

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

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

CIVIL CASE NUMBER: 39356

Ident. Number A36-00063

Date Received 8-26-88

Receipt Number 500223.5

5002275

RECEIVED

AUG 25 1988

Department	Address	Telephone
School of Education	University of Illinois at Chicago	(773) 978-6100
Chicago, IL 60607		

COPY

FOR YOUR FILES
DO NOT RETURN

NOTICE OF CLAIM TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) HOWARD L. MORRIS and RHONDA K. MORRIS Phone (208) 837-6213
Mailing Address 1101 East 2900 South, Rt. #1, Hagerman, Idaho Zip 83332
2. Date of Priority (Only one (1) per claim) November 1, 1915
3. Source of water supply (a) Weatherby Springs
which is tributary to (b) Billingsley Creek
4. a. Location of existing point of diversion is: Township 7 South Range 14 East Section 30 ,
SE 1/4 of NE 1/4 of SW 1/4 , Govt. Lot, _____ B.M., County of Gooding
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____ , _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____ , _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. From the diversion at the head of the Springs,
the water is transported to the subject property through a steel pipeline to a concrete
box where the water is pressurized by the use of a pump and motor. The property is
irrigated by a sprinkler system.

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6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from Mar. 15 to Nov. 15 amount 0.80 or _____
For Stockwater purposes from Jan. 1 to Dec. 31 amount 0.07 or _____
For Domestic purposes from Jan. 1 to Dec. 31 amount 0.04 or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.80 (cfs) and/or (b) 500 (acre feet)

8. Total consumptive use claimed is 375 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) One household and the lawn and garden area around the home and there are
from 200 to 300 head of cattle on the property at times.

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7 S	13 E	36	S&D 30		S 5	S 40									S 15				90
7 S	14 E	31					Lot1 S-5	Lot2 S-30											35

Total number of acres irrigated 125 acres

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
36-0061 & 36-0062 or None ()

14. Remarks:
This amount of water is needed to irrigate the property because it is very sandy in
nature.

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Last Name MORRIS Ident No. _____

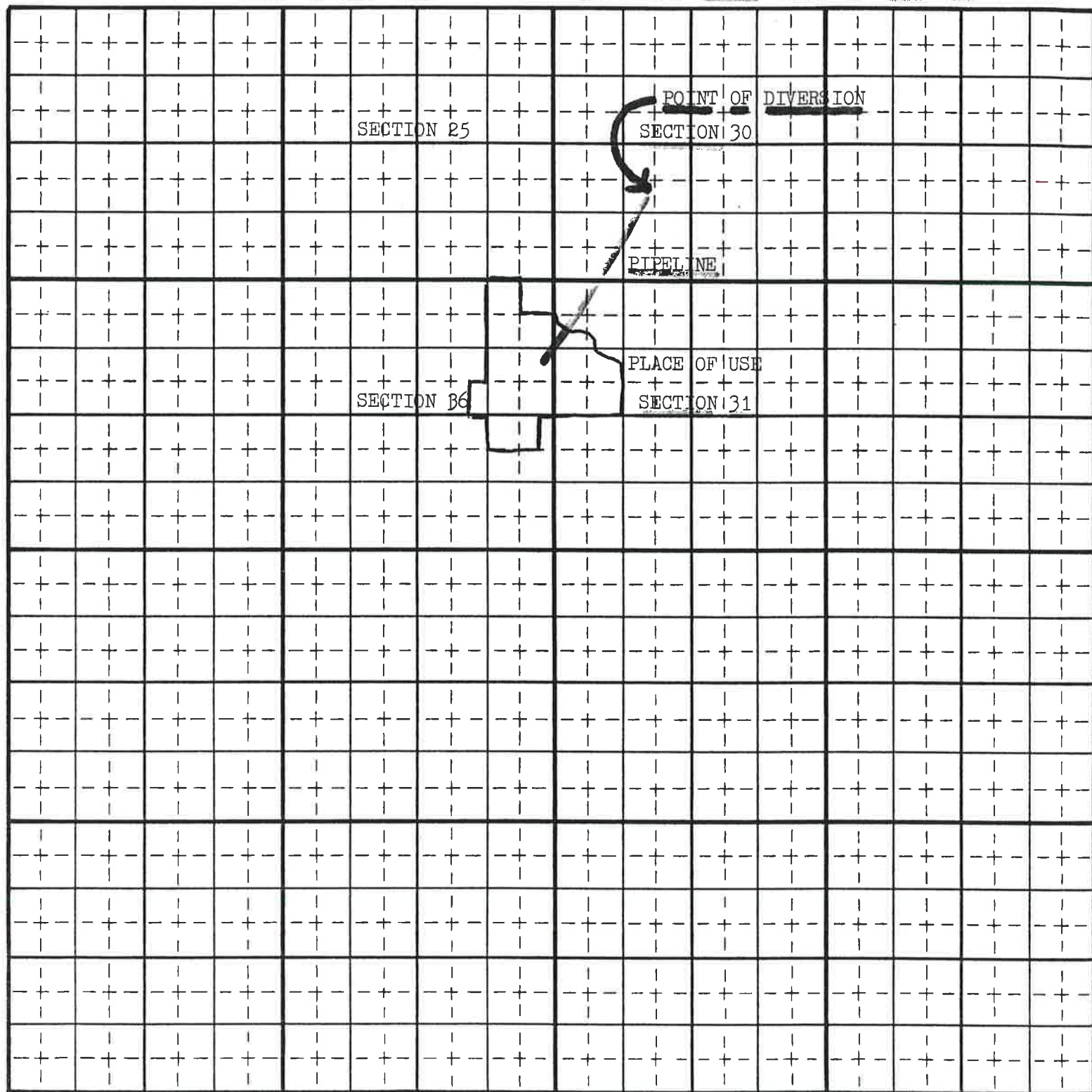
Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

TOWNSHIP 7 South, RANGE 13 EAST, B.M.

TOWNSHIP 7 SOUTH, RANGE 14 EAST, B.M.



Last Name MORRIS Ident No. _____

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Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Be. Special Use Posted Notice License Permit
Decree X
If applicable provide IDWR Water Right Number 36-0063
Court U.S. District Court Case Number 1602 Decree Date March 22, 1932
Plaintiff vs Defendant New International Mortgage Bank vs Idaho Power Company

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do not X do not X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments One (1)

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

Signature of Claimant (s)

Theresa L. Morris
Theresa L. Morris

Date

8-25-88

Date

8-25-88

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

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

Subscribed and sworn (or affirmed) before me this 25th day of August 19 88

SEAL

Notary Public

Clifton Jensen

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name MORRIS Ident. Number _____

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Copies White-State, Yellow-Claimant

REMARKS: P/V INCOMPLETE. SEE FILE

POINT OF DIVERSION: R075 R14E S30 N25W
PLACE OF USE: R075 R14E S31 N25W

MR-NUMBER: 36-0063

CURRENT OWNER: L. W. HOFFMAN
STAGE: DEGREE
1-NOV-1915

COUNTY: GOODING
SOURCE: WEATHERBY SPRINGS
WATER USE: IRRIGATION
TOTAL RATE: 0.800 CFS
TOTAL VOLUME: 0.00 AF
STAGE: DEGREE
WATER DISTRICT: 36A

DEGREE PLAINTIFF: NEW INTERNATIONAL MORTGAGE BANK
DEGREE DEFENDANT: IDAHO POWER COMPANY

REMARKS: P/V INCOMPLETE. SEE FILE. FARM = 157.65 AC.
AC. IRRIG. NOT SPECIFIED.

POOF: ORIGINAL

POINT OF DIVERSION: R075 R14E S30 N25W

PLACE OF USE: R075 R14E S31 N25W
R075 R14E S36 N25W
R075 R14E S36 N25W
R075 R14E S36 N25W

MR-NUMBER: 36-0017
CURRENT OWNER: J. C. BEDINGFIELD
NARY MCCARTY
STAGE: DEGREE
9-DEC-1916

ALLEN W. BEDINGFIELD

COUNTY: GOODING

SOURCE: WEATHERBY SPRINGS

WATER USE: IRRIGATION

TRIBUTARY: BILLINGSLEY CREEK
DIVERSION RATE: 12.800 CFS
DIVERSION VOLUME: 0.00 AF
TOTAL VOLUME: 0.00 AF

DEGREE PLAINTIFF: NEW INTERNATIONAL MORTGAGE BANK
DEGREE DEFENDANT: IDAHO POWER COMPANY

POINT OF DIVERSION: R075 R14E S30 N25W

PLACE OF USE: R075 R14E S31 N25W
R075 R14E S36 N25W
R075 R14E S36 N25W
R075 R14E S36 N25W

STAGE: DEGREE
WATER DISTRICT: 36A

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A36-00003B	A36-00003C	A36-00003E	A36-00003F	A36-00003G	A36-00003J	A36-00006	A36-00007	A36-00008	A36-00021B
A36-00022	A36-00023	A36-00033F	A36-00034B	A36-00035J	A36-00039C	A36-00039D	A36-00039E	A36-00039J	A36-00039M
A36-00039N	A36-00041A	A36-00041C	A36-00042A	A36-00048A	A36-00049	A36-00050D	A36-00051D	A36-00055AF	A36-00055BC
A36-00060	A36-00061	A36-00062	A36-00063	A36-00064B	A36-00068	A36-00069	A36-00070	A36-00071A	A36-00075
A36-00077C	A36-00079	A36-00086C	A36-00089A	A36-00090A	A36-00090F	A36-00092	A36-00094A	A36-00096A	A36-00097
A36-00098	A36-00099	A36-00100	A36-00101	A36-00103C	A36-00103F	A36-00106	A36-00108A	A36-00108B	A36-00110A
A36-00110B	A36-00111A	A36-00111B	A36-00112A	A36-00112B	A36-00113H	A36-00113J	A36-00119	A36-00120	A36-00121
A36-00123A	A36-00123E	A36-00133	A36-00134A	A36-00134C	A36-00135B	A36-00135C	A36-00141	A36-00192	A36-02002
A36-02038	A36-02169	A36-04091	A36-04142	A36-04260	A36-07071	A36-07081	A36-07089	A36-07092A	A36-07142
A36-07142A	A36-07172	A36-07229	A36-07233	A36-07346	A36-07658	A36-07875	A36-08099	A36-08317	A36-10055
A36-10119	A36-10120	A36-10140	A36-10141	A36-10168	A36-10231	A36-10249	A36-10283	A36-10283B	A36-10405
A36-10520	A36-10906	A36-15166	A36-15168	A36-15240	A36-15463				

TOTAL RECORDS IN SELECTION FILE: 116

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FEB 10 1993
Department of Water Resources

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

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23
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

* * * * *

10 In Re the General Adjudication)
11 of Rights to the Use of Water)
12 from the Snake River Basin)
13 Water System)

Case No. 39576

14 The State of Idaho, ex rel.
15 R. Keith Higginson in his
16 official capacity as director
17 of the Idaho Department of
18 Water Resources,

NOTICE OF APPEARANCE

19 Petitioner,

20 vs.

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

Respondents.

* * * * *

PLEASE BE NOTIFIED that the firm of Hepworth, Nungester
& Lezamiz, Chartered, hereby appears on behalf of Hagerman Water



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 1

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1 Users, Inc. and its individual members:

2	Anderson, Anita G.	A36-00050D
	Babington Lynn J. & Kathy	A36-00003C
3	Banbury Pipe Co., Inc.	A36-10906
	Banbury Pipe Co., Inc.	A36-02038
	Big Bend Irrigation & Mining Co.	A36-00192
4	Big Bend Irrigation & Mining Co.	A36-00133
	Big Spring Water User's Assoc.	A36-00022
5	Big Springs Water User's Assoc.	A36-00023
	Big Springs Water User's Assoc.	A36-15166
6	Blastock, Alma E.	A36-00108B
	Bolduc, Mark E.	A36-00103C
7	Boyer, Dale E. & Elaine M.	A36-00079
	Brailsford, Robert H.	A36-04260
	Brooks, Allen L. & Andree	A35-00060
8	Brooks, Allen L. & Andree	A36-07346
	Bybee, Gertrude B. Owsley	A36-00042A
9	Bybee, Gertrude B. Owsley	A36-00041C
	Candy, Walter W. & Margaret	A36-00135B
10	Candy, Walter W. & Margaret	A36-00134A
	Clouser, Doris H. & John F.	A36-00090A
11	Clouser, Doris H. & John F.	A36-00089A
	Crandlemire, Roger C. & George C.	A36-00113H
12	Crandlemire, Roger C. & George C.	A36-00112B
	Crandlemire, Roger C. & George C.	A36-00111B
	Crandlemire, Roger C. & George C.	A36-00113J
13	Crandlemire, Roger C. & George C.	A36-00110B
	Crandlemire, Roger C.	A36-00134C
14	Crandlemire, Roger C.	A36-00135C
	Crandlemire, Roger C.	A36-10140
15	Crandlemire, Roger C.	A36-10141
	DeVries, Abraham & Hermina	A36-00055AF
16	Dice, Philip F. & Judith A.	A36-00041A
	Dice, Philip F. & Judith A.	A36-10405
	Erwin, Frank C. & Peggy	A36-00092
17	Fleming, Michael J. & Paul F.	A36-00064B
	Flint, William E. and Vera C.	A36-00110A
18	Flint, William E. and Vera C.	A36-00111A
	Flint, William E. and Vera C.	A36-00112A
19	Flint, William E. and Vera C.	A36-10168
	Fuell, Keith L. & Jolene	A36-00086C
20	Gardner, Barbara & Robert B.	A36-00003B
	Gardner, Barbara	A36-00003J
21	Gisler, Harry R.	A36-00021B
	Gisler, Bradley	A36-00077C
	Glauner, Frank L. & Joan	A36-00039E
22	Grigg, Mattie P. & Golden T.	A36-10283B
	Gustafson Family Trust/Gustafson	A36-00033F
23	Ivan J. & Lucille co-trustees	
	Hagerman Gun Club	A36-00100



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NOTICE OF APPEARANCE - 2

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1	Hagerman Gun Club	A36-00099
	Hagerman Gun Club	A36-07233
2	Hagerman Gun Club	A36-07172
	Hagerman Gun Club	A36-10249
3	Hagerman Water Users Assoc.	A36-15168
	Jensen, Alice	A36-00055BC
	Johnson, Ira L. & Huguette M.	A36-07142
4	Joint Hagerman School Dist 233	A36-15463
	Jones, John W., Jr.	A36-00068
5	Jones, John W., Jr.	A36-00069
	Jones, John W., Jr.	A36-07071
6	Jones, John W., Jr.	A36-00070
	Kipp, Rudy B. & Elberta M.	A36-10119
7	Kipp, Rudy B. & Elberta M.	A36-10120
	Kipp, Rudy B. & Elberta M.	A36-07658
	Kiser, John & Karl Woodall & Sons, Inc	A36-00071A
8	Kiser, John & Karl Woodall & Sons, Inc	A36-00075
	Korbis, George J. & Nellie W.	A36-00039N
9	Laughlin, Craig J. & Rita D.	A36-7089
	Laughlin, Craig J. & Rita D.	A36-00051D
10	Littlefair, Larry & Tara	A36-0121
	Littlefair, Larry & Tara	A36-10055
11	Littlefair, Larry & Tara	A36-00119
	Littlefair, Larry & Tara	A36-00120
12	Lloyd, Cleave C.	A36-04142
	Lloyd, Cleave C.	A36-00003G
	McFaddan, Dan H. & Irma R.	A36-2169
13	McFaddan, Dan H. & Irma R.	A36-00048A
	McFaddan, Dan H. & Irma R.	A36-00049
14	Morris, Howard & Rhonda	A36-00063
	Morris, Howard & Rhonda	A36-00061
15	Morris, Howard & Rhonda	A36-00062
	Mueller, Manfred	A36-00035J
16	Norwood Subdivision/	A36-15240
	Ruby Springs Water Company	A36-07092A
	Potter, Mark B. & Susan H.	A36-00039J
17	Rawson, Frank S. & Carol A.	A36-00123A
	Reese, Bruce W. & LaRose A.	A36-04091
18	Reese, Bruce W. & LaRose A.	A36-10231
	Rue, James O. & Beverly Jane	A36-07142A
19	Shaffer, Roger	A36-00034B
	Simcoe, Doyt H. & Roxie J.	A36-00003F
20	Simpson, Michael, on behalf of	A36-0123E
	Josephine Simpson Estate	
21	Simpson, Michael, on behalf of	A36-0096A
	Josephine Simpson Estate	
	Strange, Wm. (Penelope Turner-remainder man)	A36-00006
22	Strange, Wm. (Penelope Turner-remainder man)	A36-00007
	Strange, Wm. (Penelope Turner-remainder man)	A36-00008
23	Veenendaal, Dick J.	A36-00108A
	Veenendaal, Dick J.	A36-00039C



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NOTICE OF APPEARANCE - 3

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OCT 11 1994

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

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

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

14
 15 By 
 16 PATRICK D. BROWN
 Attorneys for Respondents

17
 18 CERTIFICATE OF MAILING

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



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 & Lezamiz

NOTICE OF APPEARANCE - 4

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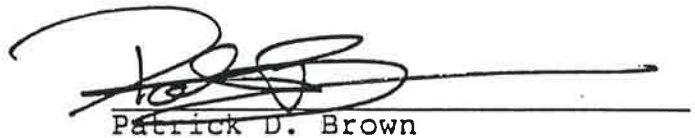
1 February, 1993, to:

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

4 Clive Strong
5 Chief Natural Resources Division
6 Office of Attorney General
Statehouse
Room 210
Boise, Idaho 83720

7 David Shaw
8 Adjudications Bureau Chief
9 Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

10 United States Department of Justice
11 Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83734

12
13 
14 Patrick D. Brown



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& Lezamiz

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OCT 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

Patrick D. Brown
Hepworth, Nungester and Lezamiz
133 Shoshone St. N.
P.O. Box 389
Twin Falls, ID 83303-0389

Re: Notice of Appearance

Dear Mr. Brown:

We received your Notice of Appearance on behalf of Hagerman Water Owners, Inc. and its individual members on February 10, 1993. The records listed on the notice were updated with some exceptions.

Claim numbers with "A" prefixes identify claims filed in the SRBA. Claim numbers without prefixes identify recommendations in the Director's Report. The following table identifies claimants for which you filed a notice of appearance, but the number you referred to is actually the identification of the recommendation. They have been updated with the notice information.

Claimant's Name	Recommendation No. (no "A" prefix)
Bybee, Gertrude B. Owsley	36-00042A 36-00041C
Candy, Walter W. & Margaret	36-00135B
Crandlemire, Roger C.	36-00134C 36-00135C
Gustafson Family Trust/Gustafson, Ivan J. & Lucille co-trustees	36-00033F
McFaddan, Dan H. & Irma R.	36-00048A
Muller, Manfred	36-00035J
Zink, Basil Lester & Myrle Hyde	36-00103F

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

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

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Mr. Patrick D. Brown
 March 1, 1993
 Page 3

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

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

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

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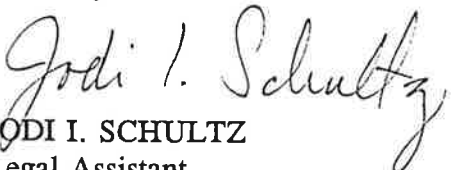
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

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

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

Sincerely,


JODI I. SCHULTZ
Legal Assistant
Idaho Department of Water Resources

cc: IDWR Southern Region

MICROFILMED
OCT 11 1994

CA

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: A36-00063
Date Received: ~~12/12/1988~~ 8-26-88
Receipt No: S002275
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOWARD L. MORRIS 208-837-6213
Address: 1101 EAST 2900 SOUTH
RT. 1
HAGERMAN, ID 83332

AND

Name: RHONDA K. MORRIS 208-837-6213
Address: 1101 EAST 2900 SOUTH
RT. 1
HAGERMAN, ID 83332

2. Date of Priority: NOV 01, 1915

3. Source: SPRINGS Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	14E	30	SE	NE	SW		GOODING

5. Description of diverting works:
DIVERSION AT SPRINGS, STEEL PIPELINE, PUMP & MOTOR, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		
STOCKWATER	01/01	12/31	0.070		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 375.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME, S/300 CATTLE

A36-00063

Page 1

Date: 02/07/89

MICROFILMED
JAN 21 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	36	NE		NE		IRR	30.0
			NE		NE		DOMEST	
			NE		NE		STOCK	
			SW		NE		IRR	5.0
			SW		NE		STOCK	
			SE		NE		IRR	40.0
			SE		NE		STOCK	
			NE		SE		IRR	15.0
			NE		SE		STOCK	
	14E	31	NW		NW	1	IRR	5.0
			NW		NW	1	STOCK	
			SW		NW	2	IRR	30.0
			SW		NW	2	STOCK	
							Section Acres	35.0
							Total Acres	125.0

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:
36-00061, 36-00062

14. Remarks:
SOURCE LOCALLY KNOW AS WEATHERBY SPRINGS
THIS AMOUNT OF WATER IS NEEDED TO IRRIGATE THE PROPERTY BECAUSE
IT IS VERY SANDY IN NATURE.

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

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

MICROFILMED
JAN 21 1993

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED
JAN 21 1993

RECEIVED

36-00063 SOUTH
BT

AUG 31 1998

Department of Water Resources
Southern Region

North Snake Ground Water District

Josephine P. Beeman
Dana L. Hofstetter
BEEMAN & HOFSTETTER, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, ID 83701-1427
(208) 388-8900
(208) 388-8400 (Facsimile)
beehof@micron.net

RECEIVED

AUG 17 1998

Department of Water Resources

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

In Re SRBA	)	Subcase Nos. 36-00061, 36-00062,
	)	and 36-00063
Case No. 39576	)	
	)	NOTICE OF CHANGE OF
_____	)	HEARING DATE AND TIME

PLEASE TAKE NOTICE that the August 24, 1998 hearing on the *Motion to Alter or Amend* previously set for 10:00 a.m. has been changed to **September 2, 1998 at 1:30 p.m.**

Undersigned counsel certifies that all parties to these subcases have indicated they do not oppose this change in date and time.

DATED this 14th day of August, 1998.

BEEMAN & HOFSTETTER, P.C.

By

Josephine P. Beeman
Josephine P. Beeman

RECEIVED

MAY 01 1998

Department of Water Resources
Southern Region

RECEIVED

MAR 23 1998

Department of Water Resources
Adjudication Bureau

1998 MAR 19 PM 3:02

FILED
IDAHO

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

In Re SRBA

) Subcase 36-00063

Case No. 39576

) SPECIAL MASTER'S REPORT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 36-00063 was filed. Subsequently, a *Standard Form 5* was filed as to how the elements of this water right should be decreed. The *Standard Form 5* was accepted by the court; now therefore,

IT IS THEREFORE RECOMMENDED that subcase 36-00063 be decreed as recommended in the attached *Special Master's Report and Recommendation for Partial Decree*.

DATED March 19, 1998.


FRITZ X. HAEMMERLE
Special Master, Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-00063

1998 MAR 19 PM 3:02
DISTRICT COURT
TWIN FALLS, IDAHO
FILED *DL*

NAME & ADDRESS: RHONDA K MORRIS
HOWARD L MORRIS
1101 E 2900 S
HAGERMAN ID 83332

SOURCE: HOAGLAND TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.8 CFS

PRIORITY DATE: 11/01/1915

POINT OF DIVERSION: T07S R14E S30 SENESW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.8 CFS

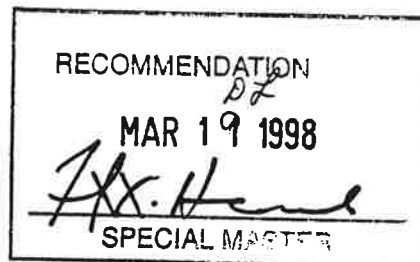
PLACE OF USE:	IRRIGATION	Within GOODING County			
	T07S R13E S36	NENE 30	SWNE 5	SENE 40	NESE 15
	R14E S31	Lot 1 (NWNW) 3	Lot 2 (SWNW) 30		
	123 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHT NOS. 36-00061 & 36-00062 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 123 ACRES IN A
SINGLE IRRIGATION SEASON.

RULE 54(b) CERTIFICATE

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

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication



1998 MAR 19 PM 3:02

DIST. CLERK
TWIN FALLS, IDAHO
FILED

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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 36-00063

On March 19, 1998, Special Master FRITZ X HAEMMERLE issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

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

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

DATED March 19, 1998.


DEBBIE LASH
Deputy Clerk

1998 MAR 19 PM 3:02

DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
FILED *[Signature]*

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-00063

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S
REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE
OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed
on March 19, 1998, with sufficient first-class postage prepaid to
the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO

Represented by:

CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

HOWARD L. MORRIS
MORRIS, RHONDA K.
1101 EAST 2900 SOUTH
HAGERMAN, ID 83332

CERTIFICATE OF MAILING

[Signature: Debbie Lash] PAGE 1
DEBBIE LASH 03/19/98
Deputy Clerk

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

DATE: NOV-26-1997

PAGE: A-4

RIGHTS FROM: SOURCE: HOAGLAND TUNNEL TRIBUTARY: BILLINGSLEY CREEK

RIGHT NUMBER: 36-00063

NAME AND ADDRESS: RHONDA K MORRIS
HOWARD L MORRIS
1101 E 2900 S
RT 7
HAGERMAN ID 83332SOURCE: HOAGLAND TUNNEL TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.8 CFS

PRIORITY DATE: 11/01/1915

POINT OF DIVERSION: T07S R14E S30 SENESEW Within GOODING County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 0.8 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S36 NENE 30 SWNE 5 SENE 40 NESE 15
R14E S31 Lot 1 (NWNW) 3 Lot 2 (SWNW) 30
123 ACRES TOTAL
0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 36-00061 & 36-00062 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 123 ACRES IN A
SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREEWATER IS DELIVERED THROUGH HOAGLAND DITCH.

Department of Water Resources
Southern Region

RECEIVED

DEC 15 1997

Department of Water Resources

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

In Re SRBA

Case No. 39576

STANDARD FORM 5

SUBCASE NO: 36-00063

STIPULATED ELEMENTS OF A WATER RIGHT

THIS FORM MAY ONLY BE USED IF ALL PARTIES HAVE STIPULATED TO ALL ELEMENTS OF ONE WATER RIGHT AND MAY BE SUBMITTED AT ANY TIME FOLLOWING THE CLOSE OF THE STATUTORY RESPONSE PERIOD.

INSTRUCTIONS

This form has been adopted by the court in SRBA Administrative Order 1, Rules of Procedure (amended Oct. 16, 1997), Section 4, which may be consulted for further information.

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

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

A copy of this water right as recommended in the Director's Report shall be submitted with this form. A statement shall accompany each element of a water right.

Statement and Stipulation of Parties and IDWR

Parties/Claimants and IDWR agree that the above referenced water right should be as described in the attached printout entitled Recommended Water Rights Under State Law.

Review By IDWR

To speed up entry of a decree, the parties are encouraged to talk to the Idaho Department of Water Resources about their proposed settlement and have IDWR indicate its concurrence by signing the Standard Form 5.

Where all parties have signed, a Standard Form 5 may be filed with the court without the concurrence of IDWR. However, the parties must certify that they have served IDWR with a copy of the Standard Form 5 and that they have made a good faith attempt to resolve the matter with IDWR.

Within 14 days of filing a Standard Form 5 not containing an IDWR concurrence, IDWR shall file a statement of its position with the court.

If IDWR has not concurred by signing below, signing parties certify that they have served a copy of this document on the Idaho Department of Water Resources and have made a good faith attempt to obtain IDWR'S concurrence, but have failed.

Signatures and Addresses of Parties and their Attorney of Record (attach additional page if necessary):

I have read this form and know its contents and that the statements are true to the best of my knowledge.

Name: Howard Morris

Address: 1101 East 2900 South

City/State/Zip: Hagerman, ID 83332

Attorney of Record: N/A

Name: Idaho Dept. of Water Resources

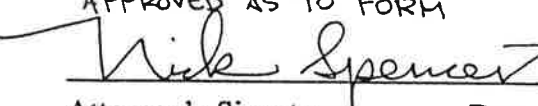
Address: P.O. Box 83720

City/State/Zip: Boise, ID 83720-0098

Attorney of Record: Charles L. Honsinger


Parties Signature Date
 12-11-97


IDWR Concurrence Date
11-26-97

APPROVED AS TO FORM

Attorney's Signature Date
FOR CHARLES L. HONSINGER 11-26-97

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on Dec 11, 1999, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

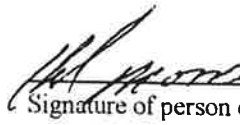
1. Original to:

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

2. Copies to:

Charles L. Honsinger
Idaho Dept. of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Howard Morris
1101 East 2900 South
Hagerman, ID 83332



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES SURFACE IRRIGATION ANALYSIS WORKSHEET

WATER RIGHT NOS.

36-00061

36-00062

36-00063

The following information is submitted to the Idaho Department of Water Resources to allow it to form an opinion regarding the amount of water needed to irrigate my fields using a surface water irrigation system.

My fields were historically irrigated using a surface water system: ☒ Yes ☐ No

My typical cropping pattern, based upon the percentage of my total acreage, is as follows:

FORAGE/GRAIN/OTHER (hay, pasture, grain, mint)

100 %

ROW CROPS (beans, potatoes, sugar beets, corn)

100 %

My total acreage is 128 acres.

[Signature]
Signature of Claimant

11-17-97
Date

[Signature]
Signature of Claimant

11-17-97
Date

[Signature]
Signature of IDWR agent

11/19/97
Date

SUBCASE NO. 36-00061

	CLAIM (8/26/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Howard & Rhonda Morris	N/A	Howard & Rhonda Morris	Howard & Rhonda Morris
BASIS OF CLAIM	Decree		Decree	
SOURCE	Weatherby Springs		Hoagland Tunnel	
QUANTITY	2.22 cfs		2.22 cfs	XX - requests maximum quantity as decreed and/or beneficially used, "whichever is higher"
PRIORITY DATE	12/12/1901		12/12/1901	
PURPOSE OF USE	Irrigation Stockwater Domestic		Irrigation Stockwater Domestic	MSJ requests irrigation, stockwater, wildlife, recreation, aesthetics, domestic and "diversion system maintenance"
PERIOD OF USE	Irr.: 3/15 - 11/15 S.W.: 1/1 - 12/31 Domestic: 1/1 - 12/31		Irr.: 3/15 - 11/15 S.W.: 1/1 - 12/31 Domestic: 1/1 - 12/31	XX - requests year round for all uses. MSJ requests Irrigation Season for irrigation and year round for other uses
POINT OF DIVERSION	T07S R14E S30		T07S R13E S30	
PLACE OF USE	T07S R13E S36 T07S R14E S31 125.0 acres		T07S R14E S36 121.0 acres Re-formatted on 8/25/1993 to: T07S R13E S36 - attached to IDWR's Response to Objection	XX - domestic use is R13 (not 14); requests that 4 acres be added.

remarks	"Source locally known as Weatherby Springs. This amount of water is needed to irrigate the property because it is very sandy in nature."		"The appropriator is entitled to the amount of water described above for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described above. The portion of this right for stockwater purposes may be diverted so long as the amount of water diverted at the point of diversion for stockwater purposes does not constitute unreasonable waste and does not conflict with the public interest, as determined by the director. Water is delivered through the Hoagland Ditch. Use of this right with right no. 36-00062 is limited to a total annual consumptive use volume of 363 af, and to the irrigation of a combined total of 121 acres in a single irrigation season."	XX - requests that all remarks except "water delivered through Hoagland Ditch" be deleted. MSJ requests that all remarks be deleted.

HAGERMAN

Surface Irrigation Diversion Rate Analysis Sheet

WR#'s 36-00062
61

SOIL	SOIL AC.	% ROW	ROW AC.	FIR ROW	CFS ROW	% FOR.	FOR. AC.	FIR FOR.	CFS FOR.
CHB	10.70	100	10.70	0.035	0.375	—	—	0.024	—
FKE	43.97	100	43.97	0.046	2.023	—	—	0.030	—
KOB	64.74	100	64.74	0.037	2.395	—	—	0.027	—
TOTALS	119.41		119.41		4.793		—		—

REC.
FIR

4.94 *

CFS

=

SUM

4.793

CFS

X

123

REC. AC.

119.41

GIS AC.

DATE 11/20/97

INIT. JP

*ADD CONVEYANCE LOSS (IF APPLICABLE) FOR
TOTAL IRRIGATION DIVERSION REQUIREMENT

DIVERSION CAPACITY OR LIC./DEC. AMOUNT MAY LIMIT

36-00062

OVERLAY 61

<i>Pol_id</i>	<i>Soil_type</i>	<i>Acres_dec</i>	<i>Mad_row</i>	<i>Mad_for</i>	<i>Fit_row</i>	<i>Fit_for</i>	<i>Soil_pov</i>
587	CHB	10.70	1.34	2.48	0.035	0.024	587 CHB
587	FKE	43.97	0.91	1.71	0.046	0.030	587 FKE
587	KOB	64.74	1.23	1.99	0.037	0.027	587 KOB

IDAHO DEPARTMENT OF WATER RESOURCES SURFACE IRRIGATION ANALYSIS WORKSHEET

WATER RIGHT NOS.

36-00061
36-00062
36-00063

The following information is submitted to the Idaho Department of Water Resources to allow it to form an opinion regarding the amount of water needed to irrigate my fields using a surface water irrigation system.

My fields were historically irrigated using a surface water system: ☒ Yes ☐ No

My typical cropping pattern, based upon the percentage of my total acreage, is as follows:

FORAGE/GRAIN/OTHER (hay, pasture, grain, mint)

100 %

ROW CROPS (beans, potatoes, sugar beets, corn)

100 %

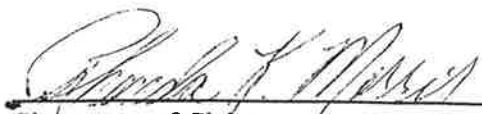
My total acreage is 128 acres.



Signature of Claimant

11-17-97

Date



Signature of Claimant

11-17-97

Date



Signature of IDWR agent

11/19/97

Date

AJ0749NP
No. R36-00063

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

DATE: 11/24/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RHONDA K MORRIS	11/01/1915	IRRIGATION	03-15 11-15	0.80 CFS	
C	HOWARD L MORRIS					
	1101 E 2900 S					
	HAGERMAN ID 83332					
	(208) 837-6213					
				TOTAL DIVERSION:	0.80 CFS	

Water Source: HOAGLAND TUNNEL

Tributary to: BILLINGSLEY CREEK

Stage: DECREED

Point(s) of Diversion:

T07S R14E S30

SENESEW

GOODING County

Place of use Legal Description for: IRRIGATION

												NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	13E	36	:	30				05		40		:									:							:	90.0
07S	14E	31	:									:			01-03	02-30					:							:	33.0
																												TOTAL ACRES	123.0

POU County: GOODING

Other Rights: 36-00061, 36-00062

Remarks: POU1 USE OF THIS RIGHT WITH RIGHT NOS. 36-00061 & 36-00062 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 123 ACRES IN A
SINGLE IRRIGATION SEASON.

EXP WATER IS DELIVERED THROUGH HOAGLAND DITCH.

Dates: Exam Made Date: 08/21/1990

Verified Date:

Objection Filed Date:

Misc: Water District Number: 36A

Field Inspection Flag:

Presumption Flag: C

Comments: Date: 07/31/1992 User-ID: WORSTELL Subject: COPIED FROM REMARKS
SOURCE LOCALLY KNOW AS WEATHERBY SPRINGS
THIS AMOUNT OF WATER IS NEEDED TO IRRIGATE THE PROPERTY BECAUSE
IT IS VERY SANDY IN NATURE.
WATER IS DELIVERED THROUGH THE HOAGLAND DITCH.

Date: 02/19/1993 User-ID: SCHULTZ Subject: ADDED NEW ATTORNEY

AJ0749NP
No. R36-00063

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

DATE: 11/24/97
PAGE: 2

=====

Comments: Date: 02/19/1993 User-ID: SCHULTZ Subject: ADDED NEW ATTORNEY
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ
2/10/93.
CLAIM VERIFIED 7/31/92. DID NOT REVERIFY CLAIM.

Date: 11/24/1997 User-ID: SCLELLAN Subject: REFORMAT & SF5 UPDATE
CONFORMED TO SETTLEMENT ON 11/19/97.

Audit: 11/24/97 SCLELLAN

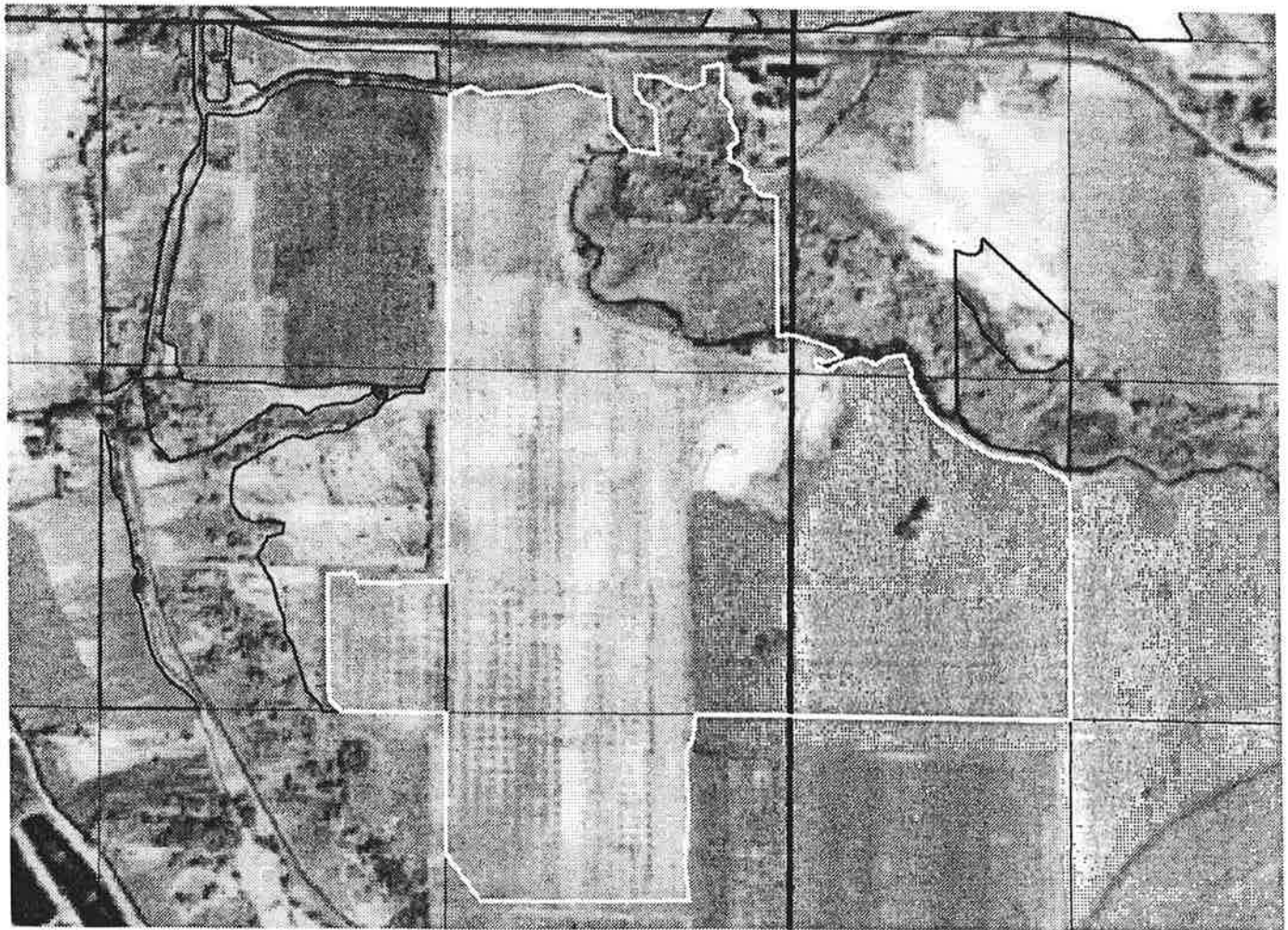
SUBCASE NO. 36-00063

	CLAIM (8/26/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Howard & Rhonda Morris	N/A	Disallowed	Howard & Rhonda Morris
BASIS OF CLAIM	Decree			
SOURCE	Springs			
QUANTITY	0.80 cfs			
PRIORITY DATE	11/1/1915			
PURPOSE OF USE	Irrigation Stockwater Domestic			MSJ requests irrigation, stockwater, wildlife, recreation, aesthetics, domestic and "diversion system maintenance"
PERIOD OF USE	Irr.: 3/15 - 11/15 S.W.: 1/1 - 12/31 Domestic: 1/1 - 12/31			MSJ requests Irrigation Season for irrigation and year round use
POINT OF DIVERSION	T07S R14E S30			
PLACE OF USE	T07S R13E S36 T07S R14E S31 125.0 acres			
remarks	"Source locally known as Weatherby Springs. This amount of water is needed to irrigate the property because it is very sandy in nature."		<i>irrigation allowed as claimed 11/19/97 su</i>	XX - water right not being recommended. *

* requests that water right be recommended as claimed with a year round season of use.

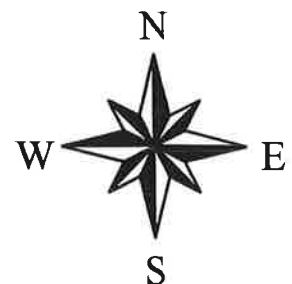
IDAHO DEPARTMENT OF WATER RESOURCES

36-00061 & 36-00062
HOWARD & RHONDA MORRIS



660 0 660 1320 Feet

TNS 7S, RNG 13E, SEC 36
TNS 7S, RNG 14E, SEC 31



⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE



SECTION LINES



QUARTER/QUARTER LINES

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

M NUMBERS 36-000616-0006336-00062DATE 10/16/97AGENT R

TRANSFER NUMBER

OBJECTION FILED ☒TOTAL ACRES FROM RECOMMENDATION 121GEOGRAPHIC INFO SYSTEM 119.44

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	075	13E	36	30		5	40									15			90
GIS				29.57		5.16	39.93									15.18			89.84
RECOM																			
GIS	075	14E	31					1	30										31
RECOM								.85	28.75										29.6
GIS								3											3
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED 123 ACB36-DBPOU.DBF 587 ✓B36-DBPOD.DBF 469 ✓

POLYGON CREATED ON 604

ATTRIBUTES OF B36-POU.SHP (587)

ATTRIBUTES OF B36-POD.SHP (469) SENE SW-30

(Hoagland Tunnel)

Added 2 acres in S. 31 NWNW @ settlement. 11/19/9736-00063 → disallowed (recommended as 36-00061)P/U CONFLICT yes () no ☒P/D CONFLICT yes () no ☒READY FOR DECREE yes ☒ no ()

SENT FOR DECREE yes () no ()

MEMORANDUM

TO: Claim Files, see below
FROM: Douglas Jones, Water Rights Supervisor, Adjudication Bureau
DATE: July 12, 1996
RE: "706" reports submitted to court

In response to an order from the court, resulting from the Motions for Summary Judgement filed on the subcases, IDWR has prepared the following documents:

- 1) DIRECTOR'S SUPPLEMENTAL REPORT
- 2) REPORT REGARDING QUANTIFICATION OF SMALL DOMESTIC AND STOCKWATER USES
- 3) REPORT REGARDING CONSUMPTIVE USE IN THE HAGERMAN AREA
- 4) REPORT REGARDING EVALUATION OF IRRIGATION DIVERSION RATES
- 5) HAZEN, W; GIBSON, G; NEIBLING, H; CROP WATER REQUIREMENTS IN THE HAGERMAN VALLEY; IN A REPORT TO HAGERMAN WATER RIGHT OWNERS ASSOCIATION
- 6) GUIDELINES FOR THE EVALUATION OF IRRIGATION DIVERSION RATES ("HUBBLE REPORT") IN A REPORT TO IDWR
- 7) EVALUATION WORKBOOK FOR IRRIGATION DIVERSION RATES
- 8) AFFIDAVITS FROM:
 - a. David B. Shaw
 - b. Steve Clelland: As to investigation of claims in the Hagerman area
 - c. Helen Harrington-Thornton: Regarding investigation of claims in the Hagerman area
 - d. Marci Sterling
 - e. Jeff Peppersack
 - f. David R. Tuthill, Jr
 - g. Carter Fritschle: Regarding planimeter measurements of claims 36-00064B and 36-00079
- 9) REPORTS REGARDING ... (each specific claim, 24 in all)

Submittals 1-8 can be referenced in the file cabinet section titled "SPECIAL REPORTS" which follows the irrigation claims within Basin 36. The reports regarding specific rights can found in the file jacket for that right.

CLAIMS

36-00003A	36-00003C	36-00003E	36-00003F	36-100034B
36-00035J	36-00039C	36-00039E	36-00039J	36-00039N
36-00047	36-00061	36-00062	36-00063	36-00064B
36-00079	36-00085A	36-00086C	36-00092	36-00103F
36-00106	36-00108B	36-10283B	36-10409	

MICROFILMED

DEC 04 1996

1976 JUL -1 PM 3:16

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

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00063

In Re SRBA

Twin Falls County Civil Case No. 39576

Sub-Case No. 36-00063

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources

Karl J. Dreher, Director

David B. Shaw, Adjudication Bureau Chief

David R. Tuthill Jr., Acting Adjudication Bureau Chief

July 1, 1996

COPY

MICROFILMED

DEC 04 1996

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00063

The Director of the Idaho Department of Water Resources (IDWR) submits this report regarding claim to water right no. 36-00063 in response to the request of Special Master Haemmerle, pursuant to Idaho Code §42-1412(4) and the court's Order Re: Contested Claims for Amounts Claimed in Excess of .02 CFS. This report was prepared under the supervision of Karl J. Dreher, Director, David B. Shaw, Adjudication Bureau Chief, and David R. Tuthill Jr., Acting Adjudication Bureau Chief for IDWR. The following persons assisted in the preparation of the following portions of this report:

David B. Shaw, Adjudication Bureau Chief, reviewed and verified this Report Regarding Claim to Water Right No. 36-00063. The Affidavit of David B. Shaw describes Mr. Shaw's education and work experience, and is incorporated by reference herein.

David R. Tuthill Jr., Acting Adjudication Bureau Chief, also reviewed this Report Regarding Claim To Water Right No. 36-00063. The Affidavit of David R. Tuthill Jr. describes Mr. Tuthill's education and work experience, and is incorporated by reference herein.

Steven C. Clelland, Senior Water Resource Agent, investigated and prepared the preliminary recommendation for claim no. 36-00063. The Affidavit of Steven C. Clelland describes Mr. Clelland's education and work experience, and is incorporated by reference herein. The affidavit also includes a general description of his investigation of claims in the Hagerman area.

Helen L. Harrington-Thornton, formerly Senior Water Resource Agent and currently Hydrogeologist, participated in the field examination for claim no. 36-00063. The Affidavit of Helen L. Harrington-Thornton describes Ms. Thornton's education and work experience, and is incorporated by reference herein.

I. INVESTIGATION AND RECOMMENDATION OF CLAIMS GENERALLY

IDWR's general methodology for the investigation and recommendation of claims is described in Appendix A, which is incorporated herein by reference.

II. WATER RIGHT NO. 36-00063

A. Basis of Claim

Claim no. 36-00063 was filed with IDWR by Howard L. and Rhonda K. Morris on August 26, 1988.¹ The claim is to a one of three rights decreed to Mr. and Mrs. L.W. Hoffman in the *New International Mortgage* decree, entered in 1932.² The water rights decreed to the Hoffmans are numbered in IDWR's files as water right nos. 36-00061, 36-00062, and 36-00063. All three were decreed for use on the same lands; all three were decreed, along with numerous others, for "irrigation, domestic, power and other purposes." The claimants also claimed right nos. 36-00061 and 36-00062, filed objections to the director's recommendations as to these claims, and filed motions for summary judgment in the subcases as to these claims. IDWR's Report Regarding Claim to Water Right No. 36-00061 and IDWR's Report Regarding Claim to Water Right No. 36-00062 are incorporated herein by reference.

B. Name and Address of Claimant

The name and address of the claimant set forth in the claimant's motion for summary judgment is the same as recommended in the director's report.

C. Recommendation of Disallowal

As noted above, the claimant claimed right nos. 36-00061, 36-00062, and 36-00063; each of these claims are to water from the same source for the same uses on the same lands. The claimant claimed 2.22 cfs under right no. 36-00061, 0.28 cfs under right no. 36-00062, and 0.80 cfs under right no. 36-00063. These are the same amounts for which each right is decreed in the *New International Mortgage* decree. The claimant claimed a total of 3.3 cfs for irrigation; the claimant also claimed 0.07 cfs for stockwater and 0.04 cfs for domestic use on each of the three claims. IDWR recommended a total of 2.42 cfs, which includes 2.22 cfs pursuant to 36-00061, which has the earliest priority, and 0.20 cfs pursuant to 36-00062, which has the next earliest priority, and recommended 36-00063 for disallowal. IDWR recommended 0.07 cfs for stockwater and 0.04 cfs for domestic use as part of water right no. 36-00061. The basis for IDWR's recommendations is described in IDWR's

¹ The original notice of claim is currently located in the files of the SRBA District Court, attached to IDWR's response to the claimant's objection.

² *New International Mortgage Bank v. Idaho Power Co., et al.*, Equity No. 1602 (D.S.Id. 1932), at pp. 3-4.

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00063

Report Regarding Claim to Water Right No. 36-00061 and IDWR's Report Regarding Claim to Water Right No. 36-00062.

State of Idaho)
) ss.
County of Ada)

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

That I am the Adjudication Bureau Chief for IDWR, that I have read the foregoing report, know its contents, and that the statements contained therein are true to the best of my knowledge and belief.



David B. Shaw

Subscribed and sworn to before me this 15th day of July, 1996.



Notary Public for Idaho
Residing at: Boise ID
My commission expires: 11-14-1998

Certificate of Service

I certify that on the 15th day of July, 1996, I hand-delivered copies of the foregoing document, including all attachments, to the following:

Patrick D. Brown
133 Shoshone St North
Twin Falls, ID 83303



Person mailing document(s)

APPENDIX A

A. INVESTIGATION AND RECOMMENDATION OF CLAIMS GENERALLY

To promote the accuracy and consistency of water right decrees, and to minimize the burden on the court and the claimants in a water right adjudication, the state has made the specialized expertise of IDWR available through IDWR's investigation and reporting function.¹

The resources the state has made available for this function, however, are limited. IDWR has the duty to conduct a reasonable investigation within the spending authority granted by legislative appropriation. Those resources are not sufficient for IDWR to exhaustively investigate each and every potentially relevant fact regarding each and every claim and to make a conclusive determination of the water right. Rather, IDWR reviews the claim and the information already available to IDWR, and conducts such further investigation as is reasonable to determine whether there is sufficient information to support recommendation of the water right to be decreed.

To make the most efficient use of the available resources, IDWR must make determinations as to what is a reasonable level of investigation for various classes of claims prior to making a recommendation to the court regarding any particular claim. IDWR has employed two primary mechanisms to identify a reasonable level of investigation. First, the statutes set criteria and IDWR has developed standards for various types of uses, requiring less information to support a claim to water within those standards and more information to support a claim outside those standards. Second, IDWR has adopted a "tier" approach, identifying classes of claims which for various reasons merit further investigation.

Generally, with claims based on beneficial use², IDWR conducts a "licensing type" field exam, which includes confirmation of the source, point(s) of diversion, purpose(s) of use, place(s) of use, and an examination of the water delivery system and the quantity of water beneficially used. IDWR also contacts the claimant to obtain information supporting the priority date claimed. This level of examination is conducted because there has been no prior administrative or judicial

¹ Idaho Code §§ 42-1410 and 42-1411.

² Water rights based on beneficial use are sometimes referred to as constitutional rights or grandfather rights.

confirmation of the existence and extent of a water right based on beneficial use.³

Generally, for water rights that have been previously confirmed by license or decree, IDWR begins its examination by comparing the claim to information already available to IDWR. Other information includes, for example, IDWR's decree files; license, permit and transfer files; remotely sensed data, including Landsat imagery of irrigated acres and aerial photography; watermaster reports; applicable laws and IDWR's interpretation of those laws in light of the water resource policies of the state; etc. If there are discrepancies between the claim and information already available to IDWR, IDWR conducts further investigation to resolve the discrepancy, which generally includes a field exam and/or contacting the claimant for further information. Thus, where there has been a prior judicial or administrative confirmation of the existence and extent of a water right, IDWR uses information already available to IDWR to limit its review to issues identified by its discrepancy analysis.

Finally, IDWR uses both the court-ordered notice of error process⁴ and the statutory objection process to identify claims which merit further review. If this further review yields new information that supports a different description of the water right, then IDWR will revise its recommendation (in the case of a notice of error) or submit a supplemental director's report or offer a standard form 5 (in the case of an objection), consistent with the new information.⁵

Further information as to IDWR's standards and procedures for the investigation and recommendation is set forth in IDWR's Claim Investigation Manual, Field Examiner's Handbook, Administrative Memorandums, and

³ IDWR conducts a more summary investigation of beneficial use claims limited to domestic and/or stockwater use up to 0.24 cfs.

⁴ The notice of error process, as originally conceived and implemented, was limited to disagreements between the claimant and IDWR as to fairly straight-forward "errors", such as clerical errors or other readily verifiable matters. Based on its experience in the test basins, IDWR has subsequently recommended that the notice of error process be expanded to address any type of perceived error, as well as to address disagreements between claimants.

⁵ This "tiered" approach to determining a reasonable level of investigation is embodied in the statutory framework for water right adjudications. See §42-1410 (which provides for the discretion of the director in determining the level of IDWR's investigation, and allows but does not require the agency to conduct hearings), and §42-1412 (which authorizes IDWR to submit supplemental reports, and authorizes the court or the parties to request further investigation by IDWR in contested subcases). The tiered approach embodied in the statutory framework promotes efficiency and minimizes the burden on the court and the claimants by providing a report/objection process to identify disputed matters, and reserving the highest level of investigation for disputed matters.

B. METHODOLOGY TO DETERMINE IRRIGATED ACREAGE

The area of irrigated acreage can be determined by information obtained from scaled and non-scaled photographs of the place of use supplied by one of several U.S. government agencies. The use of aerial photography by the U.S. government dates back to 1937, when the U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service (ASCS, now known as the Farm Service Agency, or FSA) began photographing selected counties of the United States on a repetitive basis. This coverage continues today and aerial photos are used by the ASCS (FSA) to figure acreage planted on farms for purposes of managing farm programs. Photos used by IDWR typically include: ASCS photos and 35 mm color slides⁷; NAPP photos⁸; ortho-photoquads⁹; and U2

⁶ These documents set forth general standards and procedures and do not address all possible exceptions to the general standards and procedures. In addition, as a result of its experience in the test basins, statutory changes, judicial decisions, etc., IDWR has identified refinements and revisions to its standards and procedures for the investigation and recommendation of claims that have not yet been included in these documents.

⁷ Both the photos and slides are high oblique and vertical aerial photography. The ASCS photos are scaled and have selected features, such as roads, section lines, ditches, and field acreage superimposed on them by the ASCS. The color slides are simply color slides frequently taken with hand-held 35mm equipment. IDWR staff typically obtain copies (which are not scaled) of maps for lands claimed as the place of use during the investigation of the claims, either from the claimant or from the local ASCS office. Color slides may also be checked-out from the local ASCS office as needed; IDWR sometimes obtains the color slides as they are discarded by the local ASCS office.

⁸ NAPP (National Aerial Photography Program) photos are all color-infrared aerial photography. IDWR obtained coverage for most of the Snake River Basin, including all of the test basins; the photos are primarily from flights during 1987 and 1988, though some are from 1986 or 1989. The date of the flight is shown on the photo. NAPP photography is available from the U.S. Geological Survey Earth Resources Observation Systems (EROS) data center in Sioux Falls, South Dakota.

⁹ The full name for an ortho-photoquad is "orthographic photograph quadrangle." These are black and white photoimages prepared from aerial photographs that have been rectified to eliminate image displacement due to terrain relief that cover a systematically subdivided area of latitude and longitude. IDWR obtained coverage for most of the Snake River Basin, including all the test basins; the photos are primarily from flights during the 1970's. The date of the flight is shown on the quad sheet. Most of the orthophotos were obtained from the U.S. Geological Survey National Cartographic Information Center (NCIC) in Menlo Park, California. In some areas, maps were not available from U.S.G.S. but were available from other agencies, such as the United States Department of Agriculture, Forest Service.

aerial photos¹⁰.

A photographic "scale," like a map scale, is an expression that states that one unit of distance on a photograph represents a specific number of units of actual ground distance.

$$S = \text{Photo scale} = \frac{\text{Photo distance}}{\text{Ground distance}} = \frac{d}{D}$$

The scale may be expressed as unit equivalents, representative fractions, or ratios. For example, if 1 mm on a photo represents 25 m on the ground, the scale of the photo can be expressed as 1 mm = 25 m (unit equivalents), or 1/25,000 (representative fraction), or 1:25,000 (ratio).

The photo(s) used by IDWR personnel have varying scales. The ASCS photographs have map features drawn in by the ASCS. These photos are stated to be "not to scale," but do include the field acreage as determined by ASCS written on the places of use. NAPP photography is at a nominal scale of 1:40,000; U2 aerial photography is at a nominal scale of 1:120,000; and ortho-photoquads have a scale of 1:24,000.

To determine the area used, IDWR staff employed various transparent overlays, known as grid templates. These templates are available at most blueprint supply stores. One type consists of lines forming rectangles or squares of known area in the same scale that is utilized in the scaled photograph. The grid is placed over a scaled photograph and the area of a ground unit is estimated by counting grid units that fall within the unit to be measured.

Another commonly used grid is the dot grid, which is composed of uniformly spaced dots on a transparent overlay. The grid is placed over the photograph and the dots falling within the region to be measured are counted. The value assigned to each dot is dependent on the scale of the photograph. First, the number of acres per centimeter (or other measuring unit) is computed. This figure is then divided by the number of dots per measuring unit on the grid to obtain the acreage represented by each dot. For instance, a square 3.4 cm on each side containing 640 dots will cover 160 acres on a photo with a nominal

¹⁰ These photos are color-infrared aerial photography obtained by the National Aeronautics and Space Administration (NASA) Airborne Instrumentation Research Project, and available from EROS. IDWR obtained coverage of most of the southern portion of the Snake River Basin, most of which was flown in 1977. In addition, because the State of Idaho was part of an ongoing project with NASA to photograph selected areas, photography from various areas in various years is also available. The date of the flight is shown on the photo.

scale of 1:24000; 640 dots divided by 160 acres equals 4 dots to the acre, thus 1 dot equals 0.25 acres.

Because of its simplicity, the grid system is a practical method to determine the size of irrigated areas; it nonetheless requires some training and experience to be used effectively.

For non-scaled photos, such as the ASCS 35 mm photos, IDWR did not directly make acreage determinations. Instead, these photos were used to confirm whether the place of use and amount of irrigated acreage had changed for that year according to common landmarks visible in the photographs.

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

SEP 11 1994

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

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

Case No. 36-00063 -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)

MICROFILMED
OCT 11 1994

2. Person who filed objection:

Name: HOWARD L & RHONDA K MORRIS
Address: 1101 E 2900 SO
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

12. ☒ Water Right Recommendation: I respond to the objection concerning:

12b. ☒ This water right not being recommended.

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 Objection items 12 and 12b., and all allegations of the objection regarding these items, IDWR responds as follows: IDWR recommended this claim for disallowal because (1) all water found to be beneficially used for the claimed acres was recommended as right nos. 36-00061 and 36-00062, and (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code secs. 42-104 and 42-1402).

In response to Statement of the Objection item 14, and all allegations of the objection regarding that item, see attached

"IDWR's Response to Answer Affirmative Defenses and Prayer for Relief of Claimant".

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

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. A36-00063	5
IDWR's Response to Answer, Affirmative Defenses and Prayer For Relief of Claimant.	4

(Over)

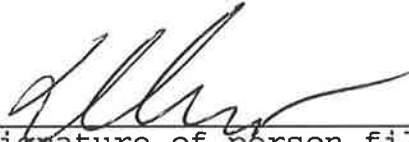
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

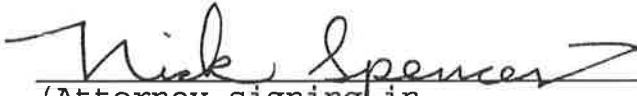
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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



Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 10th day of September
1993.



Notary Public for Idaho

Residing at: _____

My Commission expires: _____

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

See No. 3

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

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

4. One copy to:

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


Signature of Respondent or attorney
mailing on Respondent's behalf

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

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

CIVIL CASE NUMBER: 39356

Ident. Number A36-00063

Date Received 8-26-88

Receipt Number 5002275
5002275

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

RECEIVED

AUG 26 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) HOWARD L. MORRIS and RHONDA K. MORRIS Phone (208) 837-6213

Mailing Address 1101 East 2900 South, Rt. #1, Hagerman, Idaho **Zip** 83332

2. Date of Priority (Only one (1) per claim) November 1, 1915

3. Source of water supply (a) Weatherby Springs
which is tributary to (b) Billingsley Creek

4. a. Location of existing point of diversion is: Township 7 South Range 14 East Section 30,
SE 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Gooding

Additional points of diversion if any:

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. From the diversion at the head of the Springs, the water is transported to the subject property through a steel pipeline to a concrete box where the water is pressurized by the use of a pump and motor. The property is irrigated by a sprinkler system.

~~MICROFILMED~~
~~MICROFILMED~~

JAN 21 1992
Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Mar. 15 to Nov. 15 amount 0.80 or _____
For Stockwater purposes from Jan. 1 to Dec. 31 amount 0.07 or _____
For Domestic purposes from Jan. 1 to Dec. 31 amount 0.04 or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.80 (cfs) and/or (b) 500 (acre feet)

8. Total consumptive use claimed is 375 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) One household and the lawn and garden area around the home and there are
from 200 to 300 head of cattle on the property at times.

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7 S	13 E	36	S&D 30		S 5	S 40									S 15				90
7 S	14 E	31					Lot 1 S-5	Lot 2 S-30											35

Total number of acres irrigated 125 acres

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.

36-0061 & 36-0062

or None ()

14. Remarks:

This amount of water is needed to irrigate the property because it is very sandy in
nature.

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Last Name MORRIS Ident No. _____

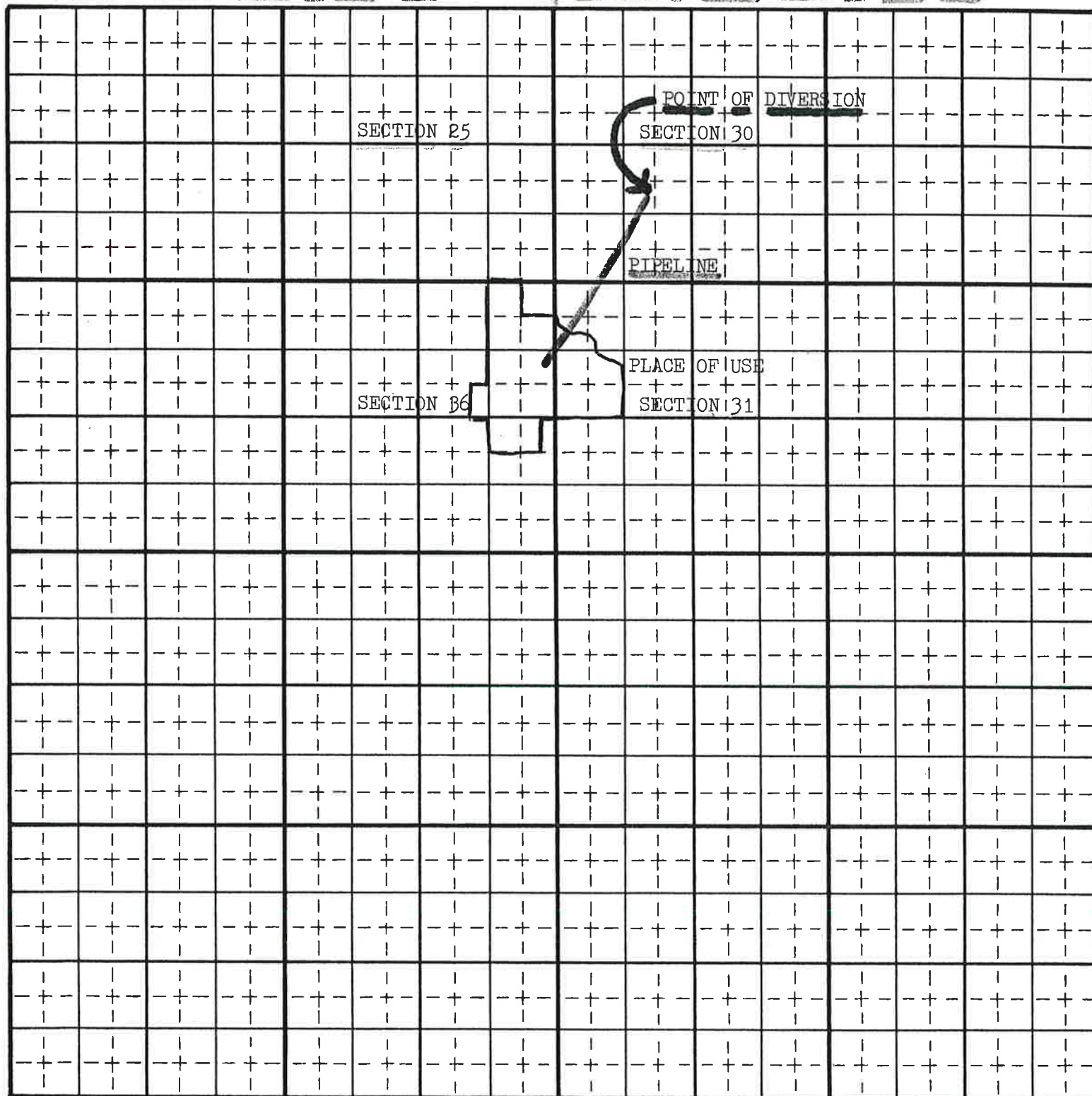
Copies: White -State, Yellow-Claimant
JAN 21 1993

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

Scale: 2 inches equals 1 mile

TOWNSHIP 7 South, RANGE 13 EAST, B.M.

TOWNSHIP 7 SOUTH, RANGE 14 EAST, B.M.



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Copies: White-State, Yellow-Claimant

JAN 21 1993

Last Name MORRIS

Ident No.

15. Basis of Claim (check one) Bene. Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 36-0063

Court U.S. District Court Case Number 1602 Decree Date March 22, 1932

Plaintiff vs Defendant New International Mortgage Bank vs Idaho Power Company

16. Signature (s)

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

Number of attachments One (1)

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

Signature of Claimant (s)

[Signature]
Rhonda K. Morris

Date 8-25-88

Date 8-25-88

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

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

Subscribed and sworn (or affirmed) before me this 25th day of August 19 88

SEAL

Notary Public

[Signature]

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name MORRIS Ident. Number _____

MICROFILMED

JAN 21 1993

Copies White-State, Yellow-Claimant

POOF ORIGINAL

PRIORITY DATE:
1-NOV-1915

STAGE: DECREE

WR-NUMBER:
36-0063.

CURRENT OWNER:
L. W. HOFFMAN
MRS. L. W. HOFFMAN

WATER DISTRICT: 36A

COUNTY: GOODING
SOURCE: WEATHERBY SPRINGS
WATER USE:

TRIBUTARY: BILLINGSLEY CREEK

DIVERSION-RATE:

DIVERSION-VOLUME:

IRRIGATION

0.800 CFS

0.00 - AF

TOTAL RATE: 0.800 CFS

TOTAL VOLUME: 0.00 AF

DECREE PLAINTIFF: NEW INTERNATIONAL MORTGAGE BANK
DECREE DEFENDANT: IDAHO POWER COMPANY

REMARKS: P/U INCOMPLETE. SEE FILE.
AC. IREIG. NOT SPECIFIED. FARM = 157.85 AC.

POINT OF DIVERSION:	T07S	R14E	S30	NESH	
PLACE OF USE:	T07S	R14E	S31	SWNW	LT02
	T07S	R13E	S36	NENE	
	T07S	R13E	S36	SWNE	
	T07S	R13E	S36	SENE	
	T07S	R13E	S36	NESE	

PRIORITY DATE:
9-Dec-1916

STAGE: .
DECREE

WR-NUMBER:
36-0027

CURRENT OWNER:
J. C. BEDINGFIELD
MARY MCCARTY
ALETA M BEDINGFIELD

WATER DISTRICT: 36A

COUNTY: GOODING
SOURCE: WEATHERBY SPRINGS
WATER USE:

TRIBUTARY: BYLLINGSLEY CREEK

DIVERSION-VOLUME:

WATER USE:

DIVERSION-RATE:

12-000 CPS

	0.00	AF
TOTAL VOLUME:	0.00	AF

DECREE PLAINTIFF: NEW INTERNATIONAL MORTGAGE BANK
DECREE DEFENDANT: IDAHO POWER COMPANY

[illegible]

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OCT 11 1994

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

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

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

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

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

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

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

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

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

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

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

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

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

501537

Receipt No:

RECEIVED

FEB 10 1993

Department of Water Resources
Southern Region Office

Date: 2/10/1993
Time: 10:48:15

Received MORRIS HOWARD
From:

Type of Payment	Program Acct Class	Amount
FEE FOR COPY OF ADJUDICATION CLAIM		
64100	229 21 1760	8.32

Total

CHECK 9594

\$8.32

Region: SOUTHERN

Signature:

R. Foster

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OCT 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

15-Dec-1992

HOWARD MORRIS
1101 E 2900 S
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00061, 36-00062, 36-00063

Dear Mr. Morris:

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:

\$8.32

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

Morris
38
33
33
104 x 5 = 5.20
Post 2.90
env. .22
8.32

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RECEIVED

DEC 14 1992

Department of Water Resources
Southern Region Office

12-12-92
(Date)

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in
my file as it relates to water right number 36-00061 36-00062
36-00063

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,

Howard Morris
(Name)

1101 F 2900 S
(Address)

Hammerman Idaho 83332
(City, State, Zip Code)

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

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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. A36-00063
(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,

36-00063 -0001/
93-04-0066

Respondents.

INSTRUCTIONS

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

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

(Over)

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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: Howard L. & Rhonda K. Morris

Address: 1101 E 2900 S

Hagerman, ID 83332

Briefly describe your interest in this water right:

Decreed water right pursuant to New

International Mortgage Bank v. Idaho Power Co.

dated 3/22/1932 with priority date of November
1, 1915

2. Owner of the water right:

Name: Howard L. and Rhonda K. Morris

Address: 1101 E. 2900 S.

Hagerman, ID 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungerster & Lezamiz

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

Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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.

Maximum quantity & consumptive use: as decreed; priority date:
11/1/1915; source, point of diversion & place of use: as set
forth in claim; period of use 1/1 - 12/31; purpose of use:
irrigation, stock water and domestic

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

☒

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

See Hagerman Water Right Owners, Inc.'s

Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of Gooding

Howard L. Morris, 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.

[Signature]
Signature of person filing objection

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

Subscribed and sworn to before me this 28th day of April,
1993.

Suzanne K. Juarez
Notary Public for Idaho
Residing at: Hagerman
My Commission Expires: 8-4-98

(Over)

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OCT 11 1994

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: Howard L. and Rhonda K. Morris

Owner's address: 1101 E 2900 S

Hagerman, ID 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 12 - IDWR recommends a disallowance of a claim that has been decreed and/or beneficially used.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

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AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

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AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

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

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

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

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

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(WATER\21530ANS)

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



no

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JAN 21 1993

NOTICE OF ERROR FORM **RECEIVED**

AUG-24-1992

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

SEP 23 1992

Department of Water Resources
Southern Region Office

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

1. Water right number: 36-00063
2. Name: HOWARD L. MORRIS & RHONDA K. MORRIS

Address: 1101 East 2900 South, Route #1, Hagerman, Idaho 83332

Weekday Telephone Number: 208-837-6213

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JAN 21 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

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

The entire water right was recommended for disallowance, thus we disagree with the entire recommendation.

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

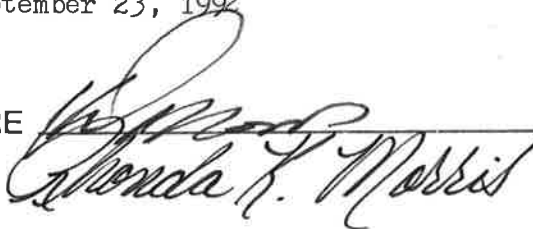
We wish to have the period of use from March 15th to November 15th of each year, the amount of water to be 0.80 and the purposes of use to be for irrigation, stockwater & domestic. We do not want this water right to be recommended as water right number 36-00061.

5. Describe why you disagree with the proposed recommendation:

The extended period of use is needed because of the climate, growing season, crops grown, the ability of double cropping & etc. of the Hagerman Valley area. The water is needed because of the soil type, growing season & crops raised. The domestic and stockwater is needed to provide water for our home, outbuildings and livestock.

6. Date: September 23, 1992

SIGNATURE


Rhonda L. Morris



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

16-Oct-1992

HOWARD L MORRIS
1101E 2900 S RT 1
HAGERMAN ID 83332

RE: RESPONSE TO NOTICE OF ERROR FOR CLAIM 36-00063

Dear Mr Morris

This letter is in response to the Notice(s) of Error (NOE) you recently filed with IDWR regarding the Director's proposed recommendation of the claim(s) listed above. Your NOE questions the basis for recommending disallowal of a claim to a previously decreed water right.

Under Idaho law, water rights are limited to the amount of water beneficially used for the purposes for which the water rights were established. The amount of water beneficially used is limited to the amount that is actually used and is reasonably required. For irrigation purposes, a reasonable amount is the amount required using irrigation methods that are reasonably efficient under current circumstances. If the water right shown in a decree is no longer beneficially used, then the water right is forfeited.

In your case, you filed multiple overlapping claims. IDWR determined the amount of water reasonably required for the recommended uses, based on available data and current methods of analysis, and proposed to recommend the most senior claims that were within this total. To support recommendation of the notice of claim listed above, you will need to submit evidence of beneficial use of an amount of water greater than the total of the rights proposed to be recommended.

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MORRIS
PAGE 2
16-Oct-1992

If you still disagree with IDWR's recommendations, you will have an opportunity to file an objection to the Director's Report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process. As part of the objection process, IDWR will work with the claimants to resolve disputed issues, including efforts to obtain additional data which will be made available to the water users.

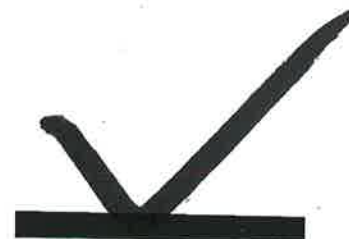
Sincerely

Kelly K Christensen
Sr Water Resource Agent

MICROFILMED

JAN 21 1993

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED

JAN 21 1983

Water Right Number - R36-00063

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
MORRIS

HOWARD L

1 - 1101 E 2900 S

2 - RT 1

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-6213

MORRIS

RHONDA K

1 - 1101 E 2900 S

2 - RT 1

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-6213

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
11/01/1915 17 SOUTHERN I - DISALLOWED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
HOAGLAND TUNNEL BILLINGSLEY CREEK

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

Twn Rng Sec Tract Lot RFlg County
07S 14E 30 SE NE SW (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.800
04 - STOCKWATER 01/01 12/31 0.070+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.800 363.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

07S	13E	36	NE NE		30.0	01	IRRIGATION	(47)	GOODING
07S	13E	36	SW NE		5.0	01	IRRIGATION	(47)	GOODING
07S	13E	36	SE NE		40.0	01	IRRIGATION	(47)	GOODING
07S	13E	36	NE SE		15.0	01	IRRIGATION	(47)	GOODING
07S	14E	31	NW NW	1	1.0	01	IRRIGATION	(47)	GOODING
07S	14E	31	SW NW	2	30.0	01	IRRIGATION	(47)	GOODING
07S	13E	36	NE NE			04	STOCKWATER	(47)	GOODING
07S	13E	36	SW NE			04	STOCKWATER	(47)	GOODING
07S	13E	36	SE NE			04	STOCKWATER	(47)	GOODING
07S	13E	36	NE SE			04	STOCKWATER	(47)	GOODING
07S	14E	31	NW NW	1		04	STOCKWATER	(47)	GOODING
07S	14E	31	SW NW	2		04	STOCKWATER	(47)	GOODING
07S	13E	36	NE NE			43	DOMESTIC	(47)	GOODING

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JAN 21 1993

Water right number - R36-00063

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
----	-----	-----	-------	-----	-------	------	-------------	--------

Total Acres: 121.0

+ - - Diversion Means - DIVERSION AT SPRINGS, STEEL PIPELINE, PUMP & MOTOR, SPRINKLERS

+ - - Non-Irrigation Use - DOMESTIC, 1 HOME; STOCKWATER, 300 RANGE

+ - - Other Rights for Same Use - 36-00061, 36-00062

+ - - - - - Remarks - - - - -
RECOMMENDED AS RIGHT NO. 36-00061.+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers Found+ - - - - - Conditions of Approval - - - - -
P06 - RECOMMENDED AS RIGHT NO. _____: This is included for a
- claim that is PROPOSED to be disallowed because the right claimed
- is recommended pursuant to another right. The remark indicates
- the water right number of the OTHER right that is proposed to be
- recommended. If you are not mailed a notice of the recommendation
- of the OTHER right, then the OTHER right is recommended in
- another claimant's name.+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK IDAHO POWER COMPANY 00/00/0000+ - - - - - Comments - - - - -
Date: 07/31/1992 User Id: WORSTELL Subject: COPIED FROM REMARKS
SOURCE LOCALLY KNOW AS WEATHERBY SPRINGS THIS AMOUNT OF WATER IS NEEDED TO IRRIGATE THE PROPERTY BECAUSE
IT IS VERY SANDY IN NATURE. WATER IS DELIVERED THROUGH THE HOAGLAND DITCH.+ - - Audit Fields - - +
07/31/92 WORSTELL

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 07/31/1992	Old Judicial District	-
Claim Received Date	- 09/19/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002275	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	- C
				Notice of Error Flag	-

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JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:55:45
06/29/90

PAGE: 15
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00063

Disallowed
MICROFILMED
JAN 21 1993

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE				N		See 7-30-92	DB	
POINT OF DIV	Y N			(Y)			N	
SOURCE	Y N		8-22-90 SU/HHT	(Y)				
PLACE OF USE	(Y)		8-21-90 SU/HHT	(Y)				
DIV. AMOUNT CFS/VOLUME	Y N			N			Y	
CONSUMPTIVE USE	- N			N				
PURPOSES	Y N			N				
PERIOD OF USE	Y N			N				
BASIS OF CLAIM				N				
REMARKS	Y N			N				

see
7-19-90

"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.

*all beneficial use
is provided under
36-00061 & 36-00062

* See A36-00061 master file for complete review. This is not required to supply sufficient div. rate
HHT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:55:45
06/29/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00063

LAST: MORRIS
ADDRESS: 1101 E. 2900 S.
RT. 1
CITY: HAGERMAN
PHONE NUMBER: 208-837-6213

FIRST: HOWARD L.

STATE: ID ZIP: 83332

OWNER CODE: C

LAST: MORRIS
ADDRESS: 1101 E. 2900 S.
RT. 1
CITY: HAGERMAN
PHONE NUMBER: 208-837-6213

FIRST: RHONDA K.

STATE: ID ZIP: 83332

OWNER CODE: C

LAST: HOFFMAN
ADDRESS:
CITY: N/A
PHONE NUMBER: 208-000-0000

FIRST: MRS. L.W.

STATE: ID ZIP: 00000

OWNER CODE: O

LAST: HOFFMAN
ADDRESS:
CITY: N/A
PHONE NUMBER: 208-000-0000

FIRST: L.W.

STATE: ID ZIP: 00000

OWNER CODE: O

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: SOURCE LOCALLY KNOW AS WEATHERBY SPRINGS
THIS AMOUNT OF WATER IS NEEDED TO IRRIGATE THE PROPERTY BECAUSE
IT IS VERY SANDY IN NATURE.

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CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 8/21/90

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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A. AJ CLAIM: # A36-00063 PRIORITY DATE: 11-01-1915 STAGE: D
B. WR RECORD: # 36-00063 PRIORITY DATE: 11-01-1915 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
N

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

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:
11-01-1915

REVIEWED BY scu

DATE 7-19-90

=====

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00063	07S	14E	30	SE	NE	SW		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-00086G	NONE
A36-00119	
A36-00033D	
A36-00116	
A36-00086F	
A36-00086H	
A36-00011B	
A36-00011A	
A36-00011C	
A36-00105	
A36-00120	
A36-00061	
A36-00062	

WR RECORDS IN SAME 40 ACRE TRACT

36-00009
36-00010
36-00011
36-00015
36-00016
36-00017
36-00033
36-00041
36-00042
36-00044
36-00045
36-00060
36-00061
36-00062
36-00068
36-00069
36-00086A
36-00086B
36-00105
36-00116
36-00118
36-00119
36-00120
36-02029
36-07071
36-07740

CLAIM IS FOR:

WEATHERBY SPRINGS.

SOURCE: ~~SPRINGS~~

TRIB: BILLINGSLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-00063	07S	14E	30		NE	SW		GOODING

OTHER WR RECORDS WITH SAME WR POD

36-00009
36-00010
36-00011
36-00015
36-00016
36-00017
36-00033

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A36-00009	NONE
A36-00033C	
A36-00060	
A36-00086G	
A36-00119	
A36-00033D	
A36-00116	

MINOR CLAIM
 1/4 N 7 1/4 E 14E 30S

36-00041
36-00042
36-00044
36-00045
36-00060
36-00061
36-00062
36-00068
36-00069
36-00086A
36-00086B
36-00105
36-00116
36-00118
36-00119
36-00120
36-02029
36-07071
36-07740

A36-00086F
A36-00086H
A36-00011B
A36-00011A
A36-00011C
A36-00105
A36-00120
A36-00061
A36-00062

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JAN 21 1993

SOURCE: WEATHERBY SPRINGS

TRIB: BILLINGSLEY CREEK

C. FIELD EXAM REQUIRED?

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

REMARKS:

See A36-00061

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SAME AS CLAIM

SOURCE: ~~WEATHERBY SPRINGS~~

TRIB:

" BILLINGSLEY CREEK

REVIEWED BY:

SCL

DATE:

7-7-90

HOAGLAND TUNNEL

(8-24-90 SCL)

A. ROOT WATER RIGHT NUMBERS: A36-00063

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	36	SE	NE		MORRIS , HOWARD L.	A36-00063 /40.0	36-00063 /	39.0		
						MORRIS , HOWARD L.	A36-00061 /40.0	36-00061 /			
						MORRIS , HOWARD L.	A36-00062 /40.0	36-00062 /			
07S	13E	36	NE	NE		MORRIS , HOWARD L.	A36-00063 /30.0	36-00063 /	35.0		
						MORRIS , HOWARD L.	A36-00061 /30.0	36-00061 /			
						MORRIS , HOWARD L.	A36-00062 /30.0	36-00062 /			
						JOHNSON , CHARLES P.	A36-00123F /	- /			
						VADER , HARVEY W.		36-00123 /			
						JOHNSON , CHARLES P.		36-07278 /			
						JOHNSON , CHARLES P.		36-08392 / 1.0			
07S	13E	36	NE	SE		MORRIS , HOWARD L.	A36-00063 /15.0	36-00063 /	37.0		
						MORRIS , HOWARD L.	A36-00061 /15.0	36-00061 /			
						MUSSER , J. ALVIN	A36-00116 /11.0	- /			
						STEWART , JENNY	A36-11205 /	- /			
						MORRIS , HOWARD L.	A36-00062 /15.0	36-00062 /			
						STEWART , JENNY	A36-07034 /12.0	36-07034 / 7.0			
						STEWART , JENNY		36-07347 /12.0			
07S	13E	36	NE	NE		MORRIS , HOWARD L.	A36-00063 /	36-00063 /	35.0		
						MORRIS , HOWARD L.	A36-00061 /	36-00061 /			
						MORRIS , HOWARD L.	A36-00062 /	36-00062 /			
						JOHNSON , CHARLES P.	A36-00123F /	- /			
						VADER , HARVEY W.		36-00123 /			
						JOHNSON , CHARLES P.		36-07278 /			
						JOHNSON , CHARLES P.		36-08392 / 1.0			
07S	13E	36	SW	NE		MORRIS , HOWARD L.	A36-00063 / 5.0	36-00063 /	39.0		
						WISE , SHELBY	A36-00084 / 7.0	36-00084 /			
						BROOKS , ALLEN L.	A36-10715 /	- /			
						WISE , GLEN A.	A36-10191 /	- /			
						MORRIS , HOWARD L.	A36-00061 / 5.0	36-00061 /			
						MORRIS , HOWARD L.	A36-00062 / 5.0	36-00062 /			
						BROOKS , ANDREE G.	A36-00060 /14.0	36-00060 /			
						BROOKS , ALLEN L.	A36-07346 / 4.0	36-07346 /18.0			
						JENKINS , COLUMBUS E.		36-00180 /			
07S	13E	36	NE	NE		MORRIS , HOWARD L.	A36-00063 /	36-00063 /	35.0		
						MORRIS , HOWARD L.	A36-00061 /	36-00061 /			
						MORRIS , HOWARD L.	A36-00062 /	36-00062 /			
						JOHNSON , CHARLES P.	A36-00123F /	- /			
						VADER , HARVEY W.		36-00123 /			
						JOHNSON , CHARLES P.		36-07278 /			
						JOHNSON , CHARLES P.		36-08392 / 1.0			
07S	13E	36	SW	NE		MORRIS , HOWARD L.	A36-00063 /	36-00063 /	39.0		
						WISE , SHELBY	A36-00084 / 7.0	36-00084 /			
						BROOKS , ALLEN L.	A36-10715 /	- /			

See
A36-00061
for complete
Review
acres & place
of use are the
same!

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S.W.

Dom

SW/Dom

S/D

WISE , GLEN A.	A36-10191 /	-	/
MORRIS , HOWARD L.	A36-00061 /	5.0	36-00061 /
MORRIS , HOWARD L.	A36-00062 /	-	36-00062 /
BROOKS , ANDREE G.	A36-00060 /	14.0	36-00060 /
BROOKS , ALLEN L.	A36-07346 /	4.0	36-07346 /18.0
JENKINS , COLUMBUS E.			36-00180 /

07S 13E 36 SE NE	MORRIS , HOWARD L.	A36-00063 /	36-00063 /	39.0
	MORRIS , HOWARD L.	A36-00061 /	36-00061 /	
	MORRIS , HOWARD L.	A36-00062 /	36-00062 /	

07S 14E 31 NW NW 1	MORRIS , HOWARD L.	A36-00063 /	5.0 -	-	/	
	WOLINE , HAROLD V.	A36-10305 /	1.1	-	/	
	MORRIS , HOWARD L.	A36-00061 /	5.0 -	-	/	
	RAWSON , CAROL A.	A36-00123A /	7.0	-	/	
	MEEK , CLARK D.	A36-00123B /	2.9	-	/	
	SUMMERS , RONALD OWEN	A36-00123C /	5.0	-	/	
	SUMMERS , RONALD OWEN	A36-00123D /	3.5	-	/	
	SIMPSON , OWEN	A36-00123E /	6.0	-	/	
	JOHNSON , CHARLES P.	A36-00123F /	13.0	-	/	
	MORRIS , HOWARD L.	A36-00062 /	5.0	-	/	
	VADER , HARVEY W.			36-00123	/	
	VADER , VERNON			36-00124	/	
	GROVER , GEORGE H.			36-00182	/	
	GROVER , GEORGE H.			36-00197	/	

07S 14E 31 NW NW 1	MORRIS , HOWARD L.	A36-00063 /	-	-	/	
	WOLINE , HAROLD V.	A36-10305 /	1.1	-	/	
	MORRIS , HOWARD L.	A36-00061 /	5.0	-	/	
	RAWSON , CAROL A.	A36-00123A /	7.0	-	/	
	MEEK , CLARK D.	A36-00123B /	2.9	-	/	
	SUMMERS , RONALD OWEN	A36-00123C /	5.0	-	/	
	SUMMERS , RONALD OWEN	A36-00123D /	3.5	-	/	
	SIMPSON , OWEN	A36-00123E /	6.0	-	/	
	JOHNSON , CHARLES P.	A36-00123F /	13.0	-	/	
	MORRIS , HOWARD L.	A36-00062 /	5.0	-	/	
	VADER , HARVEY W.			36-00123	/	
	VADER , VERNON			36-00124	/	
	GROVER , GEORGE H.			36-00182	/	
	GROVER , GEORGE H.			36-00197	/	

07S 14E 31 SW NW 2	MORRIS , HOWARD L.	A36-00063 /	30.0	36-00063	/	
	MORRIS , HOWARD L.	A36-00061 /	30.0	36-00061	/	
	MORRIS , HOWARD L.	A36-00062 /	30.0	36-00062	/	

07S 14E 31 SW NW 2	MORRIS , HOWARD L.	A36-00063 /	-	36-00063	/	
	MORRIS , HOWARD L.	A36-00061 /	30.0	36-00061	/	
	MORRIS , HOWARD L.	A36-00062 /	-	36-00062	/	

07S 13E 36 NE SE	MORRIS , HOWARD L.	A36-00063 /	-	36-00063	/	37.0
	MORRIS , HOWARD L.	A36-00061 /	15.0	36-00061	/	
	MUSSEY , J. ALVIN	A36-00116 /	11.0	-	/	
	STEWART , JENNY	A36-11205 /	-	-	/	
	MORRIS , HOWARD L.	A36-00062 /	15.0	36-00062	/	
	STEWART , JENNY	A36-07034 /	12.0	36-07034	/ 7.0	
	STEWART , JENNY			36-07347	/12.0	

TOTAL ACRES

A36-00063

125.00

335.00

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
YES

PRESUMPTION FLAG: C

REMARKS:

VERIFY ACRES, POU, & DELIVERY.
NAPP SHOWS NO IRRIGATION IN 1987.

RECOMMENDATIONS:

TOTAL ACRES: 121

REVIEWED BY: SCC

DATE: 8-24-90

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00063 IRRIGATION	FROM 03-15 TO 11-15	.800 CFS
A36-00063 STOCKWATER	FROM 01-01 TO 12-31	.070 CFS
A36-00063 DOMESTIC	FROM 01-01 TO 12-31	.040 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.800 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00063 IRRIGATION	FROM TO	.800 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.800 CFS

PRESUMPTION FLAG: C

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

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JAN 21 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 0.800 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.800 CFS

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

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER
N 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: A36-00061, A36-00062

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00063	SPRINGS	MORRIS , HOWARD L.	0.800	0.006		
A36-00061	SPRINGS	MORRIS , HOWARD L.	2.220	0.017		
A36-07034	GROUNDWATER	STEWART , JENNY	0.160	0.013	29.20	2.43
A36-00084	LEN LEWIS SPRING	WISE , SHELBY	1.600	0.069		
A36-00060	HOAGLAND TUNNEL	BROOKS , ANDREE G.	0.500	0.035		
A36-07346	SPRINGS	BROOKS , ALLEN L.	0.200	0.050		
A36-10305	SPRING	WOLINE , HAROLD V.	0.040	0.036		
A36-00123A	SPRING	RAWSON , CAROL A.	0.200	0.028		
A36-00123B	SPRING	MEEK , CLARK D.	0.240	0.082		
A36-00123C	SPRING	SUMMERS , RONALD OWEN	0.144	0.028		
A36-00123D	SPRING	SUMMERS , RONALD OWEN	0.113	0.032		
A36-00123E	SPRING ALONG SPRING CREEK	SIMPSON , OWEN	0.400	0.066		
A36-00123F	SPRING	JOHNSON , CHARLES P.	0.290	0.022	13.60	1.04
A36-00062	w. SPR.	MORRIS	0.28	0.002		

all three
Rights: 0.025

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JAN 21 1993

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-00063 ✓	STOCKWATER	MORRIS , HOWARD L.	FROM 01-01 TO 12-31	.070 CFS	
A36-00063 ✓	DOMESTIC	MORRIS , HOWARD L.	FROM 01-01 TO 12-31	.040 CFS	
A36-00061 ✓	STOCKWATER	MORRIS , HOWARD L.	FROM 01-01 TO 12-31	.070 CFS	
A36-00061 ✓	DOMESTIC	MORRIS , HOWARD L.	FROM 01-01 TO 12-31	.040 CFS	
A36-00062 ✓	STOCKWATER	MORRIS , HOWARD L.	FROM 01-01 TO 12-31	.070 CFS	
A36-00062 ✓	DOMESTIC	MORRIS , HOWARD L.	FROM 01-01 TO 12-31	.040 CFS	
A36-00123F	DOMESTIC	JOHNSON , CHARLES P.	FROM 01-01 TO 12-31	.040 CFS	
A36-11205	DOMESTIC	STEWART , JENNY	FROM 01-01 TO 12-31	.040 CFS	
A36-11205	STOCKWATER	STEWART , JENNY	FROM 01-01 TO 12-31	.020 CFS	
A36-10715	DOMESTIC	BROOKS , ALLEN L.	FROM 01-01 TO 12-31	.040 CFS	
A36-10191	DOMESTIC	WISE , GLEN A.	FROM 01-01 TO 12-31	.060 CFS	
A36-10305	DOMESTIC	WOLINE , HAROLD V.	FROM 01-01 TO 12-31	.040 CFS	
A36-00123E	DOMESTIC	SIMPSON , OWEN	FROM 01-01 TO 12-31	.200 CFS	
A36-00123E	STOCKWATER	SIMPSON , OWEN	FROM 01-01 TO 12-31	.020 CFS	

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

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

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 375.0 AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

see A36-00061

MICROFILMED

JAN 21 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
		DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	3-15 11-15		0.80		484		363
STOCK WATER	1-1 12-31		0.07		-		-
DOMESTIC	1-1 12-31		0.04		-		-
TOTAL FOR THIS RIGHT			0.80		484		363
REVIEWED BY: <u>See</u>		DATE: <u>12-31-90</u>					

add limits

DISALLOW

7-30-92
sw

MICROFILMED

JAN 21 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(X)	()
FORFEIT/ABANDON _____	()	(X)
ADDITIONAL DIV. AMOUNT _____	(X)	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00063

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.800

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-00063	0.800	-		36-00063	0.800
TOTAL CFS		0.800				0.800

DIVERSION RATE REVIEW

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

DATABASE
Y

FIELD
EXAMINER
OK

REMARKS:

*all water necessary to irrigate this 121 ac. POU is supplied by
rights A36-00061 and A36-00062. This POU is sprinkles irrigated
and requires 1"/ac. HHT 7/16/92*

AUTHENTICATION:

SIGNATURE: Steve Cell

DATE: 12-31-90

NAME OF FIELD EXAMINER: _____ TITLE: _____

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