

1999 JAN 15 PM 2:02
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: A36-00072
Date Received: 12/16/1997
Receipt No: S020778
Received By: _____

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

1. Name: LAYNE OSBORNE 208-837-6332
Address: 966 A JUSTICE GRADE
HAGERMAN ID 83332
AND/OR
Name: JUDY OSBORNE 208-837-6332
Address: 966 A JUSTICE GRADE
HAGERMAN ID 83332

2. Date of Priority: JUN 26, 1881

3. Source: SPRING NO. ONE Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
PUMP &/OR GRAVITY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.100		
IRRIGATION	02/15	11/30	0.100		
DOMESTIC	01/01	12/31	0.100		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER & DOMESTIC

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	NE	NE		DOMEST	
			NE	NE		STOCK	
			NE	NE		IRR	29.6
						Section Acres	29.6
						Total Acres	29.6

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER COMPANY
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s):

Larry Osborn

Date:

1/15/99

Judy Osborn

Date:

1/14/99

State of Idaho)
County of BODDING) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of January 19 99 Connie L. Herbert
Notary Public

Seal

Residing at Hagerman
My Commission Expires 3-6-04

RECEIVED
MAY 07 1999
Department of Water Resources
Southern Region

1070 APR 20 PM 3:17
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

) Subcase Nos. 36-00072, 36-00074 &
) 36-00071B
)

) ORDER GRANTING MOTIONS
) TO FILE LATE NOTICES OF CLAIMS
)

On January 15, 1999, a *Motion to File Late Notice of Claim* was filed for each of the above subcase numbers by Layne Osborne. All procedural requirements under *Administrative Order 1* were complied with in filing these *Late Notices of Claims*. No valid objections were made to these *Late Notices of Claims*. The *Motions* are GRANTED.

IT IS SO ORDERED.

DATED April 20, 1999.



BARRY WOOD
Administrative District Judge
Interim Presiding Judge
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

April 29, 1999

KARL J. DREHER
DIRECTOR

RECEIVED

MAY 07 1999

Department of Water Resources
Southern Region

LAYNE AND JUDY OSBORNE
966 A JUSTICE GRADE
HAGERMAN ID 83332

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim #A36-00071B, A36-00072 & A36-00074
and
Amended Claim A36-00073

Dear Claimants:

Your Notices of Claim to a Water Right for your property in Gooding County were received from the SRBA Court recently.

Your Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/327-7932 if you have any questions.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:ss: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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00072

Date Received: 12/16/1997

Receipt No: S020778

Received By: _____

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

1. Name: LAYNE OSBORNE 208-837-6332
Address: 966 A JUSTICE GRADE
HAGERMAN ID 83332

AND/OR

Name: JUDY OSBORNE 208-837-6332
Address: 966 A JUSTICE GRADE
HAGERMAN ID 83332

2. Date of Priority: JUN 26, 1881

3. Source: SPRING NO. ONE Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
PUMP &/OR GRAVITY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.100		
IRRIGATION	02/15	11/30	0.100		
DOMESTIC	01/01	12/31	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER & DOMESTIC

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	NE	NE		DOMEST	
			NE	NE		STOCK	
			NE	NE		IRR	29.6
						Section Acres	29.6
						Total Acres	29.6

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER COMPANY
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s):

Larry Osborne

Date:

1/15/99

Judy Osborne

Date:

1/14/99

State of Idaho)
County of BODDING) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of January 19 99

Connie F. Herbert
Notary Public

Seal

Residing at Hagerman
My Commission Expires 3-6-04

RECEIVED
JAN 15 1997
Department of Water Resources
Southern Region

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

In Re SRBA

)

Subcase A36-00072

)

(Insert water right number)

)

Case 39576

)

STANDARD FORM 4

)

)

MOTION TO FILE:

)

☒ LATE NOTICE OF CLAIM

)

☐ AMENDED NOTICE OF CLAIM

)

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it 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 is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Layne Osborne

My address is 966 Justice Grace
Hagerman, ID 83332

My phone number is: Work 837-4860 Home 837-6332

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

we were confused on the claims and
the numbers identifying them.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on

9/9

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of IDAHO

County of GOODING

Layne Osborne, being first duly sworn, upon oath, deposes and says:
(insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Layne Osborne
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on January 15, 1999
(Insert Date)

Connie L. Herbert
Notary Public for IDAHO
Residing at: Hagerman
My Commission expires: 3-6-04

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on 11/15, 1999, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

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: **A36-00072**
Date Received: 7/19/1988
Receipt No: ~~X777777~~
Received By: SW
5020778

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

1. Name: LAYNE OSBORNE 208-837-6332
Address: 966 A JUSTICE GRADE
HAGERMAN ID 83332
AND/OR
Name: JUDY OSBORNE 208-837-6332
Address: 966 A JUSTICE GRADE
HAGERMAN ID 83332

2. Date of Priority: JUN 26, 1881

3. Source: SPRING NO. ONE Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
INSTREAM FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.100		
IRRIGATION	03/15	11/15	0.100		
WILDLIFE	01/01	12/31	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
WILDLIFE; STOCKWATER, 75 HOLSTEINS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	NE	NE		WILDLF	
			NE	NE		STOCK	
			NE	NE		IRR	30.0
						Section Acres	30.0
						Total Acres	30.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

TRANS. 2652. SPRING USED FOR LIVESTOCK AND OVERFLOW USED FOR IRRIGATION.

THIS WATER RIGHT HAS BEEN COMBINED WITH 36-00073 AND CLAIMED UNDER AJ CLAIM A36-15176.

****AMENDED CLAIMS**** THIS PORTION WAS SPLIT FROM THE ABOVE CLAIM TO DESCRIBE A SEPARATE SYSTEM AND SOURCE AND USES. 12/16/97 SCC.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER COMPANY
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): L. Oshie Date: 12/16/97
Judy Osborn Date: 12/16/97

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of December 19 97 Steve C. [Signature]
Notary Public

Seal

Residing at Twin Falls 18
My Commission Expires 12/7/2000

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 36-00072

200 DEC 13 AM 10:46

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: JUDY OSBORNE
LAYNE OSBORNE
966A JUSTICE GRADE
HAGERMAN, ID 83332

SOURCE: SPRING NO. ONE TRIBUTARY: SNAKE RIVER

QUANTITY: 0.10 CFS

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

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE
DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

USE OF THIS RIGHT WITH RIGHTS 36-00071B, 36-00073, AND
36-00074 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
1.29 CFS.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S11 NENENE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	0.10 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Gooding County
T07S R13E S11 NENE 23.5
23.5 Acres Total

Stockwater Within Gooding County
T07S R13E S11 NENE

USE OF THIS RIGHT WITH RIGHTS 36-00071B, 36-00073 AND
36-00074 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
23.5 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

DUE TO LEAKAGE FROM THE DITCH BACK INTO THE CREEK IN THE
200 FEET OF DITCH IMMEDIATELY BELOW THE DIVERSION STRUCTURE,
MEASUREMENT OF THIS RIGHT SHALL BE BASED ON THE AMOUNT FLOWING
IN THE DITCH 200 FEET BELOW THE POINT OF DIVERSION.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

*Added to
IDWR record
4-1-2002*

PAGE 1
08/09/00

2002 AUG -9 PM 12: 19

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED _____

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

In Re SRBA	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATIONS
Case No. 39576	)	
	)	FINDINGS OF FACT &
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS: 36-00071B,
	)	36-00072, 36-00073, 36-00074, 36-15176,
	)	and 36-15184

I. PROCEDURAL BACKGROUND

A claim for water right 36-15176 was filed in 1988, and an amended claim for water right 36-15184 was filed in 1991. *Motions to File Late Claims* were filed by Layne and Judy Osborne (hereafter "Osborne") for claim numbers 36-00071B, 36-00072, and 36-00074, on January 15, 1999. SRBA Presiding Judge Barry Wood granted the *Motions* in ***Order Granting Motions to File Late Notices of Claim*** (April 20, 1999). After the Late Notices of Claim were allowed to proceed under numbers 36-00071B, 36-00072, and 36-00074, Osborne stipulated to **withdraw** claim number 36-15176. The claim originally numbered 36-15184 was **renumbered** as 36-00073. Osborne filed a *Motion to Amend Notice of Claim* for 36-00073. Therefore, Osborne implicitly agreed to **withdraw** claim number 36-15184 since it duplicates 36-00073. The Idaho Department of Water Resources filed *Amended Director's Reports* for all subcases in September 1999, and filed *Corrected Recommendations* in February 2000. Osborne and IDWR submitted *Standard Forms 5* prior to trial.

II. FINDINGS OF FACT

A. AMENDED DIRECTOR'S REPORTS

Amended Director's Reports for 36-00071B, 36-00072, 36-00073, 36-00074, 36-15176 and 36-15184 were filed September 27, 1999. The *Amended Director's Reports* recommended 36-15176 as **withdrawn** and recommended 36-15184 be **disallowed** because the claim was "renumbered and recommended as water right number 36-00073."

Osborne did not file Objections to the *Amended Director's Reports* for 36-15176 or 36-15184. Osborne did file Objections to the *Amended Director's Reports* for 36-00071B, 36-00072, 36-00073, and 36-00074 on quantity, acreage and conveyance loss. On October 22, 1999, North Snake Ground Water District filed Responses to the *Amended Director's Reports* for 36-00071B, 36-00072, 36-00073, and 36-00074.

B. CORRECTED RECOMMENDATIONS

Corrected Recommendations were filed by IDWR February 18, 2000, which amended the previous *Amended Director's Reports*. On March 17, 2000, Osborne filed Objections to the *Corrected Recommendations* for 36-00071B, 36-00072, 36-00073, and 36-00074 raising issues of quantity and conveyance loss. North Snake Groundwater District did not file Objections or Responses. NSGWD discontinued its participation in these subcases as a result of declining to file Objections or Responses.

C. STANDARD FORMS 5

Prior to trial, Osborne and IDWR settled these subcases with *Standard Forms 5* signed by IDWR and counsel for Osborne. The *Standard Forms 5* included the phrase:

Delivery of this right is subject to the terms of the April 28, 2000, letter from David R. Tuthill, Jr., P.E., Chief, Adjudication Bureau, to Patrick D. Brown, P.C., addressing the measurement of water diverted into the John Bell Ditch.

However, the claimant and IDWR agreed to delete that phrase from the "Other Provisions Necessary for Definition or Administration" portion of these rights. Instead the claimant and IDWR assert the following information is necessary to define or administer these water rights:

Due to leakage from the ditch back into the creek in the 200 feet of ditch immediately below the diversion structure, measurement of this right shall be based on the amount flowing in the ditch 200 feet below the point of diversion.

Letter from Nick Spencer dated Aug. 2, 2000; Letter from Patrick D. Brown dated Aug. 1, 2000.

This Special Master concurs that language is necessary to properly define and administer these water rights.

III. CONCLUSIONS

A. CLAIMS NOT RECOMMENDED

1. 36-15184

The claim originally numbered 36-15184 was renumbered as 36-00073. Because claim 36-15184 was renumbered, IDWR recommended that no right be included in any decree for 36-15184. Osborne did not object to IDWR's recommendation for disallowance. Therefore, IT IS RECOMMENDED that water right claim 36-15184 **not be confirmed** in any partial or final decree.

2. 36-15176

Osborne agreed to withdraw claim number 36-15176. Therefore, IT IS RECOMMENDED that water right claim 36-15176 **not be confirmed** in any partial or final decree.

B. CLAIMS RECOMMENDED AS STIPULATED TO IN *STANDARD FORMS 5*

Claims number 36-00071B, 36-00072, 36-00073, and 36-00074 proceeded with IDWR filing *Amended Director's Reports* and *Corrected Recommendations*. North Snake Ground Water District filed Responses after the *Amended Director's Reports* were filed, but discontinued participation in these subcases after the *Corrected Recommendations* were filed. Osborne objected to the *Corrected Recommendations* filed in February 2000. The Osborne objections were resolved by *Standard Form*

5 settlement documents signed by Osborne and IDWR¹ and further explained in the letters from Patrick D. Brown and Nick Spencer. Therefore, IT IS RECOMMENDED that water rights 36-00071B, 36-00072, 36-00073, and 36-00074 **be decreed** as stipulated to in the *Standard Forms 5* and as set forth in the *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED August 9, 2000.


BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

¹ Claim 36-00071B was split from 36-00071. IDWR reported that 36-00071A was decreed to Robert L. and Betty Jo Harney. IDWR further reported that the combined quantities for 36-00071A (Harney) and 36-00071B (Osborne) are 1.79 cfs which does not exceed the total quantity decreed for 36-00071 in *New International Mortgage Bank v. Idaho Power Company*, in Equity No. 1602 (S.D. Idaho, Mar 22, 1932) (correspondence from Nick Spencer dated May 5, 2000).

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 36-00072

2000 AUG -9 PM 12:19

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: JUDY OSBORNE
LAYNE OSBORNE
966A JUSTICE GRADE
HAGERMAN, ID 83332

SOURCE: SPRING NO. ONE TRIBUTARY: SNAKE RIVER

QUANTITY: 0.10 CFS

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

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE
DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

USE OF THIS RIGHT WITH RIGHTS 36-00071B, 36-00073, AND
36-00074 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
1.29 CFS.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S11 NENENE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	0.10 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation
T07S R13E S11 NENE 23.5 Within Gooding County
23.5 Acres Total

Stockwater
T07S R13E S11 NENE Within Gooding County

USE OF THIS RIGHT WITH RIGHTS 36-00071B, 36-00073 AND
36-00074 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
23.5 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

DUE TO LEAKAGE FROM THE DITCH BACK INTO THE CREEK IN THE
200 FEET OF DITCH IMMEDIATELY BELOW THE DIVERSION STRUCTURE,
MEASUREMENT OF THIS RIGHT SHALL BE BASED ON THE AMOUNT FLOWING
IN THE DITCH 200 FEET BELOW THE POINT OF DIVERSION.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RECOMMENDATION

AUG - 9 2000

SPECIAL MASTER

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-00072

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

A. Subcase No.: 36-00072

STANDARD FORM 1
OBJECTION

RECEIVED
APR 12 2000
Department of Water Resources
Southern Region

RECEIVED

MAR 17 2000

Department of Water Resources

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Layne and Judy Osbourne
Address: 966-A Justice Grade
Hagerman, ID 83332
Daytime Phone: (208) 837-4860

Name & Address of Attorney, if any:

Patrick D. Brown, P.C.
109 South Adams Street
Jerome, ID 83338 (644-1967)

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT
(Corrected Recommendation of 2-18-00)

Name: Layne and Judy Osborne
Address: 966 A Justice Grade
Hagerman, ID 83332

D. I OBJECT TO THE FOLLOWING ELEMENTS AS RECOMMENDED IN THE DIRECTOR'S REPORT. [PLEASE CHECK THE APPROPRIATE BOX(ES).]

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☒ Quantity
Should be: _____
4. ☐ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Use
Should be: _____
9. ☐ Place of Use
Should be: _____

10. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): See SF.1 Objection in

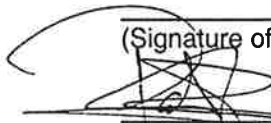
Subcase No. 36-00071B. The combined diversion rate must include the full
amount needed and used to deliver the total field irrigation requirement of 1.2 cfs
to the point of use.

F. VERIFICATION (Must be completed.)

State of Idaho)
)ss
County of Twin Falls)

Layne Osborne, duly sworn upon oath, deposes and says:

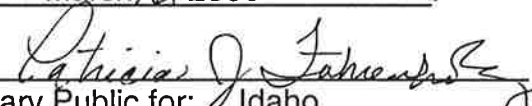
That I am the party/claimant filing this Objection, as defined by I.C. §§ 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this Objection, know its contents, and believe that the statements are true to the best of my knowledge.


(Signature of person filing Objection)

Attorney signing in representative capacity)

SUBSCRIBED AND SWORN To before me on: March 16, 2000.




Notary Public for: Idaho
Residing at: Twin Falls
My Commission Expires: 11-09-2000

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the SRBA Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on March 16, 2000, I mailed the original and copies of this Objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the Claimant of the water right at the following address:

Name: n/a

Address: _____

2. Copies to:

Peter J. Ampe
Office of the Attorney General
P. O. Box 44449
Boise, ID 83711-4449

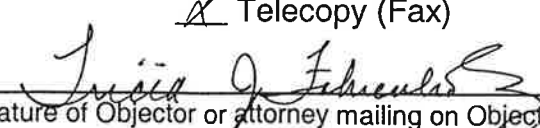
☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Idaho Dept. of Water Resources
Document Depository
P. O. Box 83720
Boise, ID 83701-0098

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Nicholas Spencer
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83705
(208) 327-7866

☐ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (Fax)


(Signature of Objector or attorney mailing on Objector's behalf)

AJ0749NP
No. R36-00072

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

DATE: 02/08/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAYNE OSBORNE	06/26/1881	IRRIGATION	02-15 11-30	0.100 CFS	
C	JUDY OSBORNE		STOCKWATER	01-01 12-31	0.020 CFS	
TOTAL DIVERSION:					0.100 CFS	

Water Source: SPRING NO. ONE

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T07S R13E S11

NENENE

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	13E	11	:	23																:	23.5
TOTAL ACRES																				23.5	

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07S	13E	11	:	S																:

POU County: GOODING

Other Rights: 36-00071B, -0073 & -0074

Conditions of Approval:

- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.
- N01 - THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
- DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
- WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO
- LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT
- CONSTITUTE UNREASONABLE WASTE.
- C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
- DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
- ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

Remarks: QNT

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.29 CFS. COMBINED RIGHT NOS.:

AJ0749NP
No. R36-00072

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

DATE: 02/08/00
PAGE: 2

Remarks: 36-00071B, 36-00072, 36-00073 & 36-00074.

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 23.5 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-00071B, 36-00072,
36-00073 & 36-00074.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates: Exam Made Date: 09/20/1999 Verified Date: 02/08/2000 Objection Filed Date: 10/13/1999

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

RIGHTS FROM: SOURCE: SPRING NO. ONE TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00072

NAME & ADDRESS: LAYNE OSBORNE
JUDY OSBORNE
966 A JUSTICE GRADE
HAGERMAN ID 83332

SOURCE: SPRING NO. ONE TRIBUTARY: SNAKE RIVER

QUANTITY: 0.1 CFS

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

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

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF ~~0.95 CFS~~. COMBINED RIGHT NOS.: 36-00071B, 36-00072, 36-00073 & 36-00074.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S11 NENENE *1.29 cfs* Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	STOCKWATER	02-15 11-30	0.1 CFS
		01-01 12-31	0.02 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S11 NENE 23.5
23.5 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 23.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-00071B, 36-00072, 36-00073 & 36-00074.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF ~~2.7~~ *2.0* ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

STOCKWATER Within GOODING County
T07S R13E S11 NENE

Revised

*See
2/8/00*

$$\frac{0.10}{0.051} = 2.0 \text{ ac}$$

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-19-2000
PAGE: A-6

RIGHTS FROM:	SOURCE: SPRING NO. ONE	TRIBUTARY: SNAKE RIVER
--------------	------------------------	------------------------

RIGHT NUMBER:	36-00072	(CONT)
---------------	----------	--------

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.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

CCT 25 1959

RECEIVED

DEC 02 1999

**Department of Water Resources
Southern Region**

COPY

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

Subcase 36-00072

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: North Snake Ground Water District

Address: 2092 East 3600 South

Wendell, Idaho 83355

Daytime Phone: 208-536-6553

Name & Address of Attorney, if any:

Josephine P. Beeman & Dana L. Hofstetter
BEEMAN & HOFSTETTER, P.C.
608 W. Franklin Street
P.O. Box 1427
Boise, Idaho 83701-1427

C1 NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: Lavne Osborne

Address: 966 Justice Grade

Hagerman, Idaho 83332

D I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☒ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use
11. Recommendation
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E

VERIFICATION (Must be Completed)

State of Idaho)
) ss:
County of Ada)

Dana L. Hofstetter duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing response)

Dana Hofstetter
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 22, 1999

Sue E. Giberman
Notary Public for the State of Idaho
Residing at: Boise Idaho
My Commission Expires: 10/11/2000

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.



CERTIFICATE OF MAILING

I certify that on October 22, 1999, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: Judy & Lavne Osborne
Address: 966 Justice Grade
Hagerman, Idaho 83332

3. One copy to the party who filed the objection at the following address:

Name: Judy & Lavne Osborne
Address: 966 Justice Grade
Hagerman, Idaho 83332

4. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Your signature or signature of attorney
mailing on your behalf

D:\1780\2b\3226

Jones, Doug

Subject: 36-00071B, 36-00072, 36-00073, 36-00074
Entry Type: Phone call
Contact: Osborne, Layne, Osborne, Judy
Start: Mon 11/15/99 3:00 PM
End: Mon 11/15/99 4:00 PM
Duration: 1 hour

Appointment was made the previous week with notice to Steve Clelland and Nick Spencer. The meeting commenced a few minutes after 3 PM.

Osborne asked for the most recent GIS map for his property - It isn't on the Basin36 master shapefile. Steve's laptop computer, which had the shapefile, was not available. The best I could provide was a scanned copy of the field note map Steve developed.

Osborne presented his opinion that IDWR's recommendation cheapens or totally invalidates his spring water rights, since IDWR states that his Bell Ditch right can be used on any of the land also covered by spring water. I explained the flexibility that our recommendation provides to him and that in the future if he feels that someone has injured his water right(s) he can pursue a call or civil action.

He said that he wanted to specify acres for each spring. I explained that the claim and the historical usage was to combine water from the sources into a common system. IDWR is responsible to recommend usage as of 1987. I also explained that information came to light just as the amended recommendations were submitted that indicates that some of the area above the Bell Ditch was not developed in 1972 that was recommended. Explained further that development and changes after 1987 that would require a transfer could not be encoded in these recommendations.

Osborne asked if he could sell a portion of the land with only one source on it. I explained how a land transaction would have to be explicit on reservation or assignment of water. I also explained that consolidating water onto fewer acres is not acceptable beyond a reasonable duty of water. Transfers could be required depending on circumstances.

The Osbornes gave me a legal description of a parcel and a copy of a CFSA map of the property, photo date unknown.

They indicated they are looking for 26 acres and 2"/ac of water. They take exception to the width of the ditch on the layout and the area connecting the orchard and the 5.4 acres drafted on the field map as out.

RECEIVED

OCT 27 1999

Department of Water Resources
Southern Region

RECEIVED

OCT 18 1999

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 36-00072

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Layne Osborne

Address:

966 Justice Grade

Hagerman Idaho 83332

Daytime Phone:

837-6332

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

Layne Osborne

Address:

966 Justice Grade

Hagerman Idaho 83332

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address

Should be: _____

2. ☐ Source

Should be: _____

3. ☐ Quantity

Should be: _____

total diversion rate 1.48 cfs

4. ☐ Priority Date

Should be: _____

5. ☐ Point(s) of Diversion

Should be: _____

6. ☐ Instream Flow Description

Should be: _____

7. ☐ Purpose(s) of Use

Should be: _____

8. ☐ Period of Year

Should be: _____

9. ☒ Place of Use

Should be: _____

total 29.6 acres

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

- have more acres than what they say that are being

- irrigated

- need more water for total diversion rate

F.

VERIFICATION (Must be Completed)

State of Idaho)

)ss.

County of Gooding)

LAYNE OSBORNE

(Name of person filing objection)

, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

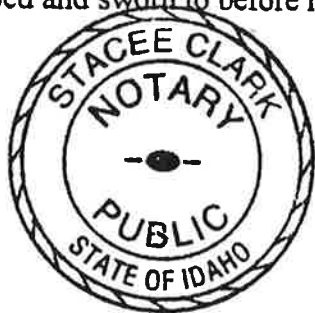
Layne Osborne

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

October 13, 1999



Stacey Clark

Notary Public for Idaho

Residing at: Hagerman, ID 83332

My Commission Expires: 1-14-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Oct. 13, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Layne Osborne
Address: 966 Justice Creek
Hagerman Id 83332

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Layne Osborne
Signature of Objector or attorney
mailing on Objector's behalf

COMMUNICATION DOCUMENTATION

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

12.10.10

LAYNE OSBORNE ??

Files: 36-00071, 72, 73, 74.

COMMUNICATION DOCUMENTATION

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

RECOMMENDATIONS

I showed him some old ASCS photos I scanned to my computer, all the photos show the POU above the John Bell Ditch as NOT irrigated prior to 1972 when the sprinkler system was added by Mrs. Anderson. I told him I could not change my recommendation at this point but this info would be considered if I am to reconsider a future recommendation. I stressed that I told him this for his information and to let him know it exists.

AJ0749NP
No. R36-00072

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

DATE: 09/23/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAYNE OSBORNE	06/26/1881	IRRIGATION	02-15 11-30	0.100 CFS	
C	JUDY OSBORNE		STOCKWATER	01-01 12-31	0.020 CFS	
	966 A JUSTICE GRADE					
	HAGERMAN ID 83332					
	(208) 837-6332					
				TOTAL DIVERSION:	0.100 CFS	

Water Source: SPRING NO. ONE

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T07S R13E S11

NENENE

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
07S	13E	11	:	22				:					:					:					:	22.2
																							TOTAL ACRES	22.2

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
07S	13E	11	:	S				:					:					:					:	

POU County: GOODING

Other Rights: 36-00071B, -0073 & -0074

Conditions of Approval:

- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.

Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.90 CFS. COMBINED RIGHT NOS.:
36-00071B, 36-00072, 36-00073 & 36-00074.

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 22.2 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-00071B, 36-00072,
36-00073 & 36-00074.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.7 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

AJ0749NP
No. R36-00072

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

DATE: 09/23/99
PAGE: 2

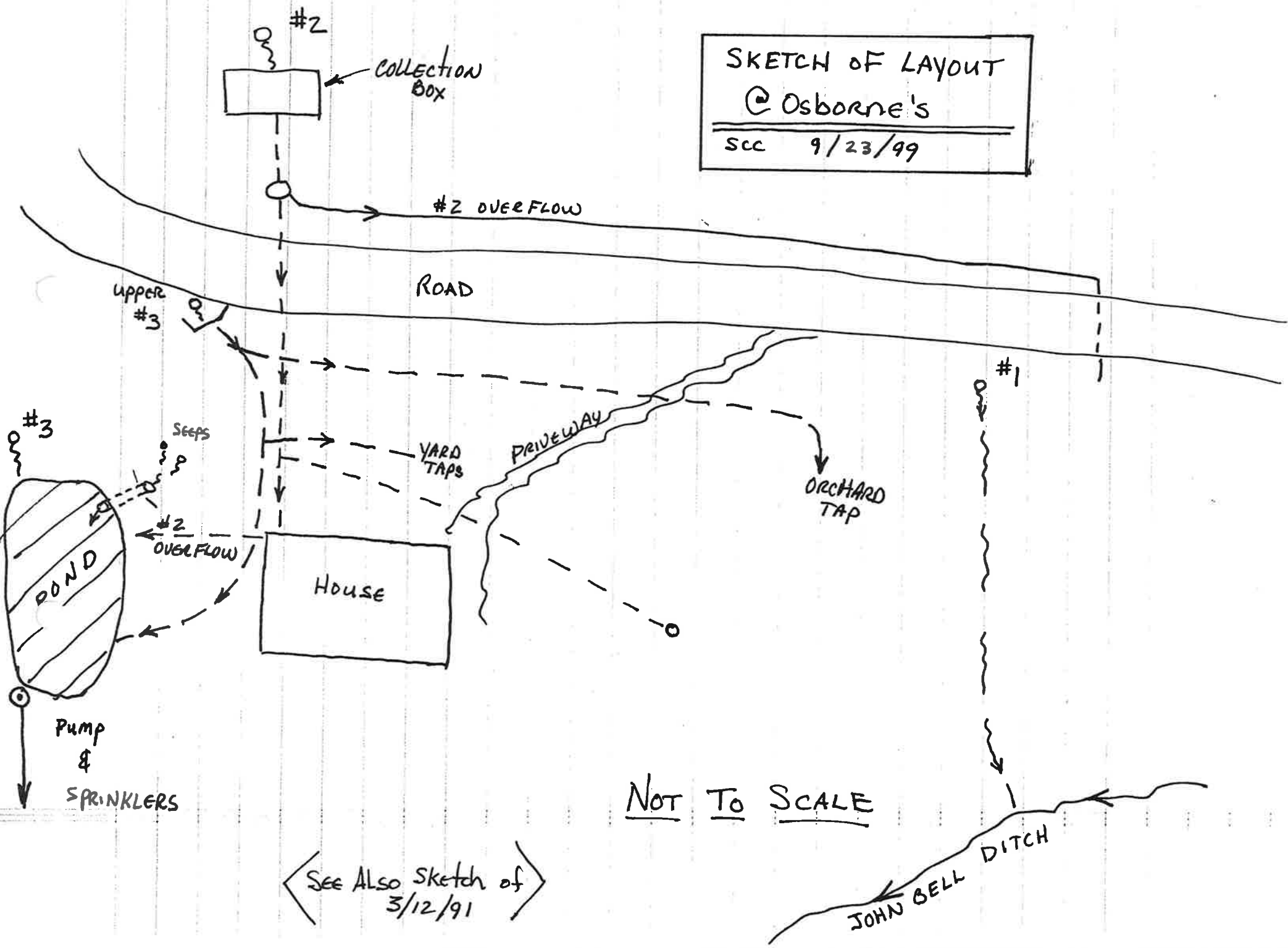
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Dates:	Exam Made Date: 09/20/1999	Verified Date: 09/23/1999	Objection Filed Date:
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Misc:	Water District Number: 36A	Field Inspection Flag:
		Presumption Flag:

SKETCH OF LAYOUT
@ Osborne's

SCC 9/23/99



3/12/91

FIELD NOTES

A36 00074

John Bull directed @ A. Anderson (see photo) then placed across the bottom of down Simpson's @ 4:30 PM 30

2. A. Anderson

found 1 spring to pipe to pond to garden pump

Buckhorn
Dry ditch

Spring #2

Run-off

NO DIGGING
BORROW P.T. Ditch

JUSTICE - GRADE

Spring #1

(NOT FOUND)

dominant soap:
water use
starch use

Boring
NOT USED

3" PVC
Valves

1 1/2" PVC pipe



To Pond
To Domestic use

4" line into pond
probably pipe no sub water

Pond
RNG #3

MICROFILMED

SRBA FIELD EXAM REPORT

1

SRBA CLAIM: A36-00071B, A36-00072, A36-00073 & A36-00074

EXAM DATE: SEPTEMBER 20, 1999

PREVIOUS EXAM: MARCH 12, 1991

IDWR AGENT: STEVE CLELLAND

ACCOMPANIED BY CLAIMANT: LAYNE OSBORNE

PURPOSE: This examination was made to investigate the amendment and late claims filed by Layne & Judy Osborne.

OBSERVATIONS & FINDINGS: I met with Layne Osborne at his home on 9/20/99 just after 2 PM to begin the examination. This was not expected to be a fully detailed exam since I have visited the site before; rather this was an update to show the changes made since the last exam.

I told him he needs to show me why he claimed the uses claimed for each spring source used and we began at Spring #1. He showed me the site where the spring rises and we walked the natural channel down to where it joins the John Bell Ditch. He pointed to the place on the small stream where he dams and diverts the flow into pipelines to run out onto his pasture below or west of the John Bell Ditch. I asked Layne if he thought the actual irrigated acreage under this small flow was 5 acres or less. We discussed the rate per acre issue as it has been developed in the Hagerman Valley; 1"/acre for gravity or more. He agreed to two acres for the 5 inches of decreed water from this source.

We returned to the house area and viewed the pump and pond system north of the house. It appears to be unchanged from my previous exam in 1991, however, Layne indicates he has changed the pump sizes since he has taken ownership of the property. He showed me Spring #3 which is on the east side of the pond as I found in 1991. He described various pipelines and water flows as we walked around the area east of the house and on up to the site below the road. He led me to a spring site below the road but above the site known as Spring #3. He told me he referred to this small spring as part of Spring #3 because it is below the road. It does not appear to be part of Spring #3. Spring #3 was very separate and unique flow to the pond. While the many seeps and springs may be somewhat related it appears this small piped spring is neither #2 nor #3 and we referred to this in our conversation as "upper #3". This Upper #3 Spring is piped to the house area and is used to provide some irrigation of the yard areas. It is piped under the sidewalks and to a drinking fountain and excess flows to the pond. I took some pictures of this site to show the various pipelines and the area of Upper #3.

We walked down the driveway and he showed me how he uses the overflow from Spring #2 to irrigate part of the pasture just below the road, Justice Grade. This small flow is run onto the pasture but the main irrigation source is from the sprinkler system as pumped up from the John Bell Ditch. Estimate less than 1 acre is irrigated with this flow and it is only a supplemental use.

We then went to the site of Spring #2 and observed the pipelines running from the diversion boxes. Due to brush and poison ivy it was not possible to get to the exact point of diversion but it is the same location as I observed in 1991 and no disagreement exists to the location of Spring #2. This spring is piped to the house for domestic uses, which includes the culinary, heat pump, stockwater taps and some yard irrigation. Some of the overflow from the collection box flows to the pasture for gravity irrigation as described above. Overflow after the water is diverted to the house system is dumped into the pond and pumped into the sprinkler system.

SUMMARY & RECOMMENDATIONS:

During my previous exam and review of these rights with Anita Anderson and Layne Osborne on 4/9/91 (See memo in CVR page 2, A36-00073), the water from the John Bell Ditch was pumped up to the pond and all irrigation water was distributed through a common sprinkler system, installed in 1972. Sometime after the 1992 Director's Report for Basin 36, Layne Osborne altered the irrigation system. He now irrigates the north end of the place of use (POU) from the pond using water from #2 and #3. A pump in the John Bell Ditch irrigates the south end of the POU. Since the system was operated as one POU prior to 1987 the recommended POU will reflect that system. All the previous review notes are contained in the file now labeled A36-00073.

RATE PER ACRE: I reviewed the recommendations made for Woodhead claims (36-00111B & 36-00112B) and the final FIR duty of water is 0.037 cfs/ac. While these lands are not identical in soil types they are very close in proximity, < 1/2 mile apart. This is comparable to other rates currently being allowed in the valley for the gravity rate of flow. It is used to base the flow rates for the rights reviewed herein.

SRBA CLAIM 36-00071B (John Bell Ditch)

IRRIGATION: 22.2 acre POU, limited to 22.2 when combined with other rights below. Flow rate = 0.82 cfs, limited to 0.90 cfs when combined with other rights below.

STOCKWATER: Recommended INSTREAM USE 0.02 CFS (per BWI#12).
TOTAL QUANTITY:

SRBA CLAIM 36-00072 (Spring #1)

IRRIGATION: 22.2 acre POU, limited to 22.2 ac. when combined with other rights below. Limited to 2.7 acres w/in PPU. (0.10 cfs/0.037 cfs per ac. = 2.7 ac.) Flow rate = 0.10 cfs w/ combined limits, see below.

STOCKWATER: Recommended INSTREAM USE 0.02 CFS (per BWI#12).
TOTAL QUANTITY: 0.10 cfs

SRBA CLAIM 36-00073 (Spring #2)

IRRIGATION: 22.2 acre POU, limited to 22.2 when combined with other rights below. Limited to 5.4 acres w/in PPU. (0.20 cfs/0.037 cfs per ac. = 5.4 ac.) Flow rate = 0.20 cfs w/ combined limits, see below.

DOMESTIC: 0.04 CFS; 1 HOME
STOCKWATER: Recommended 0.04 CFS.
TOTAL QUANTITY: 0.20 CFS

SRBA CLAIM 36-00074 (Spring #3)

IRRIGATION: 22.2 acre POU, limited to 22.2 when combined with other rights below. Limited to 10.8 acres w/in PPU. (0.40 cfs/0.037 cfs per ac. = 10.8 ac.) Flow rate = 0.40 cfs w/ combined limits, see below.

DOMESTIC: 0.04 CFS; 1 HOME
STOCKWATER: Recommended 0.04 CFS.
TOTAL QUANTITY: 0.40 CFS

COMBINED USE LIMITS

Combined use limits will apply to the POU and flow rates for these rights. Total POU is limited to a 22.2 acre PPU. Each right is further limited to an annual acreage based on the FIR allowed for these rights.

Combined flow rates based on these uses:

0.82 cfs irrigation (per Woodhead FIR)
0.04 cfs domestic (per 1 home standard)
0.04 cfs stockwater (per 100+ head cattle, non-dairy)
====

0.90 CFS COMBINED TOTAL FLOW RATE ALL RIGHTS.

Final recommendations will be described in the database.

BC - 71B - \$50 \$50
 #1 - 72 - \$50 + \$10 \$60
 #3 - 74 - \$50 + \$40 \$90

#2 (15176 -(D/S) ~~20~~
 15184 -(IRL) \$20 = \$28
 \$8

(Receipt No. S020778)

 \$228

12/16/97 *sc*

summary of fees

amended existing claims to represent
 only portions of spring #2. Filed
 3 new claims to represent sources of Spring #1,
 Spring #3, and Billingsley Creek.