION FILES	84100 229 21 1780	47.00

Total

CHECK 10362

\$47.00

Region: SOUTHERN

Signature: R. Foster

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OCT 11 1994

HEPWORTH, NUNGESTER AND LEZAMIZ, CHARTERED

10362

DATE	DESCRIPTION	INVOICE #	CHECK		NET AMOUNT
			AMOUNT	DEDUCTION	
04/13/93	Department of Water Resources Hagerman/921530 - CPY		47.60		47.60

RECEIVED

APR 22 1993

Department of Water Resources
Southern Region Office

CHECK DATE 04/20/93	CONTROL NUMBER 10362	TOTALS ► GROSS:	47.60	DED:	0.00	NET:	47.60
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OCT 11 1994

RECEIVED

APR 19 1993

Department of Water Resources
Southern Region Office

April 5, 1993
(Date)

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

*already copied for
Hepworth's office
4/13/93*

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 A36-00051E & A36-00051C.

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.

NOTE: Please send the requested information
to: Hepworth, Nungester & Lezamiz
Attorneys At Law
133 Shoshone Street North
P. O. Box #389
Twin Falls, Idaho
83303-0389

Sincerely,

[Signature]
(Name)

17876 U. S. Highway #30
(Address)

Bliss, Idaho 83314
(City, State, Zip Code)

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

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OCT 11 1994



Department of Water Resources
222 Shoshone Street E.
Twin Falls, ID 83301

MICROFILMED
OCT 11 1994

Date April 13, 1993

Name HEPWORTH NUNGESTER & LEZAMIZ
133 Shoshone N
Address Twin Falls ID 83301

No. of Copies	Material	Cost
952	copies of adjudication files @ .05 ea.	\$ 47.60
TOTAL		\$ 47.60

Please find enclosed the form(s) and/or information you requested. The charge, if any, is indicated above.

If we may be of further assistance, please contact us.

Sincerely, *Janie Robertson*

A36-02008 - 50
A36-02009 - 45
A36-00125A - 35
A36-10405 - 17
A36-10055 - 36
A36-10308 - 27
A36-10309 - 26
A36-10310 - 26
(A36-00029B)
(A36-10220) - 14
A36-00011A - 59
A36-00051C - 43
(A36-00051E)
(A36-10312) - 47
A36-00039F - 39
A36-15461 - 17
A36-00121 - 53
A36-00119 - 58
A36-00120 - 57
A36-001030 - 64
A36-00198A - 45
A36-15157 - 48
A36-15176 - 64
A36-15184 - 82

952
x .05
\$47.60

Water Right Number - R36-00051C

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
ZABALA

IGNACIO NICK

1 - RT 1 BOX 368

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-6654

ZABALA

CARMEN M

1 - RT 1 BOX 368

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-6654

+ - - Priority Date - - +
06/26/1881+ - - - Region - - - +
ERROR IN REGION+ - - - Stage - - - +
D - DECREED

+ - - - Status - - - +

+ - - - - Source - - - - - +
BILLINGSLEY CREEK+ - - - - Tributary - - - - - +
SNAKE RIVER

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

Tw	Rng	Sec	Tract	Lot	RFlg	County
07S	13E	11	NE SE NE		(47)	GOODING

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	0.150	
04 - STOCKWATER		04/01	10/31	0.020	
04 - STOCKWATER		11/01	03/31	0.050	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.150 12.0

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	13E	2	NW SE		4.0	01	IRRIGATION	(47) GOODING
07S	13E	2	NW SE			04	STOCKWATER	(47) GOODING

Total Acres: 4.0

+ - - Diversion Means - VIA JOHN BELL DITCH

+ - - Non-Irrigation Use - STOCKWATER, 4 CALVES

+ - - Other Rights for Same Use - NONE

Changed Seasonal use
for stockwater to agree with
the season
RHC
10-21-92

RECEIVED

JAN 21 1993

Water right number - R36-00051C

Prefix Translation: RESEARCH

+ - - - - 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.

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

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

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK IDAHO POWER COMPANY 03/23/1932

+ - - - - Comments - - - - - +
Date: 03/08/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW

+ - - Audit Fields - - +
08/11/92 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	- 1602
Response Filed Date	- 00/00/0000	Verified Date	- 08/11/1992	Old Judicial District	-
Claim Received Date	- 07/27/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001137	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

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JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

06/29/90

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00051C

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		HHT 7/30/92	NB	
POINT OF DIV	Y			N	1,5			
SOURCE				N				
PLACE OF USE	Y		7-24-90 SCC/HHT	N	1,4,5			
DIV. AMOUNT CFS/VOLUME	Y			(V)	6. Decree			
CONSUMPTIVE USE	-			N				
PURPOSES	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS				N				

"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.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

UNRECORDED

JAN 21 1993

A. AJ CLAIM: # A36-00051C 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

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

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:
06-26-1881

REVIEWED BY Sec

DATE 11-7-90

=====

MICROFILMED
JAN 21 1990

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00051C	07S	13E	11	NE	SE	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-00051D	NONE

WR RECORDS IN SAME 40 ACRE TRACT

A36-10119	36-00003
A36-10120	36-00005
A36-10751	36-00019
A36-10752	36-00021
A36-10755	36-00024
A36-10061	36-00025
A36-00103B	36-00026
A36-00108A	36-00027
A36-00003G	36-00034
A36-00027	36-00035A
A36-00039C	36-00035B
A36-00090E	36-00039A
A36-00051B	36-00039B
A36-00076A	36-00040
A36-00089B	36-00052
A36-00089D	36-00064
A36-10283	36-00065
A36-10312	36-00067
A36-00090A	36-00071
A36-00003D	36-00076
A36-00090B	36-00077
A36-00090C	36-00082
A36-00090D	36-00083
A36-00090F	36-00085
A36-00108F	36-00087
A36-00125A	36-00088
A36-00026	36-00089
A36-00071A	36-00090
A36-00089A	36-00091
A36-00108C	36-00094
A36-00108D	36-00095
A36-00108E	36-00096
A36-00108H	36-00103
A36-04008	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

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JAN 21 1993

36-07840
36-07853
36-07875
36-07957
36-08058
36-08319
36-08335

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
					SE	NE		GOODING
36-00051	07S	13E	11					

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-00003	A36-00025	NONE
36-00005	A36-00087	
36-00019	A36-07658	
36-00021	A36-10409	
36-00024	A36-00051D	
36-00025	A36-10119	
36-00026	A36-10120	
36-00027	A36-10751	
36-00034	A36-10752	
36-00035A	A36-10755	
36-00035B	A36-10061	
36-00039A	A36-00103B	
36-00039B	A36-00108A	
36-00040	A36-00003G	
36-00052	A36-00027	
36-00064	A36-00039C	
36-00065	A36-00090E	
36-00067	A36-00051B	
36-00071	A36-00076A	
36-00076	A36-00089B	
36-00077	A36-00089D	
36-00082	A36-10283	
36-00083	A36-10312	
36-00085	A36-00090A	
36-00087	A36-00003D	
36-00088	A36-00090B	
36-00089	A36-00090C	
36-00090	A36-00090D	
36-00091	A36-00090F	
36-00094	A36-00108F	
36-00095	A36-00125A	
36-00096	A36-00026	
36-00103	A36-00071A	
36-00108	A36-00089A	
36-00112A	A36-00108C	
36-00112B	A36-00108D	
36-00113B	A36-00108E	
36-00113C	A36-00108H	

5001 12 11/17
JAN 31 1908

36-00115D
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

A36-04115
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

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JAN 21 1993

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER
N
N

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC.

1/4

1/4

1/4

LOT

COUNTY

Same

No Δ

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY:

See

DATE:

11-7-90

VIA JOHN BELL DITCH

A. ROOT WATER RIGHT NUMBERS: A36-00051
A36-00051B

A36-00051C

A36-00051D

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	NW	SE		ZABALA , CARMEN M.	A36-00051C / 4.0	- /	39.0	4.0	4.0
						YA-TA-HAY INVESTMENTS, INC.	A36-10283 /30.0	- /			
						ZABALA , CARMEN M.	A36-10312 / 1.0	- /			
						ZABALA , CARMEN M.	A36-08320 /	36-08320 /			
						ZABALA , IGNACIO NICK	A36-10314 /	- /			
						GLAUNER , JOHN		36-00051 /			
						GLAUNER , JOHN		36-00054 /			
						SANBORN , JOHN C.		36-00094 /			
						SANBORN , JOHN C.		36-00095 /			
						SANBORN , JOHN C.		36-00096 /			
						YA TA HAY INVESTMENTS INC		36-07875 /			
07S	13E	2	NW	SE		ZABALA , CARMEN M.	A36-00051C /	- /	39.0		
						YA-TA-HAY INVESTMENTS, INC.	A36-10283 /30.0	- /			
						ZABALA , CARMEN M.	A36-10312 / 1.0	- /			
						ZABALA , CARMEN M.	A36-08320 /	36-08320 /			
						ZABALA , IGNACIO NICK	A36-10314 /	- /			
						GLAUNER , JOHN		36-00051 /			
						GLAUNER , JOHN		36-00054 /			
						SANBORN , JOHN C.		36-00094 /			
						SANBORN , JOHN C.		36-00095 /			
						SANBORN , JOHN C.		36-00096 /			
						YA TA HAY INVESTMENTS INC		36-07875 /			
TOTAL ACRES						A36-00051C	4.00		78.00	4.0	

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
X

JAN 21 1997

PRESUMPTION FLAG:

REMARKS:

Field exam - grapes

RECOMMENDATIONS:

TOTAL ACRES:

4.0

REVIEWED BY:

SCC

DATE:

11-7-90

RECEIVED

JAN 21 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00051C IRRIGATION	FROM 03-15 TO 11-15	.150 CFS
A36-00051C STOCKWATER	FROM 01-01 TO 12-31	.020 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.150 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

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 0.150 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?

FIELD
DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00051C	BILLINGSLEY CREEK	ZABALA , CARMEN M.	0.150	0.037		
A36-10283	BILLINGSLEY CREEK	YA-TA-HAY INVESTMENTS, INC.	7.500	0.051		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-00051C	STOCKWATER	ZABALA , CARMEN M.	FROM 01-01 TO 12-31	.020 CFS	
A36-10283	STOCKWATER	YA-TA-HAY INVESTMENTS, INC.	FROM 01-01 TO 12-31	.120 CFS	
A36-08320	DOMESTIC	ZABALA , CARMEN M.	FROM 01-01 TO 12-31	.040 CFS	.60 AF/A
A36-10314	DOMESTIC	ZABALA , IGNACIO NICK	FROM 01-01 TO 12-31	.040 CFS	

JAN 21 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE 0.03
ACRES 4.0 x 0.02 CFS/ACRE = 0.12 CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 12.0 AF/A
ACRES 4 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =
TOTAL CONSUMPTIVE USE 12.0 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A
ACRES 4 x DIVERSION VOL. AF/A FOR AREA 4 =
TOTAL DIVERSION VOLUME 16.0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

See attached conveyance loss worksheet.

*sprinkler & drip irrigation
allow 0.03 per acre*

= 0.12 cfs

+ conveyance losses 0.025

total 0.145

JAN 21 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
<u>IRRIGATION</u>	<u>4-1</u>	<u>10-31</u>						
	<u>2-15</u>	<u>11-15</u>		<u>0.145</u>		<u>10.0</u>		<u>12.0</u>
<u>STOCK WATER</u>	<u>1-1</u>	<u>12-31</u>		<u>0.02</u>				
				<u>0.145</u>		<u>16.0</u>		<u>12.0</u>
						<u>N/A</u>		
TOTAL FOR THIS RIGHT								
REVIEWED BY: <u>SCC</u>				DATE: <u>11-7-90</u>				

$$\cancel{\text{WR Proportional Rate}} \quad \frac{1.20 \text{ cfs}}{120 \text{ Acres}} = 0.01 \text{ cfs/Ac.}$$

F01

D02

~~E08~~

RECEIVED

603 12 NOV

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
(✓)	()
(✓)	()
()	(✓)

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00051

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.200

EXAMINER _____

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-00051	1.200	-	-	36-00051	1.200
A36-00051	A36-00051B	0.150	-	-	36-00051	1.200
-	A36-00051C	0.150	-	-	-	-
-	A36-00051D	0.600	-	-	-	-
TOTAL CFS		2.100				1.200

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER
N
N

REMARKS:

See A36-00051 for Split Review - See attached Split Review

AUTHENTICATION:

SIGNATURE: Steve Chell

DATE: 11-7-96

NAME OF FIELD EXAMINER: _____

TITLE: _____

ZABALA
A36-00051C

Lower Salm
Falls
Power Plant
Substation

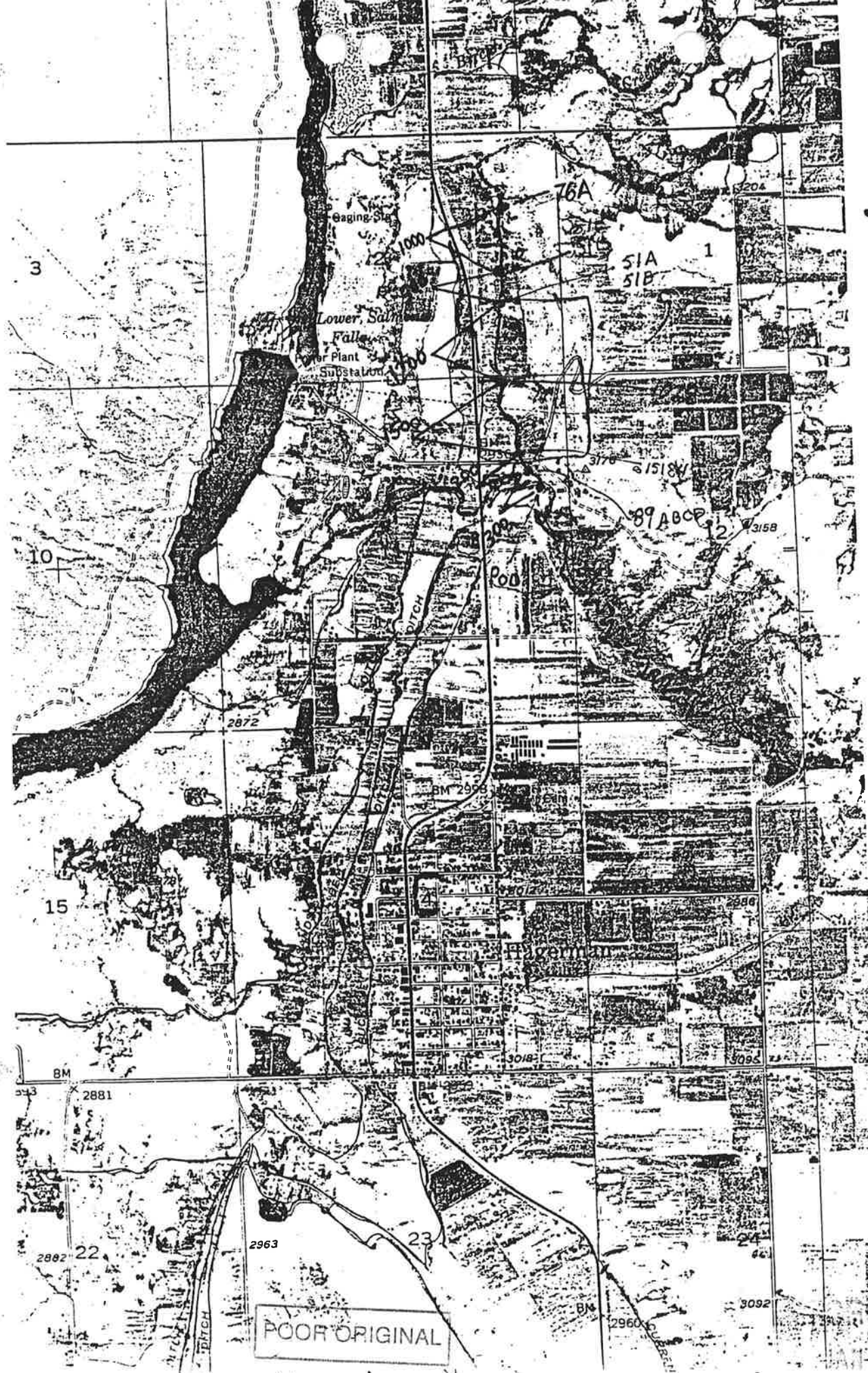
Hauck
Lake

BM

BM

HLV

1922



REMARK AND CONDITION CODE WORKSHEET

SYSTEM CLAIM NUMBERS *P36 00051C*

AGENT

INITIALS H H J

DATE 7/30/92

[illegible]

Check season of use

Delete Div. Volume

Change Div. Rate

Correct type in Non-Drug Uses.

Add Water District 36A

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 B4
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	

JOHN BELL
DITCH
8-4-92

see

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

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JAN 21 1993

DECREED RIGHT SPLIT ANALYSIS

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

CLAIM PORTION	CLAIMED RATE	RECOMMENDED RATE	IS CLAIMED RATE EXCEEDED BY ANALYSIS	CONVEYANCE LOSS	DOES DIV RATE + CALC. C.L. EXCEED CLAIMED RATE	TOTAL RECOMMENDED DIV. RATE
<u>A</u>	<u>1.2</u>	<u>0.09</u>	<u>N</u> 0.06	<u>0.03</u>	<u>—</u>	<u>0.182</u>
<u>B</u>	<u>0.15</u>	<u>0.12</u>	<u>N</u>	<u>0.03</u>	<u>—</u>	<u>0.15</u>
<u>C</u>	<u>0.15</u>	<u>0.12</u>	<u>N</u>	<u>0.025</u>	<u>—</u>	<u>0.145</u>
<u>D</u>	<u>DISALLOWED</u>		<u>N</u> 0.05	<u>—</u>	<u>(X)</u>	<u>0.05</u>
<u>E</u>	<u>0.05</u>	<u>0.04</u>	<u>N</u>	<u>0.025</u>	<u>—</u>	<u>—</u>
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