

AUG 10 2000

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DISTRICT COURT-SR3A
TWIN FALLS CO, IDAHO

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

Case No. 39576

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 36-00071B
36-00072 36-00073 36-00074
36-15176 36-15184

On August 09, 2000, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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

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

DATED August 09, 2000.


TERI HRANAC
Deputy Clerk

RECEIVED
SEP 21 2000
Department of Water Resources
Southern Region

NOTICE OF ISSUANCE

PAGE 1
08/09/00

200 AUG -9 PM 12:19
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	)	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 36-00073

200 AUG -9 PM 12:19
DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

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

SOURCE: SPRING NO. TWO TRIBUTARY: SNAKE RIVER

QUANTITY: 0.20 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES 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, 36-00072, 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	0.20 CFS
Stockwater	01-01 TO 12-31	0.04 CFS
Domestic 1 HOME	01-01 TO 12-31	0.04 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

Domestic Within Gooding County
T07S R13E S11 NENE

USE OF THIS RIGHT WITH RIGHT 36-00071B, 36-00072, 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 4.0 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 AND DOMESTIC 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 36-00073

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

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: A36-00073
Date Received: 7/19/1988
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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. TWO 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 FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	02/15	11/30	0.200		
STOCKWATER	01/01	12/31	0.100		
DOMESTIC	01/01	12/31	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC & STOCKWATER

10. Place of Use:

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

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): Layne Osborne Date: 1/15/99
Judy Osborne Date: 1/14/99

State of Idaho)
County of GOODING) 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

MAY 07 1999

Department of Water Resources
Southern Region

RECEIVED

APR 23 1999

Department of Water Resources

1999 APR 20 PM 3:17

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase 36-00073

ORDER GRANTING MOTION
TO FILE AMENDED NOTICE
OF CLAIM AND SETTING
OBJECTION AND RESPONSE
DATES

On February 5, 1999, a *Motion to File Amended Notice of Claim* was filed by Layne Osborne. A hearing on the *Motion* was held at the April 20, 1998, Monthly Status Conference. As there was no opposition to the *Motion* and for good cause appearing, IT IS ORDERED that the *Motion to File Amended Notice of Claim* is hereby **GRANTED**.

The following dates are set for objection and response deadlines:

Objections to the *Amended Notice of Claim* are due **June 7, 1999**
(30 days after this Order's appearance on the Docket Sheet).

Responses due **June 22, 1999** (15 days following the Objection
deadline).

IT IS SO ORDERED.

DATED April 20, 1999.


BARRY WOOD

Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that true and correct copies of the **ORDER GRANTING MOTION TO FILE AMENDED NOTICE OF CLAIM AND SETTING OBJECTION AND RESPONSE DATES** were mailed on April 22, 1999, with sufficient, first-class postage to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720

AMENDED NOTICE OF CLAIM FORWARDED

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

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

Layne & Judy Osborne
966 Justice Grade
Hagerman, ID 83332


Deputy Clerk



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

KARL J. DREHER
DIRECTOR

April 29, 1999

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,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff'.

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region

RECEIVED

JAN 15 1999

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00073
Date Received: 7/19/1988
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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. TWO 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 FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	02/15	11/30	0.200		
STOCKWATER	01/01	12/31	0.100		
DOMESTIC	01/01	12/31	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC & STOCKWATER

10. Place of Use:

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

Layne Osborne
Judy Osborne

Date:

1/15/99

Date:

1/14/99

State of Idaho)
County of GOODING) 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
FEB 05 1999
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 36-00073
) (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 916 Justice Grade
Hagerman, ID 83332

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

I am an attorney representing N/A

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:

☐ 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 April 20, 1999 @ 1:30pm
(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:

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

- ☐ 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 Osborn
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on Feb. 3, 1999
(Insert Date)

Connie L. Herliert
Notary Public for Gooding County, Idaho
Residing at: Nagerman
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 2/4, 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:

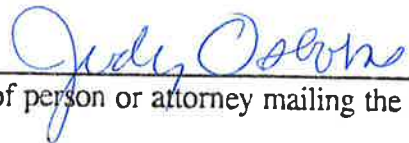
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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: **A36-15184**
Date Received: 4/ 9/1991
Receipt No: S013220
Received By: Sen

Amended

**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. TWO 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:
5HP PUMP AT DITCH TO 25 HP PUMP AT POND TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		
STOCKWATER	01/01	12/31	0.100		
WILDLIFE	01/01	12/31	0.200		

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

8. Total consumptive use is Acre Feet Per Annum.

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

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	NE	NE		IRR	30.0
			NE	NE		WILDLF	
			NE	NE		STOCK	
						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:
NONE

14. Remarks:

****AMENDED CLAIM**** ADDED IN PORTION OF RIGHT 36-00073 FOR 0.20 CFS
COVERAGE OF IRRIGATION USES.

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): Lay Oshu Date: 12/16/97
Judy Osborne 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 ID
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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A36-15184**
Date Received: 4/ 9/1991
Receipt No: S013220
Received By: See

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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

2. Date of Priority: JUN 26, 1881

3. Source: SPRING NO. THREE Trib. to: SNAKE RIVER
BILLINGSLEY CREEK 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
			NE	SE	NE		GOODING

5. Description of diverting works:
5HP PUMP AT DITCH TO 25 HP PUMP AT POND TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.220		

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

8. Total consumptive use is 66.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	13E	11	NE	NE		IRR	22.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	22.0
					Total Acres	22.0

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:

NONE

14. Remarks:

THIS CLAIM IS A COMBINATION OF:

36-00071 FOR 1.42 CFS DELIVERED BY JOHN BELL DITCH.

36-00074 FOR 0.40 CFS SPRING NO. 3 TO POND AND PUMP.

(THIS CLAIM BEGAN AS A36-00074)

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): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 7S Range 13E
Section 11, 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A36-15184
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): ANITA ANDERSEN
Rt. 1 Box 375
HAGERMAN, ID 83332
- ☐ New Owner/Claimant (Purchaser): LAYNE OSBORNE
- ☐ New Mailing Address: 966 A JUSTICE GRADE
HAGERMAN, ID 83332
- ☐ New Telephone Number: (208) 837-6332
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s) _____ Date _____
- ☐ Signature of Former Owner/Claimant(s): Anita A. Andersen Date 4-9-91

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 4-9-91 By: SCC

Further Action Needed:

NO

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

MICROFILMED

FEB 09 1993

INPUT: AJ_SELECTION:HHT-NOA-BROWN1.SEL

TYPE OF ACTION: ADD

MODIFY ALL FIELDS FLAG:

LAST NAME: BROWN

ADDRESS LINE 1: HEPWORTH NUNGESTER LEZAMIZ

ADDRESS LINE 3: PO BOX 389

CITY: TWIN FALLS

STATE: ID ZIP: 833030389

FIRST NAME: PATRICK D

ADDRESS LINE 2:133 SHOSHONE ST N

PHONE NUMBER: (208) 734-7510

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

MICROFILMED

OCT 20 1994

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

RECEIVED

FEB 22 1993

Department of Water Resources
Adjudication Bureau

9
10
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23
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

* * * * *

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

Case No. 39576

12
13 The State of Idaho, ex rel.
14 R. Keith Higginson in his
15 official capacity as director
16 of the Idaho Department of
17 Water Resources,

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

15
16
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23
Petitioner,

vs.

17 United States; State of Idaho;
18 and all claimants to the use
19 of water from the Snake River
20 Basin Water System,

Respondents.

* * * * *

21
22
23
COMES NOW the law firm of Hepworth, Nungester & Lezamiz
and supplements it Notice of Appearance to add on behalf of



Hepworth,
Nungester,
& Lezamiz

SUPPLEMENTAL NOTICE OF APPEARANCE - 1

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

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

10
11 DATED This 19 day of February, 1993.

12 HEPWORTH, NUNGESTER & LEZAMIZ

13
14 By 
15 PATRICK D. BROWN
16 Attorneys for Respondents

17
18 CERTIFICATE OF MAILING

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

MICROFILMED
OCT 20 1994



Hepworth,
Nungester,
& Lezamiz

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

A.F.A.

8. Total consumptive use is 66.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	NE	NE		IRR	22.0
Section Acres							22.0
Total Acres							22.0

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:
NONE

14. Remarks:

THIS CLAIM IS A COMBINATION OF:
36-00071 FOR 1.42 CFS DELIVERED BY JOHN BELL DITCH.
36-00074 FOR 0.40 CFS SPRING NO. 3 TO POND AND PUMP.
(THIS CLAIM BEGAN AS A36-00074)

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: _____

MICROFILMED
OCT 24 1994
FEB 09 1993

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

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

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

14 
15 _____
16 Patrick D. Brown

17
18
19
20
21
22
23
MICROFILMED
OCT 20 1991



Hepworth,
Nungester,
& Lezamiz

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): *Arnta J. Anderson* Date: 4-9-91
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of April 19 91 *Steve Co. Co.*
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

MICROFILMED
OCT 20 1991
FEB 09 1993

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-15184
Date Received: 7/19/1988
Receipt No: 5013220
Received By: SCC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ANITA ANDERSEN 208-837-4876
Address: RT. 1 BOX 375
HAGERMAN, ID 83332
AND/OR
Name: JACKIE RAY ANDERSEN 206-943-2159
Address: 7048 101ST AVE. S.W.
OLYMPIAN, WA 98502
AND/OR
Name: TERRY LYNN ANDERSEN 303-599-4753
Address: 6230 TROUT CREEK CT.
COLORADO SPRINGS, CO 80919
AND/OR
Name: SHARON DILLON 503-256-4609
Address: 4437 N.E. 91ST
PORTLAND, OR 97220

2. Date of Priority: JUN 26, 1881

3. Source: SPRING NO. THREE Trib. to: SNAKE RIVER
BILLINGSLEY CREEK 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
			NE	SE	NE		GOODING

5. Description of diverting works:
5HP PUMP AT DITCH TO 25 HP PUMP AT POND TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.220		

RECORDED
FEB 09 1993

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

10,

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

CIVIL (

Ident.

Date Received: 7/19/1988

Receipt No: 5000989

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANITA ANDERSEN 208-837-4876
Address: RT 1 BOX 375
HAGERMAN, ID 83332
AND/OR
Name: JACKIE RAY ANDERSEN 206-943-2159
Address: 7048 101ST AVE SW
OLYMPIAN, WA 98502
AND/OR
Name: TERRY LYNN ANDERSEN 303-599-4753
Address: 6230 TROUT CREEK CT.
COLORADO SPRINGS, CO 80919
AND/OR
Name: SHARON DILLON 503-256-4609
Address: 4437 NE 91ST
PORTLAND, OR 97220

2. Date of Priority: JUN 26, 1881

3. Source: SPRING NUMBER THREE 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			GOODING

5. Description of diverting works:
25HP PUMP AT POND, 5HP PUMP AT DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.400		

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

A36-00074

Page 1

Date: 07/19/88

MICROFILMED

FEB 09 1993

8. Total consumptive use is 45.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	2	SE	SE		IRR	1.5
						Section Acres	1.5
		11	NE	NE		IRR	13.5
						Section Acres	13.5
						Total Acres	15.0

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:

14. Remarks:

TRANS. 2652. IRRIGATES 15 ACRES AND A POSSIBLE 20 MORE IN THE FUTURE. PART OF THE 36-0071 DECREE. CLAIMANT HAS 71 SHARES OF THE JOHN BELL DITCH.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

IDAHO POWER COMPANY
Decree Defendant

vs

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): Arleta J. Anderson Date: 7-19-88
_____ Date: _____

State of Idaho)
County of T.F.) SS.

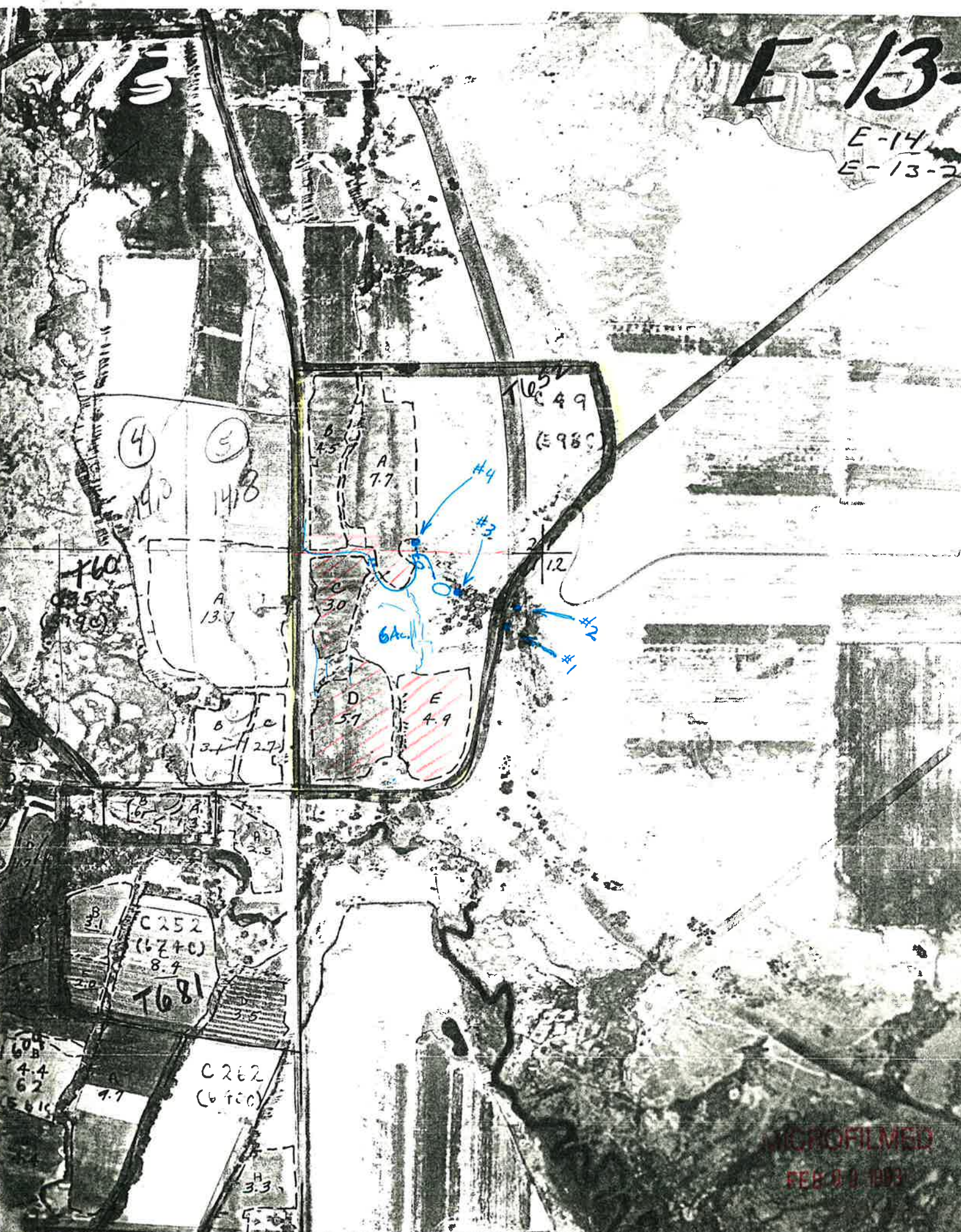
Subscribed and sworn (or affirmed) before me this 19th day
of July 19 88 Lou White
Notary Public

Seal

Residing at T.F.
My Commission Expires 5/95

E-13-

E-14
E-13-2



MICROFILMED
FEB 08 1993

This WARRANTY DEED made this 6 day of June, 19 69,
between

~~Marjorie Justice Thomas~~ ^{mt} Marjorie Justice Thomas, ~~XXXXXX~~ ^{Wife},
of Albany, County of Alameda, State of California
hereinafter referred to as "grantor", and

Marvin Andersen and Anita Andersen, husband & Wife
of Hagerman, County of Gooding, State of Idaho
hereinafter referred to as "grantee".

WITNESSETH, that grantor, for and in consideration of the sum of—

.....Thirty-two thousand and no/100 (\$32,000.00)..... dollars,

in lawful money of the United States, to grantor in hand paid by grantee, the receipt of which is hereby acknowledged,
has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto grantee,
and to grantee's heirs and assigns forever, all of the following described property situate in Gooding County,
State of Idaho:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11 and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2,
All in Twp. 7 S., R. 13 E.B.M.

Together with all appurtenances including 100
inches of water from the John Bell Ditch, 5
inches of water from Spring # 1, 10 inches of
water from Spring # 2, 20 inches of water from
Spring # 3 and 15 inches of water from Spring
4, all as decreed with a priority date of
June 28, 1881.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any-
wise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all
estate, right, title and interest in and to the said property, as well in law as in equity, of the grantor.

TO HAVE AND TO HOLD all and singular the above mentioned and described premises, together with the
appurtenances, unto the grantee, and to the grantee's heirs and assigns forever. And the grantor, and the grantor's
heirs, the said premise in the quiet and peaceable possession of the grantee, and the grantee's heirs and assigns,
against the grantor, and the grantor's heirs, and against all and every person and persons whomsoever lawfully claim-
ing the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the grantor has subscribed this deed the day and year first above written.

Marjorie Justice Thomas

X
Grantor

MICROFILMED
FEB 09 1993

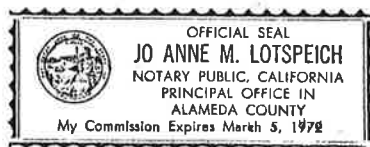
State of California }
County of Alameda } ss.

On this 30th day of June, 1969, before me, the undersigned notary public in and for said state, personally appeared

~~Donna Thomas~~ Marjorie Justice Thomas

is
known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



Jo Anne M. Lotspeich
Notary public for the State of California
Residing at Berkeley

Indexed _____ Paged _____
in said state.

Indexed _____ Paged _____
Proof read _____ Corrected _____
No. 55618

WARRANTY DEED

FILED
to _____

State of Idaho, } ss.
County of Gooding }

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

Mrs Anderson

at 35 minutes past 3

o'clock P M.

July 18, 1975
in my office and recorded in

Book _____ Page _____
of the records of deeds.

Margaret F. Clements
County Recorder

By Donna Scott Deputy

Returned to Mrs Anderson
Donna Scott
Donna Scott
MICROFILMED
FEB 09 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

MARCH 25, 1991

R. KEITH HIGGINSON
Director

ANITA ANDERSEN
RT 1 BOX 375
HAGERMAN ID 83332

RE: SRBA CLAIMS A36-00074 & A36-15176

DEAR MRS. ANDERSEN,

ON FEBRUARY 7, 1991 YOU WERE MAILED A LETTER INFORMING YOU OF A CHANGE IN NUMBER OF YOUR CLAIM ABOVE. IN THAT SAME LETTER I ASKED ABOUT THE POSSIBLE CHANGE IN OWNERSHIP OF YOUR PROPERTY. AT THIS TIME NO CHANGE HAS BEEN REPORTED SO I DIRECT THIS LETTER TO YOU.

YOUR CLAIM IS FOR 15 ACRES OF IRRIGATION. BASED ON MY FIELD EXAMS THERE ARE MORE ACRES IRRIGATED THAN YOU HAVE CLAIMED. YOU MAY WANT TO CLAIM ADDITIONAL ACRES AT THIS TIME.

YOUR CLAIM REMARKS INDICATE THE USE OF JOHN BELL DITCH WATER AND I CONFIRMED THIS USE BY FIELD EXAM. HOWEVER, NO CLAIM IS ON FILE FOR YOUR USE OF THIS WATER. YOU MAY WANT TO FILE AN ADDITIONAL CLAIM TO RECORD THIS RIGHT.

MAY I SUGGEST YOU CONTACT THIS OFFICE AND SCHEDULE AN APPOINTMENT WITH ME TO CLARIFY YOUR CLAIMS AND USES. FAILURE TO CLAIM WATER USES IN THE SRBA MAY RESULT IN THEIR LOSS OF PRIORITY.

SINCERELY,

STEVE CLELLAND
WATER RIGHT AGENT

CC: LAYNE OSBORNE

MICROFILMED
FEB 09 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

MARCH 25, 1991

R. KEITH HIGGINSON
Director

CC: LAYNE OSBORNE
966-A JUSTICE GRADE
HAGERMAN ID 83332

RE: THE FOLLOWING--

ANITA ANDERSEN
RT 1 BOX 375
HAGERMAN ID 83332

RE: SRBA CLAIMS A36-00074 & A36-15176

DEAR MRS. ANDERSEN,

ON FEBRUARY 7, 1991 YOU WERE MAILED A LETTER INFORMING YOU OF A CHANGE IN NUMBER OF YOUR CLAIM ABOVE. IN THAT SAME LETTER I ASKED ABOUT THE POSSIBLE CHANGE IN OWNERSHIP OF YOUR PROPERTY. AT THIS TIME NO CHANGE HAS BEEN REPORTED SO I DIRECT THIS LETTER TO YOU.

YOUR CLAIM IS FOR 15 ACRES OF IRRIGATION. BASED ON MY FIELD EXAMS THERE ARE MORE ACRES IRRIGATED THAN YOU HAVE CLAIMED. YOU MAY WANT TO CLAIM ADDITIONAL ACRES AT THIS TIME.

YOUR CLAIM REMARKS INDICATE THE USE OF JOHN BELL DITCH WATER AND I CONFIRMED THIS USE BY FIELD EXAM. HOWEVER, NO CLAIM IS ON FILE FOR YOUR USE OF THIS WATER. YOU MAY WANT TO FILE AN ADDITIONAL CLAIM TO RECORD THIS RIGHT.

MAY I SUGGEST YOU CONTACT THIS OFFICE AND SCHEDULE AN APPOINTMENT WITH ME TO CLARIFY YOUR CLAIMS AND USES. FAILURE TO CLAIM WATER USES IN THE SRBA MAY RESULT IN THEIR LOSS OF PRIORITY.

SINCERELY,

STEVE CLELLAND
WATER RIGHT AGENT

CC: LAYNE OSBORNE

MICROFILMED

FEB 09 1993

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

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-00073

270 DEC 13 AM 10:45

FILED
SRBA
IDAHO

NAME AND ADDRESS:

LAYNE OSBORNE
966A JUSTICE GRADE
HAGERMAN, ID 83332

SOURCE:

SPRING NO. TWO

TRIBUTARY: SNAKE RIVER

QUANTITY:

0.20 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES 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, 36-00072, 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

Irrigation

Stockwater

Domestic 1 HOME

PERIOD OF USE

02-15 TO 11-30

01-01 TO 12-31

01-01 TO 12-31

QUANTITY

0.20 CFS

0.04 CFS

0.04 CFS

PLACE OF USE:

Irrigation

T07S R13E S11

23.5 Acres Total

NENE 23.5

Within Gooding County

Stockwater

T07S R13E S11

NENE

Within Gooding County

Domestic

T07S R13E S11

NENE

Within Gooding County

USE OF THIS RIGHT WITH RIGHT 36-00071B, 36-00072, 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 4.0 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 AND DOMESTIC 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 REC
4-1-2002

RECEIVED
APR 12 2000
Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

A. Subcase No.: 36-00073

STANDARD FORM 1
OBJECTION

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)
County of Twin Falls) ss

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



Patricia J. Fahrenholz
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)

CORRECTED RECOMMENDATIONS

**Subcase Nos. 36-00071B, 36-00072,
36-00073 and 36-00074**

RECEIVED
FEB 25 2000
Department of Water Resources
Southern Region

In Re SRBA

Twin Falls County Civil Case No. 39576

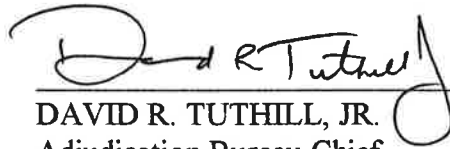
Report to the SRBA District Court

**Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill, Jr., Adjudication Bureau Chief**

February 18, 2000

Recommendations previously submitted in the aforementioned subcase numbers contain an error in the diversion rate. The attached recommendations accurately describe the diversion rate as it should have been reported.

Respectfully submitted this 18th day of February, 2000.



DAVID R. TUTHILL, JR.
Adjudication Bureau Chief

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00071B

NAME AND ADDRESS: SPK17 R13E17
XXX 10 000

LAYNE OSBORNE
JUDY OSBORNE
966 A JUSTICE GRADE
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.23 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 1.29 CFS. COMBINED RIGHT NOS.:
36-00071B, 36-00072, 36-00073 & 36-00074.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S11 NESENE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
<u>IRRIGATION</u>		<u>02-15 11-30</u>	<u>1.21 CFS</u>
<u>STOCKWATER</u>		<u>01-01 12-31</u>	<u>0.02 CFS</u>

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S11 NENE 23.5
23.5 ACRES TOTAL
0 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.

STOCKWATER Within GOODING County

36-00071B (CONT.)

T07S R13E S11NENE

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

WATER IS DELIVERED THROUGH JOHN BELL DITCH.
0.01 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: FEB-09-2000
PAGE: A-1RIGHTS FROM: SOURCE: SPRING NO. ONE TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00072

NAME AND ADDRESS: COMBINED RIGHT
X 10 0LAYNE OSBORNE
JUDY OSBORNE
966 A JUSTICE GRADE
HAGERMAN ID 83332SOURCE: SPRING NO. ONE TRIBUTARY: SNAKE RIVERQUANTITY: 0.1 CFSTHE 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 1.29 CFS. COMBINED RIGHT NOS.:
36-00071B, 36-00072, 36-00073 & 36-00074.PRIORITY DATE: 06/26/1881POINT OF DIVERSION: T07S R13E S11 NENENE Within GOODING County

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

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

36-00072 (CONT.)

THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

<u>STOCKWATER</u>	<u>Within GOODING County</u>
<u>T07S R13E S11</u>	<u>NENE</u>

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

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

DATE: FEB-09-2000
PAGE: A-1

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

RIGHT NUMBER: 36-00073

NAME AND ADDRESS: COMBINED RIGHT
X ID Ø

JUDY OSBORNE
LAYNE OSBORNE
966 A JUSTICE GRADE
HAGERMAN ID 83332

SOURCE: SPRING NO. TWO TRIBUTARY: SNAKE RIVER

QUANTITY: 0.2 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES 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 1.29 CFS. COMBINED RIGHT NOS.: 36-00071B, 36-00072, 36-00073 & 36-00074.

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
	<u>IRRIGATION</u>	<u>02-15 11-30</u>	<u>0.2 CFS</u>
	<u>STOCKWATER</u>	<u>01-01 12-31</u>	<u>0.04 CFS</u>
	<u>DOMESTIC 1 HOME</u>	<u>01-01 12-31</u>	<u>0.04 CFS</u>

PLACE OF USE: IRRIGATION Within GOODING County

T07S R13E S11 NENE 23.5
23.5 ACRES TOTAL
Ø 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.

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

DATE: FEB-09-2000

PAGE: A-2

36-00073 (CONT.)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

STOCKWATER Within GOODING County
T07S R13E S11 NENE

DOMESTIC Within GOODING County
T07S R13E S11 NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND 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

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

DATE: FEB-09-2000

PAGE: A-1

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

RIGHT NUMBER: 36-00074

NAME AND ADDRESS: COMBINED RIGHT
X ID Ø

LAYNE OSBORNE
JUDY OSBORNE
966 A JUSTICE GRADE
HAGERMAN ID 83332

SOURCE: SPRING NO. THREE TRIBUTARY: SNAKE RIVER
SPRING SINKS

QUANTITY: 0.4 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES 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 1.29 CFS. COMBINED RIGHT NOS.: 36-00071B, 36-00072, 36-00073 & 36-00074.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S11 NENENE Within GOODING County
TWO POINTS OF DIVERSION LOCATED IN T07S, R14E, S11, NENENE.

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	<u>IRRIGATION</u>	<u>02-15 11-30</u>	<u>0.4 CFS</u>
	<u>STOCKWATER</u>	<u>01-01 12-31</u>	<u>0.04 CFS</u>
	<u>DOMESTIC 1 HOME</u>	<u>01-01 12-31</u>	<u>0.04 CFS</u>

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

23.5 ACRES TOTAL
Ø 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

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

DATE: FEB-09-2000

PAGE: A-2

36-00074 (CONT.)

IRRIGATION SEASON. COMBINED RIGHT NOS.: 36-00071B, 36-00072,
36-00073 & 36-00074.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 7.8 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

<u>STOCKWATER</u>	<u>Within GOODING County</u>
<u>T07S R13E S11</u>	<u>NENE</u>

<u>DOMESTIC</u>	<u>Within GOODING County</u>
<u>T07S R13E S11</u>	<u>NENE</u>

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND 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

CERTIFICATE OF SERVICE

I certify that on 2-18, 2000, I mailed and/or delivered and copies of this form, including all attachments, to the following interested parties, by placing them in sealed envelopes, addressed as follows:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☒ Facsimile

United States Department of Justice
Environment & Natural Resources Div.
550 W. Fort Street MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Gooding County Courthouse
624 Main St.
Gooding, ID 83330

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Layne Osborne
966A Justice Grade
Hagerman, ID 83332

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Patrick Brown, P.C.
Law Offices
109 South Adams
Jerome, ID 83338

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Dana Hofstetter
Beeman & Hofstetter
P.O. Box 1427
Boise, ID 83701-1427

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Sandy Egbert
Signature of person delivering form

HP LaserJet 3100
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for
IDAHO DEPT OF WATER RESOURCES
2083275400
Feb-18-00 4:10PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
813	2/18 4:08PM	2'10"	12087362121	Send	11/11	EC144	Completed

Total 2'10" Pages Sent: 11 Pages Printed: 0

CORRECTED RECOMMENDATIONS

Subcase Nos. 36-00071B, 36-00072,
36-00073 and 36-00074

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill, Jr., Adjudication Bureau Chief

February 18, 2000

Osborne:

2/10/00
SCC

Field Application Efficiency - (FAE)

I used the program 'Furrow' and applied numerous variations, however I was unable to print out the screen results. Here are some of the input factors:

9.1 AC South

FAC SOIL

MAD = 1.71

INTAKE = 0.55

14.4 AC NORTH

394 SOIL

MAD = 1.35

intake = 0.70

varied input of 12-24 hours
varied flow 3-6 gpm
varied slope 0.025 or 0.067

- input hours caused the most variation
and input flow had some variation.

Range found 27-40% = $\boxed{0.033 - 0.049}$
cf/AC
see print outs for details

FIELD IRRIGATION REQUIREMENT

initials:

Claimant = Osborne

date: 02/10/00

Weather Station = Bliss/Hagerman

crop	acres	irrig. system	eff. (%)	Monthly ET (mm/day)							oct	AVE IR season (mm/yr)	net irrig. app. (in)	ET ratio	
				mar	apr	may	jun	jul	aug	sep					
pasture	9.1	cor	27					7.17						1.71	1.12
pasture	14.4	cor	27					7.17						1.35	1.13

Summary 23.5

Peak Gross Irrigation Application (mm/day) = 29.90
 On-Farm Irrigation Requirement (cfs/acre) = 0.049
 Total On-Farm Irrigation Requirement (cfs) = 1.16
 Irrigation Diversion Volume (ft/yr) = 0.00
 Total Irrigation Diversion Volume (ac-ft/yr) = 0

0.387234

0.612766

0

0

0

0

0

0

1

1.17

1.51

1.84

2.26

2.76

FIELD IRRIGATION REQUIREMENT

initials:

Claimant = Osborne

date: 02/10/00

Weather Station = Bliss/Hagerman

crop	acres	irrig. system	eff. (%)	Monthly ET (mm/day)						AVE IR season (mm/yr)	net irrig. app. (in)	ET ratio
				mar	apr	may	jun	jul	aug	sep	oct	
pasture	9.1	cor	40									
pasture	14.4	cor	40					7.17				1.71
								7.17				1.35
												1.12
												1.13

Summary 23.5

Peak Gross Irrigation Application (mm/day) = 20.19
 On-Farm Irrigation Requirement (cfs/acre) = 0.033
 Total On-Farm Irrigation Requirement (cfs) = 0.78
 Irrigation Diversion Volume (ft/yr) = 0.00
 Total Irrigation Diversion Volume (ac-ft/yr) = 0

0.387234

0.612766

0

0

0

0

0

0

0

1

1.17

1.51

1.84

2.26

2.76

Osborne Hubble NOTES:

2/8/00

in Sprinkler since 1972 to present } file, observation
in Pasture since 1987 to present } & conversations
w/ past/present owner

assume:

30" corrugation (standard)

AA69 QUAD

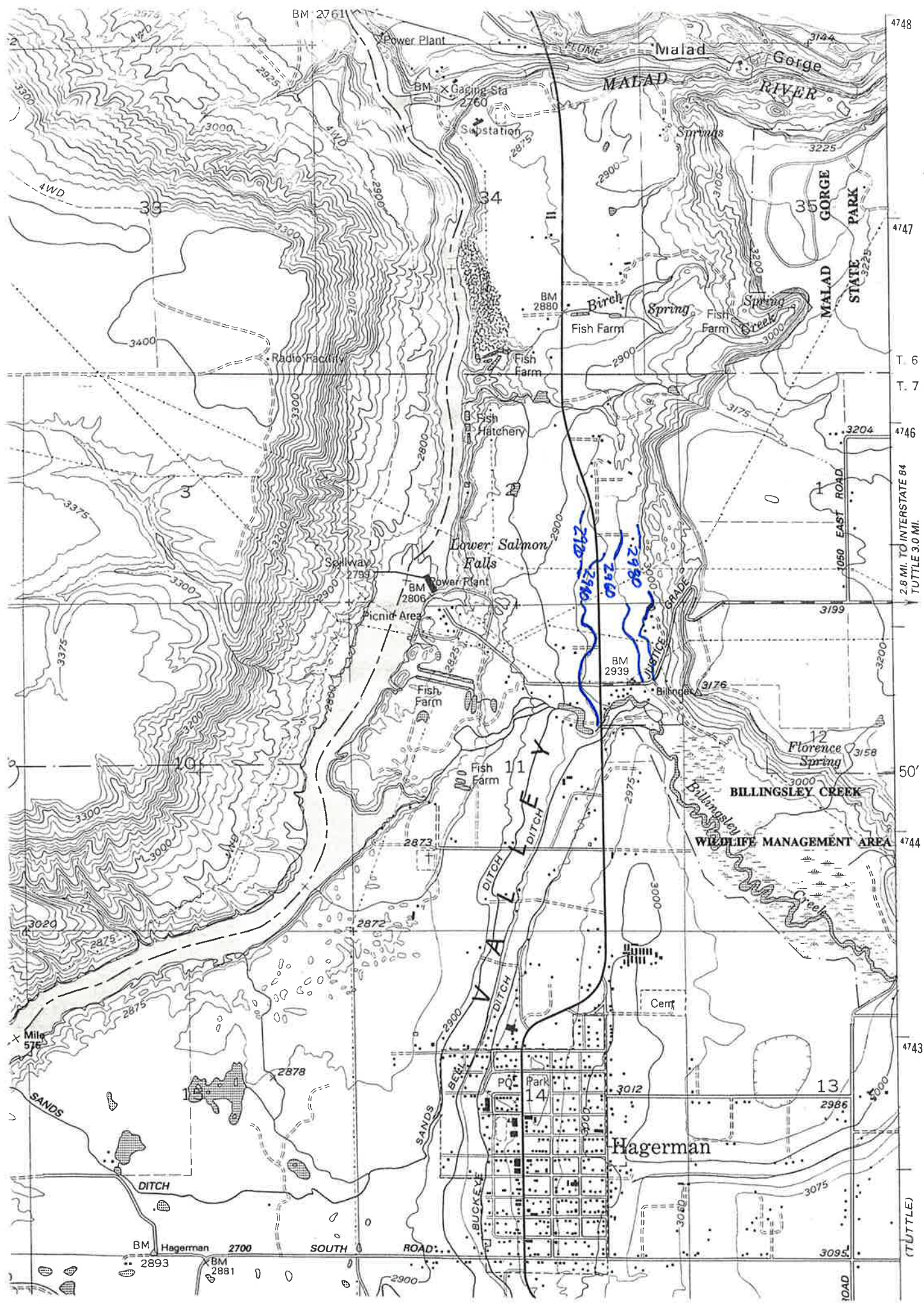
upper slope: $\left(\frac{2980' \text{ to } 2960'}{300' \text{ RUN}} \right) 20' \text{ RISE} = \frac{20}{300} = .067$

lower slope: $\left(\frac{2960' \text{ to } 2940'}{800' \text{ RUN}} \right) 20' \text{ RISE} = \frac{20}{800} = .025$

SOILS:

FAC - (South 1/2) $4 + 4 + 1.1 = 9.1$

394 - (North 1/2) $8 + 6.4 = \underline{14.4}$
23.5



Shape info for Osborne.

AAG9

(loamy fine sand)

0-7

7-61

.09 - .10

109 - 10

7.9 - 8.4 pH

16-9

394

0-4

4-17

17-18

18-22

.10 - .16

.13 - .18

.13 - .18

6.6-7.3

7-1.0

(Very Fine Sandy loam)

R 13 E

K. 15E.

WNB

JSK-

JSB

WTM

DTA

DT: B

СДА

154

USK

DTF

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THB

CO

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QUB

EP 9.

SOIL CHARACTERISTICS

initials: scc

date: 2/10/00

(Osborne
-71B-72-73-74)

Soil Type = FAC - Fine Sandy Loam
 Source of Soils Data = SCS PRINT

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family	
lower	upper	lower	upper	lower	upper	lower	upper			flood	furrow
0	7	0.09	0.1	7.9	8.4	0.6	0.9	1	1.14	2	0.55
7	61	0.09	0.1					2	2.28		
								3	3.42		
								4	4.56	alternate	
								5	5.70	method	
										#N/A	#N/A

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (inches)
alfalfa (hay or seed)	5	0.5	2.85
corn (field or silage)	4	0.5	2.28
grain (winter or spring)	4	0.5	2.28
pasture (or grass hay)	3	0.5	1.71
other (enter below)			

Intake Family

choose base number for intake family from table below based on texture
base number (#'s 1 through 7) = 5

Intake Family

#	flood	furrow	texture
1	0.3	0.3	heavy clays, silty clay (> 60% clay)
2	0.5	0.35	clays, slit loam (lake laid), sandy clay
3	1	0.4	silty clay loam, clay loam, sandy clay loam, silt loam (stream laid)
4	1.5	0.5	silt loam (wind laid), loam, very fine sandy loam
5	2	0.55	sandy loam, fine sandy loam, gravelly loam
6	3	0.7	very fine sand, loamy sands, gravelly sandy loam
7	4	0.85	sand

If you wish to assign intake family by an alternate method (from
Table A-3 in Hubble Report or other) enter your selection below.
Enter a value for both flood and furrow if known, otherwise enter zero.
If you do not wish to assign intake family by an alternate method
enter zero for both values.

intake family (flood) =
intake family (furrow) =

soil depth (inches)	AWC (inches)	AWC accumulated (inches)
1	0.095	0.095
2	0.095	0.19
3	0.095	0.285
4	0.095	0.38
5	0.095	0.475
6	0.095	0.57
7	0.095	0.665
8	0.095	0.76
9	0.095	0.855
10	0.095	0.95

SOIL CHARACTERISTICS

initials: SCC

date: 2/10/00

Soil Type = ~~#NAME?~~ 394 - VFSL
 Source of Soils Data = SCS PRINT

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family	
lower	upper	lower	upper	lower	upper	lower	upper			flood	furrow
0	4	0.1	0.16	6.6	7.3	0.6	7.3	1	1.76	3	0.7
4	17	0.13	0.18					2	2.69		
17	18	0.13	0.18					3	2.69		
18	22							4	2.69	alternate	
								5	2.69	method	
										#N/A	#N/A

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (inches)
alfalfa (hay or seed)	5	0.5	1.35
corn (field or silage)	4	0.5	1.35
grain (winter or spring)	4	0.5	1.35
pasture (or grass hay)	3	0.5	1.35
other (enter below)			

Intake Family

choose base number for intake family from table below based on texture
 base number (#'s 1 through 7) = 6

Intake Family

#	flood	furrow	texture
1	0.3	0.3	heavy clays, silty clay (> 60% clay)
2	0.5	0.35	clays, slit loam (lake laid), sandy clay
3	1	0.4	silty clay loam, clay loam, sandy clay loam, silt loam (stream laid)
4	1.5	0.5	silt loam (wind laid), loam, very fine sandy loam
5	2	0.55	sandy loam, fine sandy loam, gravelly loam
6	3	0.7	very fine sand, loamy sands, gravelly sandy loam
7	4	0.85	sand

If you wish to assign intake family by an alternate method (from
 Table A-3 in Hubble Report or other) enter your selection below.
 Enter a value for both flood and furrow if known, otherwise enter zero.
 If you do not wish to assign intake family by an alternate method
 enter zero for both values.

intake family (flood) =
 intake family (furrow) =

soil depth (inches)	AWC (inches)	AWC accumulated (inches)
1	0.13	0.13
2	0.13	0.26
3	0.13	0.39
4	0.13	0.52
5	0.155	0.675
6	0.155	0.83
7	0.155	0.985
8	0.155	1.14
9	0.155	1.295
10	0.155	1.45

80th Percentile values of monthly ET estimated for
the Hagerman Valley adjusted from the Bliss Station
(mm/day)

	MO	ETR	ALFH.	BEANS	F.CRN	SILGE	S.CRN	PEAS	POTAT	SBEET	SGRAN	WGRAN	PAST.	VEGES
AVE ET	4	5.28	3.30					1.60	1.58	1.58	1.65	4.82	3.27	
TMP ADJ	4	5.68	3.55					1.72	1.70	1.70	1.77	5.18	3.52	
ALT ADJ	4	5.75	3.59					1.74	1.72	1.72	1.80	5.25	3.56	
STDD ET	4	0.47	0.29					0.14	0.14	0.14	0.15	0.43	0.29	
80PCT ET	4	6.14	3.84					1.86	1.84	1.84	1.92	5.61	3.80	
AVE ET	5	6.79	6.29	2.04	2.04	2.04	2.04	3.85	2.19	2.04	5.11	6.79	5.23	2.07
TMP ADJ	5	7.18	6.65	2.16	2.16	2.16	2.16	4.07	2.31	2.16	5.40	7.18	5.53	2.19
ALT ADJ	5	7.27	6.73	2.18	2.18	2.18	2.18	4.12	2.34	2.18	5.47	7.27	5.60	2.21
STDD ET	5	0.49	0.46	0.15	0.15	0.15	0.15	0.28	0.16	0.15	0.37	0.49	0.38	0.15
80PCT ET	5	7.68	7.12	2.31	2.31	2.31	2.31	4.36	2.48	2.31	5.78	7.68	5.92	2.34
AVE ET	6	8.41	7.32	3.26	3.66	3.66	3.53	6.82	5.77	3.91	8.39	8.41	6.47	4.40
TMP ADJ	6	8.82	7.68	3.42	3.84	3.84	3.70	7.15	6.05	4.10	8.80	8.82	6.79	4.62
ALT ADJ	6	8.93	7.77	3.46	3.89	3.89	3.75	7.24	6.13	4.15	8.91	8.93	6.87	4.67
STDD ET	6	0.47	0.41	0.18	0.21	0.21	0.20	0.38	0.32	0.22	0.47	0.47	0.36	0.25
80PCT ET	6	9.33	8.12	3.61	4.06	4.06	3.92	7.56	6.40	4.34	9.31	9.33	7.17	4.88
AVE ET	7	8.54	6.94	7.37	7.68	7.68	7.47	2.99	7.17	8.14	7.05	6.80	6.57	6.57
TMP ADJ	7	8.89	7.22	7.67	7.99	7.99	7.78	3.11	7.46	8.47	7.34	7.08	6.84	6.84
ALT ADJ	7	9.00	7.31	7.77	8.09	8.09	7.87	3.15	7.56	8.58	7.43	7.17	6.92	6.92
STDD ET	7	0.26	0.21	0.23	0.24	0.24	0.23	0.09	0.22	0.25	0.22	0.21	0.20	0.20
80PCT ET	7	9.22	7.49	7.96	8.30	8.30	8.07	3.23	7.74	8.79	7.61	7.34	7.09	7.09
AVE ET	8	7.18	5.41	4.97	6.63	6.63	6.38		5.57	7.06	1.47	1.32	5.53	5.72
TMP ADJ	8	7.50	5.65	5.19	6.92	6.92	6.66		5.82	7.37	1.53	1.38	5.77	5.97
ALT ADJ	8	7.59	5.72	5.25	7.01	7.01	6.74		5.89	7.46	1.55	1.40	5.84	6.05
STDD ET	8	0.33	0.25	0.23	0.30	0.30	0.29		0.26	0.32	0.07	0.06	0.25	0.26
80PCT ET	8	7.87	5.93	5.45	7.26	7.26	6.99		6.11	7.73	1.61	1.45	6.05	6.26
AVE ET	9	5.60	3.67	0.77	4.19	4.19			3.29	4.86			4.32	3.83
TMP ADJ	9	5.90	3.87	0.81	4.42	4.42			3.47	5.12			4.55	4.04
ALT ADJ	9	5.97	3.92	0.82	4.47	4.47			3.51	5.19			4.61	4.09
STDD ET	9	0.41	0.27	0.06	0.31	0.31			0.24	0.36			0.32	0.28
80PCT ET	9	6.32	4.14	0.87	4.73	4.73			3.71	5.49			4.88	4.32
AVE ET	10	3.73	1.26		1.04					2.48			2.88	
TMP ADJ	10	4.02	1.36		1.12					2.67			3.10	
ALT ADJ	10	4.07	1.37		1.13					2.70			3.14	
STDD ET	10	0.35	0.12		0.10					0.24			0.27	
80PCT ET	10	4.36	1.47		1.22					2.91			3.37	

ET and standard deviation data (AVE ET and STDD ET) for Bliss weather station taken from Appendix E (unpublished) of Brockway, C.E., and R.G. Allen, 1983, Estimating Consumptive Irrigation Requirements for Crops in Idaho, Idaho Water and Energy Resources Research Institute.

Temperature adjustment (TMP ADJ) based on temperature differences between Bliss and Hagerman and temperature sensitivity of ET estimates given in Brockway, C.E., G.S. Johnson, J.L. Wright, and A.L. Coiner, 1985, Remote Sensing for Irrigated Crop Water Use - Phase 1, Water Resources Research Institute, pp. 101-107.

Altitude adjustment (ALT ADJ) based on Doorenbos, J., and W.O. Pruitt, 1977, Crop Water Requirements, Food and Agriculture Organization of the United Nations, p. 59.

80th percentile ET values (80PCT ET) calculated based on Walpole, R.E., and R.H. Meyers, 1985, third edition, PROBABILITY AND STATISTICS FOR ENGINEERS AND SCIENTISTS, New York: Macmillan Publishing Company, pp. 132-144 and 574.

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 36-00073

200 DEC 13 AM 10:45

FILED
IDAHO

NAME AND ADDRESS:

LAYNE OSBORNE
966A JUSTICE GRADE
HAGERMAN, ID 83332

SOURCE:

SPRING NO. TWO

TRIBUTARY: SNAKE RIVER

QUANTITY:

0.20 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES 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, 36-00072, 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

0.20 CFS

Stockwater

01-01 TO 12-31

0.04 CFS

Domestic 1 HOME

01-01 TO 12-31

0.04 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

Domestic

T07S R13E S11

NENE

Within Gooding County

USE OF THIS RIGHT WITH RIGHT 36-00071B, 36-00072, 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 4.0 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 AND DOMESTIC 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 REC
4-1-2002

RECEIVED
APR 12 2000
Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

A. Subcase No.: 36-00073

STANDARD FORM 1
OBJECTION

RECEIVED

MAR 17 2000

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Department of Water Resources

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)
County of Twin Falls) ss

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

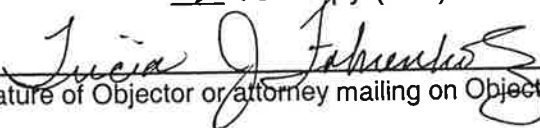
☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

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)

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JUDY OSBORNE	06/26/1881	IRRIGATION	02-15 11-30	0.200 CFS	
C	LAYNE OSBORNE		STOCKWATER	01-01 12-31	0.040 CFS	
			DOMESTIC	01-01 12-31	0.040 CFS	
TOTAL DIVERSION:					0.200 CFS	

Water Source: SPRING NO. TWO

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	:	23				:					:					:					:	23.5
TOTAL ACRES																							23.5	

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				:					:					:					:	

Place of use Legal Description for: DOMESTIC

				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	:	D				:					:					:					:	

POU County: GOODING

Non-Irrigation Uses: 1 HOME

Other Rights: 36-00071B, -0072 & -0074

Conditions of Approval:

- N09 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N14 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- 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

AJ0749NP
No. R36-00073

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

DATE: 02/08/00
PAGE: 2

Conditions of Approval:

- 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.:
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 4.0 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. TWO TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00073

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

SOURCE: SPRING NO. TWO TRIBUTARY: SNAKE RIVER

QUANTITY: 0.2 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES 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* Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		02-15 11-30	0.2 CFS
STOCKWATER		01-01 12-31	0.04 CFS
DOMESTIC 1 HOME		01-01 12-31	0.04 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 ~~5.4~~ *4.0* ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

STOCKWATER Within GOODING County
T07S R13E S11 NENE

DOMESTIC Within GOODING County

$$\frac{0.20}{0.051} = 4.0 \text{ Ac}$$

Revised
see
2/8/00

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

RIGHT NUMBER: 36-00073 (CONT)

PLACE OF USE: (CONT) T07S R13E S11 NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND 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

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.

REVIEW OBJECTION

(The uses of the water have changed as owners have changed and Layne has changed things since he has been operating the system. I am reluctant to make changes without the benefit of a transfer proceeding.)

Osborne
12/13/99
See

11

4.0

1.1

12.0

6.4

TOTAL = 23.5 ac.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 36-00073

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

1/6/2000 3:50 PM

NAME:

LAYNE OSBORNE

CALLIN

RE:

SETTLEMENT ISSUES

He wanted to know if IDWR would allow him splitting up the claims he has filed... I spoke earlier with Nick S. and described the first round of claims and amended claims as the way the recommendation was made also; all were in same agreement. Layne has made several changes to the system since 1987 and continues to make more, which he wants to reflect in the changes to the water right... I think he should pursue any further developments through the transfer process and not the SRBA process. Nick agreed. I relayed this position to Layne on this day and told him I would approve of the split in the rights if that is the transfer form he submitted.

He wanted to meet again and I looked at the IWTRS and found a scheduled meeting on 1/11/00; he wanted to meet before that but I have other commitments over the next couple days to get ready for other meetings.

COMMUNICATION DOCUMENTATION

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

IDWR Employee/Agent: Steve Clelland

11/22/99 3:20 PM

NAME:

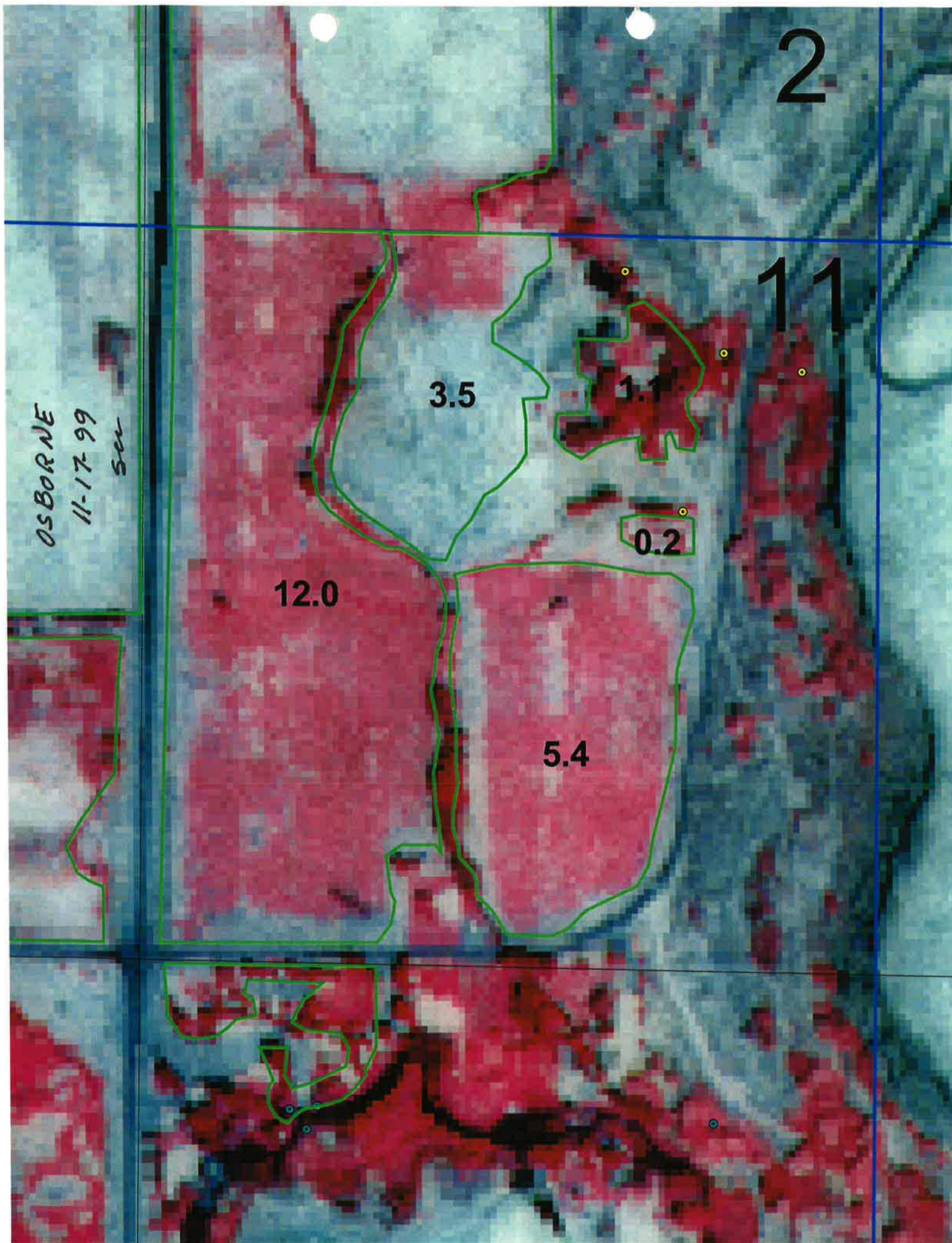
JUDY OSBORNE

CALLIN

RE:

QUESTIONS

She had several questions about her water right process... I told her I am not qualified to give legal advice and I am not trying to advise her as such. I explained what I knew of the process of Summary Judgement and I described my experiences with its use. I told her I could not meet with them until after 12/6/99; she will call back to set up an appt. at that time.



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.

Steve,

Look into Osborne's requests. Take a look at the OPQ section corner in relation to our image layer/GCDB section corner location. Maybe Michael can get a fix on it for us, maybe a fudged shape can be developed. Ditch width is asserted to be too wide. You MUST call them ASAP w/ info about 26 ac 2"/ac - I couldn't address it during visit.

Due to
Elevation
changes from
Valley
Floor.

USGS OPO

Note:
Location of
NE corner of
S11 is off on
GIS layer
image



Osborne
House Area

LEGAL DESCRIPTION
FOR
LAYNE OSBORNE

A PARCEL OF LAND LOCATED IN THE NE1/4NE1/4 OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 13 EAST, BOISE MERIDIAN, GOODING COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11, THENCE S89°58'56"W ALONG THE NORTH BOUNDARY OF SAID SECTION 11 FOR A DISTANCE OF 112.36 FEET, THENCE S00°01'04"E FOR A DISTANCE OF 122.27 FEET TO A POINT IN THE CENTER OF THE JUSTICE GRADE COUNTY ROAD, SAID POINT BEING ON THE ARC OF A CURVE AND BEING THE TRUE POINT OF BEGINNING:

THENCE ALONG THE CENTER OF THE JUSTICE GRADE COUNTY ROAD ON THE ARC OF A 7°54'16" DEGREE CURVE LEFT FOR A DISTANCE OF 265.04 FEET TO THE POINT OF TANGENT, SAID ARC HAVING A LONG CHORD BEARING AND DISTANCE OF S17°49'04.5"W-263.57 FEET;

THENCE CONTINUING ALONG THE CENTER OF THE JUSTICE GRADE COUNTY ROAD ON A BEARING OF S07°20'34"W FOR A DISTANCE OF 157.17 FEET TO AN ANGLE POINT;

THENCE ALONG THE CENTER OF THE JUSTICE GRADE COUNTY ROAD ON A BEARING OF S12°06'55"W FOR A DISTANCE OF 52.02 FEET;

THENCE LEAVING THE CENTER OF THE JUSTICE GRADE COUNTY ROAD ON A BEARING OF S81°08'54"W FOR A DISTANCE OF 37.90 FEET;

THENCE N00°44'30"W FOR A DISTANCE OF 78.17 FEET;

THENCE N04°47'54"E FOR A DISTANCE OF 112.06 FEET;

THENCE N78°38'39"W FOR A DISTANCE OF 251.19 FEET;

THENCE N40°31'31"W FOR A DISTANCE OF 31.30 FEET;

THENCE N12°01'20"W FOR A DISTANCE OF 67.35 FEET;

THENCE S72°35'54"W FOR A DISTANCE OF 19.41 FEET;

THENCE N21°43'36"W FOR A DISTANCE OF 71.54 FEET;

THENCE N05°54'55"W FOR A DISTANCE OF 84.96 FEET;

THENCE N15°04'06"E FOR A DISTANCE OF 63.14 FEET;

THENCE N48°59'45"E FOR A DISTANCE OF 47.81 FEET;

THENCE N22°47'36"E FOR A DISTANCE OF 103.56 FEET;

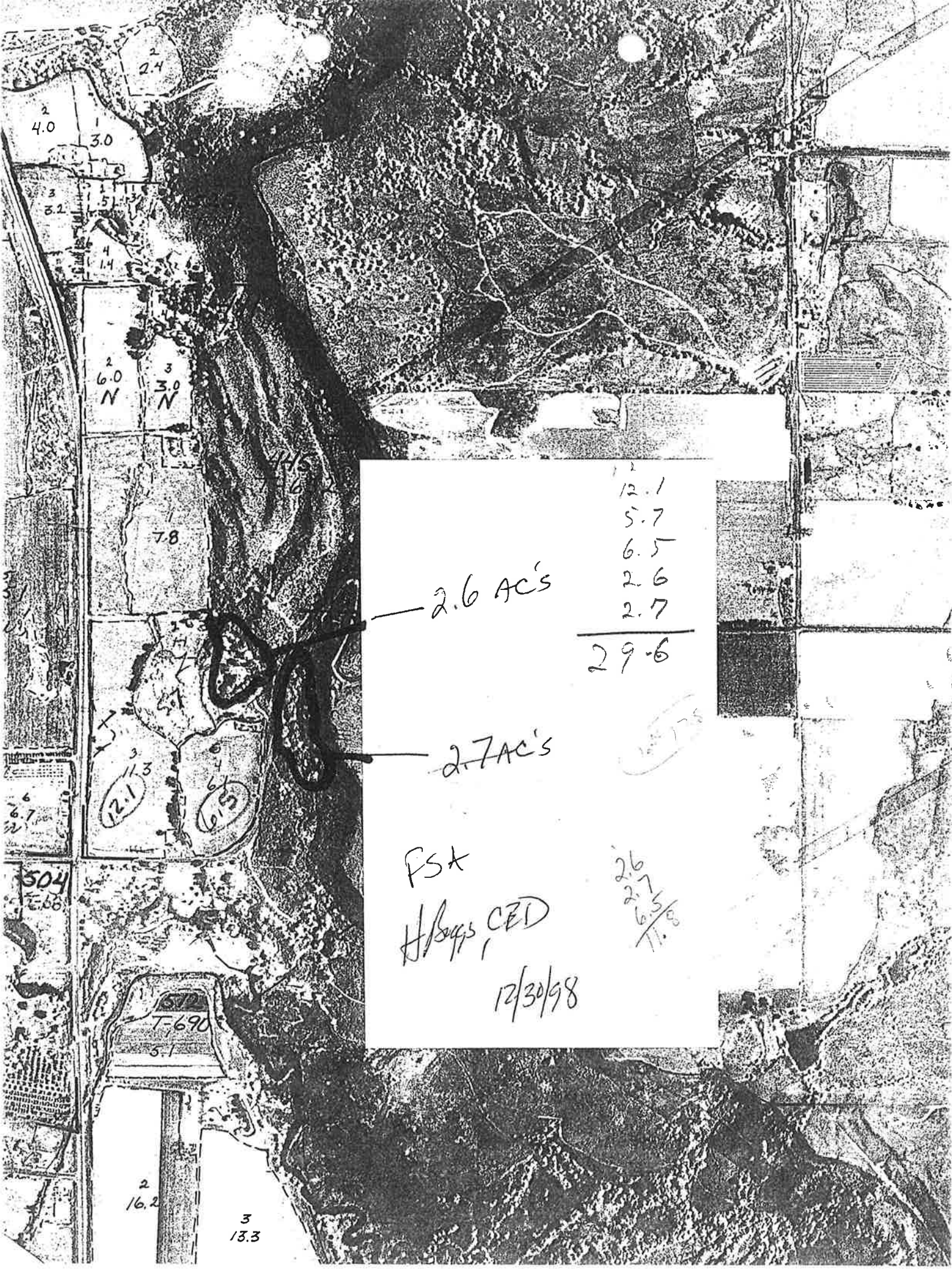


THENCE N48°01'25"E FOR A DISTANCE OF 9.50 FEET;
THENCE N19°34'33"E FOR A DISTANCE OF 49.19 FEET;
THENCE N42°24'49"E FOR A DISTANCE OF 41.65 FEET;
THENCE S80°27'54"E FOR A DISTANCE OF 185.17 FEET;
THENCE S73°03'00"E FOR A DISTANCE OF 36.04 FEET;
THENCE S82°18'01"E FOR A DISTANCE OF 119.55 FEET;
THENCE S63°50'35"E FOR A DISTANCE OF 43.90 FEET TO THE
TRUE POINT OF BEGINNING.

CONTAINING 5.0 ACRES, MORE OR LESS

SUBJECT TO:

1- A 25.0 FOOT WIDE COUNTY ROAD EASEMENT ALONG THE
EASTERLY BOUNDARY OF THE DESCRIBED PARCEL FOR THE JUSTICE
GRADE COUNTY ROAD.



— 2.6 AC's

12.1
5.7
6.5
2.6
2.7

29.6

— 2.7 AC's

FSA

H/Boys, CED

12/30/98

2.6
2.7

5.3
11.8

RECEIVED

OCT 25 1999

Department of Water Resources

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)

AE

Subcase 36-00073

(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

C 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 L. 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.

F

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

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

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



Your signature or signature of attorney
mailing on your behalf

D:\1780\2b\3227

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

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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.

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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 36-00073

(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 acres 29.6
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):

- need more for total diversion rate
- have more acres that are being irrigated than
what they say

F.

VERIFICATION (Must be Completed)

State of Idaho)
County of Gording) ss.

LAYNE OSBORNE, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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 Grade
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

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

COMMUNICATION DOCUMENTATION

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10/22/20

LAYNE OSBORNE ??

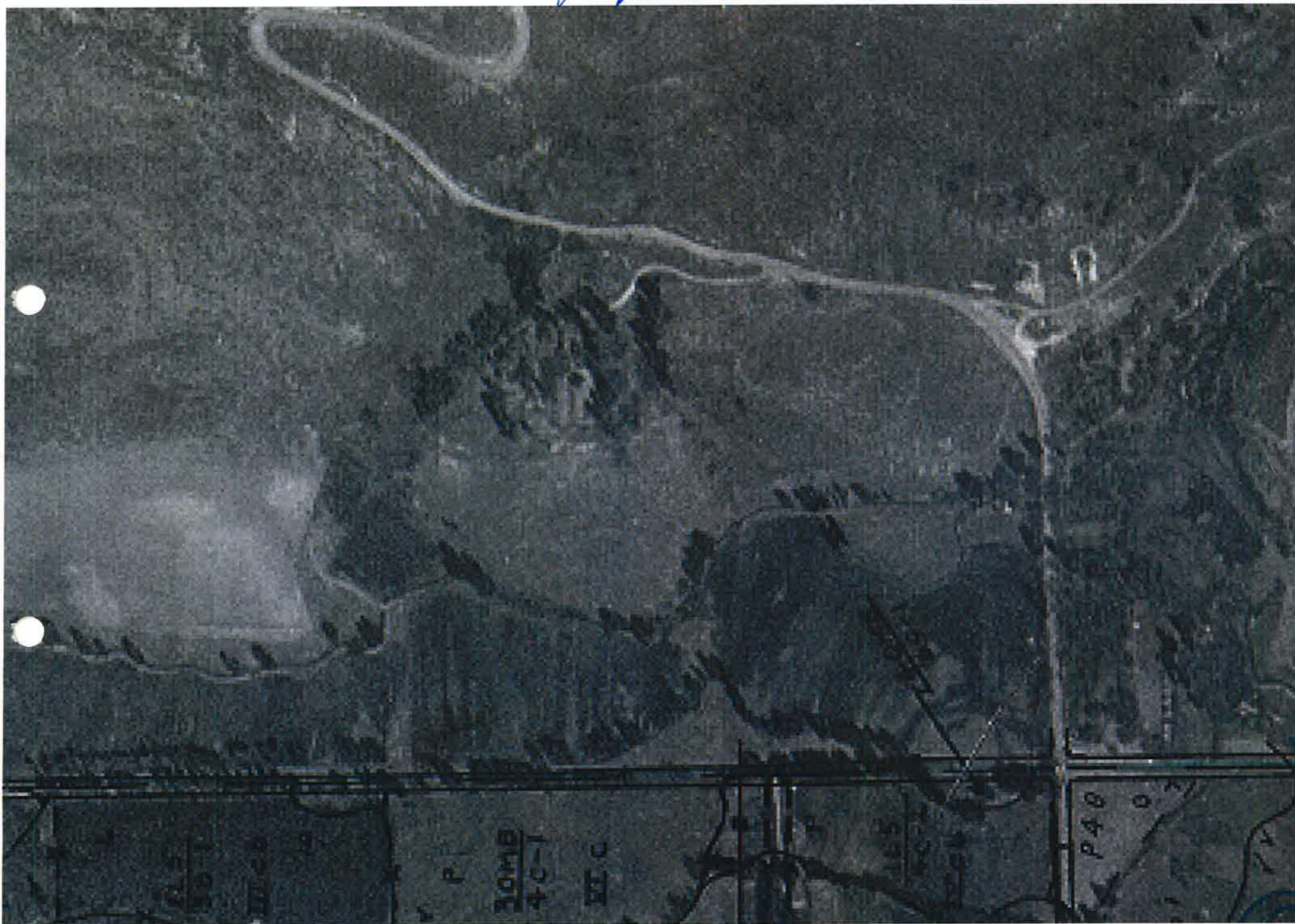
Files: 36-00071, 72, 73, 74.

COMMUNICATION DOCUMENTATION

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.

CROPPED - fit 2 page 5/22/1969

.BMP



CROPPED - SIZED
CENTERED

JPg

c.1969

5/22/1969



CROPPED - fit 2 page

• JPG



C.1969 5/22/69

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAYNE OSBORNE	06/26/1881	IRRIGATION	02-15 11-30	0.200 CFS	
C	JUDY OSBORNE		STOCKWATER	01-01 12-31	0.040 CFS	
	966 A JUSTICE GRADE		DOMESTIC	01-01 12-31	0.040 CFS	
	HAGERMAN ID 83332					
	(208) 837-6332					
				TOTAL DIVERSION:	0.200 CFS	

Water Source: SPRING NO. TWO

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	:	22																:	22.2	
																				:	22.2	
																				:	TOTAL ACRES	22.2

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																:

Place of use location for DOMESTIC is the same location as described for: STOCKWATER

POU County: GOODING

Non-Irrigation Uses: 1 HOME

Other Rights: 36-00071B, -0072 & -0074

Conditions of Approval:

- N09 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
- HISTORICAL BENEFICIAL USE.
- N14 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
- STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

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,

AJ0749NP
No. R36-00073

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

DATE: 09/23/99
PAGE: 2

=====

Remarks: 36-00073 & 36-00074.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 5.4 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates: Exam Made Date: 09/20/1999 Verified Date: 09/23/1999 Objection Filed Date:

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

3/12/91

Field Notes

Answers

Steve [signature]

A36 00074

1. John Bell diverted @ A. Anderson (see photo)
then flows across the Bottom of own Simpson's
@ Highway 30

2. A. Anderson

found 1 spring to pipe to pond to
Booster Pump

Buckhole
Dug ditch

SPRING #2

Run-off

NO DIVERSION

Borrow pit ditch

5" PVC

VALVES

JUSTICE - GRADE

1 1/2" PVC pipe

SPRING #1

(NOT FOUND)

claimant says:
instream
stock use

Bowl
collection
Box

NOT
USED

To Pond

To Domestic use

OVERFLOW

4" line into pond
probably picks up sub water

LINE into pond - see

RNG
#3

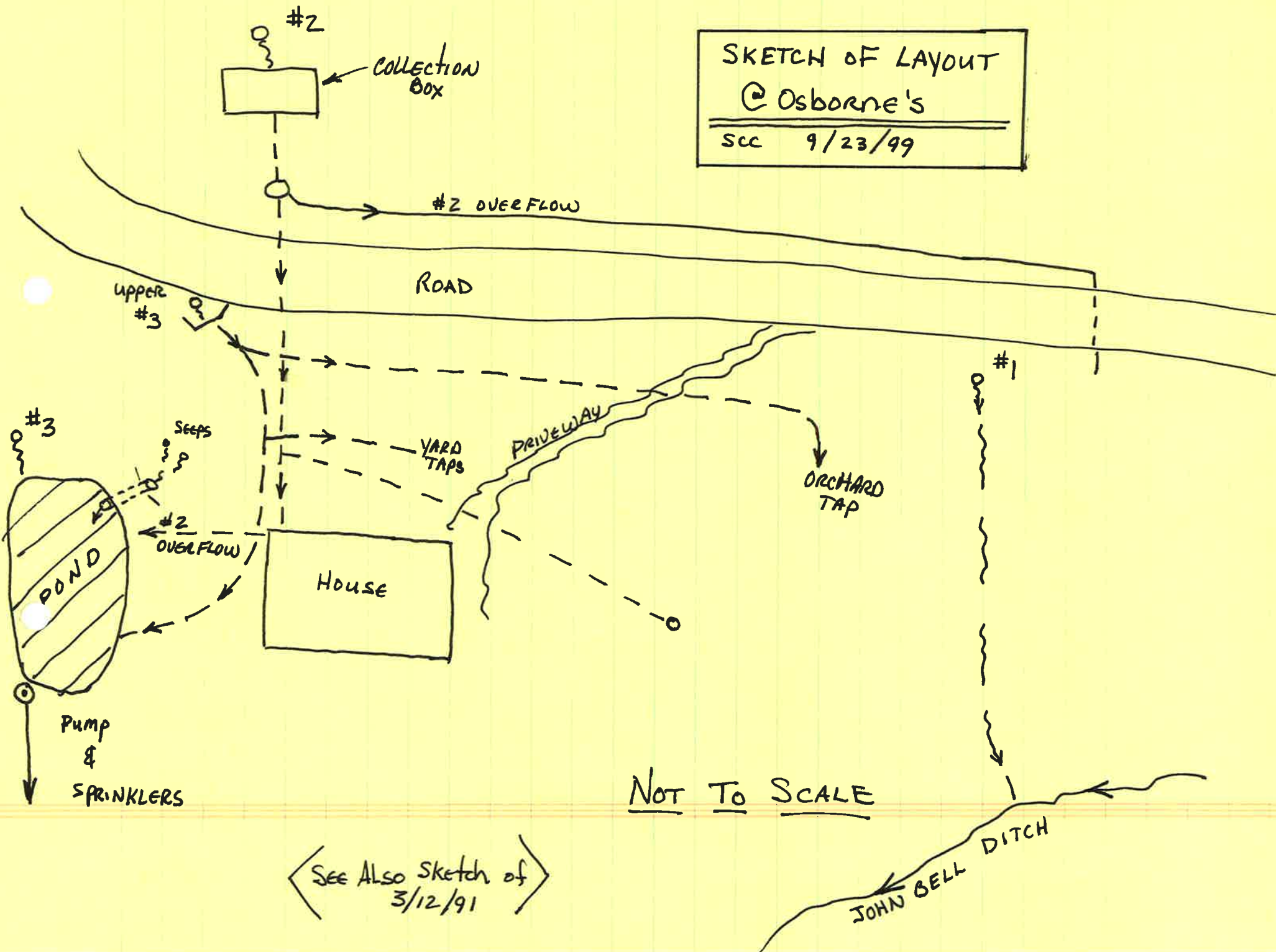
Pond

MICROFILMED

SKETCH OF LAYOUT

@ Osborne's

SCC 9/23/99



NOT TO SCALE

< See Also Sketch of
3/12/91 >

SRBA FIELD EXAM REPORT

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, < ½ 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)

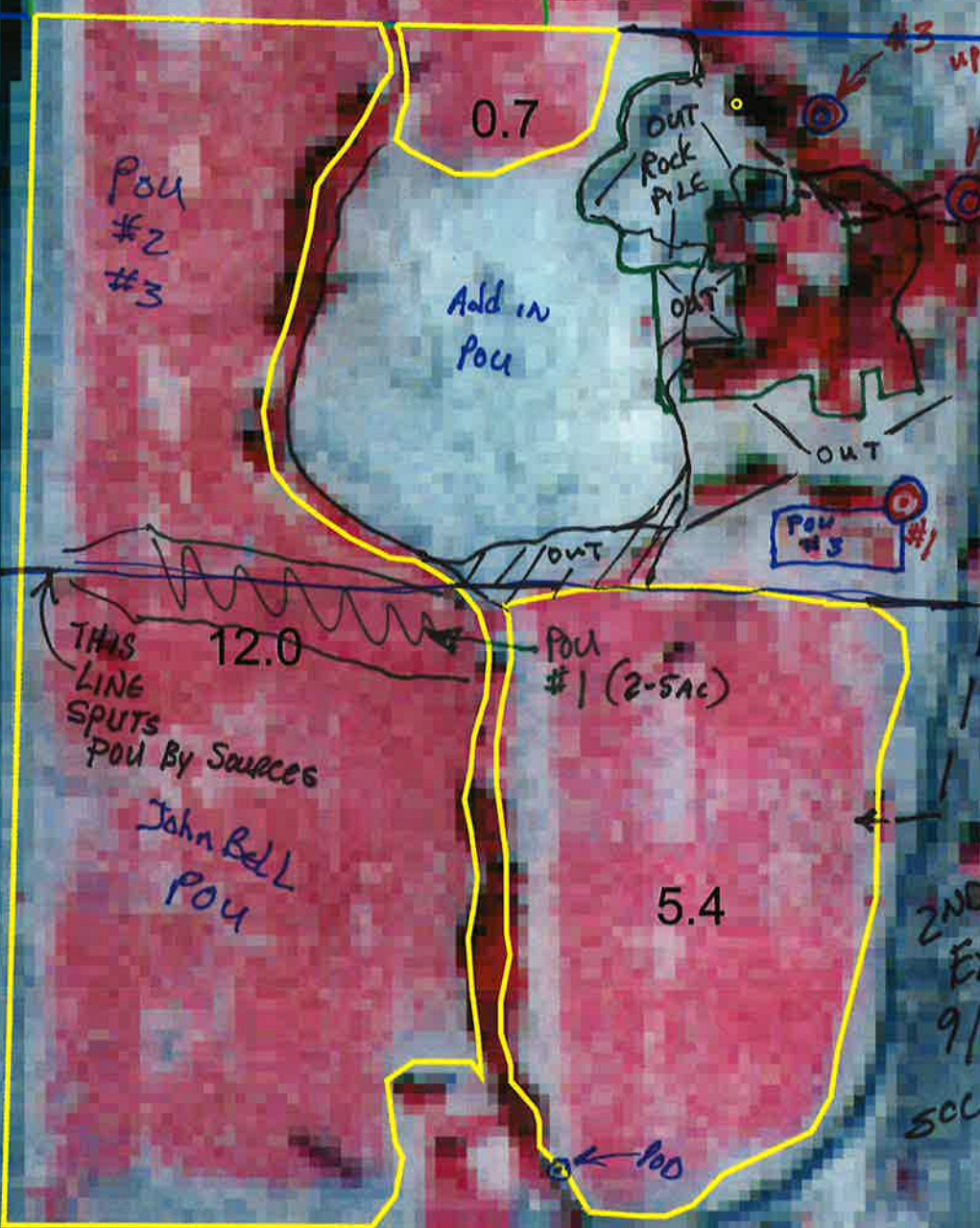
0.04 cfs stockwater (per 100+ head cattle, non-dairy)

====

0.90 CFS COMBINED TOTAL FLOW RATE ALL RIGHTS.

Final recommendations will be described in the database.

2



2ND
EXAM:
9/20/99
w/
LAWNE
OSBORN

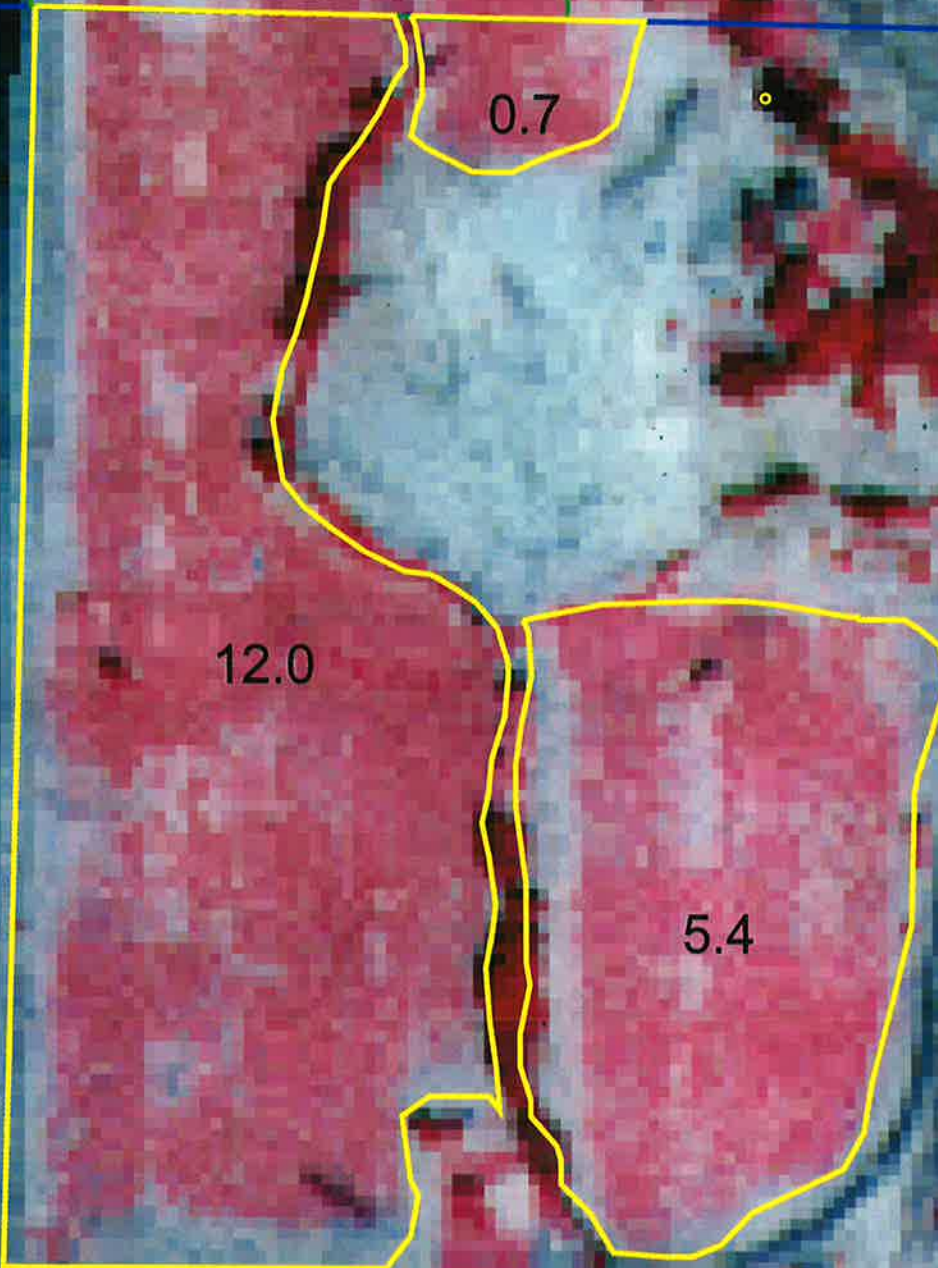


2

0.7

12.0

5.4





RECEIVED

MAY 21 1999

Department of Water Resources
Southern Region

1999 APR 20 PM 3:17

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA

Case No. 39576

Subcase 36-00073

ORDER GRANTING MOTION
TO FILE AMENDED NOTICE
OF CLAIM AND SETTING
OBJECTION AND RESPONSE
DATES

On February 5, 1999, a *Motion to File Amended Notice of Claim* was filed by Layne Osborne. A hearing on the *Motion* was held at the April 20, 1998, Monthly Status Conference. As there was no opposition to the *Motion* and for good cause appearing, IT IS ORDERED that the *Motion to File Amended Notice of Claim* is hereby **GRANTED**.

The following dates are set for objection and response deadlines:

Objections to the *Amended Notice of Claim* are due **June 7, 1999**
(30 days after this Order's appearance on the Docket Sheet).

Responses due **June 22, 1999** (15 days following the Objection
deadline).

IT IS SO ORDERED.

DATED April 20, 1999.


BARRY WOOD

Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that true and correct copies of the **ORDER GRANTING MOTION TO FILE AMENDED NOTICE OF CLAIM AND SETTING OBJECTION AND RESPONSE DATES** were mailed on April 22, 1999, with sufficient, first-class postage to the following:

IDWR Document Depository
PO Box 83720
Boise, ID 83720

AMENDED NOTICE OF CLAIM FORWARDED

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

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

Layne & Judy Osborne
966 Justice Grade
Hagerman, ID 83332


Deputy Clerk

RECEIVED

MAY 21 1999

Department of Water Resources
Southern Region

RECEIVED

APR 30 1999

Department of Water Resources

1999 APR 28 PM 3:00

DISTRICT COURT-SRBA
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

) Subcases: 36-00071B, 36-00072, and
) 36-00074

) ORDER SETTING SUBCASE
) DEADLINES

On April 20, 1999, an *Order Granting Motions to File Late Notices of Claims* was issued in the above subcases. IT IS ORDERED that the following deadlines are established for proceeding in these subcases.

6/28/99	5:00 pm	Deadline for filing Amended Director's Reports
7/28/99	5:00 pm	Deadline for filing Objections to Amended Director's Reports
8/16/99	5:00 pm	Deadline for filing Responses to Objections

IT IS SO ORDERED.

DATED April 28, 1999.


FRITZ X. HAEMMERLE

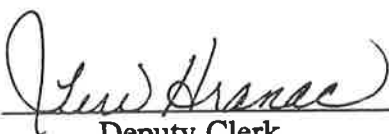
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING SUBCASE DEADLINES was mailed on April 28, 1999, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Layne & Judy Osborne
966 Justice Grade
Hagerman, ID 83332


Deputy Clerk

MAY 01 1998

RECEIVED

Department of Water Resources
Southern Region

APR 24 1998

Department of Water Resources

1998 APR 23 PM 01:11
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

) ORDER SETTING SUBCASE(S)
) FOR INITIAL HEARING
)
) SUBCASE NOS: 36-15176 36-15184

The Initial Hearing for this subcase will be held as follows:

WEDNESDAY, MAY 13, 1998 at 03:00 PM
SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

All parties are required to attend and must have full
settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) in an attempt to reconcile any
difference between the claim and the Director's Report.
Bring any and all information you believe is relevant to your
claim and/or objection. If the claim cannot be reconciled at
the Initial Hearing, the court will set the subcase(s) for
trial within 45 days of the Initial Hearing. IF YOU INTEND
TO AMEND YOUR CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL
HEARING.

IT IS SO ORDERED.

Dated: APRIL 23, 1998

/S/ FRITZ X HAEMMERLE
Special Master
Snake River Basin Adjudication

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

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

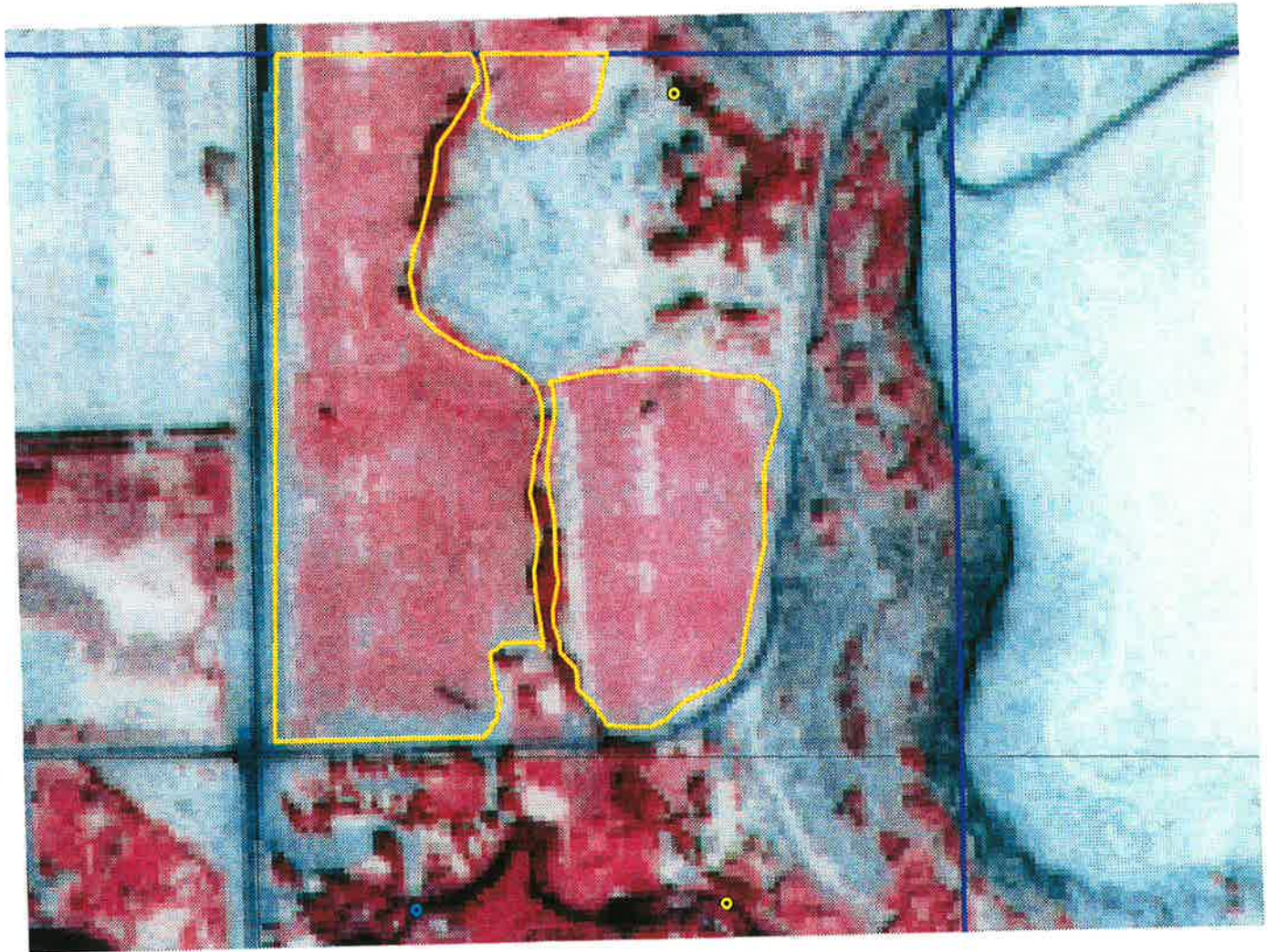
12/16/97 *sc*

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.

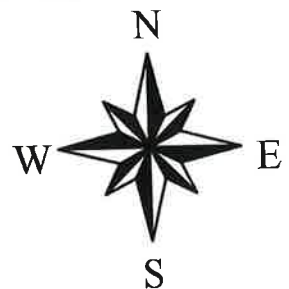
IDAHO DEPARTMENT OF WATER RESOURCES

36-15184
LAYNE OSBORNE



660 0 660 Feet

TNS 7S, RNG 13E, SEC 11 NENE



⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES &/OR TRACT LINES

QUARTER/QUARTER LINES

17.7

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

SUBCASE NO. 36-15184

	CLAIM (4/9/91)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Layne Osborne	N/A	Layne Osborne	
BASIS OF CLAIM	Decree		Decree	
SOURCE	Spring No. Three Billingsley Creek		Billingsley Creek	
QUANTITY	2.220 cfs		.350 cfs	XX as decreed or beneficially used.
PRIORITY DATE	06/26/1881		06/26/1881	
PURPOSE OF USE	Irrigation		Irrigation	XX irrigation / stockwater / aesthetic
PERIOD OF USE	3/15 - 11/15		3/15 - 11/15	XX 1/1 - 12/31
POINT OF DIVERSION	T07S R13E S11		T07S R13E S11	
PLACE OF USE	T07S R13E S11 22 acres		T07S R13E S11 17 acres	XX 22 acres
REMARKS			+ see below	XX strike all appearing after "John Bell Ditch."

+ Water is delivered through the John Bell Ditch.
0.01 cfs of this right is limited to use for conveyance losses in delivery of this right.
This right is a combination of old right nos. 36-00071 & 36-00074.

CLAIM NUMBERS 36-15184 DATE _____
 _____ AGENT _____

TRANSFER NUMBER _____
Class 2 OBJECTION FILED Yes
 TOTAL ACRES FROM RECOMMENDATION 17
 GEOGRAPHIC INFO SYSTEM 17.7

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	<u>75</u>	<u>13E</u>	<u>11</u>	<u>17</u>															<u>17</u>
GIS				<u>11.58</u>	below ditch below pond below grade														<u>17.69</u>
				<u>.69</u>															
RECOM				<u>5.42</u>															
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF ✓
 B36-DBPOD.DBF ✓

POLYGON CREATED ON 604 ()
 ATTRIBUTES OF B36-POU.SHP (500) 501, 502
 ATTRIBUTES OF B36-POD.SHP (458) ~~459~~ 462

0.82 ac = ditch
1.38 ac = Hwy 30

P/U CONFLICT yes () no ()
 P/D CONFLICT yes () no ()
 READY FOR DECREE yes () no ()
 SENT FOR DECREE yes () no ()

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. 36-15184 -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: LAYNE OSBORNE
Address: 966 A JUSTICE GRADE
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

3. |X| Quantity: I respond to the objection concerning:
- 3a. |X| The total quantity of water used in cubic feet per second.
7. |X| Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. |X| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. |X| Place of Use: I respond to the objection concerning:
- 9a. |X| The legal description of the place of use.
10. |X| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. |X| Remarks: I respond to the objection concerning the "remarks" listed with the water right.

14. X | Other: I respond to the objection concerning:

ALL MATTERS RAISED IN THE CLAIMANTS' ANSWER,
AFFIRMATIVE DEFENSES, AND PRAYER FOR RELIEF.

REASONS SUPPORTING EACH BOX CHECKED

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

In response to Statement of the Objection item 7, and all allegations of the objection regarding that item, IDWR responds that it recommended the same purpose use that was identified on the notice of claim and that was found when the claim was investigated. By identifying in the objection additional uses that the claimant did not list on the 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 after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection item 8, and all allegations of the objection regarding that item, IDWR responds as follows: The decree asserted by the claimant does not contain a period of use decreed for this water right. Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The irrigation season of use cannot exceed the period in which water may be beneficially used. The period of

(Over)

the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report.

In further response to this objection item, IDWR responds that it recommended the season of use as claimed. By now seeking to include a longer season of use the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection 9 and 9.a, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the place of use of the right.

In response to Statement of the Objection item 10 and all allegations of the objection regarding that item, IDWR responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2) Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. (3) Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use claimed and recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided for by Idaho Code Sec. 42-1401A(2). (5) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, IDWR responds that it has authority pursuant to Idaho Code Sec. 42-1411(2)(j) to include in its recommendations of water rights acquired under state law and recommended in the director's report "such other matters as are necessary to define the right." The remark or remarks objected to are necessary to adequately describe and define this water right.

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

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

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. A36-15184	3
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:

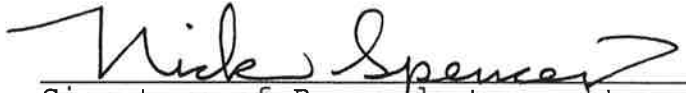
See No. 3

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: A36-15184
Date Received: 7/19/1988
Receipt No: 5013220
Received By: SCC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name:	ANITA ANDERSEN	208-837-4876
Address:	RT. 1 BOX 375	
	HAGERMAN, ID	83332
AND/OR		
Name:	JACKIE RAY ANDERSEN	206-943-2159
Address:	7048 101ST AVE. S.W.	
	OLYMPIAN, WA	98502
AND/OR		
Name:	TERRY LYNN ANDERSEN	303-599-4753
Address:	6230 TROUT CREEK CT.	
	COLORADO SPRINGS, CO	80919
AND/OR		
Name:	SHARON DILLON	503-256-4609
Address:	4437 N.E. 91ST	
	PORTLAND, OR	97220

2. Date of Priority: JUN 26, 1881

3. Source: SPRING NO. THREE Trib. to: SNAKE RIVER
BILLINGSLEY CREEK 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
			NE	SE	NE		GOODING

5. Description of diverting works:
5HP PUMP AT DITCH TO 25 HP PUMP AT POND TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.220		

MICROFILMED
FEB 09 1993

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

A.F.A.

8. Total consumptive use is 66.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	1/4 of 1/4	Lot	Use	Acres
07S	13E	11	NE	NE		IRR	22.0
Section Acres							22.0
Total Acres							22.0

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:
NONE

14. Remarks:

THIS CLAIM IS A COMBINATION OF:
36-00071 FOR 1.42 CFS DELIVERED BY JOHN BELL DITCH.
36-00074 FOR 0.40 CFS SPRING NO. 3 TO POND AND PUMP.
(THIS CLAIM BEGAN AS A36-00074)

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): Greta J. Anderson Date: 4-9-91

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of April 19 91

Steve Co. Co.
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 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. 36-15184 -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)

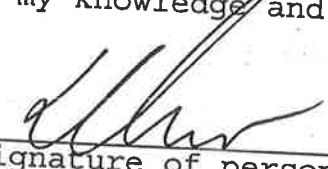
VERIFICATION (Must be Completed)

State of IDAHO

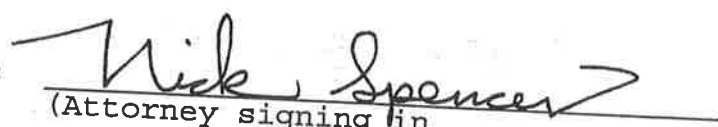
County of ADA

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

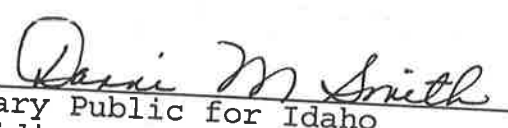
That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director 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

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

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

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

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

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

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

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

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

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

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

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

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

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 8015658

RECEIVED

APR 22 1993

Department of Water Resources
Southern Region Office

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

Received

From: HEPWORTH MUNGESTER CHART.

Type of Payment	Program Acct Class	Amount
COPIES OF ADJUDICATION FILES	64100 229 21 1760	47.50

Total

CHECK 10362

\$47.50

Region: SOUTHERN

Signature:

R. Foster

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DEC 05 1996

HEPWORTH, NUNGESTER AND LEZAMIZ, CHARTERED

10362

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

RECEIVED

APR 23 1993

Department of Water Resources
Southern Region Office

CHECK DATE 04/20/93	CONTROL NUMBER 10362	TOTALS ► GROSS:	47.60	DED:	0.00	NET:	47.60
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DEC 05 1996



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

Date April 13, 1993

To: HEPWORTH NUNGESTER & LEZAMIZ
133 Shoshone N
Address Twin Falls ID 83301

No. of Copies	Material	Cost
952	copies of adjudication files @ .05 ea.	\$ 47.60
TOTAL		\$ 47.60

Please find enclosed the form(s) and/or information you requested. The charge, if any, is indicated above.

If we may be of further assistance, please contact us.

Sincerely,

Janie Robertson

A36-02008 - 50
A36-02009 - 45
A36-00125A - 35
A36-10405 - 17
A36-10055 - 36
A36-10308 - 27
A36-10309 - 26
A36-10310 - 26
(A36-00029B) - 14
(A36-10220) - 14
A36-00011A - 59
A36-00051C - 43
(A36-00051E) - 47
(A36-10312) - 47
A36-00039F - 39
A36-15461 - 17
A36-00121 - 53
A36-00119 - 58
A36-00120 - 57
A36-001030 - 64
A36-00198A - 45
A36-15157 - 48
A36-15176 - 64
A36-15184 - 82

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DEC 05 1996

952
x .05
\$47.60

For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No:

8015364

Date:

Time:

2/ 8/1993

11:39:28

Received
From:

OSBORNE, JUDY

Type of Payment

Program Acct Class

Amount

COPIES/ ADJ FILE 36-15184

64100

229 21 1760

6.79

Total

\$6.79

CHECK

2413

Region: SOUTHERN

Signature:

Jani Robertson

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DEC 05 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

01-Feb-1993

LAYNE OSBORNE
966 JUSTICE GRADE
HAGERMAN ID 83332

Osborne
75 X 5 = 3.75
post. 2.90
env. 14
6.79

RE: Copy of SRBA File(s): 36-15184

Dear Mr. Osborne:

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:

\$6.79

Sincerely,

Jeanie
Jeanie Robertson
Records Clerk

Encl:

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DEC 05 1996

RECEIVED

JAN 20 1993

Department of Water Resources
Southern Region Office

1/13/93
(Date)

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in my file as it relates to water right number A36-15184.

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,

Layne Osborne
(Name)

906 Justice Grade
(Address)

Hagerman, Idaho 83331
(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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DEC 05 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

NOVEMBER 12, 1992 R. KEITH HIGGINSON
Director

LAYNE OSBORNE
966 JUSTICE GRADE
HAGERMAN ID 83332

RE: RESPONSE TO LETTER DATED 11-09-92 FOR 36-15184

DEAR MR. OSBORNE,

THIS LETTER IS IN RESPONSE TO THE YOUR LETTER OF 11-09-92 REQUESTING ACKNOWLEDGEMENT OF THE THREE POINTS YOU DESCRIBED WITHIN YOUR LETTER.

ITEM 1: THE ADDITIONAL ACRES YOU HAVE DESCRIBED HAVE BEEN PLACED INTO IRRIGATION AFTER 1987 AS YOU HAVE STATED. THE DIRECTOR'S REPORT LISTS THE ACRES FOUND TO BE IRRIGATED AS OF NOVEMBER 19, 1987.

ITEM 2 & ITEM 3: UNDER IDAHO LAW, A WATER RIGHT IS LIMITED TO THE AMOUNT OF WATER BENEFICIALLY USED FOR THE PURPOSES FOR WHICH THE WATER RIGHT WAS 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 AMOUNT OF A WATER RIGHT SHOWN IN A DECREE IS GREATER THAN THE AMOUNT THAT IS BENEFICIALLY USED, THEN THE PORTION THAT IS NOT BENEFICIALLY USED IS FORFEITED.

IN RESPONSE TO YOUR CLOSING STATEMENT I HAVE REQUESTED THAT YOU BE SENT THE INSTRUCTIONS AND FORM TO OBJECT TO THE RECOMMENDATION OF THIS WATER RIGHT IN THE DISTRICT COURT. YOU SHOULD RECEIVE THE FORM WITHIN A FEW DAYS OF THIS LETTER. PLEASE NOTE, THIS IS YOUR ONLY ACTION AVAILABLE TO CHANGE YOUR WATER RIGHT RECOMMENDATION AT THIS TIME.

SINCERELY,

STEVE CLELLAND
SENIOR WATER AGENT

SCC:sc

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DEC 05 1996

RECEIVED

November 9, 1992

NOV 12 1992

Department of Water Resources
Southern Region Office

State of Idaho Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

Dear Department,

I recently received your letter saying that you are not recommending any changes to my amount of water rights my farm should have. In my notice of error I specifically pointed out some reasons why I should have more rights which you did not even acknowledge. They are:

1: I irrigate 5 more acres than you say I do. I bought the place in 1989 and started irrigating those acres then. Your picture of the place was taken in 1987 and those acres were not being irrigated then. Those 5 acres had been irrigated prior to that year.

2: My place had been irrigated by gravity before. I would like for you to guarantee me that if electric power for my pumps become uneconomical to run I will have enough water to return to gravity.

3: Right now my place is in pasture and I irrigate every day of the irrigation season at a rate higher than your 1 inch per acre. Come out and count my pipe and measure my nozzles. If someday I decide to raise a crop that requires even more water (such as mint) what am I suppose to do?

Please acknowledge these three points this time. I would like to work with you not fight with you and not spend taxpayer and my money hiring lawyers and tying up the courts.

Sincerely,



Layne Osborne

966 Justice Grade

Hagerman, Idaho 83332

Phone: 837-6332

MICROFILMED

DEC 05 1996

A36-15184

CEIVED

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. A36-15184
(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,

36-15184 -0001/
93-04-0468

vs.

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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DEC 05 1996

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: Layne Osborne

Address: 966 Justice Grade - A

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Decreed water right pursuant to New

International Mortgage Bank v. Idaho Power

Company dated 3/22/1932 with a priority date

of 6/26/1881;

2. Owner of the water right:

Name: Layne Osborne

Address: 966 Justice Grade - A

Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

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

Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

See page 7

CHANGES TO THE DIRECTOR'S REPORT

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

See page 7.

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



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

See Hagerman Water Right Owners, Inc.'s

Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of Gooding

Layne Osborne, 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.

Layne Osborne

Signature of person filing objection

By: _____

(Attorney signing in
representative capacity)

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

Supanne K. Jensen

Notary Public for Idaho

Residing at: Hagerman Idaho

My Commission Expires: 8-4-98

(Over)

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DEC 05 1996

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 29 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: Layne Osborne
Owner's address: 966 Justice Grade - A
Hagerman, Idaho 83332

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

Box 3, 3a and 10 - IDWR recommends an amount less than decreed and/or beneficially used. A reduction in water right would constitute a taking.

Box 7 - Beneficially used for purposes set forth in notice of claim.

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

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

CHANGES TO DIRECTOR'S REPORT, page 4

Maximum quantity- as decreed and/or beneficially used with corresponding change in consumptive use; Purpose of Use- irrigation, stockwater and aesthetic; Period of Use- 1/1 to 12/31; Place of Use- 22 acres; Remarks- strike all appearing after "John Bell Ditch".

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

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Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

indefinite that it prevents the objectors from knowing what would be admitted or denied.

IV.

INTRODUCTION

1. INSTRUCTIONS FOR USING THIS REPORT PART I. (DRP-I at page 1)

The objectors admit that Part I consists of seven sections; that the description of the water system includes a brief description of Reporting Area 3 and an illustration of the boundaries of the reporting area; that the water rights and the list of the recommended rights are grouped alphabetically by source and listed chronologically by priority date; that the rights or claims in the list of claims/rights not recommended are listed numerically by water right number; and that brief instructions are found at the beginning of the applicable sections. The objectors deny that any description or any implication that the description of the water system or the illustrations are true and accurate due to lack of knowledge or information regarding the truth of the averment; deny that the general provisions apply to all water rights or define or limit classes of water rights; and deny that the general provisions "will affect your water right," based upon insufficient knowledge or information upon which to form a belief as to the truth of the averments.

2. SCOPE OF THE ADJUDICATION. (DRP-I at page 1 - 3)

The objectors deny all averments in paragraph a., due to lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments.

Regarding paragraph b., the objectors lack sufficient information or knowledge upon which to form a belief as to whether water rights which are not claimed in the adjudication will or will not exist upon entry of the court's decree and, therefore, deny such averment. The objectors admit that the court entered an order dated January 17, 1989, but presently lack sufficient knowledge to know whether any of the other averments concerning the court's order are true or accurate and, therefore, deny the same. The objectors deny that a right must be adjudicated before water may be distributed by the director. The objectors deny all other averments in paragraph b.

3. PURPOSE OF THIS REPORT PART I. (DRP-I at page 3 - 4)

The objectors admit that portion of the first sentence which states "This report contains the Director's recommendations to the SRBA District Court as to the nature and extent of water rights," but deny that such recommendations "are necessary for administration of water rights in Reporting Area 3," and further deny the Director has authority to "administer" such rights.

Regarding the second paragraph, the objectors admit that all water rights remain subject to the applicable law generally, but deny the remainder of the second paragraph.

Regarding the third paragraph of this section, the objectors deny all averments therein based upon lack of knowledge or information upon which to form a belief as to the truthfulness of the averments.

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

1. BOUNDARIES OF BASIN. (DRP-I at pages 4 - 6)

Regarding the first paragraph of this section, the objectors deny all averments due to a lack of knowledge or information upon which to admit or deny.

Regarding the second, third and fourth paragraphs of this section, the objectors admit that as broad statements, those paragraphs are generally accurate but the statements are so broad and attenuated from any matter relevant to the objectors' water right that the objectors are unable to know what would be implicitly admitted or denied and therefore, deny the same.

With respect to the fifth paragraph of this section, the objectors lack sufficient knowledge or information upon which to form a belief as to the truth of any matter averred and, therefore, deny the averments.

2. WATER SOURCES. (DRP-I at page 6)

The objectors admit that the Snake River Plain Aquifer is the source of outflows of springs located along the Snake River Canyon Wall in the Hagerman Valley. The objectors presently lack sufficient knowledge or information upon which to form an opinion as to the truth of the other averments set out in this section and, therefore, deny the same.

3. DEVELOPMENT OF WATER USE. (DRP-I at pages 6 - 9)

The objectors admit that numerous factual and historical averments are set out in this section, which may be accurate, but

these objectors have no basis for knowing whether some or all of the averments are intended to relate to the objectors' claims and, thus, are prevented from knowing what would be admitted or denied. Therefore, the averments are denied.

VI.

GENERAL PROVISIONS

GENERAL PROVISIONS 1 - 8 APPLY TO ALL WATER RIGHTS IN BASIN 36.

(DRP-I at page 9)

The objectors deny that "General Provisions 1 - 8" apply to all water rights in Basin 36 as the statements are so broad and attenuated from any matter relevant to the objectors' water rights, that the objectors are unable to know what would be explicitly admitted or denied. The objectors also specifically deny that general provisions 1-8 apply to the objectors' right.

1. EFFECT OF ADJUDICATION. (DRP-I at page 9)

With respect to paragraph a., the objectors presently have no knowledge or information upon which to form a belief as to the truth of whether a future decree would supersede prior decrees, or whether unclaimed rights would cease to exist and, therefore, deny the same.

Regarding paragraph b., the objectors deny that the Director has any powers to administer water rights other than those specifically delegated by the Legislature of the State of Idaho, and which do not violate the objectors' state and federal constitutional rights, and therefore the averments are denied.

2. GENERAL ADMINISTRATIVE PROVISIONS. (DRP-I at pages 9 - 10)

The objectors admit paragraphs a. and b.

3. CONJUNCTIVE ADMINISTRATION (DRP-I at page 10)

The objectors deny the conjunctive administration provisions based upon the objectors' lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments and because any averment expressed or implied is so indefinite that it prevents the objectors from fairly understanding what would be admitted or denied. Additionally, the objectors deny that the Department of Water Resources has any statutory or regulatory authority for the "conjunctive administration" as therein described.

4. ADMINISTRATION OF GROUND WATER RIGHTS (DRP-I at page 10)

The objectors deny the averments within this section.

5. ADMINISTRATION OF BASIN 36 RELATIVE TO THE SNAKE RIVER (DRP-I at page 10)

The objectors admit that the springs are hydrologically interconnected with the Snake River Aquifer, but deny all other averments based upon the objectors' lack of sufficient information or knowledge upon which to form a belief as to the averments herein. The objectors additionally deny any said averments expressed or implied because the averments are so indefinite and generalized as to prevent the objectors from fairly understanding what would be admitted or denied.

6. ADMINISTRATION OF SMALL DOMESTIC AND STOCK WATER RIGHTS (DRP-I at page 11)

The objectors admit that part of the first sentence of subparagraph a. to the effect that "small domestic and stock water rights from surface water are not subject to administration," but deny the balance of said sentence and said paragraph.

The objectors admit the first sentence of paragraph b., and deny the balance of that paragraph because the criteria set forth therein ("if the director determines that administration is necessary") is so ambiguous, indefinite and uncertain that it prevents the objectors from knowing what would be admitted or denied, and by further reason of the fact that no statutory or regulatory authority exists conferring such sweeping and unlimited authority upon the Director or the Department.

The objectors deny the averments in paragraph c. as the averments are inaccurate and because the objectors lack sufficient knowledge or information upon which to form a belief as to the truth of the matters averred.

7. MEASURING DEVICES AND CONTROL WORKS (DRP-I at page 11)

The objectors deny all averments contained herein as such averments are based upon an indeterminate subjective standards which are so ambiguous and indefinite as to prevent the objectors from fairly knowing what would be admitted or denied. Additionally, no statutory or regulatory authority exists conferring such sweeping and unlimited authority upon the Director or the Department as is alleged in this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

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

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

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

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

(WATER\21530ANS)

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



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FEB 09 1993

NOTICE OF ERROR FORM

RECEIVED

AUG-24-1992

SL. 22 1992

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

Department of Water Resources

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

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: 36-00071 and 36-00074

(36-15184)

2. Name: Layne Osborne

Address: 966 Justice Grade

Weekday Telephone Number: 837-6332

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

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

I disagree with amount of shares I need to irrigate my place. You say I need 17.0 I say I need and have been using 35.2 shares.

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

Increase the proposed shares from 17.0 to 35.2 shares.

5. Describe why you disagree with the proposed recommendation:

I bought the place in 1989 with 71 shares of water. You took the picture of the land in 1987. I started irrigating 5 more acres that used to be irrigated in the past. Also I have talked to Brian Miller of the ASCS office and estimated how many shares I

6. Date: need per acre and what I am using now I came up with the figure of 1.6 shares per acre. So I need 35.2 shares of my 71 shares. So I will give up 35.8 shares.

SIGNATURE

Layne Osborne Sep. 22, 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 20, 1992

LAYNE OSBORNE
966-A JUSTICE GRADE
HAGERMAN ID 83332

Re: Snake River Basin Adjudication (SRBA)
Notice of Error Response
Recommended Right Nos. 36-15176 and 36-15184
Old Right Nos. 36-00071 through 36-00074

Dear Mr. Osborne,

You recently filed a Notice of Error with IDWR concerning the water rights referenced above. No change to our recommendation has been made at this time.

You have requested an increase in the amount of water recommended for diversion under these rights. Our investigation included consideration of your soil types, irrigation methods and the established weather and crop correlations as identified by local research. We have also considered your domestic and stockwater uses. The amount of water recommended for your water right is the amount determined to be adequate for the beneficial use you have described. No further increase will be recommended without evidence to support the beneficial use of additional flows.

After reviewing our explanation, you may still disagree with the proposed IDWR recommendations. You may file an objection with the Court after you receive the final recommendation of your water right. The objection process will be explained at the time you receive this final recommendation.

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Please contact this office if you have other questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Roxanne McCarthy". The signature is fluid and cursive, with the first name "Roxanne" written in a larger, more prominent script than the last name "McCarthy".

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RM:rm

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AJ0749NP
No. R36-15184

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

DATE: 10/20/92
PAGE: 1

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAYNE OSBORNE 966-A JUSTICE GRADE HAGERMAN ID 83332 (208) 837-6332	06/26/1881	IRRIGATION	03-15 11-15	0.35 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	0.35 CFS	51.0 AFA
Water Source: BILLINGSLEY CREEK SPRINGS		Tributary to: SNAKE RIVER SNAKE RIVER		Stage: DECREED		
Point(s) of Diversion:		T07S R13E S11	NENENE	NESENE	GOODING County	
Place of use Legal Description for: IRRIGATION						
NE NW SW SE						
T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : SUM						
07S 13E 11 : 17 : : : : : : : : : : : 17.0						
						TOTAL ACRES 17.0

POU County: GOODING

Other Rights: NONE

Remarks: WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.
0.01 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-00071 AND
36-00074.

Dates: Exam Made Date: 03/12/1991 Verified Date:

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

Comments: Date: 10/20/1992 User-ID: SOUTH3 Subject: NOE RECEIVED/NO CHANGE TO RECOMMENDATION
NOE WAS RECEIVED 09/22/92. AN EXPLANATORY LETTER HAS BEEN SENT.

Audit: 10/20/92 SOUTH3

MICROFILMED
FEB 09 1993

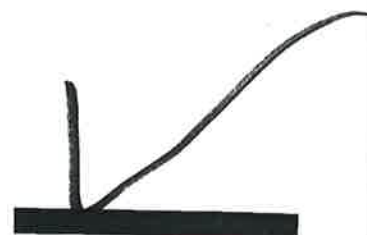
R PROOF

CVR

MAPS

PHOTOS

MISC



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FEB 1993

Water Right Number - R36-15184

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
OSBORNE

LAYNE

1 - 966-A JUSTICE GRADE
2 -
3 -
City- HAGERMAN
Phone - 208-837-6332

State- ID Zip- 83332

VERIFIED BY

HHT

MICROFILMED
FEB 09 1993+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
06/26/1881 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER
SPRINGS SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County07S 13E 11 NE NE NE (47) GOODING
NE SE NE (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.350+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.350 51.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 11 NE NE 17.0 01 IRRIGATION (47) GOODING

Total Acres: 17.0

+ - - Diversion Means - 5HP PUMP AT DITCH TO 25 HP PUMP AT POND TO SPRINKLERS.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +

WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.
0.01 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-00071 AND
36-00074.

Water right number - R36-15184

Prefix Translation: RESEARCH

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

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

3600071
3600074
3600073

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

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

+ - - - - Comments - - - - - +

Date: 08/01/1992 User Id: WORSTELL Subject: COPIED FROM REMARKS
TWO POINTS OF DIVERSION LOCATED IN NENENE, SEC. 11, TWP. 7S, RGE. 13E.
THIS WATER RIGHT IS A COMBINATION OF FORMER WATER RIGHTS 36-00071 36-00073 AND 36-00074.

+ - - Audit Fields - - +
08/03/92 THORNTON

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 03/12/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/03/1992	Old Judicial District	-
Claim Received Date	- 04/09/1991	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S013220	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- D
				Notice of Error Flag	-

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FEB 09 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:49:34
04/11/91

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-15184

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		3-12-91 SCC	N		HHT 7/30/92	SCC 4-12-91	
POINT OF DIV	Y			N				
SOURCE	Y			Y	1,2,4,5,6			
PLACE OF USE	Y			Y				
DIV. AMOUNT CFS/VOLUME	Y			Y				
CONSUMPTIVE USE	-			Y				
PURPOSES	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS	Y							

"VERIFIED BY" CODES

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

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

MICROFILMED

FEB 09 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:49:34
04/11/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-15184

LAST: ANDERSEN
ADDRESS: RT. 1 BOX 375
CITY: HAGERMAN
PHONE NUMBER: 208-837-4876

FIRST: ANITA
STATE: ID ZIP: 83332

OWNER CODE: 0

LAST: ANDERSEN
ADDRESS: 7048 101ST AVE. S.W.
CITY: OLYMPIAN
PHONE NUMBER: 206-943-2159

FIRST: JACKIE RAY
STATE: WA ZIP: 98502

OWNER CODE: 0

LAST: ANDERSEN
ADDRESS: 6230 TROUT CREEK CT.
CITY: COLORADO SPRINGS
PHONE NUMBER: 303-599-4753

FIRST: TERRY LYNN
STATE: CO ZIP: 80919

OWNER CODE: 0

LAST: DILLON
ADDRESS: 4437 N.E. 91ST
CITY: PORTLAND
PHONE NUMBER: 503-256-4609

FIRST: SHARON
STATE: OR ZIP: 97220

OWNER CODE: 0

* LAST: OSBORNE
ADDRESS: 966 A, JUSTICE GRADE
CITY: HAGERMAN
PHONE NUMBER: 208-837-6332

FIRST: LAYNE
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: THIS CLAIM IS A COMBINATION OF:

DATABASE
Y

FIELD
EXAMINER

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36-00073 Spring #2 also diverts into the pond for irrigation
0.20 claimed from A36-15176.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Met w/ ANITA ANDERSEN & LAYNE OSBORNE 4-9-91 (sc)
→ See also A36-15176.

Convers. Memo: At the time of the adj. the John Bell ditch water was pumped up into the pond and redistributed by the sprinkler system installed in 1972. The hilltop, ~~2~~ 5 Acres, was irrigated up until 1974 under sprinklers then went unirrigated until new owners began again in 1990. Spring #2 has been added to source list since the Domestic + Stock right under A36-15176 can overflow into the pond.

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A. AJ CLAIM: # A36-15184 PRIORITY DATE: 06-26-1881 STAGE: D

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

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
N

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

REMARKS: all rights same priority

=====

RECOMMENDED PRIORITY DATE:

6-26-1881

REVIEWED BY

SCC

DATE

4-12-91

=====

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FEB 09 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-15184	07S	13E	11	NE	NE	NE		GOODING
A36-15184	07S	13E	11	NE	SE	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-15176	R36-10283B
A36-00051D	R36-00051C
A36-10119	R36-00071A
A36-10120	R36-10383A
A36-10751	R36-00051
A36-10752	R36-00051A
A36-10755	R36-10751
A36-10061	R36-10752
A36-00103B	R36-00090B
A36-00108A	R36-00090D
A36-00003G	R36-00089C
A36-00027	R36-00090G
A36-00039C	R36-00076A
A36-00090E	R36-00089B
A36-00051B	R36-04008
A36-00076A	R36-00089A
A36-00089B	R36-00090F
A36-00089D	R36-00090A
A36-10312	R36-00051B
A36-00090C	R36-00090E
A36-00090A	R36-10283A
A36-00003D	R36-00051E
A36-00090B	R36-10312
A36-00090D	R36-10755
A36-00090F	R36-00090C
A36-00108F	R36-00089D
A36-00125A	R36-00051D
A36-00026	
A36-00051C	
A36-00071A	
A36-00089A	
A36-00108C	
A36-00108D	
A36-00108E	
A36-00108H	
A36-04008	
A36-10283	
A36-10283A	
A36-10283B	

WR RECORDS IN SAME 40 ACRE TRACT

36-00072
36-00073
36-00074
36-00003
36-00005
36-00019
36-00021
36-00024
36-00025
36-00026
36-00027
36-00034
36-00035A
36-00035B
36-00039A
36-00039B
36-00040
36-00051
36-00052
36-00064
36-00065
36-00067
36-00071
36-00076
36-00077
36-00082
36-00083
36-00085
36-00087
36-00088
36-00089
36-00090
36-00091
36-00094
36-00095
36-00096
36-00103
36-00108
36-00112A
36-00112B
36-00113B
36-00113C
36-00113D
36-00125
36-04008

MICROFILMED
FEB 09 1993

36-04115
36-04261
36-07271
36-07658
36-07739
36-07834
36-07840
36-07853
36-07875
36-07957
36-08058
36-08319
36-08335

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FEB 09 1995

SOURCE: SPRING NO. THREE
BILLINGSLEY CREEK

TRIB: SNAKE RIVER
SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
Y

FIELD
EXAMINER
N

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

Same

SOURCE: Same TRIB:

REVIEWED BY: SCL DATE: 4-12-91

Spring #3 VIA pond & pump

VIA JOHN BELL DITCH

MICROFILMED

FEB 09 1993

A. ROOT WATER RIGHT NUMBERS: A36-00071A
R36-00071A
A36-15184

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	11	NE	NE		OSBORNE, LAYNE	A36-15184 /22.0	- /	26.0	17.0	17.0
			NE	NE		CULBERTSON, S.A.	A36-10409 /	- /			
			NE	NE		CULBERTSON, S.A.	R36-10409 /	- /			
			NE	NE		CULBERTSON, MILDRED	R36-00090D /	- /		(5.0)*	
			NE	NE		OSBORNE, LAYNE	A36-15176 /	- /			
			NE	NE		JUSTICE, WILLA		36-00071 /			
			NE	NE		ANDERSEN, JACKIE RAY		36-00072 /40.0			
			NE	NE		ANDERSEN, JACKIE RAY		36-00073 /40.0			
			NE	NE		ANDERSEN, JACKIE RAY		36-00074 /40.0			
TOTAL ACRES							A36-15184	22.00	26.00		17.0

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
Y

PRESUMPTION FLAG: D

REMARKS:

* 5 Acres on the hilltop were last irrigated in 1974 according to conversation with Mrs. Andersen. Layne Osborne began to irrigate it in 1990 once again. Shown in NAPP photo as Non irrigated & also ASCS.

RECOMMENDATIONS:

TOTAL ACRES:

17.0

REVIEWED BY:

scu

DATE:

4-12-91

MICROFILMED
FEB 09 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-15184 IRRIGATION	FROM 03-15 TO 11-15	2.220 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.220 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
<i>See proofs...</i>		

PRESUMPTION FLAG: D

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER? Y() N(X) Explain in remarks, below.

REMARKS:

MICROFILMED
FEB 09 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 2.220 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

~~Y~~ ~~(X)~~ ~~N~~ ~~(X)~~
 $1.42 + 0.40 = 1.82 \text{ cfs}$

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***

** If an amount smaller than the original diversion rate is **

** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

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

Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N(~~X~~) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POI AND IRRIGATION USAGE

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-10409	DOMESTIC	CULBERTSON , S.A.	FROM 01-01 TO 12-31	.040 CFS	
R36-10409	DOMESTIC	CULBERTSON , S.A.	FROM 01-01 TO 12-31	.040 CFS	
R36-00090D	DOMESTIC	CULBERTSON , MILDRED	FROM 01-01 TO 12-31	.020 CFS	
A36-15176	DOMESTIC	OSBORNE , LAYNE	FROM 01-01 TO 12-31	.200 CFS	
A36-15176	STOCKWATER	OSBORNE , LAYNE	FROM 01-01 TO 12-31	.100 CFS	

MICROFILMED
FEB 09 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-15184 IRRIGATION	FROM 03-15 TO 11-15	2.220 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		2.220 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
<i>See proofs...</i>		

PRESUMPTION FLAG: D

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER? Y() N(X) Explain in remarks, below.

REMARKS:

MICROFILMED

FEB 09 1995

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

~~Y()~~ N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 2.220 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

$$1.42 + 0.40 = 1.82 \text{ cfs}$$

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***

** If an amount smaller than the original diversion rate is **

** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD

DATABASE EXAMINER

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

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N(☒) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-10409	DOMESTIC	CULBERTSON , S.A.	FROM 01-01 TO 12-31	.040 CFS	
R36-10409	DOMESTIC	CULBERTSON , S.A.	FROM 01-01 TO 12-31	.040 CFS	
R36-00090D	DOMESTIC	CULBERTSON , MILDRED	FROM 01-01 TO 12-31	.020 CFS	
A36-15176	DOMESTIC	OSBORNE , LAYNE	FROM 01-01 TO 12-31	.200 CFS	
A36-15176	STOCKWATER	OSBORNE , LAYNE	FROM 01-01 TO 12-31	.100 CFS	

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FEB 09 1990

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 17 x 0.02 CFS/ACRE = 0.34 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 66.0 AF/A

ACRES 17 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 51 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 17 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 68 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

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FEB 09 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
<u>IRRIGATION</u>	<u>4/1</u>	<u>10/31</u>	<u>3-15</u>	<u>11-15</u>	<u>0.34</u>	<u>0.35</u>	<u>68</u>	<u>51</u>
TOTAL FOR THIS RIGHT			<u>0.34</u>	<u>0.35</u>			<u>51</u>	

REVIEWED BY: sc

DATE: 4-12-91

this would allow 0.34 cfs

from each source: Billingsley Creek via John Bell 0.34 cfs
Spring #3 0.34
Spring #2 0.20

TOTAL 0.34 cfs

But when any combination
of the above ... the total is
limited to = 0.34 cfs

+0.01 conveyance loss

0.35 cfs.

(see attached conveyance loss worksheet)

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FEB 09 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
(X)	(X)
()	()
()	(X)

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-15184

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
4.400

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-00071	A36-00071A	0.560	R36-00071A	0.560	36-00071	2.000
A36-00071	A36-15184	2.220	-		36-00071	2.000
A36-00074	A36-15184	2.220	-		36-00074	0.400
TOTAL CFS		5.000		0.560		4.400

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER

REMARKS:

*See this file
A36-00071 for split Review attached*

AUTHENTICATION:

SIGNATURE: Steve O'Connell

DATE: 4-12-91

NAME OF FIELD EXAMINER: _____ TITLE: _____

MICROFILMED

FEB 09 1991

T6S
T7S
JOHN
BELL
DITCH

Conveyance

Hagerman
0.000 600
9

Curran
15,000
9

Bradford
19,750
15,000
18

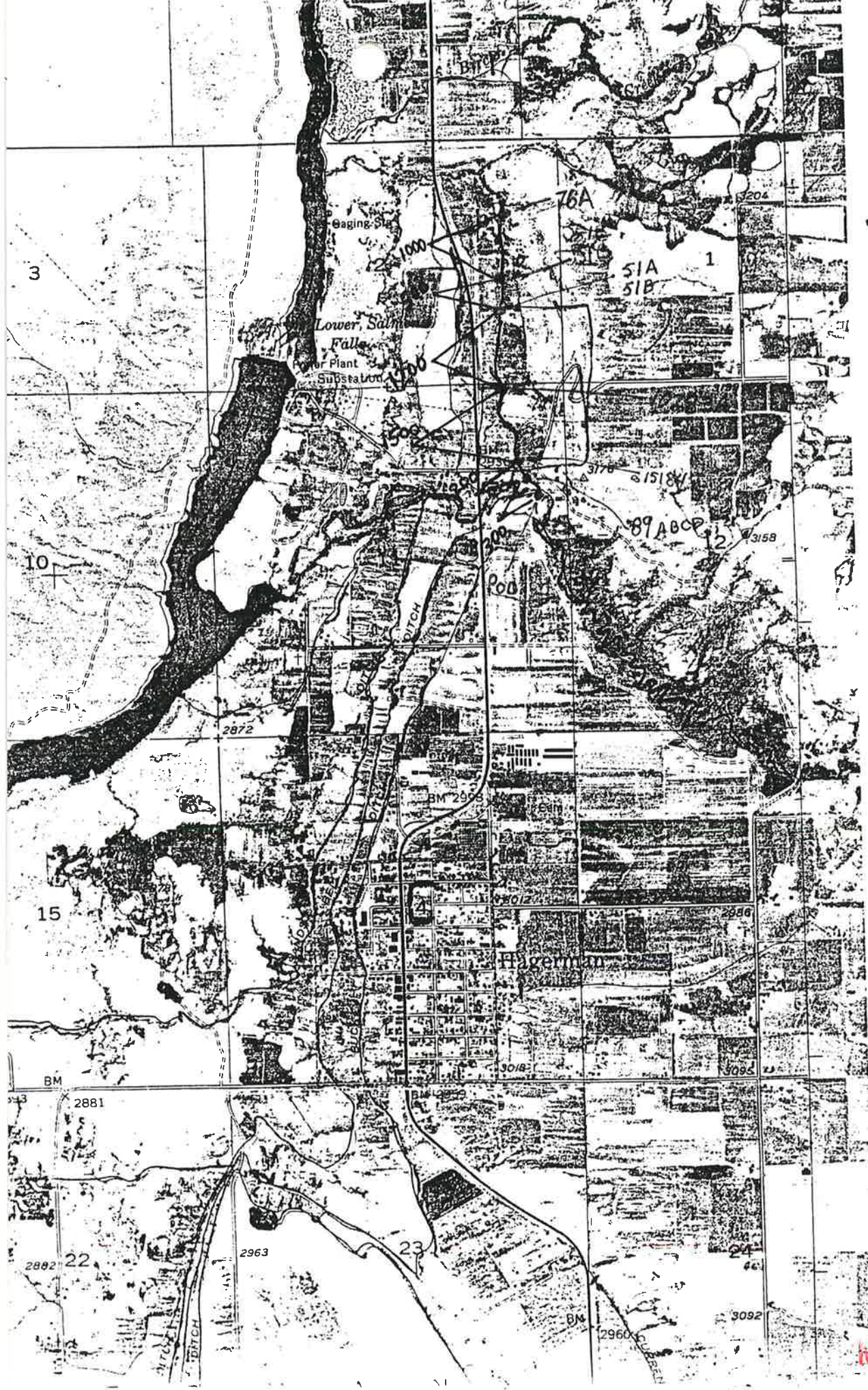
Sands
13,000
1

Bell
23,000
7

Backer
31,000
7

MICROFILMED

FEB 09 1955



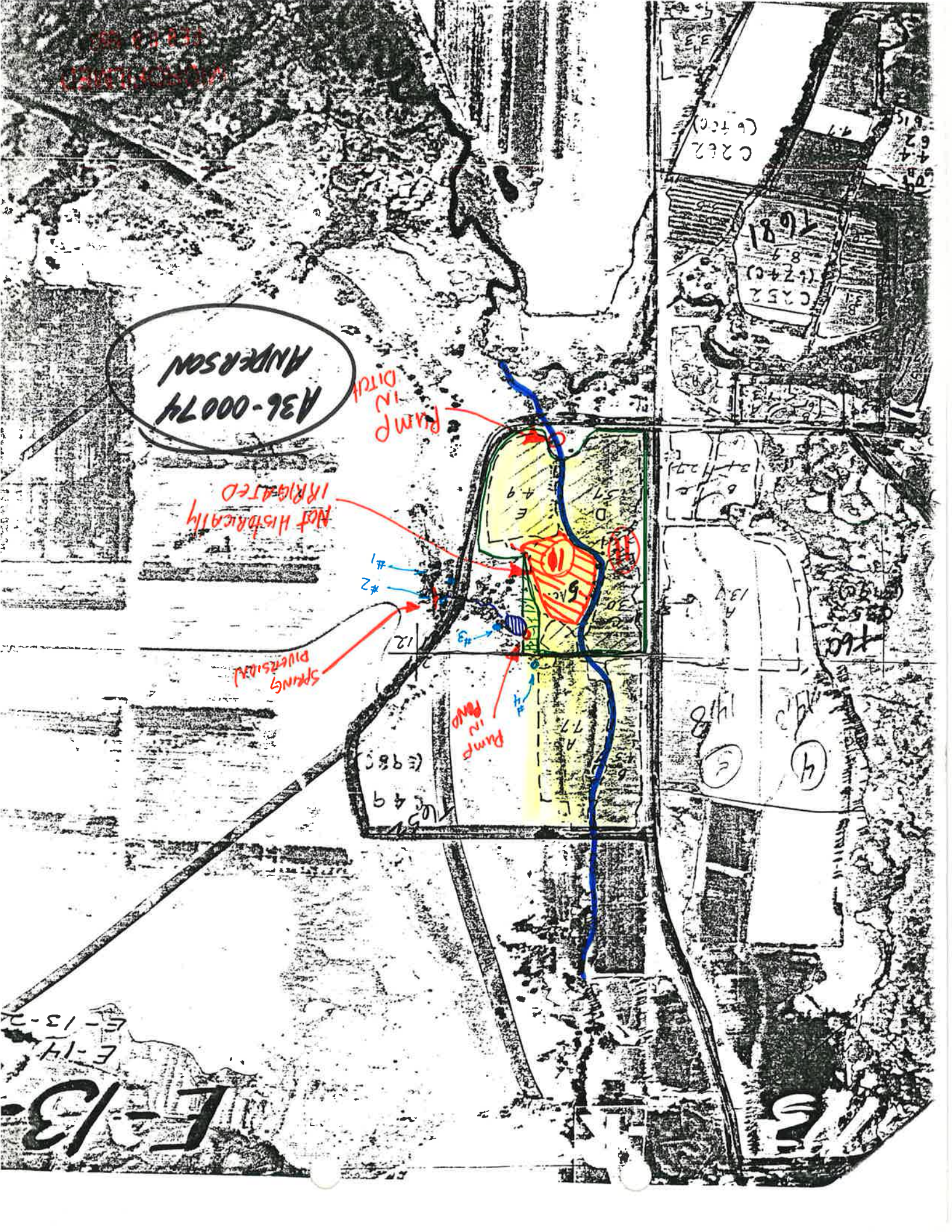
A36-00074
ANDERSON

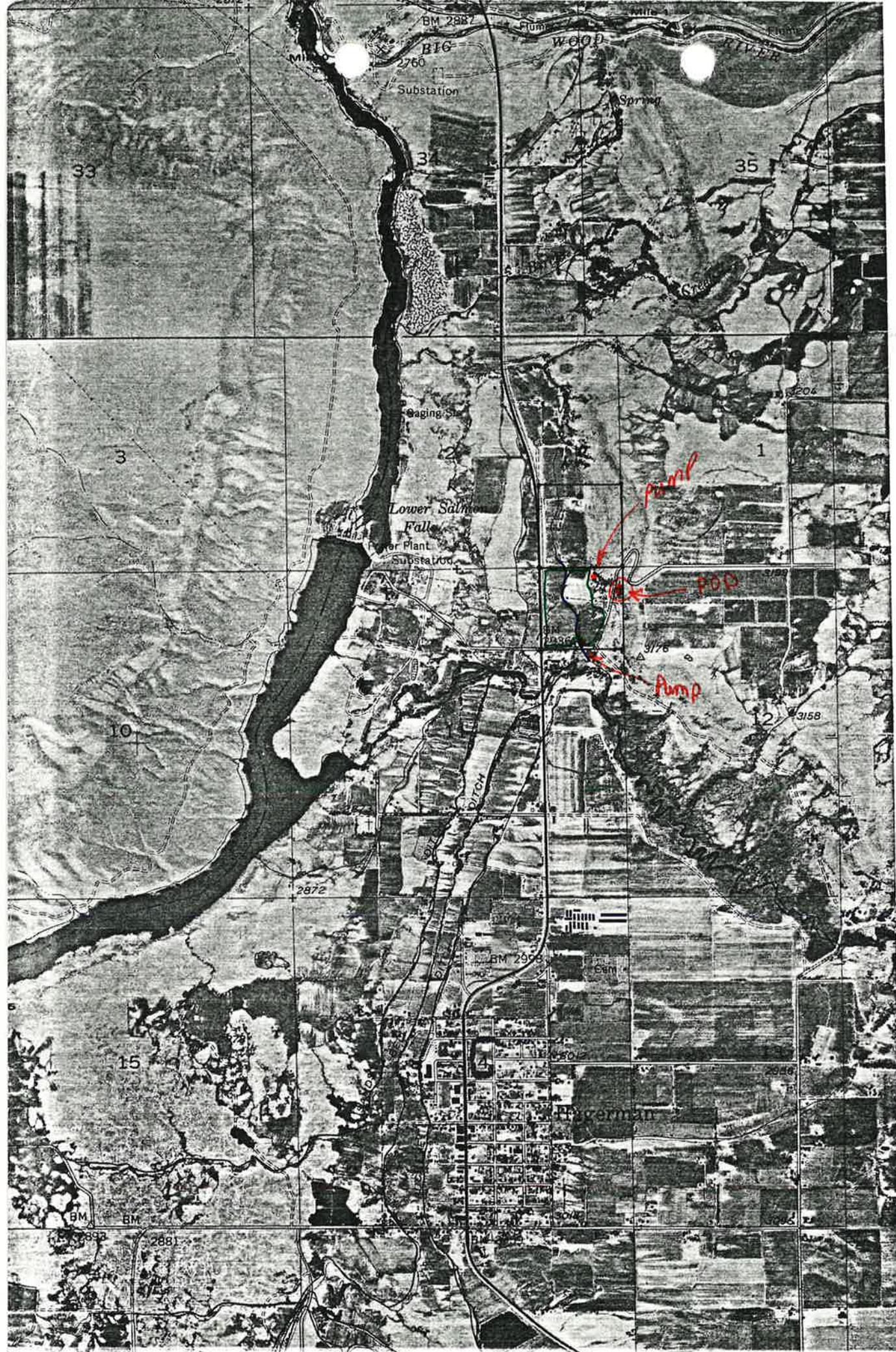
Not historically
irrigated

Pump in
ditch

Spring
diversion

Pump in
pond





T6S
T7S

MICROFILMED
A36-00074

FEB 6 1973

CONVEYANCE LOSS - WORSTELL

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)	
1	300	4.0	2.00	0.03	0.12	1.81	0.0168	0.00	2.22	-89 A, B, C, D
2	200	4.0	2.00	0.02	0.22	1.69	0.0120	0.01	2.07	-151 B4
3	1500	4.0	2.00	0.15	0.24	1.47	0.1031	0.03	1.83	-10283 A
4	600	3.0	2.00	0.05	0.38	1.23	0.0370	0.06	1.43	-71 A
5	600	3.0	2.00	0.05	0.21	0.85	0.0535	0.05	1.01	-51 A+B
6	500	3.0	2.00	0.04	0.16	0.64	0.0592	0.05	0.75	-51 E+C
7	1000	3.0	2.00	0.08	0.48	0.48	0.1579	0.21	0.56	-76 A
8				0.00		0.00	0.0000	0.00	0.00	
9				0.00		0.00	0.0000	0.00	0.00	
10				0.00		0.00	0.0000	0.00	0.00	
11				0.00		0.00	0.0000	0.00	0.00	
12				0.00		0.00	0.0000	0.00	0.00	
13				0.00		0.00	0.0000	0.00	0.00	
14				0.00		0.00	0.0000	0.00	0.00	
15				0.00		0.00	0.0000	0.00	0.00	
16				0.00		0.00	0.0000	0.00	0.00	
17				0.00		0.00	0.0000	0.00	0.00	
18				0.00		0.00	0.0000	0.00	0.00	
19				0.00		0.00	0.0000	0.00	0.00	
20				0.00		0.00	0.0000	0.00	0.00	
TOTALS	4700			0.41	1.81			0.41		

JOHN BELL
DITCH

8-4-92

See

REACH = SECTION OF CHANNEL
 LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
 OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
 AVE WIDTH = AVERAGE TOP WIDTH OF REACH
 SEEPAGE = SOIL SEEPAGE RATE OF REACH
 WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD
 DELIVERY = TOTAL DELIVERIES IN REACH
 DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)
 LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT
 DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
 REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH
 FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

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FEB 09 1993

A36-15184

DECREEED RIGHT SPLIT ANALYSIS

PARENT RIGHT NO. _____ TOTAL DIVERSION RATE _____ PREPARATION DATE _____

CLAIM PORTION	CLAIMED RATE	RECOMMENDED RATE	IS CLAIMED RATE EXCEEDED BY ANALYSIS	CONVEYANCE LOSS	DOES DIV RATE + CALC. C.L. EXCEED CLAIMED RATE	TOTAL RECOMMENDED DIV. RATE
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

A36-15184 is combination of

36-00071	1.42
36-00074	0.40
	1.82

A36-15184 orig. claim 2.2.
Recommend 0.34

ok.

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FEB 09 1993

COPY

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JAN 15 1985

CHANGE NATURE OF USE

Transfer No. 2652

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant George Kneeland, &/or Sharon Dillon, &/or Jackie Ray Andersen, &/or Terry Lynn Owen &/or Josephine Simpson & Anita Andersen Phone 837-4876 Andersen
Post Office address Rt. #2 Hagerman, Ida. 83332

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
36-0072 tru 0075
a. Decree No. _____ Decreed to Willa A. Justice Banking (Name)
in case of New International Mortgage vs Idaho Power Co. Inc. Southern Div.
dated in March 22, 1932 in District Court county of Gooding (Name of court)
b. License No. _____ issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Willa A. Justice To Marjorie Justice Thomas To Anita Andersen etal To Owen Simpson and George Kneeland (Conveyances Attached)

3. Source of water Springs #1, #2, #3, #4 tributary to Billingsley Creek
4. Date of priority June 26, 1881

5. Water is used for the following purposes:
6-0072 amount 0.1 cfs for Domestic & Irrig. purposes from Period of use to _____
6-0073 amount 0.2 cfs for Irrigation purposes from not listed on Decree to _____
6-0074 amount 0.4 cfs for Irrigation purposes from " to "
6-0075 0.3 cfs Irrigation (month/day — both dates inclusive)

6. Total amount of water under right: a. 1.0 cubic feet per second &/or
b. Spring #1, #2, #3 acre feet per annum
7. Location of original point of diversion is NE 1/4 of NE 1/4 of Section 11
Township 7S. Range 13 E. R.M. in Gooding County
Additional points of diversion, if any Spring #4, SE 1/4 SE 1/4
Section 2, Twp. 7S. Rge. 13E.

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>7S.</u>	<u>13E.</u>	<u>2</u>																<u>36</u>	<u>36</u>
<u>7S.</u>	<u>13E.</u>	<u>11</u>	<u>40</u>																<u>40</u>

Total number of acres to be irrigated 76

9. Describe any other water rights used for the same purpose as described above 36-0071 Billingsley Creek
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D. REMARKS.

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Amount of water: a _____ cubic feet per second

&/or

b. _____ acre feet per annum

Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____

Range _____, B.M., _____ County

Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information 0.7cfs from springs #1, #2, #3.

a. Amount of water to be diverted ~~0.3 cfs from spr. #4~~ c.f.s. &/or _____ acre feetb. Description of diverting works Head box and pipeline for Domestic use
Earth diversion ditch for irrigation.c. Describe the reasons for the proposed changes Mrs. Andersen has sold 14.24 acres
of the original place fo use to the Simpsons and desires to
divide the water by giving them the total rights to spring #4
while retaining the total rights to Springs #1, #2, & #3.
The Simpsons also intend to use Spring #4 for Domestic use.

2. Change in point of diversion No change

Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____

Range _____, B.M., _____ County

Additional points _____

3. Change in place of use

a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X _____. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Very little affect as all previous lands will still be
irrigated however all sources will ^{no} longer be combined

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Arta Andersen (a widow) has $\frac{1}{2}$ interest in 76 acre Tract along
Sharon Dillon 1/5 interest, Jackie Ray Andersen 1/5 interest and
Terry Lynn Andersen 1/10 interest.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Arta Andersen
(Signature of Applicant)

Subscribed and sworn to before me this 29th day of January, 1982.

Rhonda M. Carter
(Notary Public)

My commission expires July

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 36-0072, 36-0073, 36-0074
36-0075
and said application is hereby APPROVED, subject to the following limitations and conditions:

1. Right 36-0075 is changed as follows: 0.28 cfs for irrigation of 14 acres
and 0.02 cfs for domestic use located within SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, Twp. 7S, Rge. 13E.
No more than 56.0 acre feet per annum shall be diverted for irrigation nor more
than 0.8 acre feet per annum shall be diverted for domestic use.

2. Use of water under these rights is subject to control by the watermaster of
State Water District No. 36A, Billingsley Creek.

Witness my hand this 14th day of January, 1983.

L. Glen Sayton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by mays Date 3/10/82 Protest filed by None
Prelim. check by Fee 50 # 22076
Receipted by mays Date 3/10/82
Published in Grading Co. Leader
Pub. dates 3/31 + 4/7/82
Watermaster recommendation requested on 3/13/82
 rec'd. 3/26/82
Copies of protest forwarded by
Hearing held by Date
Recommended for approval denial
by 402 DRT

IMPROVED

FEB 14 1983

Analysis of Transfer
by Allen Merritt
3/15/82

BEFORE TRANSFER						
Portion	Acres	Use	Rate	Rate/Acre	Volume	C.U.
Parcel A	(61.8)	Irrigation	0.81	0.0132	247.2	162.8
		Domestic	<u>?</u>	<u>NA</u>	<u>?</u>	<u>?</u>
Total			0.81		247.2	162.8
Parcel B	(14.2)	Irrigation	<u>0.19</u>	<u>0.0132</u>	<u>56.8</u>	<u>37.4</u>
Total			0.19	0.0132	56.8	37.4
TRANSFER REQUEST						
Parcel A	(61.8)	Irrigation	0.70	0.0113	247.2	162.8
		Domestic	<u>?</u>	<u>NA</u>	<u>?</u>	<u>?</u>
Total			0.70		247.2	162.8
Parcel B	(14.2)	Irrigation	0.30	0.0211	56.8	37.4
		Domestic	<u>0.02</u>	<u>NA</u>	<u>0.6</u>	<u>0.6</u>
Total			0.30		57.4	38.0
RECOMMENDED APPROVAL						
Parcel A	(61.8)	Irrigation	0.70	0.0113	247.2	162.8
		Domestic	<u>?</u>	<u>NA</u>	<u>?</u>	<u>?</u>
Total			0.70		247.2	162.8
Parcel B	(14.0)	Irrigation	0.28	0.0200	56.0	36.8
		Domestic	<u>0.02</u>	<u>NA</u>	<u>0.6</u>	<u>0.6</u>
Total			0.30		56.6	37.4

Note that that the Domestic Use for Parcel A was not defined in the calculation but is known to exist and may be covered in the Decree. The Domestic use in Parcel B does not yet exist and will be covered if transfer is approved.

Domestic use calculations based on 500 gal/day/household.

Irrigation C.U. based on 2.63 A.F./acre/annum.

Irrigation Vol. based on 4.00 A.F./acre/annum.

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FEB 09 1983

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Application For Transfer of Water Right
Supplemental Information for
CHANGE IN NATURE OF USE

1. Fully complete Form 222. Type or print in ink "CHANGE IN NATURE OF USE" at the top of page 1. If no change in point of diversion or place of use is desired, so note under items C.2 and/or C.3. C.

2. Describe fully the new use to which the water is intended to be applied (see sample calculations on reverse side):

a. Nature of use: Domestic use for one household from spring # 4.

In addition to irrigation of 14.2 acres.

b. Rate of flow: .02 cfs

c. Hours per day and days per year that the flow will be diverted:

365 days per year, hours per day are variable.

d. Season of use: The new use will be year round.

e. Return flows from the use: (quantity and quality of return flows, and location of discharge):

None

3. Describe positive and negative effects on other waterusers predicted to result from the proposed change in nature of use. Other water users will not be affected.

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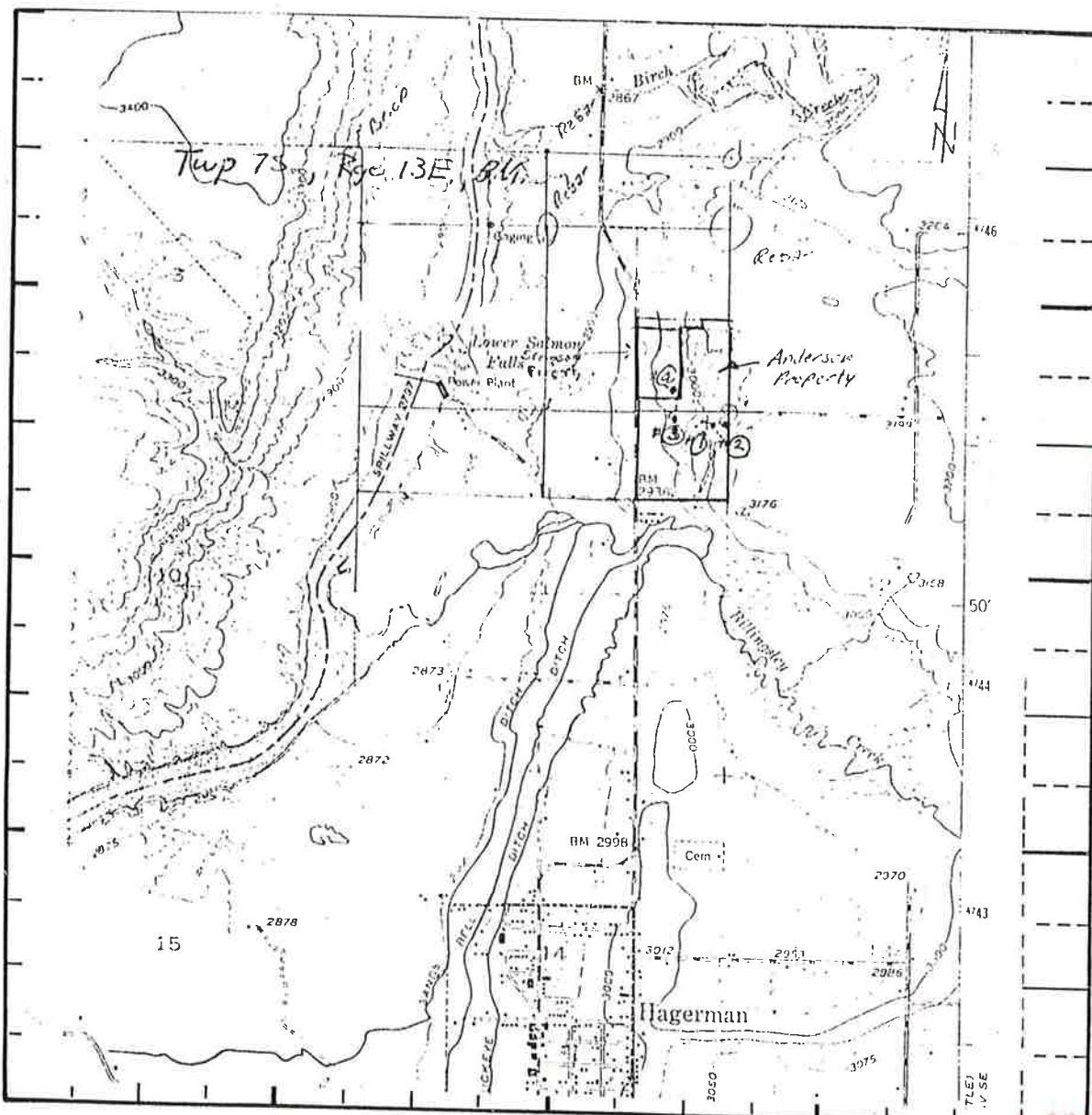
FEB 09 1993

to which the right will be transferred:

[illegible]

Total number of acres to be irrigated 76

4. Describe any other water rights used for the same purpose as described above. 36-0071
Billingsley Cr. via the John Bell ditch
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICRO
FEB U

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)02/06/92 16:16:09
Page 1

Water Right Number - R36-00073

Prefix Translation: RESEARCH

Old (D) Number -

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

+ - First Name - - +

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

*** C - CURRENT OWNER ***
COMBINED RIGHT*** O - ORIGINAL OWNER ***
DILLON

SHARON

1 -
2 -
3 -
City- X
Phone - 208-000-0000

State- ID Zip- 0

ANDERSON

ANITA

1 - 4437 NE 91ST
2 -
3 -
City- PORTLAND
Phone - 503-256-4609
1 - RT 1 BOX 375

State- OR Zip- 97220

ANDERSEN

JACKIE RAY

2 -
3 -
City- HAGERMAN
Phone - 208-837-4876
1 - 7048 101ST AVE, SW

State- ID Zip- 83332

ANDERSEN

TERRY LYNN

2 -
3 -
City- OLYMPIA
Phone - 206-943-2159
1 - 6230 TROUT CREEK CT.
2 -
3 -
City- COLORADO SPRINGS
Phone - 303-599-4753

State- WA Zip- 98502

+ - - Priority Date - - +
06/26/1881+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +

+ - - Status - - - +
Z - SEE REMARKS+ - - Source - - - - - +
SPRING NUMBER TWO
COMBINED RIGHT+ - - Tributary - - - - - +
SNAKE RIVER

Twn	Rng	Sec	Tract	Lot	RFlg	Point of Diversion - County
07S	13E	11	NE NE			(47) GOODING

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
43 - DOMESTIC		01/01	12/31	0.200	
04 - STOCKWATER		01/01	12/31	0.100	
+ - Total Div. Rate - +		+ - Total Div. Volume - +			
0.300					

+ - Total Consumptive Use - + + - KW Usage - +
0.0

Water right number - R36-00073

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	13E	11	NE NE			04	STOCKWATER	(47) GOODING
07S	13E	2	SE SE			43	DOMESTIC	(47) GOODING

Total Acres:

+ - - Diversion Means - GRAVITY FLOW

+ - - Non-Irrigation Use - D/1 HOUSE, S/75 HOLSTEINS

+ - - Other Rights for Same Use - YES, SEE REMARKS

Remarks
SEE NO. 36-15176.

Old Water Right Numbers
No Old Water Right Numbers Found

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: 02/06/1992 User Id: CLELLAND Subject: COPIED FROM REMARKS THIS CLAIM WAS FOUND TO BE A COMBINED RIGHT AND HAS BEEN RENUMBERED A36-15176 & R36-15176.

Audit Fields
02/06/92 CLELLAND

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	- 02/06/1992	Old Judicial District	-
Claim Received Date	- 07/19/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

Water Right Number - R36-00073

Adj. Flag Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
COMBINED RIGHT

+ - First Name - - +

+ - - - - Address - - - - -

*** O - ORIGINAL OWNER ***
ANDERSON

ANITA

1 -
2 -
3 -
City- x
Phone - 208-000-0000

State- ID Zip- 0

ANDERSEN

JACKIE RAY

1 - RT 1 BOX 375
2 -
3 -
City- HAGERMAN
Phone - 208-837-4876
1 - 7048 101ST AVE, SW
2 -

State- ID Zip- 83332

ANDERSEN

TERRY LYNN

City- OLYMPIA
Phone - 206-943-2159
1 - 6230 TROUT CREEK CT.
2 -

State- WA Zip- 98502

DILLON

SHARON

City- COLORADO SPRINGS
Phone - 303-599-4753
1 - 4437 NE 91ST

State- CO Zip- 80919

City- PORTLAND
Phone - 503-256-4609

State- OR Zip- 97220

+ - - - Stage - - - +

+ - - - - Tributary -
SNAKE RIVER

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

+ - - Priority Date - - +
06/26/1881

+ - - - Region - - - +
17 Error in Region

+ - - - - Source - - - - - +
SPRING NUMBER TWO
COMBINED RIGHT

Twn	Rng	Sec	Tract	Lot	RFlg	Point of Diversion	County (Blank if no Index Code)
07S	13E	11	NE NE				(47) GOODING

(47) GOODING					
Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
43 - DOMESTIC		01/01	12/31		
04 - STOCKWATER		01/01	12/31	0.200	
+ - Total Div. Rate - +				0.300	
+ - Total Div. Volume - +					0.100

+ - Total Consumptive Use - + + - KW Usage - +

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - R36-00073

Adj. flag translation: RESEARCH

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	13E	11	NE NE			04	STOCKWATER	(47) GOODING
07S	13E	2	SE SE			43	DOMESTIC	(47) GOODING

Total Acres:

+ - - Diversion Means - GRAVITY FLOW

+ - - Non-Irrigation Use - D/1 HOUSE, S/75 HOLSTEINS

+ - - Other Rights for Same Use - YES, SEE REMARKS

+ - - - - - Remarks - - - - -

THIS CLAIM WAS FOUND TO BE A COMBINED RIGHT AND HAS BEEN
RENUMBERED A36-15176 & R36-15176.

See No 36-15176

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

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - -

~~R04 - Use of water under this water right is subject to control by the~~
~~watermaster of State Water District No. 36A~~

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

+ - - - - - Comments - - - - -

No Comments Found

+ - - Audit Fields - - +

CLELLAND

+ - - - - - Water Rights Dates and Flags Area - - - - -

Temporary Right -P Receipt Number - X777777 Water District - 36A

See
2-8-92

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

02/07/91 13:18:36
Page 1

Water Right Number - A36-00073

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

*** C - CURRENT OWNER ***
COMBINED RIGHT

*** O - ORIGINAL OWNER ***
ANDERSON

ANDERSEN

ANDERSEN

DILLON

Adj. Flag Translation: ADJUDICATION CLAIM

+ - First Name - - +

ANITA

JACKIE RAY

TERRY LYNN

SHARON

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

1 -
2 -
3 -

City- X
Phone - 208-000-0000

Old (D) Number -

State- ID Zip- 0

1 - RT 1 BOX 375
2 -
3 -

City- HAGERMAN
Phone - 208-837-4876
1 - 7048 101ST AVE, SW
2 -
3 -

State- ID Zip- 83332

City- OLYMPIA
Phone - 206-943-2159
1 - 6230 TROUT CREEK CT.
2 -
3 -

State- WA Zip- 98502

City- COLORADO SPRINGS
Phone - 303-599-4753
1 - 4437 NE 91ST
2 -
3 -

State- CO Zip- 80919

City- PORTLAND
Phone - 503-256-4609

State- OR Zip- 97220

+ - - - - Stage - - - +

+ - - - - Status - - - +
Z - SEE REMARKS

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

+ - - - - Priority Date - - - +
06/26/1881

+ - - - - Region - - - +
17 Error in Region

+ - - - - Source - - - - +
SPRING NO. TWO
COMBINED RIGHT

Tw	Rng	Sec	Tract	Lot	RFlg	Point of Diversion	County (Blank if no Index Code)
07S	13E	11	NE NE			(47) GOODING	

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
43 - DOMESTIC		01/01	12/31	0.200	
04 - STOCKWATER		01/01	12/31	0.100	
+ - Total Div. Rate - +		+ - Total Div. Volume - +			
0.300					

+ - Total Consumptive Use - + + - KW Usage - +

See A36-15176

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - A36-00073

Adj. flag translation: ADJUDICATION CLAIM

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	13E	11	NE NE			04	STOCKWATER	(47) GOODING
07S	13E	2	SE SE			43	DOMESTIC	(47) GOODING

Total Acres:

+ - - Diversion Means - GRAVITY FLOW

+ - - Non-Irrigation Use - D/1 HOUSE, S/75 HOLSTEINS

+ - - Other Rights for Same Use - YES, SEE REMARKS

Remarks
TRANS. 2652. PART OF 36-0071 DECREE. COMBINED WITH 36-0072 FOR
.1CFS USED FOR LIVESTOCK. TOTAL AMOUNT APPROPRIATED IS .30 CFS
|
THIS WR IS COMBINED WITH 36-00072 UNDER THE AJ CLAIM A36-15176.

Old Water Right Numbers
No Old Water Right Numbers Found

Conditions of Approval
R04 - Use of water under this water right is subject to control by the
- watermaster of State Water District No. 36A

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

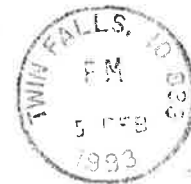
Comments
No Comments Found

Audit Fields
CLELLAND

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	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 07/19/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-



Mr. & Mrs. Layne Osborne
966 A Justice Grade
Hagerman, ID 83332



RECEIVED
FEB 08 1993
Department of Water Resources
Southern Region Office

State of Idaho
Department of Water Resources
Southern Region
222 Shoshone St. East
Twin Falls, Idaho
83301



ANDERSEN
A36-0074



NO COPY FILMED
FEB. 0, 9, 1998

3-12-91

ANDERSEN

PUMP IN JOHN BELL
DITCH

(NO WR CLAIM FILED
AT THIS DATE)



ANDERSEN
A36-0074



3-12-91

ANDERSEN

3-12-91

ANDERSON
A36-0074
POND OUTLET DITCH BY PASSES
JOHN BELL DITCH



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A36-0074

A36-0074
POND OUTLET DITCH BY PASSES
T. L. R. 11 N. 11

3-12-91

Anderson
A36-0074

Pond & pump diversion
w/ OUTLET BOX

ANDERSEN
A36-0074



MACROFILMED
FEB. 09 1998

A36-0074
POND OUTLET DITCH BY PASSES
T26.1 R-11 N11

3-12-91

Anderson
A36-0074

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ANDERSON
A36-0074
Pump + Pond
DIVERSION

ANDERSEN
A36-0074



MACROFILMED
FEB. 09 1998

A36-0074
POND OUTLET DITCH By PASSES
T.L. R. 11 N 11

3-12-91

Anderson
A36-0074

ANDERSON
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Anderson
A36-0074
Below POND outlet

* ONLY ONE PIPE DIVERSION
FROM THE PUMP

DERSEN
36-0074

OROFILMED
FEB. 4, 9, 1998