

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: **A36-00055W**
Date Received: 7/25/1988
Receipt No: S001070
Received By: _____

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

1. Name: SAL J MUCARIO 208-837-4776
Address: PO BOX 669
HAGERMAN ID 83332

2. Date of Priority: MAY 1, 1883

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER
RILEY CREEK SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	13E	1	NW	NW	SE	7	GOODING
			NW	NW	SE	11	GOODING

5. Description of diverting works:
GRIDLEY DITCH #1, PUMP IN SNAKE RIVER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.025		

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

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

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	13E	1	NW	SE	11	IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					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:

A02-07327

14. Remarks:

P/U IN LOT 24 OF GRIDLEY ISLAND SUBD.

AC. IRRIG. = 0.5

THIS PROPERTY WAS SOLD BY CORA P. DUNLAP TO THE MARTINS ON
1/30/1990.

OWNERSHIP CHANGE 9/1/94 BY JG.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER CO. ET AL
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: _____

MICROFILMED



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: July 11, 1994

LEGAL DESCRIPTION OF PROPERTY: Township 8 South Range 13 East, B.M.
Section 1, 1/4 of NW 1/4 of SE 1/4, Govt. Lot 11, B.M.
Lot 24, Block, 1, Subdivision/Townsite Gridley Island Subdivision.
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR: A36-00055W

☒ Name and Address of Former Owner/Claimant(s)(Seller): Jack M. Martin & Lillias P. Martin
1012 Gridley Drive
Hagerman, Idaho 83332

☒ New Owner/Claimant (Purchaser): Sal J. Mucario

☒ New Mailing Address: P. O. Box #669
Hagerman, Idaho 83332

AUG 12 1994

Department of Water Resources
Northern Region Office

☒ New Telephone Number: (208) 837 - 4776

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☒ Attach proof of ownership, describe proof attached: Copy of the recorded Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s): Sal J. Mucario Date 8/8/94

☒ Signature of Former Owner/Claimant(s): Jack M. Martin Date 7/11/94
Lillias P. Martin Date 7/11/94

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 8/1/94 By: K

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

DEC 04 1996

SPECIAL WARRANTY DEED

Special Warranty deed made this 5th day of July, 1994, between 1031 Exchange, Inc. a Wyoming corporation of the County of Teton, State of Wyoming, hereinafter referred to as GRANTOR, and Sal J. Mucario, a single man of P. O. Box CC, Jackson, Wyoming 83001, hereinafter referred to as GRANTEE:

Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is acknowledged, and pursuant to an I. R. C. § 1031 tax deferred exchange, has granted, bargained, and sold, and, by this deed, grants, bargains, sells, conveys, and confirms to Grantee and Grantee's heirs and assigns forever, all of the following described real estate situated in the County of Gooding, State of Idaho:

Lot 24 of GRIDLEY ISLAND SUBDIVISION, Gooding County, Idaho, according to the plat thereof, recorded February 12, 1968 in the Office of the County Recorder of said County.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances belonging to the described property or in any manner appertaining to such property, the reversion and reversions, remainder and remainders, rents, issues, and profits of such property; and all estate, right, title, and interest in and to such property, as well in law as in equity.

SUBJECT TO all covenants, conditions, easements, reservations, rights and rights-of-way of sight and/or record.

To have and to hold, all and singular the described property together with the appurtenances to Grantee and Grantee's heirs and assigns forever.

Grantor shall and will specially warrant that the title to the aforesaid property is free from defects or encumbrances created or suffered by Grantor and will forever defend the property conveyed by the within deed, and every part thereof, against every person lawfully claiming the same, or any part thereof, by, through, or under Grantor, and no other.

WITNESS my hand this 5th day of July, 1994.

1031 Exchange, Inc.,
a Wyoming corporation:

WITNESSES

AUG 12 1994

Department of Water Resources
Northern Region Office

Frank Hess

Frank Hess its President

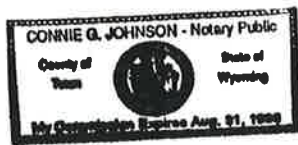


MICROFILMED
DEC 04 1996

STATE OF WYOMING)
)
COUNTY OF TETON)

On the 5th day of July, in the year of 1994, before me, the undersigned, a notary public, in and for said State, personally appeared Frank Hess, President of 1031 Exchange, Inc., the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Connie G. Johnson
Notary Public for: Wyoming
Residing at: Jackson
My Commission Expires: 8/31/99

157786

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN TITLE

42 min. past 3 o'clock P.m. this 11
of July, 1994 6:00

JOHN A. MYERS Recorder

By Alanta Sais Deputy

MICROFILMED

DEC 04 1995

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: A36-00055W
Date Received: 7/25/1988
Receipt No: ~~5001069~~
Received By: 5001070
SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARTHUR W. DUNLAP, JR. 208-837-4905
Address: 1012 GRIDLEY DR.
HAGERMAN, ID 83332

OR
Name: CORA P. DUNLAP, JR. 208-837-4905
Address: 1012 GRIDLEY DR.
HAGERMAN, ID 83332

2. Date of Priority: MAY 01, 1883

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER
RILEY CREEK SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	13E	1	NW	NW	SE	7	GOODING
			NW	NW	SE	11	GOODING

5. Description of diverting works:
GRIDLEY DITCH #1, PUMP IN SNAKE RIVER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.025		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A36-00055W

Page 1

Date: 07/25/88

MICROFILMED

JAN 21 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	13E	1	NW SE	11	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:
02-7327

14. Remarks:

P/U IN LOT 24 OF GRIDLEY ISLAND SUBD.

AC. IRRIG. = 0.5

NUMBERS FOR THIS RT. ARE 36-0055W & 02-0218

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER CO. ET AL
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): *Arthur W. Dunlap, Jr.* Date: *7-25-88*

Date: _____

State of Idaho)
County of *Twin Falls*) SS.

Subscribed and sworn (or affirmed) before me this *25th* day

of *July* 19 *88*

Roxanne Storey
Notary Public

Seal

Residing at *Buhl, Id*

My Commission Expires *6-30-94*

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: A36-00055W
Date Received: 7/25/1988
Receipt No: S001070
Received By: *[Signature]*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK M. MARTIN 208-837-6301
Address: 1012 GRIDLEY DR.
HAGERMAN, ID 83332

OR
Name: LILLIAS P. MARTIN 208-837-6301
Address: 1012 GRIDLEY DRIVE
HAGERMAN, ID 83332

2. Date of Priority: MAY 01, 1883

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER
RILEY CREEK SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	13E	1	NW	NW	SE	7	GOODING
			NW	NW	SE	11	GOODING

5. Description of diverting works:
GRIDLEY DITCH #1, PUMP IN SNAKE RIVER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.025		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	13E	1	NW SE	11	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:
02-7327

14. Remarks:

P/U IN LOT 24 OF GRIDLEY ISLAND SUBD.
AC. IRRIG. = 0.5
NUMBERS FOR THIS RT. ARE 36-0055W & 02-0218
THIS PROPERTY WAS SOLD BY CORA P. DUNLAP TO THE MARTINS ON
1/30/1990.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER CO. ET AL
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: 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): Jack W. Martin Date: 2/16/90
Debra P. Martin Date: 2/16/90

State of Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 10th day
of Feb. 19 90

Clifton Jensen
Notary Public

Seal

Residing at Haagerman, Idaho
My Commission Expires 5-10-91

RECEIVED
FEB 2 1990



WARRANTY DEED

For Value Received

Cora Pauline Dunlap,

the grantor, does hereby grant, bargain, sell, and convey unto

JACK M. MARTIN AND LILLIAS P. MARTIN, husband and wife

the grantees, whose current address is

1012 Gridley Drive, Hagerman, ID, 83332

the following described premises, to-wit:

Lot 24, Gridley Island Subdivision according to the plat thereof filed February 12, 1968 in the office of the County Recorder of Gooding, Idaho.

90 JAN 30 PM 3 15
JAN. 30, 1990
FEE \$2.00

90 JAN 30 PM 3 15

FIRST AMERICAN TITLE COMPANY

RECORDED AT REQUEST

COUNTY OF GOODING, SS

STATE OF IDAHO

139664

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

Dated: January 25, 1990

Cora P. Dunlap
Cora Pauline Dunlap

STATE OF TEXAS)
COUNTY OF Johnson) : ss

On This 25th day of January, in the year 1990, before me, a Notary Public in and for said State, personally appeared Cora Pauline Dunlap, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that she executed the same.

Keri Looper

~~NOTARY PUBLIC STATE OF TEXAS~~

Notary Public of State of Texas



~~Residing at Gooding, Idaho~~
~~Commission Expires: 12/27/93~~

Commission Expires: 12/27/93
Notary: Keri Looper

First American Title Company of Idaho

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

Form 131000

Department of Water Resources
Southern Region Office

[] Water Right Number(s): A36-00055W

[] Name and Address of
Former Claimant: Arthur W. Dunlap and Cora P. Dunlap

1012 Gridley Drive

Hagerman, Idaho 83332

[] New Claimant(s): Jack M. Martin and Lillias P. Martin

[] New Mailing Address: 1012 Gridley Drive

Hagerman, Idaho 83332

New Telephone Number: (208) 837 - 6301

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

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

[] Attach proof of ownership
Describe proof attached: Copy of the recorded Warranty Deed

[] Signature of New Claimant(s): Jack M. Martin

Lillias P. Martin

Date: February , 1990

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

INPUT: AJ_SELECTION:HHT-NOA-BROWN1.SEL

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

36-00048C	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
36-00055W	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
36-00085A	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
36-00085B	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
36-00089C	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
36-00090E	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
36-00103D	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
36-00198A	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
36-04071	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
36-07369B	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
36-10671	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
36-15157	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
36-15176	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
36-15184	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
36-15461	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
A36-00048C	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
A36-00055W	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
A36-00085A	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
A36-00085B	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
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A36-07369B	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
A36-10671	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
A36-15157	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
A36-15176	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
A36-15184	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE
A36-15461	ATTORNEY NAME	SUCCESSFULLY	ADDED TO NAME FILE

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.noa\lmr)

RECEIVED

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

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

22 Petitioner,)

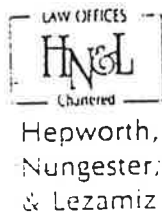
23 vs.)

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 it Notice of Appearance to add on behalf of
23



SUPPLEMENTAL NOTICE OF APPEARANCE - 1

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

3	Irma M. & Herman W. Petrick	A36-00048C
	Creed & Saundra Robinson	A36-00090E
4	Creed & Saundra Robinson	A36-00089C
	Stanley E. Hoskovec	A36-15461
5	Stanley E. Hoskovec	A36-10671
	Stanley E. Hoskovec	A36-15157
6	Stanley E. Hoskovec	A36-00198A
	Jack Martin	A36-00055W
7	K. Gary Olesen	A36-00103D
	Layne Osborne	A36-15184
	Layne Osborne	A36-15176
8	Marilyn Miller & Richard Waite	A36-00085A
	Marilyn Miller & Richard Waite	A36-00085B
9	Marilyn Miller & Richard Waite	A36-07369B
	Carl & Mary Lee Pothier	A36-04071

10
11 DATED This 19 day of February, 1993.

12 HEPWORTH, NUNGESTER & LEZAMIZ

13
14 By 
PATRICK D. BROWN
Attorneys for Respondents

15
16 CERTIFICATE OF MAILING

17 The undersigned, a resident attorney of the State of
18 Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin
19 Falls, Idaho 83303, and one of the attorneys for the respondents
20 in this matter, certifies that he caused to be mailed a copy of the
21 above and foregoing SUPPLEMENTAL NOTICE OF APPEARANCE on the 19
22 day of February, 1993, to:



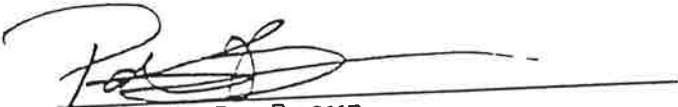
Hepworth,
Nungester,
& Lezamiz

SUPPLEMENTAL NOTICE OF APPEARANCE - 2

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

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

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

8 
9 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

SUPPLEMENTAL NOTICE OF APPEARANCE - 3

Water Right Number - 36-00055W Prefix Translation: WATER RIGHT Old (D) Number -

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

*** A - ATTORNEY ***
BROWN PATRICK D 1 - HEPWORTH NUNGESTER LEZAMIZ
2 - 133 SHOSHONE ST N
3 - PO BOX 389 State- ID Zip- 833030389
City- TWIN FALLS
Phone - 208-734-7510

*** C - CURRENT OWNER ***
MUCARIO SAL J 1 - PO BOX 669
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-4776

*** D - DIR RPT OWNER ***
MARTIN LILLIAS P 1 - 1012 GRIDLEY DR
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6301

MARTIN JACK M 1 - 1012 GRIDLEY DR
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6301

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1883 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
RILEY CREEK SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

08S 13E 1 NE NW SE 7 (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 11/15 0.025

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.025 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

08S 13E 1 NW SE 11 0.5 01 IRRIGATION (47) GOODING

Total Acres: 0.5

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Water right number - 36-00055W Prefix Translation: WATER RIGHT

* * Diversion Means - 12" GRIDLEY PIPELINE

* * Non-Irrigation Use -

* * Other Rights for Same Use - 02-00218

+ - - - - - Remarks - - - - - +
PROPERTY IS ALSO KNOWN AS LOT 24, GRIDLEY ISLAND SUBD.
USE OF THIS WATER RIGHT WITH RIGHT NO. 02-00218 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.025 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 1.5 AF, AND TO THE IRRIGATION OF
A COMBINED TOTAL OF 0.5 ACRES IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-00055AA, 36-00055AB, 36-00055BB, 36-00055BC,
& 36-00055Y.

+ - - - - - Old Water Right Numbers - - - - - +
3600055W
0200218

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

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

+ - - - - - Comments - - - - - +
Date: 09/01/1994 User Id: JGIVENS Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 8/12/94 FORMER OWNERS JACK M. & LILLIAS P. MARTIN NEW OWNER SAL J. MUCARIO. COPY OF SPECIAL
WARRANTY DEED SUBMITTED WITH FORM.

+ - - Audit Fields - - +
10/06/94 JGIVENS

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 11/02/1992 Field Inspection Made - 03/15/1991 Civil Case Number - 39576
Objection Filed Date - 04/29/1993 Field Inspection Flag - Old Case Number -
Response Filed Date - 08/31/1993 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 07/25/1988 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - S001070 Water District - 36A
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - OR Presumption Flag -
Notice of Error Flag -

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DEC 04 1996

Water Right Number - 36-00055W Prefix Translation: WATER RIGHT Old (D) Number -

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

*** A - ATTORNEY ***
BROWN PATRICK D 1 - HEPWORTH NUNGESTER LEZAMIZ
2 - 133 SHOSHONE ST N
3 - PO BOX 389 State- ID Zip- 833030389
City- TWIN FALLS
Phone - 208-734-7510

*** C - CURRENT OWNER ***
MUCARIO SAL J 1 - PO BOX 669
2 -
3 - State- ID Zip- 83332
City- HAGERMAN
Phone - 208-837-4776

*** D - DIR RPT OWNER ***
MARTIN LILLIAS P 1 - 1012 GRIDLEY DR
2 -
3 - State- ID Zip- 83332
City- HAGERMAN
Phone - 208-837-6301

MARTIN JACK M 1 - 1012 GRIDLEY DR
2 -
3 - State- ID Zip- 83332
City- HAGERMAN
Phone - 208-837-6301

DUNLAP JR ARTHUR W 1 - 1012 GRIDLEY DR
2 -
3 - State- ID Zip- 83332
City- HAGERMAN
Phone - 208-837-4905

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1883 17 SOUTHERN D - DECREED

+ - - - - Source - - - - + + - - - - Tributary - - - - - +
RILEY CREEK SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
08S 13E 1 NE NW SE 7 (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.025

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.025 0.0

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Water right number - 36-00055W

Prefix Translation: WATER RIGHT

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
08S	13E	1	NW SE	11	0.5	01	IRRIGATION	(47) GOODING

Total Acres: 0.5

+ - - Diversion Means - 12" GRIDLEY PIPELINE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 02-00218

Remarks

PROPERTY IS ALSO KNOWN AS LOT 24, GRIDLEY ISLAND SUBD.
USE OF THIS WATER RIGHT WITH RIGHT NO. 02-00218 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.025 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 1.5 AF, AND TO THE IRRIGATION OF
A COMBINED TOTAL OF 0.5 ACRES IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-00055AA, 36-00055AB, 36-00055BB, 36-00055BC,
& 36-00055Y.

Old Water Right Numbers -

3600055W
0200218

Conditions of Approval -

No Conditions of Approval found.

Decree Plaintiff - - - +

Decree Defendant - - - +

Decree Date - +
00/00/0000

Comments -

Date: 09/01/1994 User Id: JGIVENS Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 8/12/94 FORMER OWNERS JACK M. &
WARRANTY DEED SUBMITTED WITH FORM.

LILLIAS P. MARTIN NEW OWNER SAL J. MUCARIO. COPY OF SPECIAL

Audit Fields - - +

09/01/94 JGIVENS

Adjudication Rights Dates and Flags Area -

Court Report Filing	- 11/02/1992	Field Inspection Made	- 03/15/1991	Civil Case Number	- 39576
Objection Filed Date	- 04/29/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 08/31/1993	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 07/25/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001070	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 7, 1994

SAL J MUCARIO
PO BOX 669
HAGERMAN ID 83332

RE: Snake River Basin Adjudication (SRBA) Change of Ownership
No. 36-00055W Jack & Lillias Martin

Dear Claimant(s):

Thank you for notifying us of your change in Ownership on the water right claim(s) referenced above. I have changed the records in our computer system, please find enclosed a copy.

If you have not filed the Standard Form #No 3 with the Adjudication Court here in Twin Falls, you will need to do so, since this is part of the process now in the Change of Ownership(s) in Basin 36.

Should you have any questions, you can contact this office, the SRBA District Court, or Patrick D. Brown, the Attorney that filed an objection on the behalf of the original owners.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Technical Records Specialist

jg
Enclosures - Proof Report
c.c. Attorney, Patrick D. Brown

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Water right number - 36-00055W

Prefix Translation: WATER RIGHT

+ Adjudication Rights Dates and Flags Area +

Notice of Error Flag

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CONVERSATION MEMORANDUM

NAME OF PARTY Sal J. Mucario
EMPLOYEE: Judy Givens, Adj. Tech

DATE 9/1/94 2:50
FILE 36-00055W

527-4776

RE: Inquiry about Change of Ownership

Called and left message for Mr. Mucario to call me back concerning the above-referenced Claim. This Claim was represented by Attorney Patrick D Brown, on the objection with the former owners (Cora P. & Arthur W Dunlap).

9/15/94

I talked with Sal Mucario by phone. We discussed history of SPBA. He will decide if he wants attorney & will notify us by letter.

Adm

9/15/94

I talked with Sal Mucario again by ~~phone~~ phone & he indicated he wished to continue to have Mr. Brown as notice of attorney. I told him I would have Judy make changes on our record & he would not need to write letter.

Adm

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DEC 04 1996

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. 36-00055W -0001

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

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

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

2. Person who filed objection:

Name: JACK M & LILLIAS P MARTIN
Address: 1012 GRIDLEY DRIVE
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

8. |☒| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. |☒| Place of Use: I respond to the objection concerning:
- 9b. |☒| The number of irrigated acres within each forty (40) acre subdivision.
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 item 8, and all allegations of the objection regarding this item, IDWR responds as follows: The decree asserted by the claimant does not contain a period of use decreed for this water right. Idaho Code 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The irrigation season of use cannot exceed the period in which water may be beneficially used. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report. IDWR further responds that by application of these standards, IDWR recommended a longer season of use than was claimed. By now asserting a longer season of use than originally claimed, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection 9 and 9.b, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the total number of acres within each 40 acre subdivision upon which IDWR found water was beneficially used for irrigation under this water right. The recommendation is also consistent with the description of irrigated acreage contained in the remarks section of the Notice of Claim.

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. IDWR further responds that the claimant

(Over)

seeks to have stricken all remarks following the reference to "Gridley Ditch". There is no reference to "Gridley Ditch" in the remarks. Therefore, this objection is in error.

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

	No. of Pages
Notice of Claim No. A36-00055W	3
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4

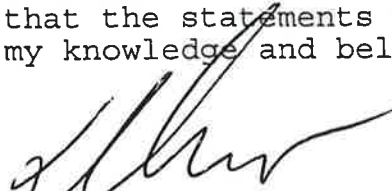
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

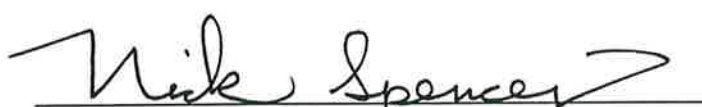
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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



Signature of person filing response

By:



(Attorney signing in
representative capacity)

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



Notary Public for Idaho

Residing at: _____

My Commission Expires _____

Danni Smith, Notary Public
Residing at Boise, Idaho

My Commission Expires December 5, 1994

(Over)

CERTIFICATE OF MAILING

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

1. Original to:

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

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

See No. 3

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

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

4. One copy to:

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


Signature of Respondent or attorney
mailing on Respondent's behalf

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

IDWR'S RESPONSE TO ANSWER, AFFIRMATIVE DEFENSES AND PRAYER FOR
RELIEF OF CLAIMANT, Page 1

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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: 8015430

RECEIVED
MAR 01 1993
Department of Water Resources
Southern Region Office

Date: 3/ 1/1993
Time: 10:57:30

Received

From: MARTIN JACK M.

Type of Payment	Program Acct Class	Amount
FEE FOR COPY OF ADJUDICATION CLAIM		
64100	229 21 1760	3.23

Total

CHECK 1506

\$3.23

Region: SOUTHERN

Signature:

R. Foster

PROFILMED

DEC 04 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

15-Jan-1993

JACK MARTIN
1012 GRIDLEY DRIVE
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00055W

Dear Mr. Martin:

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

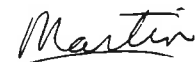
Please remit the following for the cost of the copies and postage:

\$3.23

Sincerely,


Jeanie Robertson
Records Clerk

Encl:


$$\begin{array}{r} 33 \times 5 = 165 \\ \text{post} \quad 1.44 \\ \text{env.} \quad .14 \\ \hline 3.23 \end{array}$$

MICROFILMED

DEC 04 1996

RECEIVED

JAN 13 1993

Department of Water Resources
Southern Region Office

1-12-93

(Date)

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in
my file as it relates to water right number A36-00055W.

Please advise me of any documents in my file which you are not
releasing to me and why they are not being released.

Please bill me for the copy charge.

Sincerely,

Jack M. Martin
(Name)

1012 Gridley Drive
(Address)

Hagerman, Idaho 83332
(City, State, Zip Code)

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

MICROFILMED
DEC 04 1996

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. A36-00055W
(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,

36-00055W -0001/
93-04-0063

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)

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: Jack M. Martin and Lillias P. Martin

Address: 1012 Gridley Drive

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Decreed water right pursuant to March 22, 1932

decision New International Mortgage Bank vs.

Idaho Power Company, with a priority date of

May 1, 1883

2. Owner of the water right:

Name: Jack M. Martin or Lillias P. Martin

Address: 1012 Gridley Drive

Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: Hepworth, Nungester & Lezamiz

Attorney Address: P. Parker & Patrick D. Brown

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

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

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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.

Increase acreage from 1/2 acre to 1 acre; Period of Use

from 1/01 to 12/31; Remarks- strike everything appearing

after "Gridley Ditch"; Also 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 Gusding

Jack M. Martin

, 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.

Jack M. Martin

Signature of person filing objection

By:

[Signature]
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 21st day of April,
1993.

[Signature]

Notary Public for Idaho

Residing at: HAGERMAN, Id.

My Commission Expires: 5-10-97

(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Owner name: Jack M. Martin and Lillias P. Martin

Owner's address: 1012 Gridley Drive

Hagerman, Idaho 83332

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

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

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

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

CHANGES TO DIRECTOR'S REPORT, page 4

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

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.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

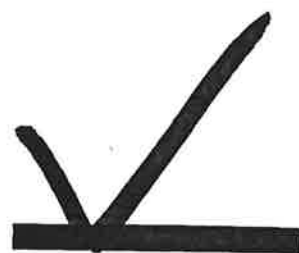
R PROOF



CVR



MAPS



PHOTOS



MISC



See

Water Right Number - R36-00055W

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
MARTIN

LILLIAS P

1 - 1012 GRIDLEY DR
2 -
3 -

State- ID Zip- 83332

City- HAGERMAN
Phone - 208-837-6301

MARTIN

JACK M

1 - 1012 GRIDLEY DR
2 -
3 -

State- ID Zip- 83332

City- HAGERMAN
Phone - 208-837-6301

*** O - ORIGINAL OWNER ***
DUNLAP JR

ARTHUR W

1 - 1012 GRIDLEY DR
2 -
3 -

State- ID Zip- 83332

City- HAGERMAN
Phone - 208-837-4905

+ - - Priority Date - - +
05/01/1883

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - - +
RILEY CREEK

+ - - Tributary - - - - - +
SNAKE RIVER

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

Tw	Rng	Sec	Tract	Lot	RFlg	County
08S	13E	1	NE NW SE	7	(47)	GOODING

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31		0.025	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.025 0.0

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
08S	13E	1	NW SE	11	0.5	01	IRRIGATION	(47) GOODING

Total Acres: 0.5

+ - - Diversion Means - 12" GRIDLEY PIPELINE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 02-00218

Water right number - R36-00055W

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +
PROPERTY IS ALSO KNOWN AS LOT 24, GRIDLEY ISLAND SUBD.
USE OF THIS WATER RIGHT WITH RIGHT NO. 02-00218 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.025 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 1.5 AF, AND TO THE IRRIGATION OF
A COMBINED TOTAL OF 0.5 ACRES IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-00055AA, 36-00055AB, 36-00055BB, 36-00055BC,
& 36-00055Y.

+ - - - - Old Water Right Numbers - - - - - +
3600055W
0200218

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

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

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - - +
03/04/92 CLELLAND

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 03/15/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 03/04/1992	Old Judicial District	-
Claim Received Date	- 07/25/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001070	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

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						SCC 3-4-92	SCC 4-9-91	
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME				(Y) 6.				
CONSUMPTIVE USE								
PURPOSES								
PERIOD OF USE	Y			(Y) 6.				
BASIS OF CLAIM	Y							
REMARKS	Y			(Y) 6				

"VERIFIED BY" CODES

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

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

Two R-Records:

R36-00055W

R02-00218

(to reflect different sources of water)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:40:34
09/07/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00055W

LAST: DUNLAP, JR.
ADDRESS: 1012 GRIDLEY DR.
CITY: HAGERMAN
PHONE NUMBER: 208-837-4905

FIRST: ARTHUR W.

STATE: ID ZIP: 83332

OWNER CODE: O

LAST: MARTIN
ADDRESS: 1012 GRIDLEY DR.
CITY: HAGERMAN
PHONE NUMBER: 208-837-6301

FIRST: LILLIAS P.

STATE: ID ZIP: 83332

OWNER CODE: C

LAST: MARTIN
ADDRESS: 1012 GRIDLEY DR.
CITY: HAGERMAN
PHONE NUMBER: 208-837-6301

FIRST: JACK M.

STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: P/U IN LOT 24 OF GRIDLEY ISLAND SUBD.
AC. IRRIG. = 0.5
THIS PROPERTY WAS SOLD BY CORA P. DUNLAP TO THE MARTINS ON
1/30/1990.

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:

Recommend R02-07327 AS Number Not CLAIMED.
(SCC 49-91)

A. AD CLAIM: # A36-00055W PRIORITY DATE: 05-01-1883 STAGE: C
E. WR RECORD: # 36-00055W PRIORITY DATE: 05-01-1883 STAGE: D

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) N

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

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:
05-01-1883

REVIEWED BY _____ DATE _____

=====

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00055W	08S	13E	1	NW	NW	SE	11	GOODING
A36-00055W	08S	13E	1	NW	NW	SE	7	GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

A36-00055Y NONE

A36-10085

A36-00055AB

A36-00055AG

WR RECORDS IN SAME 40 ACRE TRACT

02-00218
02-00219
02-00220
02-07313
02-07320
02-07321
02-07327
02-07349
02-07382
36-00055AA
36-00055D
36-00055F
36-00055J
36-00055L
36-00055N
36-00055S
36-00055Y
36-07013
36-08323
A02-00010
A02-00205
A02-00206
A02-00208
A02-00209
A02-00210
A02-00211
A02-00212
A02-07313
A02-07321
A02-07327
A02-07349
A02-07381
A02-07382
A36-00055Q
36-00055AD
36-00055AE

SOURCE: SNAKE RIVER
RILEY CREEK

TRIB: COLUMBIA RIVER
SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
-------	------	------	------	-----	-----	-----	-----	------

36-00055W 08S 13E 1
36-00055W 08S 13E 1

NW SE 7
NW SE 11

GOODING
GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

02-00218	A36-00055AA	NONE
02-00219	A36-00055Y	
02-00220	A02-07313	
36-00055AA	A02-07349	
36-00055AE	A02-07382	
36-00055Y	A36-00055L	
02-07313	A02-07320	
02-07320	A02-00206	
02-07321	A02-00211	
02-07327	A02-00212	
02-07349	A36-00055AF	
02-07382	A36-00055D	
36-00055D	A36-07013	
36-00055F	A36-08323	
36-00055J	A36-00055N	
36-00055L	A36-10085	
36-00055N	A36-00055AB	
36-00055S	A36-00055AG	
36-07013	A02-10002	
36-08323	A36-00055J	
A02-00010		
A02-00205		
A02-00206		
A02-00208		
A02-00209		
A02-00210		
A02-00211		
A02-00212		
A02-07313		
A02-07321		
A02-07327		
A02-07349		
A02-07381		
A02-07382		
A36-00055Q		

SOURCE: SNAKE RIVER
RILEY CREEK

TRIB: COLUMBIA RIVER
SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
------	------	------	-----	-----	-----	-----	--------

SOURCE: SNAKE RIVER

TRIB: COLUMBIA RIVER

REVIEWED BY:

DATE:

A. ROOT WATER RIGHT NUMBERS:

A36-00055AA
A36-00055AB
A36-00055AD
A36-00055AF
A36-00055BB
A36-00055D
A36-00055H
A36-00055J
A36-00055L
A36-00055N
A36-00055U
A36-00055W
A36-00055Y
A36-00055AG

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08S	13E	1	NW	SE	11	MARTIN, LILLIAS P.	A36-00055W / 1.0	36-00055W / 1.0			0.5
						KREPCIK, JOE	A02-07313 / 1.0	02-07313 / 1.0			
						JENSEN, LLOYD	A02-07349 / 1.0	02-07349 / 1.0			
						J. R. SIMPLOT COMPANY	A02-07382 / 1.0	02-07382 / 1.0			
						J. R. SIMPLOT COMPANY	A02-10002 / 1.0	- /			
						GRIDLEY ISLAND WATER ASSN.,	INA36-07013 /	36-07013 /			
						GRIDLEY ISLAND WATER ASSN. INCA	36-08323 /	36-08323 /			
						LE MOYNE, JOHN	A36-10109 /	- /			
						WHIPKEY, ROBERT	A36-00055J / 0.6	36-00055J / 1.0			
						LYTLE, LOWELL	A36-00055L / 1.0	36-00055L / 1.0			
						MALLANE, TOM	A02-07320 / 1.0	02-07320 / 1.0			
						R & L RENTALS	A02-00206 /	- /			
						BROWN, ROBERT E.	A02-00211 /	- /			
						SIMPLOT, DONALD J.	A02-00212 / 1.0	- /			
						MALLANE, VONNIE	A36-00055AA / 1.0	36-00055AA / 1.0			
						LE MOYNE, JOHN	A36-00055AB / 2.0	- /			
						STANLEY, MARGARET A.	A36-00055AD / 0.6	36-00055AD / 1.0			
						FOSTER, GEORGE R.	A36-00055AF / 1.1	- /			
						MENGEL, HERBERT	A36-00055D / 0.5	36-00055D / 1.0			
						BOWER FAMILY TRUST	A36-00055N / 0.5	36-00055N / 1.0			
						CRAWFORD, CLAY E.	A36-00055Y / 1.0	36-00055Y / 1.0			
						DUNLAP, ARTHUR W.		02-00218 / 1.0			
						MC DANIEL, JOHN A.		02-00219 / 1.0			

MARTIN , GORDAN M.
MC DANIEL , JOHN A.
DUNLAP, JR. , ARTHUR W.
GRIDLEY , WALTER
BRASHER , WALTER H.
O NEILL , LLOYD
GRIDLEY , WALTER
GRIDLEY , WALTER
LE MOYNE , JOHN R.
VAN HALL , VANCE
BROWN , ROBERT E.
WHIPKEY , ROBERT E.
DALY , RONALD F.
BOWER , ROBERT R.
BROWN , ROBERT E.
O NEIL , LLOYD
KREPCIK , JOE F.
MC DANIEL , JOHN A.
DUNLAP , ARTHUR W.
JENSEN , LLOYD
NIEFFENEGGER , KEITH L.
J. R. SIMPLOT CO.

02-00220 / 1.0
02-07321 / 1.0
02-07327 / 1.0
36-00055AE/13.6
36-00055F / 1.0
36-00055S / 1.0
36-00056 /
36-02374 /
A02-00010 / 1.0
A02-00205 / 1.0
A02-00206 / 1.0
A02-00208 / 1.0
A02-00209 / 1.0
A02-00210 / 1.0
A02-00211 / 1.0
A02-00212 / 1.0
A02-07313 / 1.0
A02-07321 / 1.0
A02-07327 / 1.0
A02-07349 / 1.0
A02-07381 / 1.0
A02-07382 / 1.0

TOTAL ACRES

A36-00055W

1.00

1.00

0.5

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
—

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

A. AJ CLAIMED USES:

PURPOSES
A36-00055W IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

DIVERSION QUANTITY
.025 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.025 CFS

B. WR RECORDED USES:

PURPOSES
36-00055W IRRIGATION

MONTH/DAY
FROM 3-15 TO 11-15

DIVERSION QUANTITY
.025 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.025 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

DATABASE	FIELD EXAMINER
N	<u>1</u>
N	<u>1</u>
Y	<u>1</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(1) Explain in remarks, below.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.025 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.025 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
Y

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

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: A02-07327

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00055W	SNAKE RIVER	MARTIN , LILLIAS P.	0.025	0.025		
	RILEY CREEK					
A02-07313	SNAKE RIVER	KREPCIK , JOE	0.020	0.020	2.00	2.00
A02-07382	RILEY CREEK	J. R. SIMPLOT COMPANY	0.020	0.020		
A02-10002	SNAKE RIVER	J. R. SIMPLOT COMPANY	0.050	0.050		
A36-00055J	SNAKE RIVER	WHIPKEY , ROBERT	0.040	0.066		
A36-00055L	SNAKE RIVER	LYTLE , LOWELL	0.020	0.020		
A02-07320	SNAKE RIVER	MALLANE , TOM	0.030	0.030	4.00	4.00
A02-00212	SNAKE RIVER	SIMPLOT , DONALD J.	0.050	0.050		
A36-00055AA	RILEY CREEK	MALLANE , VONNIE	0.020	0.020		
	SNAKE RIVER					
A36-00055AB	RILEY CREEK	LE MOYNE , JOHN	0.120	0.030		
	SNAKE RIVER					
A36-00055AD	SNAKE RIVER	STANLEY , MARGARET A.	0.040	0.066		
A36-00055AF	SNAKE RIVER	FOSTER , GEORGE R.	0.030	0.027		
A36-00055D	SNAKE RIVER	MENGEL , HERBERT	0.040	0.080		
A36-00055N	SNAKE RIVER	BOWER FAMILY TRUST	0.020	0.040		
A36-00055Y	RILEY CREEK	CRAWFORD , CLAY E.	0.030	0.030		
	SNAKE RIVER					

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-07013	DOMESTIC	GRIDLEY ISLAND WATER ASSN., INFROM	01-01 TO 12-31	.120 CFS	
A36-08323	DOMESTIC	GRIDLEY ISLAND WATER ASSN. INCFROM	01-01 TO 12-31	.300 CFS	
A36-10109	DOMESTIC	LE MOYNE, JOHN	FROM 01-01 TO 12-31	.040 CFS	
A02-00206	DOMESTIC	R & L RENTALS	FROM 03-15 TO 11-15	.020 CFS	
A02-00211	DOMESTIC	BROWN, ROBERT E.	FROM 03-15 TO 11-15	.020 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE 0.015
ACRES 0.5 x 0.02 CFS/ACRE = 0.015 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 3.0 AF/A
ACRES 0.5 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =
TOTAL CONSUMPTIVE USE 1.5 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A
ACRES 0.5 x DIVERSION VOL. AF/A FOR AREA 1 =
TOTAL DIVERSION VOLUME 0.5 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 10-31 11-01	DATABASE EXAMINER 0.025 0.025	DATABASE EXAMINER ~~EXAMINER~~	DATABASE EXAMINER 3.0 3.0
TOTAL FOR THIS RIGHT				

REVIEWED BY: _____

DATE: _____

E01

(Limit to water in 100 ft well) < memo Remarks in R02-00218)

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: 36-00055

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
3.085

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-00055AA	A36-00055AA	0.020	-		36-00055AA	0.020
A02-00220	A36-00055AA	0.020	-		02-00220	0.020
A36-00055AB	A36-00055AB	0.120	-		-	
A36-00010	A36-00055AB	0.120	-		36-00010	0.400
A36-00055AD	A36-00055AD	0.040	-		36-00055AD	0.040
A36-00055AE	A36-00055AF	0.030	-		36-00055AE	1.090
A36-00055BB	A36-00055BB	0.040	-		-	
A36-00055D	A36-00055D	0.040	-		36-00055D	0.040
A02-00205	A36-00055D	0.040	-		-	
A36-00055H	A36-00055H	0.025	-		36-00055H	0.025
A02-00207	A36-00055H	0.025	-		-	
A36-00055JA	A36-00055J	0.040	-		-	
A02-00208	A36-00055J	0.040	-		-	
A36-00055L	A36-00055L	0.020	-		36-00055L	0.020
A02-00209	A36-00055L	0.020	-		-	
A36-00055N	A36-00055N	0.020	-		36-00055N	0.020
A02-00210	A36-00055N	0.020	-		-	
A36-00055U	A36-00055U	0.020	-		36-00055U	0.020
A02-00213	A36-00055U	0.020	-		-	
A36-00055W	A36-00055W	0.025	-		36-00055W	0.025
A02-00218	A36-00055W	0.025	-		02-00218	0.025
A36-00055Y	A36-00055Y	0.030	-		36-00055Y	0.030
A02-00219	A36-00055Y	0.030	-		02-00219	0.030
A36-00055AE	A36-00055AG	0.030	-		36-00055AE	1.090
-	-		-		36-00055	
-	-		-		36-00055A	
-	-		-		36-00055B	0.040
-	-		-		36-00055C	
-	-		-		36-00055E	
-	-		-		36-00055F	0.020
-	-		-		36-00055G	
-	-		-		36-00055I	
-	-		-		36-00055J	0.040
-	-		-		36-00055K	
-	-		-		36-00055M	

36-00055S 0.050
36-00055T
36-00055V
36-00055X
36-00055Z
A36-00055Q
A36-00055Q 0.020

TOTAL CFS

0.860

3.085

DIVERSION RATE REVIEW

DATABASE

FIELD
EXAMINER

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)

N

1
1

REMARKS:

See 136-00055 for Split Review

AUTHENTICATION:

SIGNATURE:

[Signature]

DATE:

3-28-91

NAME OF FIELD EXAMINER:

TITLE:

ACKNOWLEDGMENT

STATE OF IDAHO)

County of Gooding) ss

On this _____ day of _____, 1968, before me, the undersigned, a Notary Public in and for said State, personally appeared MARGARET L. MARTIN and _____, known to me to be the person whose name is subscribed to the foregoing Declaration, and acknowledged to me that she executed the same.

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

Notary Public

My Comm. expires _____

STATE OF IDAHO) ss

County of Jerome)

On this _____ day of January, 1968, before me, a Notary Public in and for said State, personally appeared Doug A. Johnson, known to me to be the person whose name is subscribed to the foregoing Surveyor's Certificate, and acknowledged to me that he executed the same.

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

R36-00055W

Notary Public

My Comm. expires _____

COUNTY COMMISSIONER'S ACCEPTANCE

The foregoing plat was duly accepted and approved by the Board of Commissioners of the County of Gooding, Idaho, on the _____ day of _____, 1968.

Clerk

Chairman

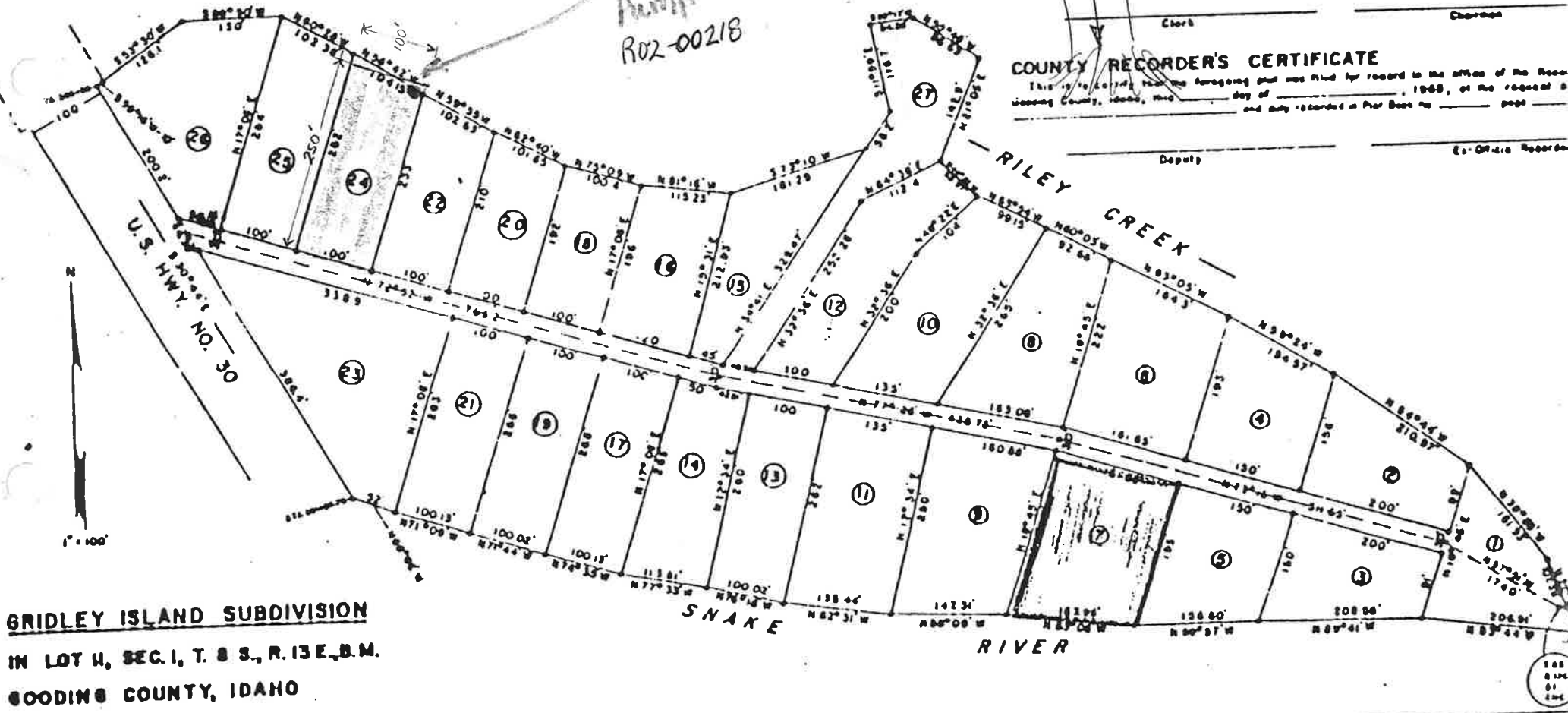
COUNTY RECORDER'S CERTIFICATE

This is to certify that the foregoing plat was filed for record in the office of the Recorder of Gooding County, Idaho, this _____ day of _____, 1968, at the request of _____ and duly recorded in Plat Book No. _____ page _____.

Deputy

County Recorder

POD
Rump
R02-00218



BRIDLEY ISLAND SUBDIVISION
IN LOT H, SEC. 1, T. 8 S., R. 13 E., B.M.
GOODING COUNTY, IDAHO

LOT SIZE: $100' \times 250' = 25,000 \text{ ft}^2$
 $\div 43560 = 0.57 \text{ Acres}$

MARTIN

A36-00055W