

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: A36-00070
Date Received: 8/19/1988
Receipt No: S001554
Received By: W

COPY
FOR YOUR FILES
DO NOT RETURN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN W. JONES, JR. 208-837-4580
Address: BOX 265
HAGERMAN, ID 83332

AND/OR

Name: DELORIS D. JONES, JR. 208-837-4580
Address: BOX 265
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1905

3. Source: UNNAMED SPRING 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	SW	NW		2	GOODING

5. Description of diverting works:
50HP PUMP, PART OF 4 WATER SOURCE OPERATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		
DOMESTIC	01/01	12/31	0.110		
STOCKWATER	01/01	12/31	0.120		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/5 HOUSES, S/500 BEEF CATTLE

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	25	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	29.0
			SE		SE		IRR	40.0
							Section Acres	309.0
14E	30	NW		NW	1	IRR	32.0	
		SW		NW	2	IRR	32.0	
		NE		SW		IRR	40.0	
		NW		SW	3	IRR	32.0	
		SW		SW	4	IRR	32.0	
		SE		SW		IRR	40.0	
							Total Acres	517.0

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:
A36-00068, A36-00069, A36-07071

14. Remarks:
IRRIG, STOCK, FISH PROP., AND DOMESTIC USE SAME WATER FROM 4
DIFFERENT WATER RIGHTS WITH A TOTAL OF 87.05 CFS.

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

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

16. Signature(s)

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

Number of attachments: 2

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): John W Jones Jr. Date: Aug 19 1988
Date:

State of Idaho)
County of Twin Falls) SS.

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

of August 19 88

Dixanne Storey
Notary Public

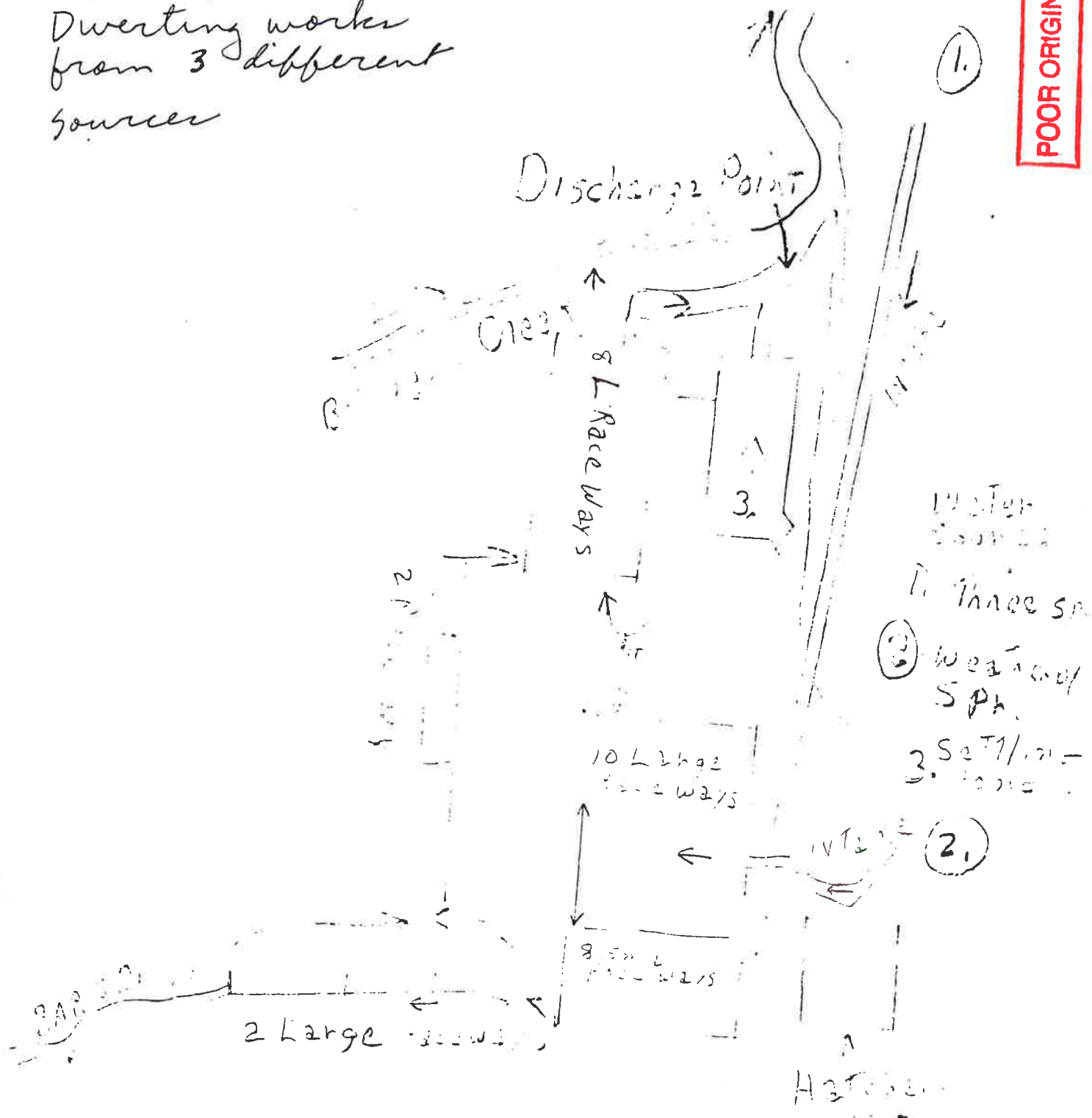
Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

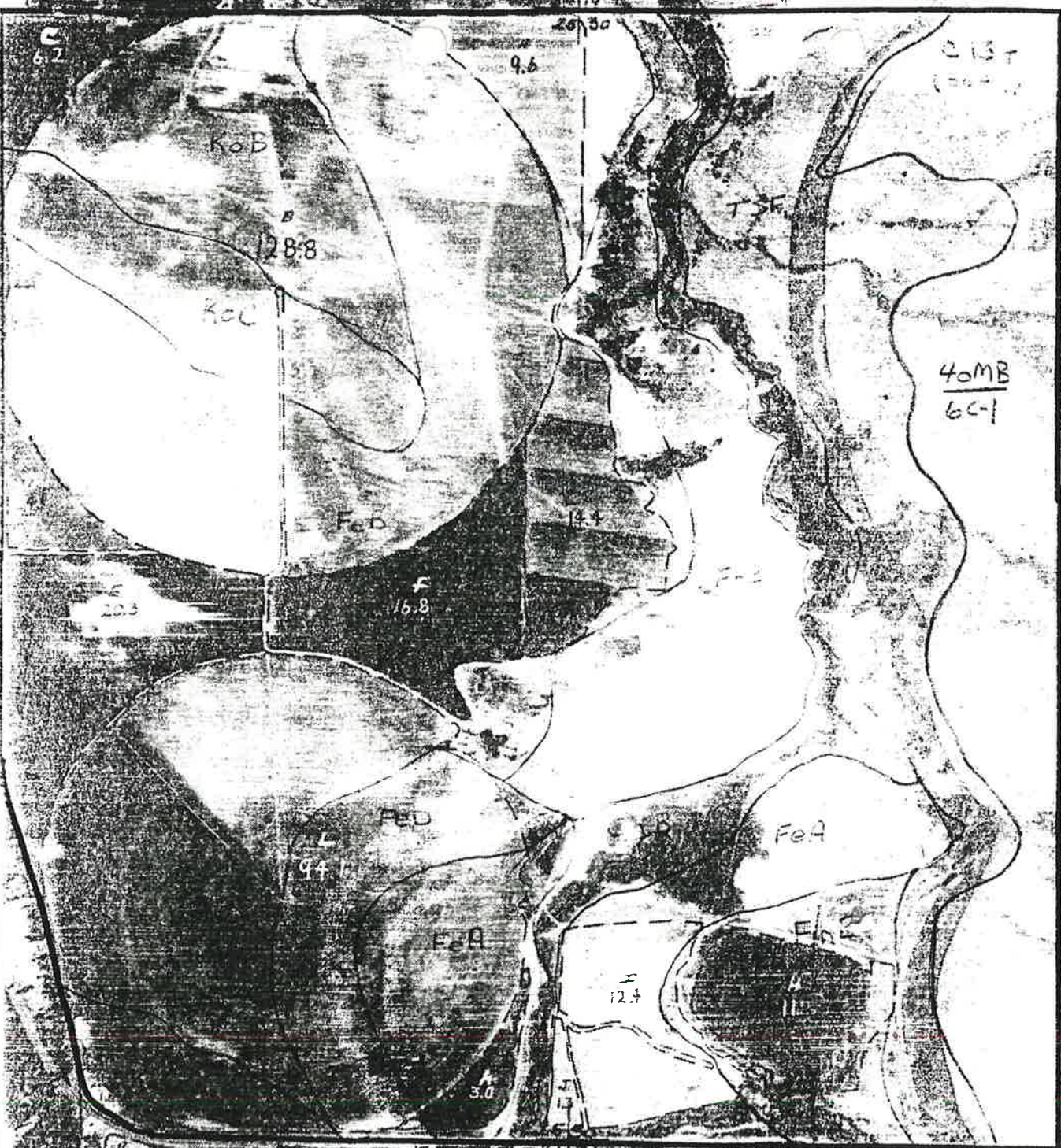
Diverting water
from 3 different
sources

POOR ORIGINAL



- 1. Water
- 2. Three sp
- 3. Weather Sp.
- 4. Settling tank

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POOR ORIGINAL

T7S
R14E

513 wing
acres



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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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RECEIVED
FEB 10 1993
Department of Water Resources

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

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

* * * * *

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

Case No. 39576

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

NOTICE OF APPEARANCE

Petitioner,

vs.

United States; State of Idaho;
and all claimants to the use
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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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/ Ruby Springs Water Company	A36-15240
	Potter, Mark B. & Susan H.	A36-07092A
17	Rawson, Frank S. & Carol A.	A36-00039J
	Reese, Bruce W. & LaRose A.	A36-00123A
18	Reese, Bruce W. & LaRose A.	A36-04091
	Rue, James O. & Beverly Jane	A36-10231
19	Shaffer, Roger	A36-07142A
	Simcoe, Doyt H. & Roxie J.	A36-00034B
20	Simpson, Michael, on behalf of Josephine Simpson Estate	A36-00003F
	Simpson, Michael, on behalf of Josephine Simpson Estate	A36-0123E
21	Strange, Wm. (Penelope Turner-remainder man)	A36-0096A
22	Strange, Wm. (Penelope Turner-remainder man)	A36-00006
	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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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



Hepworth,
Nungester,
& Lezamiz

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OCT 12 1994

1 February, 1993, to:

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

6 Clive Strong
7 Chief Natural Resources Division
8 Office of Attorney General
9 Statehouse
10 Room 210
11 Boise, Idaho 83720

12 David Shaw
13 Adjudications Bureau Chief
14 Department of Water Resources
15 1301 North Orchard
16 Boise, Idaho 83706

17 United States Department of Justice
18 Environment and Natural Resources Division
19 550 West Fort Street, Box 33
20 Boise, ID 83734

21 
22 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 5

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OCT 12 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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OCT 12 1994

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)

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 Turn- er-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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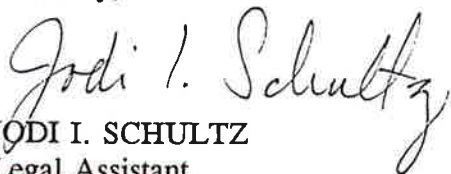
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

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OCT 12 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 SRBA

Subcase 36-00070
(Insert Water Right Number)

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

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; that 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.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date: 9-22-99


IDWR Concurrence



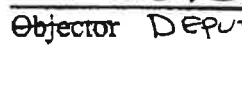
Claimant


Claimant/Attorney

Claimant/Attorney

APPROVED AS TO FORM:


Objector DEPUTY ATTORNEY GENERAL


Objector/Attorney

Objector/Attorney

STANDARD FORM 5

Page 1

✓ DATA ENTRY to IDWR: see 9/22/99

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 36-00070

NAME AND ADDRESS: JOHN W JONES JR
JONES, DELORIS
PO BOX 265
HAGERMAN, ID 83332

SOURCE: UNNAMED SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.12 CFS

PRIORITY DATE: 04/01/1905

POINT OF DIVERSION: T07S R14E S30 SWSNW Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.12 CFS

PLACE OF USE: Stockwater Within Gooding County
T07S R14E S30 SENW

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

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

RULE 54(b) CERTIFICATE

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

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

Sec
L. J. J. *RB*

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 SEPT. 22, 1999, I ^{SERVED}mailed the original and copies of this form, including all attachments, to the following persons by ^{SERVING}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

HAND DELIVERY

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

HAND DELIVERY

PATRICK D. BROWN, Esq.109 S. ADAMS
JEROME, ID 83338HAND
DELIVERYIDWR DOCUMENT REPOSITORYHAND
DELIVERY

Signature of person or attorney mailing the form

RECEIVED

AUG 31 1998

Department of Water Resources
Southern Region

RECEIVED

AUG 26 1998

Department of Water Resources

36-00070 SOUTH
DJ

1998 AUG 24 PM 01:43
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

) NOTICE SETTING SUBCASE
) FOR SCHEDULING CONFERENCE
)
) SUBCASE NOS: SEE ATTACHED EXHIBIT A

The Scheduling Conference for this subcase will be
held as follows:

MONDAY, SEPTEMBER 21, 1998 at 10:00 AM
SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties and their attorneys, if any, shall attend the
Scheduling Conference and shall be prepared to discuss the
following matters:

1. Claimant representation and alignment of the parties;
2. Identification of the issues;
3. Admissions of facts and documents;
4. Amendment of pleadings, if required;
5. Discovery and discovery cut-off dates;
6. Expert witnesses, if planned;
7. Pre-trial conference dates;
8. Motions;
9. Settlement/alternative dispute resolution; and
10. Firm trial date.

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

Page 1 8/24/98

(continued)

The date for the scheduling conference will not be changed unless a Stipulation to Reset is received by the court fourteen (14) days before the date of the scheduling conference. Parties who wish to change the date of the scheduling conference must do the following:

1. Contact the clerk of the SRBA Court and obtain alternative dates and times (208-736-3011).
2. Contact each party to the subcase(s) or their attorney, if any, and reach an agreement on the alternative date(s) and time(s) provided by the clerk.
3. Prepare a Stipulation to Reset the hearing. The hearing must be reset on one of the dates and times provided by the clerk. The stipulation must specify the date(s) and time(s) agreed to and must contain a statement that you have contacted each party or their attorney and that all have agreed on the alternative date(s) and time(s). The court will send a notice resetting the hearing.
4. If the parties cannot agree on one of the alternative dates and times provided by the clerk, the party wishing to change the date and time must file an Expedited Motion to Reset with the court at least 21 days prior to the scheduled hearing.

Dated: AUGUST 24, 1998

/S/ DEBBIE LASH
Deputy Clerk
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING SUBCASE FOR SCHEDULING CONFERENCE was mailed on AUGUST 24, 1998, with sufficient first-class postage to the following:

IDAHO DEPT OF FISH & GAME

Represented by:
AMPE, PETER J
DEPUTY ATTORNEY GENERAL
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

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

NORTH SNAKE GROUND WATER DIST

Represented by:
DANA L. HOFSTETTER
BEEMAN & HOFSTETTER
608 WEST FRANKLIN STREET
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

CRANNEY BROS

CRANNEY BROS.
DOUG GRANT
KEVIN MICHAELSON

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701
Phone: 208-342-6571

NORTH SNAKE GROUND WATER DIST

Represented by:
JOSEPHINE P. BEEMAN
BEEMAN & HOFSTETTER
608 WEST FRANKLIN STREET
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

BANBURY PIPE CO., INC.

BIG SPRINGS WATER USERS ASSN
BIG SPRINGS WATER USERS ASSOC.
BOB PORTER
BOB PORTER, FRED SURBAUGH,
C-CAN CORPORATION
C-CAN PARTNERS

JOHN W. & DELORIS D. JONES

JOHN W. JR. JONES

JOINT HAGERMAN SCHOOL DIST 233

JOINT HAGERMAN SCHOOL DIST.

PAUL E. WATKINS

PAUL WATKINS

WILLIAM E. NORRIS

WILLIAM STRANGE

Represented by:

PATRICK D. BROWN

812 SHOSHONE ST. EAST

TWIN FALLS, ID 83303

Phone: 208-735-8812

A & B IRRIGATION DISTRICT

Represented by:

ROGER D LING

PO BOX 396

RUPERT, ID 83350

Phone: 208-436-4717

DALE E. BOYER

BOYER, ELAINE M.

PO BOX 232

HAGERMAN, ID 83332

Phone: 208-352-1152

JOHN W. JR. JONES

JONES, DELORIS

PO BOX 265

HAGERMAN, ID 83332

WALTER II & JUDY BONNING

PO BOX 360

HAGERMAN, ID 83332

Phone: 208-837-4578

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

(Notice Setting Scheduling Conference)

(Certificate of mailing continued)

ALMA BLASTOCK
ROUTE 1, BOX 442
HAGERMAN, ID 83332

Exhibit A

Subcase Nos:

36-00006
36-00007
36-00008
36-00022
36-00023
36-00047
36-00068
36-00069
36-00070
36-00079
36-00099
36-00100
36-00106
36-00108B
36-02038
36-08099
36-15463

COPY

RECEIVED

APR 16 1998

Department of Water Resources

John W. Jones, Jr.

PARKER, WARR & BROWN, LLP
Patrick D. Brown
812 Shoshone St. East
Twin Falls, ID 83301
Telephone: (208)735-8812

RECEIVED

MAY 01 1998

Department of Water Resource
Southern Region

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

In Re SRBA

Case No. 39576

.....
R' blank prefix records
modified 4-24-98

)
) Subcase Nos. 36-00068, 36-00069
) and 36-00070
)

) NOTICE OF SUBSTITUTION
) OF COUNSEL
)

.....

TO: The above-entitled court and to the parties and their counsel:

YOU ARE HEREBY NOTIFIED that pursuant to the Rule 11(b)(1), I.R.C.P.,
Parker, Warr & Brown, LLP, 812 Shoshone Street East, Twin Falls, ID 83301, are hereby
substituted as counsel for Claimants, John W. Jones and Doris Jones, in place of the firm
of Hepworth, Lezamiz & Hohnhorst, Chtd.

MEMO

TO: SRBA FILE 36-00070
FROM: STEVE CLELLAND
DATE: January 29, 1998

RE: REVIEW AND RECOMMENDATION

=====

I had previously told Mr. Jones I thought I could recommend this right based on the description he gave to me on the evening of 1/16/98. He has pointed out the location of a spring source that he now claims is based on this right. I agreed that if that is the spring I could account for the returned flow due to the past years of drought.

After reading the decree's description of the spring location, and reviewing the claim file I do not believe the spring I was shown at the recent exam is the same spring that was decreed or that was claimed. The right remains as a disallowed right.

The decree list the spring as being located on the east line of Lot 2 (SWNW), Section 30, TWN 7S, RNG 14E. The spring I was shown on 1/16/98 is located in SENW of the section; about 600 feet to the east of the Lot 2 eastern boundary. The claim indicates this spring is diverted by a 50 hp pump and is used in combination with the other rights claimed. It also states the spring water is used for irrigation, domestic, and stockwater uses; also used in combination with the other rights. That is not what was observed during the latest exam.

(cvr:jones-spring.mm)

SRBA FIELD EXAM REPORT

SRBA CLAIM: A36-00068, 36-00069 & 36-00070
EXAM DATE: JANUARY 16, 1998
IDWR AGENT: STEVE CLELLAND
ACCOMPANIED BY CLAIMANT: BILL JONES

PURPOSE: This examination was made to investigate the amendments for additional uses filed by Pat Brown for the above named claimant and SRBA Claims.

OBSERVATIONS & FINDINGS: I met with Mr. Bill Jones at the ranch site; we originally had planned to meet at his home but I thought that was the home on the ranch. He drove out to meet me at about 5 pm. We traveled in Mr. Jones' pickup to a place out overlooking Billingsley Creek in the northeast corner of the ranch. From here he pointed out the location of the spring listed in 36-00070. He pointed to the canyon side to indicate where the ditch carried water from this spring to the pasture in the most northeastern corner of the farm. (11.0 acre piece as shown on the GIS map.) He told me he wished to re-affirm his claim to this unnamed spring. He said it has started to flow again after several years of being dried up. I told him the drought could account for the reduced flow. I may be able to recommend it as claimed since he had stated he didn't use it and now he does. Place of use would only be the small area across Billingsley Creek, the 11.0 acres mentioned above.

Mr. Jones and I met in the office about 10:30 am Friday, 16th, and discussed the need to investigate the amended portions of his claims. He had not heard of this from Pat Brown so I told him what I had been doing for other rights similarly amended. He told me he had not made claims for the same uses as the others and so no examination should be needed. We reviewed the amended uses and I agreed.

I asked Mr. Jones what was meant by the claim for Irrigation Maintenance. He did not know why that was included, he said Pat Brown insisted it be part of the amendment. Mr. Jones was told he needed this amount of water to insure he could get water to his house and stockwater through the Weatherby Springs pipeline if all the other users on the system were to stop using their rights. Mr. Jones said this would never happen. I told him we recommended the Domestic and Stockwater uses and we can add a remark that allows a flow rate necessary to deliver the water as recommended in the right. I gave him a copy of the N01 code remark to which I referred. We both agreed there was no need for Irrigation Maintenance for the irrigation use since the system is shut off during the non-irrigation season.

The Fish Propagation use was amended to this claim also. Mr. Jones said the water goes through the fish hatchery anyway. I stated that use is covered by the license 36-07071. I explained IDWR's position on the fish uses from decreed water rights; they did not exist at the time and are not being recommended.

He wanted to know why we had given an 1880's priority date for

the fish right to Donnie McFadden. I told him we tried to prevent that from happening and show a more realistic priority date, but, he and McFadden signed a stipulation agreeing to that description of the right and the SRBA court affirmed it. I told him he gave that to McFadden not IDWR. He does not like the outcome now.

We discussed the acreage as I had recommended. I told him this was as much as could be documented, in fact, the earlier maps show the area where the sheep pens used to be as not being irrigated before 1980. He told me ASCS had mapped out 404 acres, he offered to get me a copy of that map, which he did. I agreed to review what they had found and I would add in the areas in the northeast corner where he had shown some acres needed to be included. Original GIS acres were 402 and the revised shape file gives 414 acres. Initial recommendation was 401 acres. This acreage has expanded since the days of using a gravity system. In fact, many areas of what is currently irrigated cannot be irrigated without the use of sprinklers; this is due to steep slopes and erodible land along the creek. I do not have sufficient information to determine whether an enlargement is necessary for portions of the irrigated lands now being irrigated.

SUMMARY & RECOMMENDATIONS: Based upon these observations, discussions with Mr. Jones, and documentation previously stated in the SRBA claim file for this right, here are the proposed recommendations.

SRBA CLAIMS 36-00068 & 36-00069

IRRIGATION: Flow rate to remain at the estimated capacity of the pumping system, that of 8.25 cfs. The actual measured capacity was 7.25 cfs but we agreed with the aging of the pumps to allow 8.25 as suggested by the claimant. If allowance is made to give a pre-sprinkler rate for this right it should be based on the actual gravity irrigated acreage and not the acreage found here of 414 acres. The actual gravity system acres has not been determined. Allow acres at the current systems operation of 414 acres, unless it is found that some acres are to be part of an enlargement right.

IRRIGATION MAINTENANCE: There is no need for this in the Irrigation use. Any system maintenance needed for the D & S uses will be covered by the N01 and N02 type codes.

DOMESTIC & STOCKWATER: No change from previous report. Domestic rate is 0.11 cfs and Stockwater rate is 0.12 cfs.

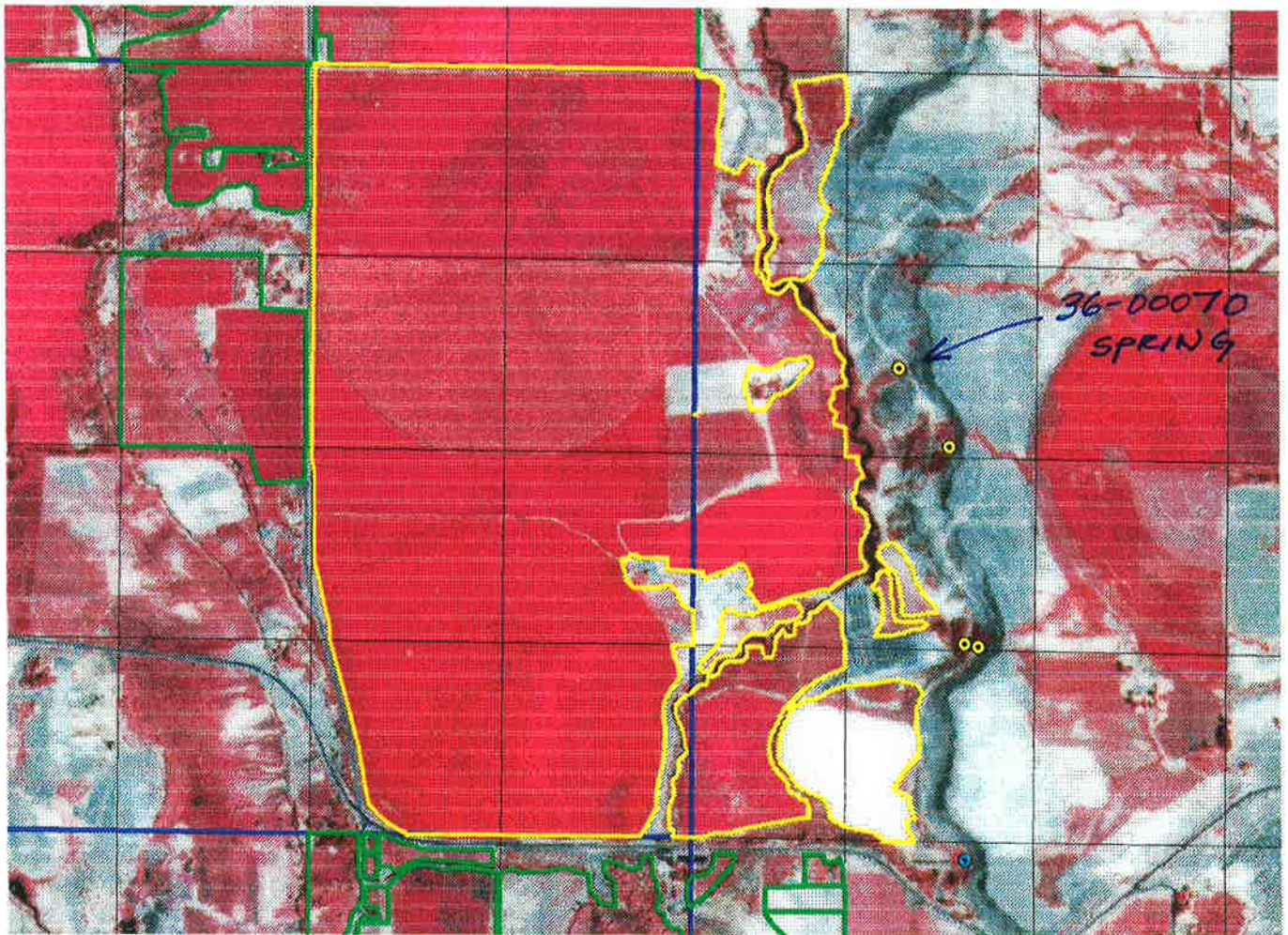
FISH PROPAGATION: Not recommended. Use is covered by license 36-07071. No evidence that fish use was present in 1932 at time of decree. Current facility was not constructed until about 1970.

TOTAL QUANTITY: Suggest total diversion be additive, therefore, $8.25 + 0.11 + 0.12 = 8.48$ cfs total.

Final recommendations will be described in the database record prepared after full legal review of my proposal is complete.

IDAHO DEPARTMENT OF WATER RESOURCES

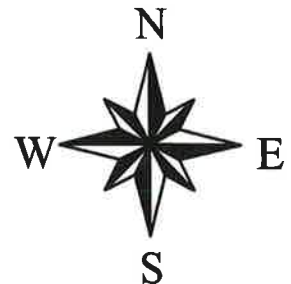
36-00068, 36-00069, 36-00070
Bill Jones



660 0 660 Feet



TNS 7S, RNG 13E & R14E
SECS 25 & 30



⊙ Recommended Point of Diversion



RECOMMENDED Place of use



Section lines



Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATE: JANUARY 23, 1998
BY: STEVE CLELLAND

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

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

IDWR Employee/Agent Steve Clelland

January 12, 1998 11:45am

NAME:

PAT BROWN

CALLIN

RE:

EXAMS FOR AMENDMENTS

HE RETURNED CHARLIE'S CALL TO ME AND GAVE ME THE PHONE NUMBERS TO REACH HIS CLIENTS FOR SETTING THE EXAM TIMES THIS WEEK.

FOR 36-00006, 7, 8:

CALL PENNY TURNER AT 837-4767. PAT MENTIONED HE WAS CONCERNED ABOUT THE AMOUNT OF ACRES WE FOUND AT THE STRANGE POU AND SAID IT MAY HAVE BEEN THE YEAR MR. STRANGE WAS SICK AND DID NOT FARM.

FOR 36-00106, -08099:

CALL PAUL WATKINS AT 837-6283. WE DISCUSSED THE POWER AMENDMENT AND IT WAS INTENDED TO PROVIDE FLOW TO DELIVER THE 1.92 CFS TO THE PENSTOCK AS MEASURED IN THE LICENSE EXAM. I SUGGESTED WE ADD THE REMARK ABOUT NECESSARY FLOW TO DELIVER THE RIGHT TO POU WITHOUT WASTE AS WE HAVE ADDED TO SOME STOCK USES DOWN IN HAGERMAN. WE ALSO DISCUSSED THE SUBORDINATION REMARKS IN THE POWER LIC. HE INDICATED THE PERMIT PRE-DATED ALL THE DATES WHICH SET THE SUBORD. LANGUAGE INTO A PERMIT. WILL REFER THIS TO CHARLIE.

SET UP APPT FOR EXAM FOR 1/14/98, WED. 9 AM AT WATKINS HOME.

FOR 36-00047:

CALL DAVE CROPPER AT 788-4903. PAT SAID THE PLACE IS LOCKED UP DUE TO VANDALS. SET APPT WITH MR. CROPPER FOR 1/16/98 FRIDAY 2 PM AT THE FIELD.

FOR 36-00068, 69, 70:

PAT STILL HAS YET TO CONTACT MR. BILL JONES.

SUBCASE NO. 36-00070

	CLAIM (8/19/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	John & Deloris Jones, Jr.	N/A	Disallowed.	John & Deloris Jones, Jr.
BASIS OF CLAIM	Decree			
SOURCE	Unnamed Spring			
QUANTITY	0.50 cfs			
PRIORITY DATE	4/1/1905			
PURPOSE OF USE	Irrigation Domestic Stockwater			
PERIOD OF USE	Irr.: 3/15 - 11/15 Dom.: 1/1 - 12/31 S.W.: 1/1/ - 12/31			
POINT OF DIVERSION	T07S R14E S30			
PLACE OF USE	T07S R13E S25 T07S R14E S30 517.0 acres			
remarks	"Irrigation, stockwater, fish propagation, and domestic use same water from 4 different water rights with a total of 87.05 cfs."			XX water right not being recommended. *

* requests water right being recommended as claimed with year round season of use.

AJ5808NP
(OD-26)

Water Right Number - 36-00070

+ - - - - Last Name - - - - +

*** A - ATTORNEY ***
BROWN

*** C - CURRENT OWNER ***
JONES JR

JONES

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

Prefix Translation: WATER RIGHT

+ - First Name - - +

PATRICK D

JOHN W

DELORIS D

10/09/97 14:00:06
Page 1

Old (D) Number -

+ - - - - Address - - - - - +

1 - HEPWORTH NUNGESTER LEZAMIZ
2 - 133 SHOSHONE ST N
3 - PO BOX 389
City- TWIN FALLS
Phone - 208-734-7510

State- ID Zip- 833030389

1 - PO BOX 265
2 -
3 -
City- HAGERMAN
Phone - 208-837-4580
1 - PO BOX 265

State- ID Zip- 83332

2 -
3 -
City- HAGERMAN
Phone - 208-837-4580

State- ID Zip- 83332

+ - - - - Stage - - - +

+ - - - - Status - - - +
I - DISALLOWED

+ - - Priority Date - - +
04/01/1905

+ - - - - Region - - - +
17 SOUTHERN

+ - - - - Source - - - - +
THREE SPRINGS

+ - - - - Tributary - - - - +
BILLINGSLEY CREEK

+ - - - - Point of Diversion - - - - +
County (47) GOODING
Diversion Name

Tw	Rng	Sec	Tract	Lot	Rflg	Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume
07S	14E	30	SE SE NW	2		01	IRRIGATION	03/15	11/15	12/31	0.500	0.120
						04	STOCKWATER					

+ - Total Div. Rate - + 0.500 + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + 0.0 + - KW Usage - +

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
07S	13E	25	NE NE		40.0	01	IRRIGATION	(47) GOODING	
07S	13E	25	NW NE		40.0	01	IRRIGATION	(47) GOODING	
07S	13E	25	SE NE		40.0	01	IRRIGATION	(47) GOODING	
07S	13E	25	NE SE		37.0	01	IRRIGATION	(47) GOODING	
07S	13E	25	NW SE		38.0	01	IRRIGATION	(47) GOODING	
07S	13E	25	SW SE		29.0	01	IRRIGATION	(47) GOODING	
07S	14E	30	SE SE		38.0	01	IRRIGATION	(47) GOODING	
07S	14E	30	NW NW	1	10.0	01	IRRIGATION	(47) GOODING	
07S	14E	30	SW NW	2	21.0	01	IRRIGATION	(47) GOODING	
07S	14E	30	NE SW		4.0	01	IRRIGATION	(47) GOODING	
07S	14E	30	NW SW	3	25.0	01	IRRIGATION	(47) GOODING	

"DO NOT FILM"

AJ5808NP
(OD-26)

Water right number - 36-00070

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
Prefix Translation: WATER RIGHT

10/09/97 14:01:14
Page 2

Tw	Rng	Sec	Tract	Lot	Place of Use	Description	County
07S	14E	30	SW SW	4	27.0	01 IRRIGATION	(47) GOODING
07S	14E	30	SE SW		12.0	01 IRRIGATION	(47) GOODING
07S	14E	25	NE SE			04 STOCKWATER	(47) GOODING
07S	14E	30	NW SW			04 STOCKWATER	(47) GOODING
Total Acres:					401.0		

+ - - Diversion Means - 50HP PUMP, PART OF 4 WATER SOURCE OPERATION.

+ - - Non-Irrigation Use - STOCKWATER, 500 RANGE

+ - - Other Rights for Same Use - 36-00068

+ - - Remarks - - - - -
GEN FORFEITED/ABANDONED.

+ - - Old Water Right Numbers - - - - -
3600070

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

+ - - Decree Plaintiff - - - +
NEW INTERNATIONAL MORTGAGE BANK

+ - - Decree Defendant - - - +
IDAHO POWER COMPANY

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 03/08/91 BEDKE 07/10/92 CWU-PROD 07/18/92 POST-STD 08/07/92 CHRISTEN 08/28/92 PR-PROD
09/24/92 SCHULTZ 10/14/92 CHRISTEN 10/15/92 CWU-SHAF 10/21/92 CHRISTEN 10/23/92 SOUTH3
11/02/92 CPSHAW 12/05/92 ADT-SHAW 02/19/93 SCHULTZ 06/16/93 CMDATFIX 09/17/93 UPD-SCHU
03/29/95 POST-STD

+ - - Certified Numbers & Date Mailed - 257155 08/24/92

+ - - Comments - - - - -
Date: 03/08/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW
Date: 08/07/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS
IRRIG, STOCK, FISH PROP., AND DOMESTIC USE SAME WATER FROM 4
Date: 09/24/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/23/92. CHANGED NOE FLAG FROM BLANK TO A.
Date: 10/14/1992 User Id: CHRISTEN Subject: RESPONSE TO NOE
REPLIED TO CLAIMANT THROUGH LETTER STATING THE CHANGE IN PERIOD
KCC. 10-14-92.
Date: 10/21/1992 User Id: CHRISTEN Subject: CHANGE IN CLAIM 10-21-92.
ADDED COND CODES NO1 & NO2. KCC.
Date: 10/23/1992 User Id: SOUTH3 Subject: CLAIM DISALLOWED
CLAIMANT CONFIRMED IN TELEPHONE CONVERSATION WITH STEVE CLELLAND
Date: 02/19/1993 User Id: SCHULTZ Subject: ADDED NEW ATTORNEY
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ
DIFFERENT WATER RIGHTS WITH A TOTAL OF 87.05 CFS.
CLAIM VERIFIED 8/7/92. DID NOT REVERIFY ANY PART OF CLAIM.
OF USE CHANGE MADE BY THE DIRECTOR. NO CHANGES MADE AT THIS TIME
THAT THIS SOURCE IS NOT USED.
2/10/93.

"DO NOT FILM"

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

10/09/97 14:01:24
Page 3

Water right number - 36-00070

Prefix Translation: WATER RIGHT

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

Court Report Filing	- 11/02/1992	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 04/29/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 09/10/1993	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/19/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 36A
Licensed Date	- 00/00/0000	Receipt Number	- S001554	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	- AND/OR	Notice of Error Flag	- B

"DO NOT FILM"

R PROOF

CVR

MAPS

PHOTOS

MISC

OCT 12 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. 36-00070 -0001

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

RESPONSE TO OBJECTION

Petitioner,

vs.

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

Respondents.

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

2. Person who filed objection:

Name: DELORIS & JOHN W JONES JR
Address: PO BOX 265
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 CLAIMANT'S ANSWER,
AFFIRMATIVE DEFENSES, AND PRAYER FOR RELIEF.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 12 and 12.b., and all allegations of the objection regarding those items, IDWR responds as follows: IDWR recommended the claim for disallowal because (1) all water that IDWR found was beneficially used was recommended under water right nos. 36-00068 and 36-00069; and (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code 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 as follows: The objection seeks a longer season of use for irrigation than was claimed. 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. A36-00070	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:

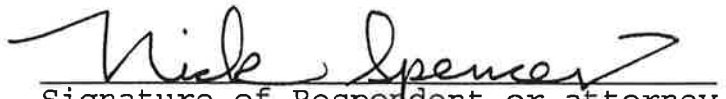
See No. 3

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: 39576

Ident. Number: A36-00070
Date Received: 8/19/1988
Receipt No: S001554
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN W. JONES, JR. 208-837-4580
Address: BOX 265
HAGERMAN, ID 83332

AND/OR
Name: DELORIS D. JONES, JR. 208-837-4580
Address: BOX 265
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1905

3. Source: UNNAMED SPRING Trib. to: BILLINGSLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	14E	30	SW	NW		2	GOODING

5. Description of diverting works:
50HP PUMP, PART OF 4 WATER SOURCE OPERATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		
DOMESTIC	01/01	12/31	0.110		
STOCKWATER	01/01	12/31	0.120		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/5 HOUSES, S/500 BEEF CATTLE

A36-00070

Page 1

Date: 08/19/88

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JAN 21 1989
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OCT 12 1994

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	25	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	29.0
			SE		SE		IRR	40.0
							Section Acres	309.0
14E	30	NW		NW	1	IRR	32.0	
		SW		NW	2	IRR	32.0	
		NE		SW		IRR	40.0	
		NW		SW	3	IRR	32.0	
		SW		SW	4	IRR	32.0	
		SE		SW		IRR	40.0	
							Section Acres	208.0
							Total Acres	517.0

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:
A36-00068, A36-00069, A36-07071

14. Remarks:
IRRIG, STOCK, FISH PROP., AND DOMESTIC USE SAME WATER FROM 4
DIFFERENT WATER RIGHTS WITH A TOTAL OF 87.05 CFS.

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

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

MICROFILMED
JAN 27 1993
OCT 12 1994

16. Signature(s)

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

Number of attachments: 2

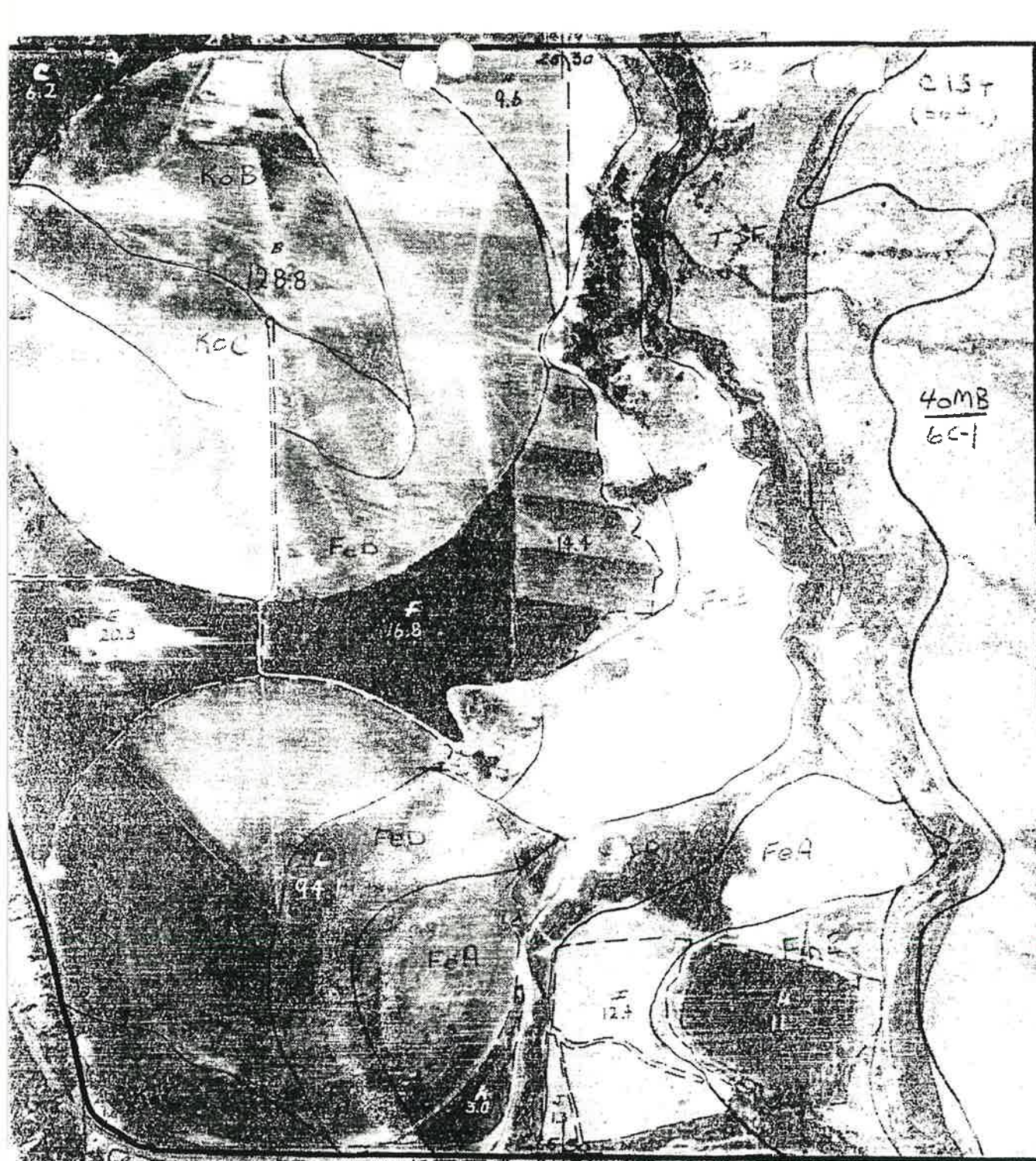
For Individuals:

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

Signature of Claimant(s): John W. Jones Jr. Date: Aug 19 1988
Date:

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of August 19 88 Roxanne Storey
Notary Public
Seal
Residing at Buhl, Id
My Commission Expires 6-30-94



FOOH ORIGINAL

T7S
R14E

513 wing
acres

C277

C276
(5800)

MICROFILMED
MICROFILMED
JAN 21 1993
OCT 12 1991

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

- 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.

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OCT 12 1994

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

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

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



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

01-Feb-1993

JOHN W JONES JR
BOX 265
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00068, 36-00069, 36-00070, 36-07071

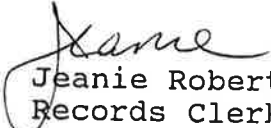
Dear Mr. Jones:

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:

\$12.17

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

Jones
51
46
40
44
181x5 = 9.05
post 2.90
env. 22
12.17

MICROFILMED
OCT 12 1994

RECEIVED

JAN 27 1993

Department of Water Resources
Southern Region Office

Jan 25, 1993

(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 36-00068; 36-00069.

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,

John W. Jones Jr.

John W. Jones Jr.
(Name)

Box 265
(Address)

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

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

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OCT 12 1994

RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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

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

Case No. A36-00070
(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.

36-00070 -0001/
93-04-0074

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

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)

OBJECTION - 1

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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: John W. & Deloris D. Jones, Jr.

Address: P.O. Box 265

Hagerman, ID 83332

Briefly describe your interest in this water right:

Decreed water right pursuant to New

International Mortgage Bank v. Idaho Power

Company dated 3/22/32 with a date of priority

of 04/01/1905

2. Owner of the water right:

Name: John W. & Deloris D. Jones, Jr.

Address: P.O. Box 265

Hagerman, ID 83332

3. If this objection is filed by an attorney:

Attorney Name: Hepworth, Nungester & Lezamiz

Attorney Address: P. Parker & Patrick D. Brown

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

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

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

See Page 7

CHANGES TO THE DIRECTOR'S REPORT

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

Place of use, source, point of diversion: as set forth in

notice of claim for a total of 517 acres; Purposes of use:

domestic, irrigation & stockwater; Period of use: 1/01 - 12/31;

Priority date: 4/01/1905 for maximum quantity & consumptive

as decreed

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 Booding

John W. Jones Jr., 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.

John W. Jones Jr.

Signature of person filing objection

By: [Signature]

(Attorney signing in
representative capacity)

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

Clifton Jensen

Notary Public for Idaho

Residing at: HAGERMAN, IDAHO

My Commission Expires: 5-10-97

(Over)

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OCT 12 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: John W. & Deloris D. Jones, Jr.

Owner's address: P.O. Box 265

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.

MICROFILMED

OCT 12 1994

Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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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OCT 12 1994

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTICE OF ERROR FORM

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

RECEIVED

SEP 23 1992

Department of Water Resources

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: 36-00070

2. Name: John W Jones Jr
Deboris D Jones

Address: Box 265
Hagerman, Idaho 83332

Weekday Telephone Number: 837-4580

RECEIVED

SEP 23 1992

Department of Water Resources
Southern Region Office

MICROFILM

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 commendation with the changes marked on the copy.)

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

Period of use

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

period of use include Feb, March & November

5. Describe why you disagree with the proposed recommendation:

Some years necessary to irrigate in February, March and November.

6. Date: *September 22, 1992*

SIGNATURE

John W Jones Jr.
Deloris Jones



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

14-Oct-1992

JOHN W JONES JR
BOX 265
HAGERMAN ID 83332

RE: RESPONSE TO NOTICE OF ERRORS FOR CLAIMS 36-00068,
36-00069, 36-00070, AND 36-07071.

Dear Mr Jones

ISSUE = PERIOD OF USE FOR ALL CLAIMS

Your NOE(s) indicate that you would like the recommendation to show a longer season of use for irrigation. The Director has approved extending the period of use for the Hagerman valley to 3/15 to 11/15.

The proposed recommendation is based on irrigation season of use standards adopted by the Director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost.

In addition, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for irrigation outside the irrigation season under certain conditions. The conditions are that the water is beneficially used, as determined by the director; that all water rights with a period of use outside the irrigation season, regardless of priority, are satisfied; and that the use does not conflict with the public interest as determined by the director. This proposed general provision will be included in the Director's Report.

RESPONSE TO NOE FOR 36-00068 AND 36-00069

Your NOE questions the basis for recommending disallowal of a claim to a previously decreed water right.

MICROFILMED
JAN 21 1993
3

JONES
PAGE 2
14-Oct-1992

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 claims 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.

RESPONSE TO NOE FOR 36-07071

The recommendation for 82 raceways was based upon the field examiner's findings of raceways in use as of 1987. Expansion of the system beyond the original licensed system will require an application for permit even though the development has already occurred as the development has occurred since the May 20, 1971 mandatory permit statute for developments from surface water.

The 325 inches referenced in remarks was included within your claim based upon the court findings in Case No. 16676 which stated that the 325 inches was to be discharged into the Bar S ditch.

The Department does recognize that the "33" rights are only from Weatherby Springs although it does not clearly state that in the remarks section of your right. Within the "33" rights, only Weatherby Springs is listed.

Based upon currently available information, the period of use has been changed as stated above but the other points in your NOE(s) will remain the same.

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JAN 21 1993

JONES
PAGE 3
14-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

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JAN 21 1993

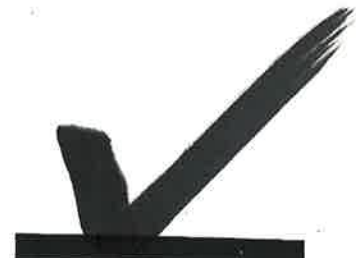
R PROOF

CVR

MAPS

PHOTOS

MISC



MICROFILMED
JAN 27 1993

Water Right Number - R36-00070

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
JONES JR

JOHN W

1 - PO BOX 265

2 -

3 -

City- HAGERMAN

Phone - 208-837-4580

State- ID Zip- 83332

JONES

DELORIS D

1 - PO BOX 265

2 -

3 -

City- HAGERMAN

Phone - 208-837-4580

State- ID Zip- 83332

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
04/01/1905 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
THREE SPRINGS BILLINGSLEY CREEK

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

Tw	Rng	Sec	Tract	Lot	RFlg	County
07S	14E	30	SE SE NW	2	(47)	GOODING

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	0.500	
04 - STOCKWATER		01/01	12/31	0.120	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.500 0.0+ - - - - Place of Use - - - - - +

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

07S	13E	25	NE NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	25	NW NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	25	SW NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	25	SE NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	25	NE SE		37.0	01	IRRIGATION	(47) GOODING
07S	13E	25	NW SE		38.0	01	IRRIGATION	(47) GOODING
07S	13E	25	SW SE		29.0	01	IRRIGATION	(47) GOODING
07S	13E	25	SE SE		38.0	01	IRRIGATION	(47) GOODING
07S	14E	30	NW NW	1	10.0	01	IRRIGATION	(47) GOODING
07S	14E	30	SW NW	2	21.0	01	IRRIGATION	(47) GOODING
07S	14E	30	NE SW		4.0	01	IRRIGATION	(47) GOODING
07S	14E	30	NW SW	3	25.0	01	IRRIGATION	(47) GOODING
07S	14E	30	SW SW	4	27.0	01	IRRIGATION	(47) GOODING
07S	14E	30	SE SW		12.0	01	IRRIGATION	(47) GOODING
07S	14E	25	NE SE			04	STOCKWATER	(47) GOODING

MICROFILMED
JAN 21 1993

Water right number - R36-00070

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	14E	30	NW SW			04	STOCKWATER	(47) GOODING

Total Acres: 401.0

+ - - Diversion Means - 50HP PUMP, PART OF 4 WATER SOURCE OPERATION.

+ - - Non-Irrigation Use - STOCKWATER, 500 RANGE

+ - - Other Rights for Same Use - 36-00068

Remarks
USE OF THIS RIGHT WITH RIGHT NO. 36-00068 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.25 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1203 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 401 ACRES IN A SINGLE IRRIGATION SEASON.

Old Water Right Numbers
3600070

Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
NEW INTERNATIONAL MORTGAGE BANK	IDAHO POWER COMPANY	00/00/0000

Comments
Date: 03/08/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW Date: 08/07/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS IRRIG, STOCK, FISH PROP., AND DOMESTIC USE SAME WATER FROM 4 DIFFERENT WATER RIGHTS WITH A TOTAL OF 87.05 CFS.

+ - - Audit Fields - - +
08/07/92 CHRISTEN

Adjudication Rights Dates and Flags Area					
Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/07/1992	Old Judicial District	-
Claim Received Date	- 08/19/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001554	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

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JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:51:10
06/29/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00070

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		8-21-90	N		HHT 8/6/92	DB	KKC 8-7-92
POINT OF DIV	Y		5CC/4AT	Y	1,5 6			
SOURCE	Y			Y				
PLACE OF USE	Y			Y	1,45			
DIV. AMOUNT CFS/VOLUME	Y			N			Y	
CONSUMPTIVE USE	-			Y				
PURPOSES	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	N			N				
REMARKS	Y			Y				

LW 7/18/90

"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.

Reconsideration: 10-23-92
Mr. Jones spoke to S. Clelland on the phone
and admitted he does not use this source;
recommend disallowal. RNF

RECEIVED
JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:51:10
06/29/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00070

LAST: JONES, JR.
ADDRESS: P.O. BOX 265
CITY: HAGERMAN
PHONE NUMBER: 208-837-4580

FIRST: JOHN W.
STATE: ID ZIP: 83332

OWNER CODE: C

LAST: JONES
ADDRESS: P.O. BOX 265
CITY: HAGERMAN
PHONE NUMBER: 208-837-4580

FIRST: DELORIS D.
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: IRRIG, STOCK, FISH PROP., AND DOMESTIC USE SAME WATER FROM 4
DIFFERENT WATER RIGHTS WITH A TOTAL OF 87.05 CFS.



NORTH END

Photo By
SCW
9-11-90

MICROFILMED
JAN 21 1993

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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JAN 21 1993

A. AJ CLAIM: # A36-00070 PRIORITY DATE: 04-01-1905 STAGE: D
B. WR RECORD: # 36-00070 PRIORITY DATE: 04-01-1905 STAGE: D

C. FIELD EXAM REQUIRED?

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

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

REMARKS:

RECOMMENDED PRIORITY DATE:
04-01-1905

REVIEWED BY 2w

DATE 7/18/90

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JAN 21 1993

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JAN 21 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00070	07S	14E	30		SW	NW	2	GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: SPRING

TRIB: BILLINGSLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-00070	07S	14E	30		SW	NW	2	GOODING

OTHER WR RECORDS WITH SAME WR POD
NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE

SOURCE: UNNAMED SPRING

TRIB: BILLINGSLEY CREEK

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
Y

FIELD
EXAMINER

N Yes

REMARKS:

No Spring @ this POD per field exam - the water right is now used from the THREE SPRINGS AREA. See Conversation Memo w/ John Sandy.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>7S</u>	<u>14E</u>	<u>30</u>	<u>SE</u>	<u>SE</u>	<u>NW</u>	<u>2</u>	<u>47</u>

SOURCE: THREESPRINGS

TRIB: BILLINGSLEY CREEK

REVIEWED BY: SC

DATE: 3-7-91

MICROFILMED
JAN 21 1993

A. ROOT WATER RIGHT NUMBERS: A36-00070

B. POU LISTING

See A36-00068 for Review

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	25	NE	NE		JONES, JR., JOHN W.	A36-00070 /40.0	36-00070 /	40.0		
						JONES, JR., JOHN W.	A36-00068 /40.0	36-00068 /			
						JONES, JR., JOHN W.	A36-00069 /40.0	36-00069 /			
07S	13E	25	NW	NE		JONES, JR., JOHN W.	A36-00070 /40.0	36-00070 /	40.0		
						JONES, JR., JOHN W.	A36-00068 /40.0	36-00068 /			
						JONES, JR., JOHN W.	A36-00069 /40.0	36-00069 /			
07S	13E	25	SE	NE		JONES, JR., JOHN W.	A36-00070 /40.0	36-00070 /	38.0		
						JONES, JR., JOHN W.	A36-00068 /40.0	36-00068 /			
						JONES, JR., JOHN W.	A36-00069 /40.0	36-00069 /			
07S	13E	25	NW	SE		JONES, JR., JOHN W.	A36-00070 /40.0	36-00070 /	39.0		
						JONES, JR., JOHN W.	A36-00068 /40.0	36-00068 /			
						JONES, JR., JOHN W.	A36-00069 /40.0	36-00069 /			
07S	13E	25	SW	SE		JONES, JR., JOHN W.	A36-00070 /29.0	36-00070 /	40.0		
						OMOHUNDRO, NEVADA B.	A36-00044 / 2.0	36-00044 /			
						JONES, JR., JOHN W.	A36-00068 /29.0	36-00068 /			
						JONES, JR., JOHN W.	A36-00069 /29.0	36-00069 /			
						OMOHUNDRO, NEVADA B.	A36-00041B /	- /			
						ELIASON, JACOB		36-00043 /			
07S	13E	25	SE	SE		JONES, JR., JOHN W.	A36-00070 /40.0	36-00070 /	40.0		
						JONES, JR., JOHN W.	A36-00068 /40.0	36-00068 /			
						JONES, JR., JOHN W.	A36-00069 /40.0	36-00069 /			
07S	14E	30	NW	NW	1	JONES, JR., JOHN W.	A36-00070 /32.0	36-00070 /			
						JONES, JR., JOHN W.	A36-00068 /32.0	36-00068 /			
						JONES, JR., JOHN W.	A36-00069 /32.0	36-00069 /			
07S	13E	25	SW	NE		JONES, JR., JOHN W.	A36-00070 /40.0	36-00070 /	39.0		
						JONES, JR., JOHN W.	A36-00068 /40.0	36-00068 /			
						JONES, JR., JOHN W.	A36-00069 /40.0	36-00069 /			
07S	14E	30	NE	SW		JONES, JR., JOHN W.	A36-00070 /40.0	36-00070 /	23.0		
						JONES, JR., JOHN W.	A36-07071 /	36-07071 /			
						JONES, JR., JOHN W.	A36-00068 /40.0	36-00068 /			
						JONES, JR., JOHN W.	A36-00069 /40.0	36-00069 /			
07S	14E	30	NW	SW	3	JONES, JR., JOHN W.	A36-00070 /32.0	36-00070 /			
						JONES, JR., JOHN W.	A36-00068 /32.0	36-00068 /			
						JONES, JR., JOHN W.	A36-00069 /32.0	36-00069 /			
07S	14E	30	SW	SW	4	JONES, JR., JOHN W.	A36-00070 /32.0	36-00070 /			
						JONES, JR., JOHN W.	A36-00068 /32.0	36-00068 /			
						JONES, JR., JOHN W.	A36-00069 /32.0	36-00069 /			
07S	14E	30	SE	SW		JONES, JR., JOHN W.	A36-00070 /40.0	36-00070 /	26.0		

Same Recommendation as A36-00068

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				JONES, JR. , JOHN W.	A36-00068	/40.0	36-00068	/	
				JONES, JR. , JOHN W.	A36-00069	/40.0	36-00069	/	
07S	13E	25	NE	SE	JONES, JR. , JOHN W.	A36-00070	/40.0	36-00070	/
					JONES, JR. , JOHN W.	A36-00068	/40.0	36-00068	/
					JONES, JR. , JOHN W.	A36-00069	/40.0	36-00069	/
07S	14E	30	SW	NW	2	JONES, JR. , JOHN W.	A36-00070	/32.0	36-00070
						JONES, JR. , JOHN W.	A36-00068	/32.0	36-00068
						JONES, JR. , JOHN W.	A36-00069	/32.0	36-00069
TOTAL ACRES					A36-00070	517.00			362.00

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

PRESUMPTION FLAG:

REMARKS:

Napp shows irrig in sec 30 - ASCS does not have actual acres marked. Landsat shows discrepancy - confirm sec 30 acres.

RECOMMENDATIONS:

TOTAL ACRES: 401

REVIEWED BY: SCC

DATE: 9-10-90

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401

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00070 IRRIGATION	FROM ~~03-15~~ TO ~~11-15~~	.500 CFS
A36-00070 ~~DOMESTIC~~	FROM ~~01-01~~ TO ~~12-31~~	~~.110 CFS~~
A36-00070 STOCKWATER	FROM 01-01 TO 12-31	.120 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.500 CFS

4- to 10-31

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00070 IRRIGATION	FROM TO	.500 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.500 CFS

PRESUMPTION FLAG:

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() Explain in remarks, below.

REMARKS:

No Domestic use from this source.

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 0.500 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.500 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

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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: ~~A36-00068~~, ~~A36-00069~~, ~~A36-07071~~

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00070	SPRING	JONES, JR. , JOHN W.	0.500			
A36-00068	WEATHERBY SPRINGS	JONES, JR. , JOHN W.	12.500	0.024		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-00070	DOMESTIC	JONES, JR. , JOHN W.	FROM 01-01 TO 12-31	.110 CFS	
A36-00070	STOCKWATER	JONES, JR. , JOHN W.	FROM 01-01 TO 12-31	.120 CFS	
A36-00041B	DOMESTIC	OMOHUNDRO , NEVADA B.	FROM 01-01 TO 12-31	.020 CFS	
A36-07071	FISH PROPAGATION	JONES, JR. , JOHN W.	FROM 01-01 TO 12-31	73.050 CFS	52794.00 AF/A

Prop FISH RT. ← delete

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 401 x 0.02 CFS/ACRE = 8.02 CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 1551.0 AF/A

ACRES 401 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =
TOTAL CONSUMPTIVE USE 1203 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 401 x DIVERSION VOL. AF/A FOR AREA 4.0 =
TOTAL DIVERSION VOLUME 1604 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

1b. CALCULATIONS

limited by claim:

0.50 cfs

EPO

limited when combined w/ 36-0068

to 7.25 cfs

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS USE
<u>IRRIGATION</u>	<u>4-1 11-31</u>	DATABASE EXAMINER <u>0.50</u>	DATABASE EXAMINER <u>16.04</u>	DATABASE EXAMINER <u>1203</u>
<u>STOCK WATER</u>	<u>1-1 12-31</u>	<u>0.12</u>	<u>16.04</u>	<u>1203</u>
<u>~~DOMESTIC~~</u>	<u>~~1-1 12-31~~</u>	<u>~~0.11~~</u>	<u>~~16.04~~</u> N/A	<u>~~1203~~</u>
TOTAL FOR THIS RIGHT		<u>0.50</u>	<u>16.04</u>	<u>1203</u>

REVIEWED BY: SCU

DATE: 9-10-90

SCU 7-27-92

EX 10 EO 9.

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED	NEEDS
AS CLAIMED	REVIEW
(☒)	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00070

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.500

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-00070	0.500	-		36-00070	0.500
TOTAL CFS		0.500				0.500

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
Y

REMARKS:

See A36-00068 for Remarks.

AUTHENTICATION:

SIGNATURE: *Steve Cullen*

DATE: 9-10-90

NAME OF FIELD EXAMINER: _____ TITLE: _____

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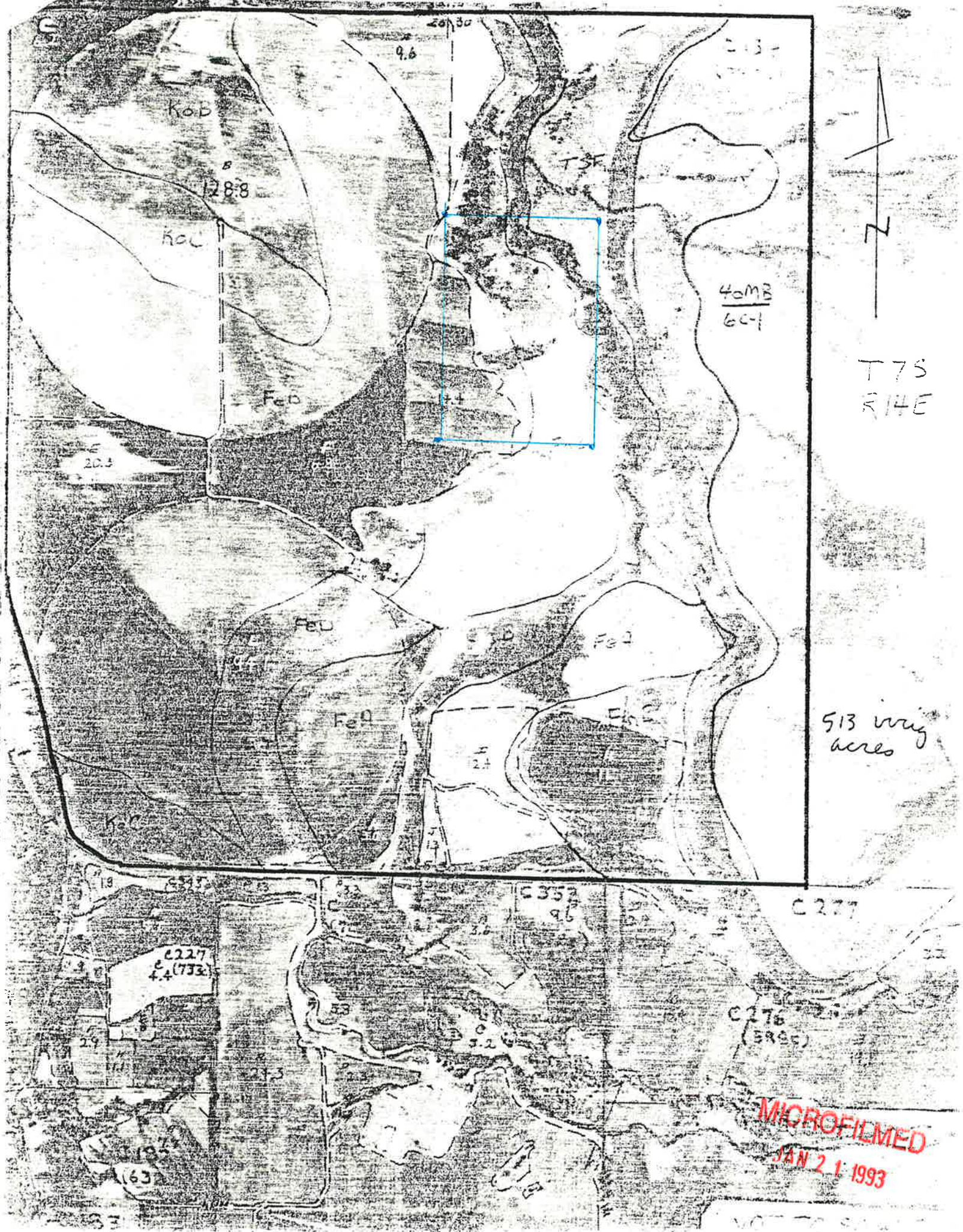
REMARK AND CONDITION CODE WORKSHEET

SYSTEM CLAIM NUMBERS R36 00070 _____

AGENT
INITIALS HH
DATE 8/6/92

[illegible]

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

MODE SELECT
INPUT

R. KEITH HIGGINSON
Director

OUTER DIAMETER
16.0346 IN

PIPE MATERIAL
? CS, SS

WALL THICKNESS
0.2000 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
12.861 IN U

08-22 14:4000 *R
+246.736E 1GPM

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

08-22 14:4200 *R
+002.40 % AI2

MODE SELECT
T0 CHECK

0584.7 MMSEC
100.09 % T0

08-22 14:4200 *R
+234.320E 1GPM

08-22 14:4300 *R
+236.698E 1GPM

08-22 14:5000 *R
+314.364E 1GPM

08-22 14:5100 *R
+317.534E 1GPM

08-22 14:5400 *R
+313.572E 1GPM

*Bill Jones
irrigation water
after back pump*

SCC/HNT

SCC/HNT

*PUMPS ARE PLACED IN
A RETAINING POND
BELOW ALL THE FISH PONDS
COMBINE INTO A SINGLE
MAINLINE WHERE
MEASUREMENT WAS MADE.*

*2 pumps
50 & 150 HP
running
50, 100, 150 HP
3 pumps
ON pivot*

← 2 pumps on.

← 3 pumps on
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JAN 21 1993

CONVERSATION MEMORANDUM

NAME OF PARTY JOHN SANDY
EMPLOYEE: STEVE CLELLAND

DATE 2-25-91
FILE A36-00070

RE: POD of Springs

Since John Sandy grew up on this farm I ask him about this diversion. He said there never was a spring in the LOT 2 as decreed but the use has always been from Three Springs. Three Springs is the only source in the area.

This confirms the field exams conducted on the water rights in the Summer of 1990.

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