

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: A36-10312
Date Received: 8/02/1988
Receipt No: S001240
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: IGNACIO NICK ZABALA
Address: 17876 U. S. HWY. 30
BLISS, ID

208-837-6654

83314

AND/OR

Name: CARMEN M. ZABALA
Address: 17876 U. S. HWY. 30
BLISS, ID

208-837-6654

83314

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	2		NW	SE		GOODING
		11	NE	SE	NE		GOODING

5. Description of diverting works:
FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.050		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is

3.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/UP TO 5 BEEF CALVES

A36-10312

Page 1

Date: 05/12/89

MICROFILMED
OCT 11 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	2	NW SE		STOCK IRR	1.0
					Section Acres	1.0
					Total Acres	1.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:
PART OF 36-0051 DECREE.
PROPERTY WAS PURCHASED FROM ORIGINAL CLAIMANT ON 2-28-1989.

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

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): *Agustin Nieto Zapala* Date: 5-15-89
Ernesto M. Salas Date: 5-15-89

State of Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of May 19 89

Clifton Jensen
Notary Public

Seal

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

WARRANTY DEED

For Value Received

SHANE R. HAUCK and DENISE HAUCK, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

IGNACIO NICK ZABALA and CARMEN M. ZABALA, husband and wife

the grantees, whose current address is

ROUTE #1
HAGERMAN, IDAHO 83332

the following described premises, inGooding..... County Idaho, to-wit:
TRACT I:

Township 7 South, Range 13 East of the Boise Meridian

Section 2: Part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ 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 boundary
of said NW $\frac{1}{4}$ SE $\frac{1}{4}$;

thence South 829.0 feet more or less along the East boundary
line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ to the True Point of Beginning.

EXCEPT therefrom the following tract:

Beginning at the Southwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section;
thence East along the South line of said tract 1320 feet;
thence North 592.83 feet;
thence West 587.19 feet;
thence S 85° 35' W, 246.03 feet;
thence N 64° 48' W, 103.4 feet;
thence S 88° 22' W, 534.8 feet to the Easterly right-of-way of

U. S. Highway No. 30, as now constructed;

thence Southeasterly along said right-of-way 647.0 feet more or
less to The Point of Beginning.

TRACT II:

TOGETHER with the right to use an existing road right-of-way for ingress and
egress as reserved in Deed recorded as Microfilmed Instrument No. 28712.

IN THE COUNTY OF GOODING, STATE OF IDAHO

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the Grantors do hereby covenant to and
with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all
encumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: February 28, 1989

ALASKA
STATE OF IDAHO, COUNTY OF

On this 16th day of February, 1989,
before me, a notary public in and for said State, personally
appeared

SHANE R. HAUCK and DENISE HAUCK,
husband and wife

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me
that they executed the same.

Barbara C. Kelly
Notary Public

Residing at Alaska XEROX
Comm. Expires July 30, 1991

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request
of

at _____ minutes past _____ o'clock
this _____ day of _____
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____

Fees \$
Mail to:

MICROFILMED

OCT 11 1994

First American Title Company of Idaho

MODIFY ALL FIELDS FLAG:

LAST NAME: NUNGESTER

ADDRESS LINE 1: HEPWORTH NUNGESTER LEZAMIZ

ADDRESS LINE 3: PO BOX 389

CITY: TWIN FALLS

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
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 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
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 A36-10706 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

ADDED / added as first Supplement 1.0

ADDED / added as first Supplement 1.0

Renumb. A36-00051E

MICROFILMED

OCT 11 1994

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

RECEIVED

FEB 25 1993

Department of Water Resources
Adjudication Bureau

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

11 * * * * *

12 In Re the General Adjudication)
13 of Rights to the Use of Water) Case No. 39576
14 from the Snake River Basin)
15 Water System)

16 The State of Idaho, ex rel.)
17 R. Keith Higginson in his) HAGERMAN WATER RIGHT OWNERS,
18 official capacity as director) INC. AND ITS INDIVIDUAL
19 of the Idaho Department of) MEMBERS' SECOND SUPPLEMENTAL
20 Water Resources,) NOTICE OF APPEARANCE

21 Petitioner,)

22 vs.)

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

Respondents.)

* * * * *

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



Hepworth,
Nungester,
& Lezamiz

SECOND SUPPLEMENTAL NOTICE OF APPEARANCE - 1

MICROFILME
OCT 11 1994

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
	Barnard, Clifton R.	A36-02009
7	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: 
Patrick D. Brown
Attorneys for Respondents

17
18 CERTIFICATE OF MAILING

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



Hepworth,
Nungester,
& Lezamiz

SECOND SUPPLEMENTAL NOTICE OF APPEARANCE - 2

MICROFILMED

OCT 11 1994

1 24 day of February, 1993, to:

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

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

11 The United States Department of Justice (1)
12 Environment and Natural Resources Division
13 550 West Fort Street, Box 33
14 Boise, ID 83734

15 
16 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

MICROFILMED

1993

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

STATE: ID ZIP: 833030389

FIRST NAME: PATRICK D

ADDRESS LINE 2:133 SHOSHONE ST N

PHONE NUMBER: (208) 734-7510

36-00003A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A36-10706 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

ADDED added as first supplement

ADDED added as first supplement

MICROFILMED

4661 1 1 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



Hepworth,
Nungester,
& Lezamiz

SECOND SUPPLEMENTAL NOTICE OF APPEARANCE - 1

MICROFILMED

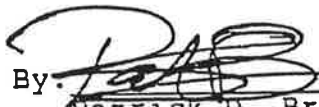
OCT 14 1994

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

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

20 The undersigned, a resident attorney of the State of
21 Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin
22 Falls, Idaho 83303, and one of the attorneys for the respondents
23 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

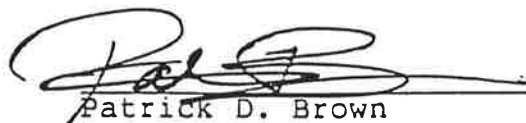
OCT 11 1994

1 ~~24~~ day of February, 1993, to:

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

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

11 The United States Department of Justice (1)
12 Environment and Natural Resources Division
13 550 West Fort Street, Box 33
14 Boise, ID 83734

15 
16 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

MICROFILMED
OCT 14 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: A36-10312
Date Received: 8/02/1988
Receipt No: S001240
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHANE R. HAUCK 208-837-6258
Address: P.O. BOX 638
HAGERMAN, ID 83332

AND/OR

Name: CARLOS M. HAUCK 208-837-6258
Address: P.O. BOX 638
HAGERMAN, ID 83332

2. Date of Priority: JUN 26, 1881

3. Source: JOHN BELL DITCH Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	13E	2	NW	SE			GOODING
		11	NE	SE	NE		GOODING

5. Description of diverting works:
FLOOD IRRIGATION

6. Water is used for the following purposes:

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

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

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

9. Non-irrigation uses:
S/C BEEF CALVES

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	2	NW	SE	STOCK IRR	1.0
Section Acres						1.0
Total Acres						1.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:
PART OF 36-0051 DECREE.

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

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIVED
JAN 21 1993

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

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

CIVIL CASE NUMBER: 39356

Ident. Number A36-10312Date Received 7-22-88Receipt Number 5001240

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) SHANE R. HAUCK & CARLOS M. HAUCK Phone (208) 837-6258Mailing Address P. O. Box #638, Hagerman, Idaho Zip 833322. Date of Priority (Only one (1) per claim) June 26, 18813. Source of water supply (a) John Bell Ditchwhich 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 GoodingAdditional points of diversion if any: re-diverted NW¹SE¹ of Section 2, T. 7 S., R. 13 E., B.M.

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 pasture is irrigated by flood irrigation.

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 0.02 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) 0.02 (cfs) and/or (b) 4 (acre feet)

8. Total consumptive use claimed is 3 acre feet per annum.

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

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 1			1

Total number of acres irrigated One (1) acre

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:

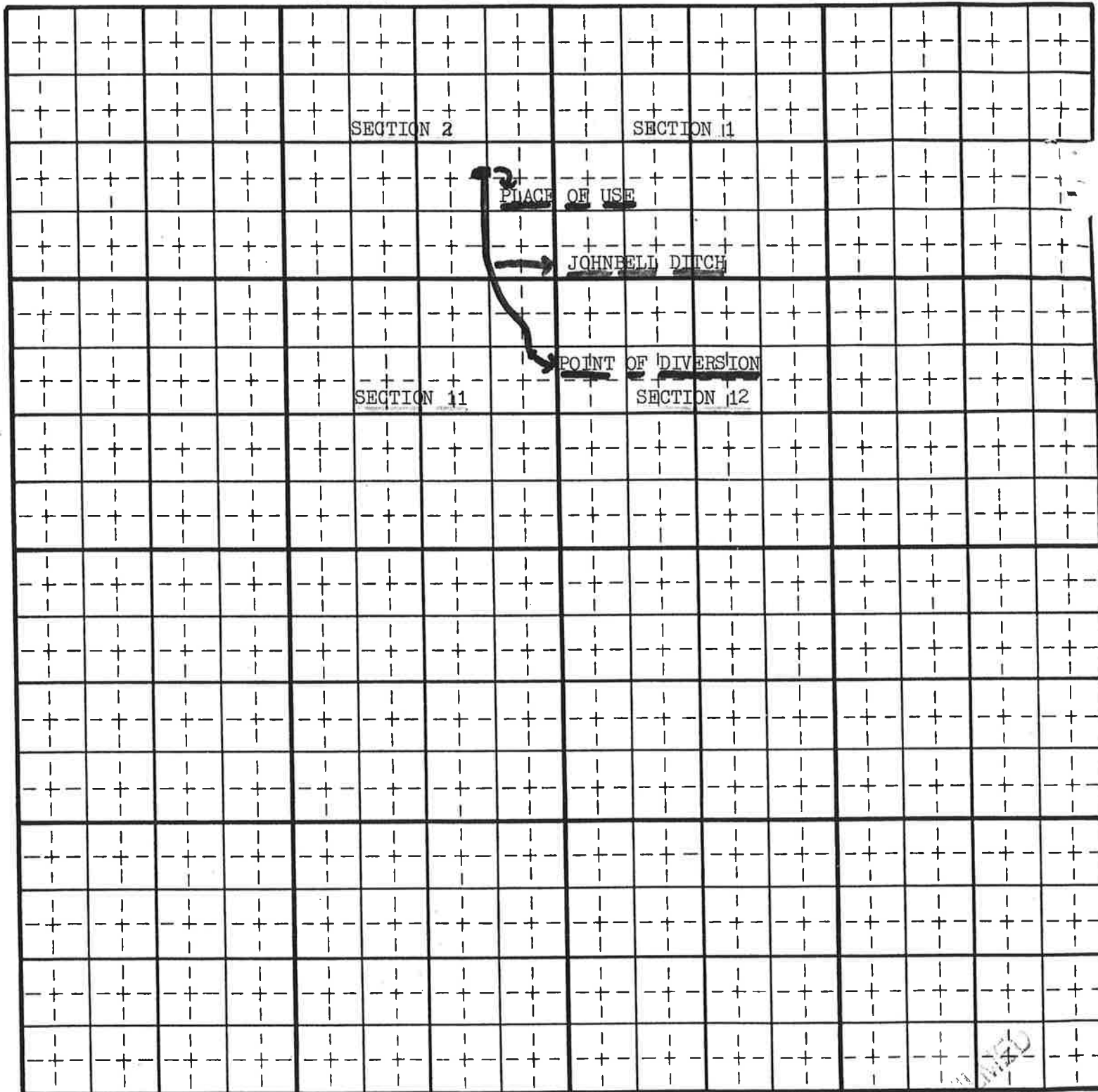
Last Name HAUCK Ident No. 436-10312

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



Last Name HAUCK

Ident No. A36-10312

Copies: White-State, Yellow-Claimant

RECORDED
JAN 21 1995

15. Basis of Claim (check one) Beneficial 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 _____ 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) Shane R. Hauck Date 7-21-88

Date _____

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

Title
of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 21st day of July 19 88

SEAL

Notary Public Clyde Jensen

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 HAUCK Ident. Number A36-10312

Copies White-State, Yellow-Claimant

MICROFILMED
JAN 21 1993

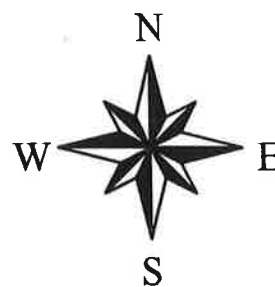
IDAHO DEPARTMENT OF WATER RESOURCES

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

-S/E-
-S/E-

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																			
RECOM	7s	13E	2														1		1
GIS																	.28		.28
#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 Litch

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



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

RECEIVED

FEB 21 1997

Department of Water Resources
Southern Region

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

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

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CARMEN M ZABALA	06/26/1881	IRRIGATION	03-15 11-15	0.05 CFS	
C	IGNACIO NICK ZABALA		STOCKWATER	03-15 11-15	0.01 CFS	
	PO BOX 262		STOCKWATER	11-16 03-14	0.04 CFS	
	HAGERMAN ID 83332					
	(208) 837-6654					
TOTAL DIVERSION:					0.05 CFS	
CONSUMPTIVE USE:						3.00 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	SUM
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	
07S	13E	2														
															01	1.0
															TOTAL ACRES	1.0

Place of use Legal Description for: STOCKWATER

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	
07S	13E	2														
															S	

Place of use Legal Description for: STOCKWATER

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	
07S	13E	2														
															S	

POU County: GOODING

Non-Irrigation Uses: STOCKWATER, 5 BEEF

Other Rights: NONE

Remarks: GEN WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.
0.02 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT DURING THE NON-IRRIGATION
SEASON.

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

DATE: 02/11/97
PAGE: 2

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

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)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CARMEN M ZABALA	06/26/1881	IRRIGATION	03-15 11-15	0.05 CFS	
C	IGNACIO NICK ZABALA PO BOX 262 HAGERMAN ID 83332 (208) 837-6654		STOCKWATER	01-01 12-31	0.01 CFS	
TOTAL DIVERSION:					0.05 CFS	
CONSUMPTIVE USE:						3.50 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	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
07S	13E	2	:																	
																			01	
																			TOTAL ACRES	
																			1.0	
																			1.0	

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	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, 5 BEEF

Other Rights: NONE

Conditions of Approval:

- 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.
- 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.

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:

Comments: Date: 03/07/1991 User-ID: CLELLAND Subject: RENUMBERED
THIS CLAIM PREVIOUSLY NUMBERED A36-10312.

Date: 03/07/1991 User-ID: CLELLAND Subject: COPIED FROM REMARKS
PROPERTY WAS PURCHASED FROM ORIGINAL CLAIMANT ON 2-28-1989.

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
THE COURT GRANTED THE MOTION FOR THE ATTORNEY TO WITHDRAW FOR THE
CLAIMANT.

Date: 09/17/1996 User-ID: DSHAFF Subject: CONVEYANCE LOSS AMOUNTS
0.02 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT DURING THE NON-IRRIGATION.
SEASON.

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

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 R.

modified decreed records
36-08320 + 36-10314.

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

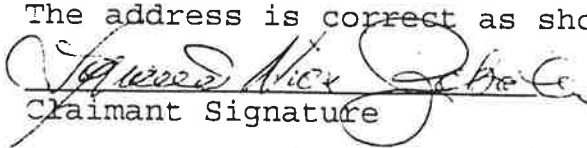
Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

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


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.

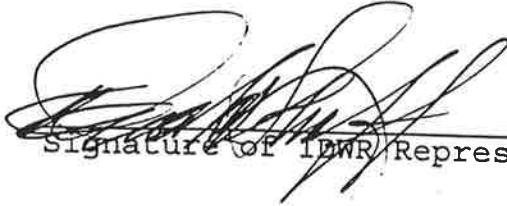
NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
2/12/1997

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


Signature of IDWR Representative

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
2/12/1997

36-00051C AND 36-00051E

PAGE 2

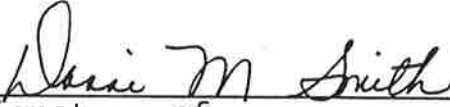
CERTIFICATE OF MAILING

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.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: FEB-12-1997
PAGE: A-3

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

REGISTRATION

FEB 21 1997

Department of Water Resources
Boise Region

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

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.

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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

SC:ss:region

#####

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

Claimant Signature

COMMUNICATION DOCUMENTATION

A36-00051E

IDWR Employee/Agent Steve Clelland

UPDATE ON SF5 PROCESS

CLAIM: A36-00051C & -0051E.

1 Claimant:

1996 MAR 19 AM Ignacio Nick Zabala

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

RECEIVED

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
6 Southern Region

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

11 * * * * *

12 In Re SRBA

) Subcase No. 36-00051

13 Case No. 39576

) ORDER FOR WITHDRAWAL OF
14) ATTORNEY

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

HLH

Chartered

Hepworth,
Lezamiz &
Hohnhorst

Concurrent Order
Filed for sub
36-00051 E
conversation
SRBA Ch. 3
7/29

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.

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FEB 14 1997

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00051C

A36-00051E

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

IDWR Employee/Agent Steve Clelland

March 18, 1996 9:10am

NAME:
NICK ZABALA CALLIN

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.

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MAPS

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RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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

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

Case No. A36-00051E
(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,

36-00051E -0001/
93-04-0060

Respondents.

INSTRUCTIONS

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

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

(Over)

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OBJECTION - 1

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Ignacio Nick Zabala 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 3/22/1932 with a priority date

of 6/26/1881;

2. Owner of the water right:

Name: Ignacio Nick Zabala 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: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

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

Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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VINTAGE/WE
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.

See page 7

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



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

See Hagerman Water Right Owners, Inc.'s

Compendium "A"

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.

Clifton Jensen
Notary Public for Idaho
Residing at: HAGERMAN IDAHO
My Commission Expires: 5-10-97

(Over)

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INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on the 20 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 M. 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 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

Maximum quantity- as decreed and/or beneficially used; Period of Use- 1/1 to 12/31; Consumptive Use- changed accordingly; Strike number of beef; Remarks- strike all appearing after "John Bell Ditch".

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

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Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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.

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)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

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AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

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AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

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AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

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(WATER\21530ANS)

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. 36-00051E -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

3. ☒ Quantity: I respond to the objection concerning:
- 3a. ☒ The total quantity of water used in cubic feet per second.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
14. ☒ Other: I respond to the objection concerning:
ALL MATTERS RAISED IN THE CLAIMANTS' ANSWER,
AFFIRMATIVE DEFENSES, AND PRAYER FOR RELIEF.

REASONS SUPPORTING EACH BOX CHECKED

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

In response to Statement of the Objection item 8, and all allegations of the objection regarding that item, IDWR responds as follows: (1) The decree asserted by the claimant does not contain a period of use decreed for this water right. (2) Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. (3) IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. (4) The irrigation season of use cannot exceed the period in which water may be beneficially used. (5) The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. (6) Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report. (7) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (8) The eventual decree by the SRBA Court of the irrigation season of use will not constitute a taking because the right is limited to the period in which water may be beneficially used. IDWR further responds that the season of use was recommended as claimed. By now seeking a year around irrigation season of use the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave

(Over)

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

In response to Statement of the Objection item 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. In response to the claimant's objection to the listing of "5 beef" in the description of the non-irrigation uses, IDWR responds that it described the non-irrigation uses as claimed.

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. A36-00051E	4
IDWR's Response to Answer, Affirmative Defenses and Prayer For Relief of Claimant	4

(Over)

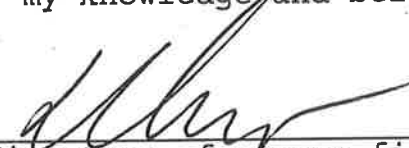
VERIFICATION (Must be Completed)

State of IDAHO

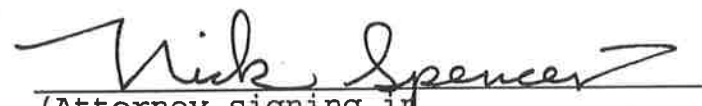
County of ADA

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.

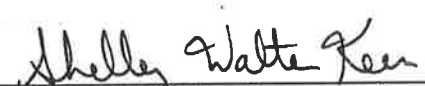

Signature of person filing response

By:


(Attorney signing in representative capacity)

Subscribed and sworn to before me this 9th day of September, 1993.




Notary Public for Idaho
Residing at: Bose, Idaho
My Commission expires: July 31, 1997

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of SEPTEMBER, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

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

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

See No. 3

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

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

4. One copy to:

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


Signature of Respondent or attorney
mailing on Respondent's behalf

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: ~~A36-10312~~ 00051E
Date Received: 8/02/1988
Receipt No: S001240
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: IGNACIO NICK ZABALA
Address: 17876 U. S. HWY. 30
BLISS, ID

83314

208-837-6654

AND/OR

Name: CARMEN M. ZABALA
Address: 17876 U. S. HWY. 30
BLISS, ID

83314

208-837-6654

2. Date of Priority: JUN 26, 1881

3. Source: BILLINGSLEY CREEK

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	2	NW	SE	SE		GOODING
		11	NE	SE	NE		GOODING

5. Description of diverting works:
FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.050		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is

3.0 Acre Feet Per Annum.

9. Non-irrigation uses:

S/UP TO 5 BEEF CALVES

A36-10312

Page

1

Date: 05/12/89

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	2	NW SE		STOCK IRR	1.0
Section Acres						1.0
Total Acres						1.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:
PART OF 36-0051 DECREE.
PROPERTY WAS PURCHASED FROM ORIGINAL CLAIMANT ON 2-28-1989.

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

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): *Ignacio Nieto Zapala* Date: 5-15-89

Parmer M. Saldaña Date: 5-15-89

State of Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of May 19 89

Clifton Jensen
Notary Public

Seal

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

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OCT 13 1993
OCT 13 1994

WARRANTY DEED

For Value Received

SHANE R. HAUCK and DENISE HAUCK, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

IGNACIO NICK ZABALA and CARMEN M. ZABALA, husband and wife

the grantees, whose current address is

ROUTE #1

HAGERMAN, IDAHO 83332

the following described premises, in Gooding County Idaho, to-wit:

TRACT I:

Township 7 South, Range 13 East of the Boise Meridian

Section 2: Part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ 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 boundary
of said NW $\frac{1}{4}$ SE $\frac{1}{4}$;

thence South 829.0 feet more or less along the East boundary
line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ to the True Point of Beginning.

EXCEPT therefrom the following tract:

Beginning at the Southwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section;
thence East along the South line of said tract 1320 feet;

thence North 592.83 feet;

thence West 587.19 feet;

thence S 85° 35' W, 246.03 feet;

thence N 64° 48' W, 103.4 feet;

thence S 88° 22' W, 534.8 feet to the Easterly right-of-way of

U. S. Highway No. 30, as now constructed;

thence Southeasterly along said right-of-way 647.0 feet more or
less to The Point of Beginning.

TRACT II:

TOGETHER with the right to use an existing road right-of-way for ingress and
egress as reserved in Deed recorded as Microfilmed Instrument No. 28712.

IN THE COUNTY OF GOODING, STATE OF IDAHO

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the Grantors do hereby covenant to and
with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all
encumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: February 28, 1989

SHANE R. HAUCK

DENISE HAUCK

STATE OF ~~IDAHO~~ ^{ALASKA}, COUNTY OF

On this 16th day of February, 1989,
before me, a notary public in and for said State, personally
appeared

SHANE R. HAUCK and DENISE HAUCK,
husband and wife

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me
that they executed the same.

Barbara C. [Signature]

Residing at _____, Alaska
Comm. Expires July 30, 1991

Notary Public
Alaska ~~XXXXXX~~



STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request
of

at _____ minutes past _____ o'clock m.,
this _____ day of _____
to _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____

Fees \$ _____
Mail to: _____

MICROFILME

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INSTRUMENT NO.

First American Title Company of Idaho

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

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

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

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- WORKS (page 11 of Part I of the director's report)
- (17) VI. General Provision 8. FIRE FIGHTING PURPOSES (page 11 of Part I of the director's report)
 - (18) VI. General Provision 9. CONSUMPTIVE USE (page 12 of Part I of the director's report)
 - (19) VI. GENERAL PROVISION 10 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE (page 12 of Part I of the director's report)
 - (20) VI. General Provision 10. DOMESTIC USE (page 12 of Part I of the director's report)
 - (21) VI. GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE (page 13 of Part I of the director's report)
 - (22) VI. General Provision 11. STOCK WATER USE (page 13 of Part I of the director's report)
 - (23) VI. GENERAL PROVISIONS 12-16 APPLY TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH IRRIGATION AS A PURPOSE OF USE (page 13 of Part I of the director's report)
 - (24) VI. General Provision 12. IRRIGATION USE (pages 13-14 of Part I of the director's report)
 - (25) VI. General Provision 13. DIVERSION VOLUME FOR IRRIGATION (page 14 of Part I of the director's report)
 - (26) VI. General Provision 14. CONSUMPTIVE USE FOR IRRIGATION (pages 14-15 of Part I of the director's report)
 - (27) VI. General Provision 15. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION (page 15 of Part I of the director's report)
 - (28) VI. General Provision 16. DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE (pages 15-16 of Part I of the director's report)
 - (30) VI. 17. INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS (pages A-i through A-iii of Part I of the director's report)
 - (31) VI. 18. IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW (pages A-1 through B-25 of Part I of the director's report)
 - (32) DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART II)
 - (33) DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36), (DIRECTOR'S REPORT PART III)

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

In response to each of the items enumerated above IDWR responds that pursuant to Section 4 a.(2)(c) of SRBA Administrative Order 1, Rules of Procedure, IDWR generally denies each and every allegation, if any, contained in each enumerated portion of the attachment. IDWR affirmatively responds that neither SRBA Administrative Order 1, Rules of Procedure, nor Title 42, Chapter 14, Idaho Code, make provision for IDWR to affirm, amplify, or otherwise respond to the claimant's admissions, or to deny the claimant's denials, and that IDWR therefore does not believe that it is required to do so. Title 42, Chapter 14, Idaho Code solely defines the content and scope of the director's report. It is to contain a description of the water system and is to provide a recommendation as to each water right claimed and as to those matters necessary for administration of those water rights. Therefore, the content and scope of the objection is limited to those same matters. The attachment to the present objection asserts or otherwise raises matters not directly addressing the elements of the water right as recommended, the description of the water system, or the general provisions. Rather, the attachment raises broad issues as to the constitutional, statutory and administrative efficacy of the entire adjudication process. All such issues should be raised by means of motions to designate basinwide issues and similar procedural vehicles specifically designed to provide for basinwide notice and participation. They should not be permitted to divert the focus of any individual subcase away from the issues directly connected to the elements of the water right and the administration thereof. Therefore, because the attachment to the present objection is not within the scope of the statutory purpose of an objection it should be stricken.

However, in the event that the court should determine that all or part of the attachment is properly within the scope of the objection, IDWR further responds as follows:

IDWR affirmatively responds that all statements within the director's report are properly included therein pursuant to Title 42, Chapter 14, Idaho Code, and in particular pursuant to Idaho Code §§ 42-1411 and 42-1412(8); and that the provisions of the Idaho Rules of Civil Procedure regarding pleadings are inapplicable to the extent that they are in conflict with the statutory requirements. Therefore IDWR denies all allegations directed at the contents of the director's report.

As to the enumerated portions of the attachment addressing the listings of recommended water rights, abstracts of federal reserved water right claims, or negotiated agreements, other than the individual recommendation that is the subject of this objection, IDWR responds that such claims or agreements are not brought before this court by this objection.

Responding to the 27 affirmative defenses asserted in the attachment, IDWR generally denies each and every affirmative defense asserted. IDWR further responds that affirmative defense numbers 1, 2, 4, 5, 10, 11, 12, 18, and 22, asserting various violations of civil or constitutional rights, fail to comply with the requirements I.R.C.P. 9(b) providing that in all averments of violation of civil or constitutional rights the factual circumstances constituting such violation must be stated with particularity. Accordingly, IDWR asserts that those affirmative defenses should be stricken.

In response to that portion of the multi-page attachment to the objection wherein the claimant asserts a prayer for relief, IDWR responds as follows:

1. IDWR denies that the director's report asserts any claims against the claimant; rather, the director's report contains only the recommendation of the director as to how the claimant's water right should be decreed and administered.
2. IDWR denies that the claimant is entitled to have the water right decreed as claimed unless in the director's report the water right has been recommended as claimed.
3. IDWR denies that any acts upon its part constitute the taking of private property for which just compensation should be allowed and awarded.
4. IDWR denies that the claimant is entitled to recover court costs and reasonable attorney fees.
5. IDWR denies that the claimant by this objection has raised any claims against IDWR entitling such claimant to any relief other than the eventual judicial determination and decree of the various elements of the claimant's water right, if any, and of those related matters necessary to describe and administer that water right.

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 8015638

RECEIVED

APR 22 1993

Department of Water Resources
Southern Region Office

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

Received

From: HEPWORTH HUNGERFORD CHART.

Type of Payment	Program Acct Class	Amount
COPIES OF ADJUDICATION FILES	84100 229 21 1760	47.00

Total

CHECK

103-2

\$47.00

Region: SOUTHERN

Signature: R. Foster

MICROFILMED
OCT 11 1994

HEPWORTH, NUNGESTER AND LEZAMIZ, CHARTERED

10362

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

RECEIVED

APR 23 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
------------------------	-------------------------	-----------------	-------	------	------	------	-------

MICROFILMED
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

MICROFILMED
OCT 11 1994



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

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) - 14
(A36-10220) - 14
A36-00011A - 59
A36-00051C - 43
(A36-00051E) - 47
(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

MICROFILMED
OCT 11 1994

952
x .05
\$47.60

R PROOF



CVR



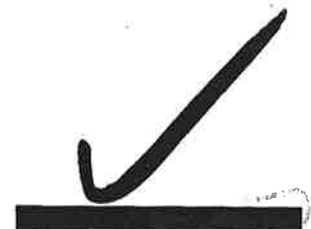
MAPS



PHOTOS



MISC



MICROFILMED
JAN 21 1993

Water Right Number - R36-00051E

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
ZABALA

CARMEN M

1 - 17876 US HWY 30

2 -

3 -

City- BLISS

State- ID Zip- 83314

Phone - 208-837-6654

ZABALA

IGNACIO NICK

1 - 17876 US HWY 30

2 -

3 -

City- BLISS

State- ID Zip- 83314

Phone - 208-837-6654

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
06/26/1881 ERROR IN REGION D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER+ - - - - Point of Diversion - - - - - +
+ - - - - +
Twn Rng Sec Tract Lot RFlg County
07S 13E 11 NE SE NE (47) GOODING+ - - - - Water Use - - - - - +
+ - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.050
04 - STOCKWATER 04/01 12/31 0.010
04 - STOCKWATER 11/01 03/31 0.040+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.050 3.0+ - - - - Place of Use - - - - - +
+ - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 2 NW SE 1.0 01 IRRIGATION (47) GOODING
07S 13E 2 NW SE 04 STOCKWATER (47) GOODING

Total Acres: 1.0

+ - - Diversion Means - VIA JOHN BELL DITCH

+ - - Non-Irrigation Use - STOCKWATER, 5 BEEF

+ - - Other Rights for Same Use - NONE

Changed season of use for
stockwater to agree with
in season
KRC

10-21-92

UNRECORDED

Water right number - R36-00051E

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +
WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.
0.02 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
.03 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT DURING THE NON-IRRIGATION
SEASON.

+ - - - - Old Water Right Numbers - - - - - +
3600051

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

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

+ - - - - Comments - - - - - +
Date: 03/07/1991 User Id: CLELLAND Subject: COPIED FROM REMARKS
PROPERTY WAS PURCHASED FROM ORIGINAL CLAIMANT ON 2-28-1989.
Date: 03/07/1991 User Id: CLELLAND Subject: RENUMBERED
THIS CLAIM PREVIOUSLY NUMBERED A36-10312.

+ - - Audit Fields - - +
08/12/92 THORNTON

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/24/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/12/1992	Old Judicial District	-
Claim Received Date	- 08/02/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001240	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED

JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:05:29
07/03/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-10312

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	Y		↑	N	6.	HHT 7/30/92		
POINT OF DIV	Y		↑	(Y)	1,5	[Wavy line]		
SOURCE	Y		↑	N				
PLACE OF USE	Y		7-29-90 SCC/HHT	N	1,4,5			
DIV. AMOUNT CFS/VOLUME	Y		↑	(Y)	6. Deores			
CONSUMPTIVE USE	-		↑	N				
PURPOSES	Y		↑	N				
PERIOD OF USE	Y		↑	N				
BASIS OF CLAIM	Y		↑	N				
REMARKS	Y		↓					

"VERIFIED BY" CODES

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

Recommend AS!

R36-00051 E

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:05:29
07/03/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-10312

LAST: HAUCK
ADDRESS: P.O. BOX 638
CITY: HAGERMAN
PHONE NUMBER: 208-837-6258

FIRST: SHANE R.
STATE: ID ZIP: 83332

OWNER CODE: O

LAST: HAUCK
ADDRESS: P.O. BOX 638
CITY: HAGERMAN
PHONE NUMBER: 208-837-6258

FIRST: CARLOS M.
STATE: ID ZIP: 83332

OWNER CODE: O

LAST: ZABALA
ADDRESS: 17876 U.S. HWY. 30
CITY: BLISS
PHONE NUMBER: 208-837-6654

FIRST: CARMEN M.
STATE: ID ZIP: 83314

OWNER CODE: C

LAST: ZABALA
ADDRESS: 17876 U.S. HWY. 30
CITY: BLISS
PHONE NUMBER: 208-837-6654

FIRST: IGNACIO NICK
STATE: ID ZIP: 83314

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: PROPERTY WAS PURCHASED FROM ORIGINAL CLAIMANT ON 2-28-1989.

RECORDED
JAN 21 1993

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:

1ST Exam overlooked this different Pou = REEXAMINE. ✓
side by side.

A36-00051 & this claim are

RECORDED
INDEXED
JUN 21 1989

A. AJ CLAIM: # A36-10312 PRIORITY DATE: 06-26-1881 STAGE: D

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

36-00051

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
N

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

REMARKS:

RECOMMENDED PRIORITY DATE:

6-26-1881

REVIEWED BY

See

DATE 11-7-90

RECORDED

JAN 21 1991

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
				NE	SE	NE		GOODING
A36-10312	07S	13E	11		NW	SE		GOODING
A36-10312	07S	13E	2					

WR RECORDS IN SAME 40 ACRE TRACT

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
A36-00051D NONE

A36-10119
A36-10120
A36-10751
A36-10752
A36-10755
A36-10061
A36-00103B
A36-00108A
A36-00003G
A36-00027
A36-00039C
A36-00090E
A36-00051B
A36-00076A
A36-00089B
A36-00089D
A36-10283
A36-00090A
A36-00003D
A36-00090B
A36-00090C
A36-00090D
A36-00090F
A36-00108F
A36-00125A
A36-00026
A36-00051C
A36-00071A
A36-00089A
A36-00108C
A36-00108D
A36-00108E
A36-00108H
A36-04008

36-00003
36-00005
36-00019
36-00021
36-00024
36-00025
36-00026
36-00027
36-00034
36-00035A
36-00035B
36-00039A
36-00039B
36-00040
36-00051
36-00052
36-00064
36-00065
36-00067
36-00071
36-00076
36-00077
36-00082
36-00083
36-00085
36-00087
36-00088
36-00089
36-00090
36-00091
36-00094
36-00095
36-00096
36-00103
36-00108
36-00112A
36-00112B
36-00113B
36-00113C
36-00113D
36-00125
36-04008
36-04115
36-04261
36-07271

4030-11-12
JAN 21 1999

36-07658
36-07739
36-07834
36-07840
36-07853
36-07875
36-07957
36-08058
36-08319
36-08335
36-00054
36-08320

MICROFILMED

JAN 21 1993

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
Y

FIELD
EXAMINER
X
Y

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC.

7S 13E 11

1/4

NE

1/4

SE

1/4

NE

LOT

—

COUNTY

47

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY: SL

DATE: 3-7-91

A. ROOT WATER RIGHT NUMBERS: A36-10312

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.	A36-10312 / 1.0	- /	39.0	1.0	1.0
						YA-TA-HAY INVESTMENTS, INC.	A36-10283 / 30.0	- /			
						ZABALA , CARMEN M.	A36-08320 /	36-08320 /			
						ZABALA , IGNACIO NICK	A36-10314 /	- /			
						ZABALA , CARMEN M.	A36-00051C / 4.0	- /			
						GLAUNER , JOHN		36-00051 /			
						GLAUNER , JOHN		36-00054 /			
						SANBORN , JOHN C.		36-00094 /			
						SANBORN , JOHN C.		36-00095 /			
						SANBORN , JOHN C.		36-00096 /			
						SANBORN , JOHN C.		36-07875 /			
						YA TA HAY INVESTMENTS INC					
07S	13E	2				ZABALA , CARMEN M.	A36-10312 /	- /			
						GOSSI , PHILLIP C.	A36-04033 /	36-04033 /			
						GOSSI , PHILLIP C.	A36-10260 /	- /			
						DAHLGREN , KATHARYN	A36-00054B /	- /			
						LAUGHLIN , CRAIG J.	A36-07089 /	- /			
						MILDREN , WALTEN E.	A36-07323 /	- /			
						NORTH SIDE CANAL CO.		01-00212 /			
						NORTH SIDE CANAL CO.		01-00213 /			
						NORTH SIDE CANAL CO.		01-00215 /			
						NORTH SIDE CANAL CO.		01-00220 /			
TOTAL ACRES						A36-10312		1.00	39.00		1.0

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
W

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: 1.0

REVIEWED BY: SEC

DATE: 3-7-91

MICROFILMED

JAN 21 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-10312 IRRIGATION	FROM 03-15 TO 11-15	.050 CFS
A36-10312 STOCKWATER	FROM 01-01 TO 12-31	.020 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.050 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
TOTAL DIVERSION RATE/VOLUME CLAIMED		

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☐) N(☒) Explain in remarks, below.

REMARKS:

MICROFILMED
JAN 21 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 0.050 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 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

MICROFILMED
JAN 21 1993

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
A36-10312	BILLINGSLEY CREEK	ZABALA , CARMEN M.	0.050	0.050		
A36-10283	BILLINGSLEY CREEK	YA-TA-HAY INVESTMENTS, INC.	7.500	0.051		
A36-00051C	BILLINGSLEY CREEK	ZABALA , CARMEN M.	0.150	0.037		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-10312	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	
A36-00051C	STOCKWATER	ZABALA , CARMEN M.	FROM 01-01 TO 12-31	.020 CFS	
A36-04033	STOCKWATER	GOSSI , PHILLIP C.	FROM 01-01 TO 12-31	.020 CFS	
A36-04033	DOMESTIC	GOSSI , PHILLIP C.	FROM 01-01 TO 12-31	.040 CFS	
A36-10260	DOMESTIC	GOSSI , PHILLIP C.	FROM 01-01 TO 12-31	.040 CFS	
A36-10260	STOCKWATER	GOSSI , PHILLIP C.	FROM 01-01 TO 12-31	.020 CFS	
A36-00054B	STOCKWATER	DAHLGREN , KATHARYN	FROM 04-01 TO 08-30	.020 CFS	
A36-07089	STOCKWATER	LAUGHLIN , CRAIG J.	FROM 01-01 TO 12-31	.020 CFS	
A36-07089	DOMESTIC	LAUGHLIN , CRAIG J.	FROM 01-01 TO 12-31	.040 CFS	
A36-07323	DOMESTIC	MILDREN , WALLEN E.	FROM 01-01 TO 12-31	.040 CFS	.60 AF/A

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE 0.03
ACRES 1 x 0.02 CFS/ACRE = 0.03 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 = 3.0 AF/A

ACRES 1 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 3 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 1 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 4 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

APPROVED
JAN 21 1999

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
		DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
<u>IRRIGATION</u>	<u>3-15 11-15</u>		0.01 0.05		X		<u>3</u>
<u>STOCK WATER</u>	<u>1-1 12-31</u>		0.01				
			0.01 0.05		X		<u>3</u>

TOTAL FOR THIS RIGHT

REVIEWED BY: SCC

DATE: 3-7-91

WR ~~proportional rate~~: $\frac{1.20 \cancel{\text{cfs}}}{120 \cancel{\text{Ac.}}} = 0.01 \cancel{\text{cfs/Ac.}}$

Recommend 0.03/ac.

+ 0.2 C.L.

0.05

See attached conveyance loss worksheet

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: 36-10312

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	A36-10312	0.050	-		36-00051	1.200
TOTAL CFS		0.050				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

REMARKS:

See A36-00051 for Split Review

AUTHENTICATION:

SIGNATURE:

Steve Cell I

DATE:

3-7-91

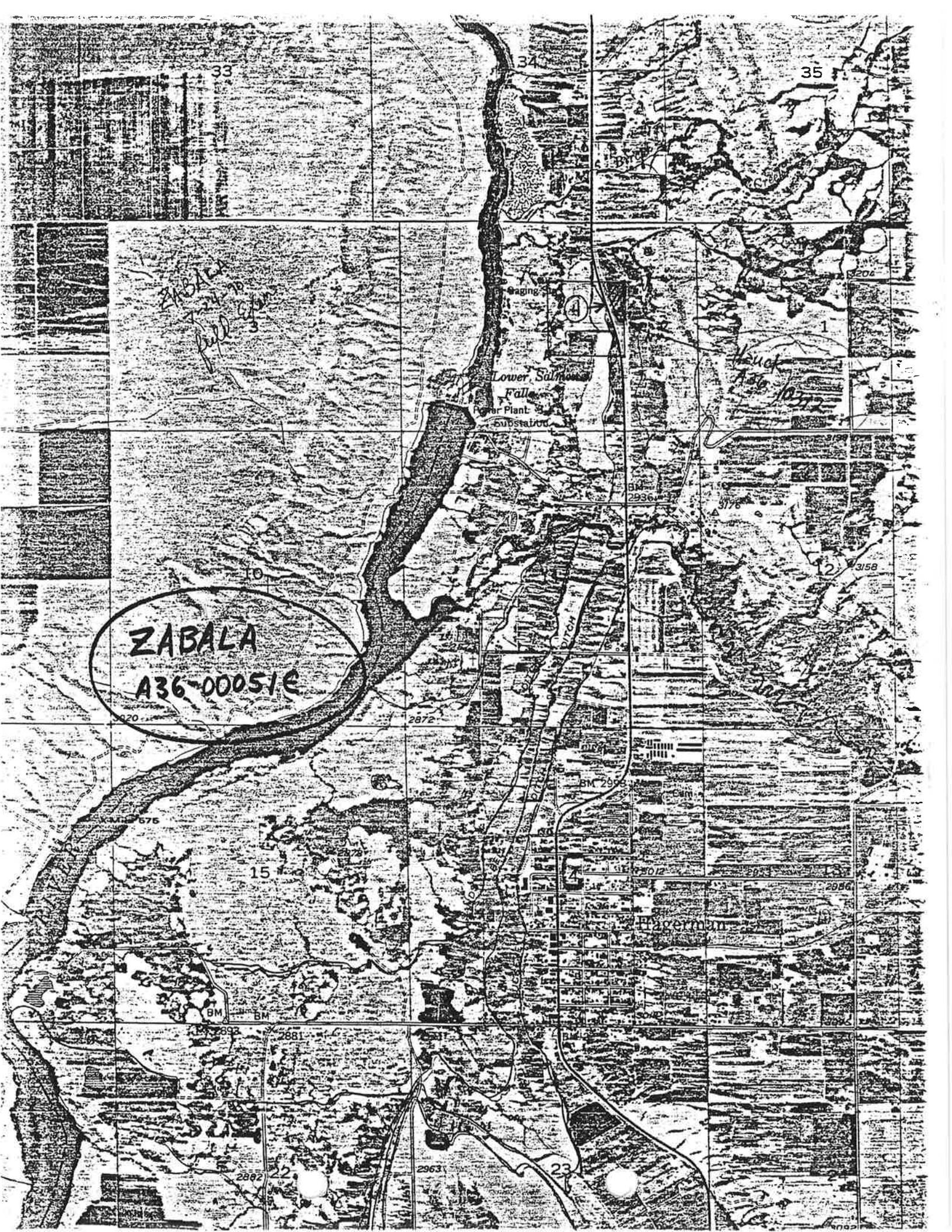
NAME OF FIELD EXAMINER:

TITLE:

AGENT
INITIALS HHT
DATE 7/30/92

Check season of use
Div. Pato
Water District 36A
Delete Div. Volume

JAN 21 1993



ZABALA
A36-00051E

ZABALA
7-24-70
full 3

Hagerman
A36 105

4

2

1

BM

BM

BM 295

BM 2912

BM 281

2963

2892

2956

2962

2902

2820

2872

28575

2815

2881

2881

23

22

20

34

35

33

T6S
T7S
JOHN
BELL
DITCH

CONVEYANCE

Harmon
0 60
4

Curran
15,000
4

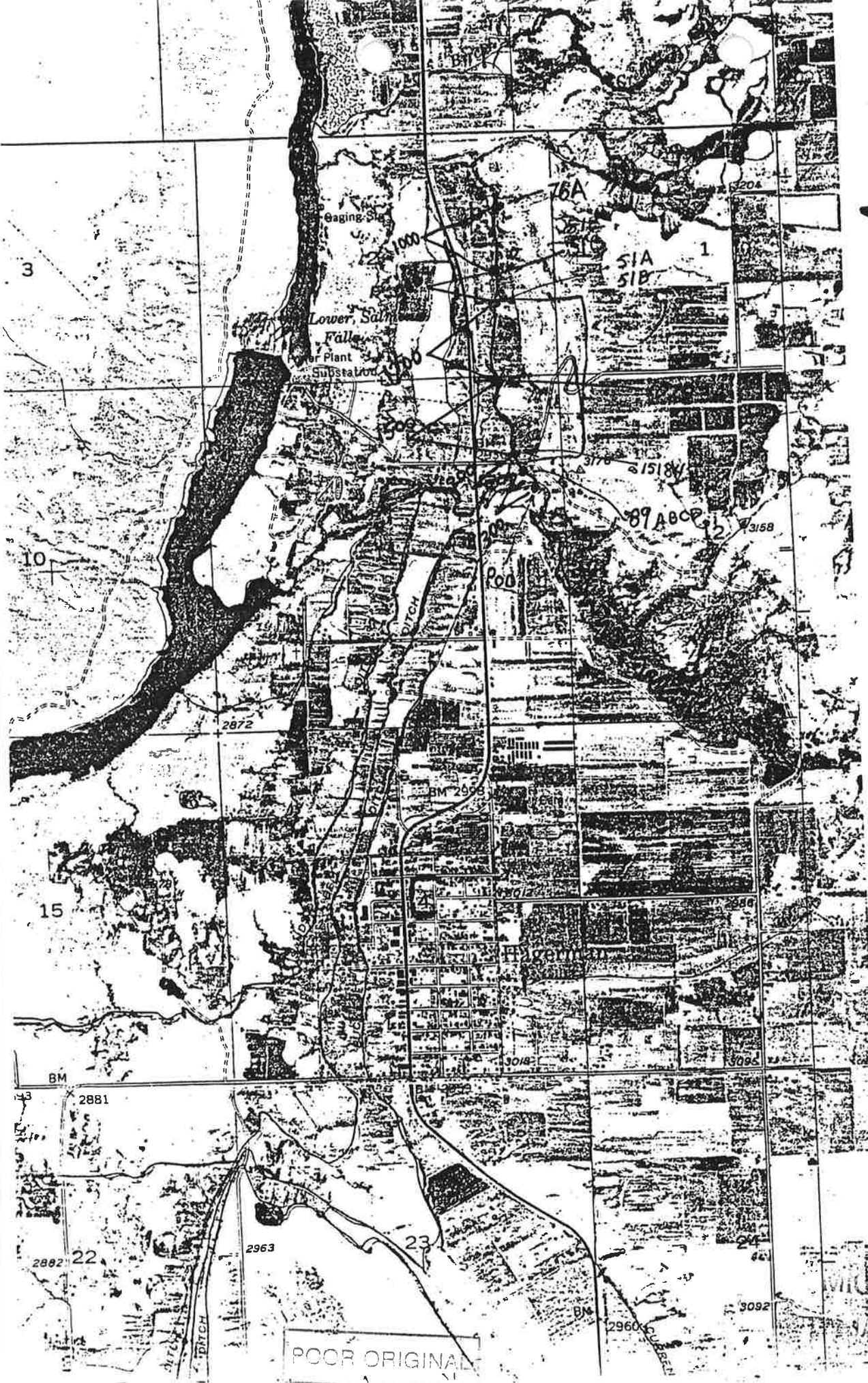
Probst
17,250
12,000
18

Sands
13,000
1

Bell
23,000
7

MICROFILMED

21 1993



POOR ORIGINAL

CONVEYANCE LOSS - WORSTELL

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	300	4.0	2.00	0.03	0.12	1.81	0.0168	0.00	2.22 - 89 A, B, C, D
2	200	4.0	2.00	0.02	0.22	1.69	0.0120	0.01	2.07 - 151 84
3	1500	4.0	2.00	0.15	0.24	1.47	0.1031	0.03	1.83 - 102 83 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

MICROFILMED

JAN 21 1993

[illegible]

0.465

MICROFILMED

JAN 21 1982

IGNACIO NICK ZABALA
17876 U. S. HIGHWAY #30
BLISS, IDAHO 83314



RECEIVED

APR 19 1993

Department of Water Resources
Southern Region Office

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE STREET EAST
TWIN FALLS, IDAHO 83301

