

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: A36-00077E
Date Received: 9/16/1988
Receipt No: S020717
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ALBERT L ADKISON 208-837-6060
Address: PO BOX 607
HAGERMAN ID 83332
AND/OR
Name: CORALIE M ADKISON 208-837-6060
Address: PO BOX 607
HAGERMAN ID 83332

2. Date of Priority: MAR 30, 1884

3. Source: BILLINGSLEY CREEK 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	SW	NE		GOODING

5. Description of diverting works:
VIA BELL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.140		
STOCKWATER	01/01	12/31	0.050		
WILDLIFE	01/01	12/31	0.140		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER; 50 STOCK - WILDLIFE; DUCKS, GEESE AND OTHER ANIMALS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	22	NE	SW		STOCK	
			NE	SW		IRR	6.3
			NE	SW		WILDLF	
					Section Acres		6.3
					Total Acres		6.3

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 AMOUNT OF WATER IS NEEDED ON THE PROPERTY FOR SEVERAL REASONS: (1) WITH THE LENGTH OF THE BELL DITCH, THERE IS A LOT OF LOSS FROM EVAPORATION AND SEEPAGE FROM THE DIRT DITCH ITSELF. (2) THE PROPERTY THAT IS IRRIGATED IS VERY SANDY IN NATURE. (3) THE DITCH PASSES OVER LAVA FLOWS AND THERE ARE SINK HOLES THAT CANNOT BE FILLED, WHICH ALSO CAUSE LOSS IN WATER. REDIVERSION ON THE BELL DITCH AT SWNWSE, SEC. 22, T7S. R13E.

THIS CLAIM HAS BEEN RENUMBERED TO BETTER DESCRIBE THE DECREED BASIS OF CLAIM AS RIGHT 36-00077. CLAIM ORIGINALLY FILED AS A36-00021A.

CHANGE OF OWNERSHIP FROM BRADLEY GISLER TO ALBERT L. & CORALIE M.
ADKISON.

11/24/1997, DJ: CLAIM AMENDED PER VERBAL ORDER ON 11/19/1997 BY
SPECIAL MASTER TO ADD WILDLIFE USE TO CLAIM.

1/13/97 tf; CORRECTED ADKISON'S TELEPHONE NUMBER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER COMPANY
vs Decree Defendant

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

A36-00077E

Date Received

11/19/97

Receipt Number

5020717 \$14 amendAMENDED

NOTICE OF CLAIM
TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

AMENDED

Please type or print clearly

1. Name of Claimant (s) Albert L. & Coralie Adkison Phone (208) 837-6060

Mailing Address

P/O Box 607 Hagerman ID

Zip

833322. Date of Priority (Only one (1) per claim) MARCH 30 18843. Source of water supply (a) Billingsley Creekwhich is tributary to (b) SNAKE RIVER4. a. Location of existing point of diversion is: Township 7S Range 13E Section 11,NE 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Gooding

Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Via Bell Ditch

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3-15 to 11-15 amount 0.140 or _____

For stockwater purposes from 01/01 to 12/31 amount 0.050 or _____

For wildlife purposes from 01/01 to 12/31 amount 0.14 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.14 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stockwater, 50 wildlife Duck & Geese & misc. wildlife

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
75	13E	22									6.34								6.34
											5								
											W								

Total number of acres irrigated 6.34

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (☒)

14. Remarks: I bought The property in 1994. At That Time There was grass from The previous owners irrigating for cattle grazing & water. Now because of not being able To irrigate my property has only Tumble weed bull heads & other undescribable weeds. my domestic water cannot cover my full needs.

Last Name Adkison Ident No. A-36-00077E

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒
If applicable provide IDWR Water Right Number 36-00077-E
Court _____ Case Number _____ Decree Date 1932
Plaintiff vs Defendant New International

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

Signature of Claimant (s) Allet L. Ry Date 11-19-97

Date _____

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 19th day of November 19 97

SEAL

Notary Public Debbie Lash

Residing at Jerome

My Commission Expires 6-26-2002

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

NCAP
PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED

CHANGE IN ADDRESS

NOV 14 1997

Department of Water Resources
Southern Region

☒ Water Right Number(s): R36-00077E

☒ Old Mailing Address: 71-700 TUNIS Rd

Rancho Mirage

CA. 82270

☒ New Mailing Address: P/O Box 607

Hagerman

ID 83332

☒ New Telephone Number: (208) 837-6060

☐ Signature of Claimant(s): [Signature]

Date: 11-12-97

FOR IDWR USE ONLY	
Initial Review and Data Entry	
Date:	By:
Further Action Needed:	
Further Action Taken	
Date:	By:
Final Review and Data Entry	
Date: 11-19-97	By: [Signature]

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A36-00077E**
Date Received: 9/16/1988
Receipt No: X777777
Received By: _____

*See A36-00077C
original papers. 16*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALBERT L ADKISON 619-346-1906
Address: 71700 TUNIS RD
RANCHO MIRAGE CA 82270

Name: CORALIE M ADKISON 619-346-1906
Address: 71700 TUNIS RD
RANCHO MIRAGE CA 82270

2. Date of Priority: MAR 30, 1884

3. Source: BILLINGSLEY CREEK 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	SW	NE		GOODING

5. Description of diverting works:
VIA BELL DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.140		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
07S	13E	22	NE	SW		IRR	6.3
			NE	SW		STOCK	

Section Acres 6.3

Total Acres 6.3

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 AMOUNT OF WATER IS NEEDED ON THE PROPERTY FOR SEVERAL REASONS: (1) WITH THE LENGTH OF THE BELL DITCH, THERE IS A LOT OF LOSS FROM EVAPORATION AND SEEPAGE FROM THE DIRT DITCH ITSELF. (2) THE PROPERTY THAT IS IRRIGATED IS VERY SANDY IN NATURE. (3) THE DITCH PASSES OVER LAVA FLOWS AND THERE ARE SINK HOLES THAT CANNOT BE FILLED, WHICH ALSO CAUSE LOSS IN WATER. REDIVERSION ON THE BELL DITCH AT SWNWSE, SEC. 22, T7S. R13E.

THIS CLAIM HAS BEEN RENUMBERED TO BETTER DESCRIBE THE DECREED BASIS OF CLAIM AS RIGHT 36-00077. CLAIM ORIGINALLY FILED AS A36-00021A.

CHANGE OF OWNERSHIP FROM BRADLEY GISLER TO ALBERT L. & CORALIE M.
ADKISON.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER COMPANY
vs Decree Defendant

09/20/94
MICROFILMED
OCT 12 1994

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

HIP ש ל ו ץ ג ע

(see instructions on back of page)

AUG 15 1994

[] 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) Part of A36-00077C
Assigned by IDWR:

[x]	Name and Address of Former Owner/Claimant(s)(Seller):	* Robert B. Gisler	9/20/94 8:35am- verified by phone call to Mrs. Gisler - Robert B. aka Bradley. jg
		755 East 2800 South	
		Hagerman, ID 83332	

☒ **New Owner/Claimant (Purchaser):** Albert L. Adkison and Coralie M. Adkison

☒ **New Mailing Address:** 71700 Tunis Road
Rancho Mirage, CA 82270

☒ New Telephone Number: (619) 346 . 1906

Does the change in ownership result in a splitting of the water right owned/claimed? XX yes ___no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
0.14 cfs or 7 shares of water from Bell Ditch to irrigate 6.34 acres
located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 7 South, Range 13 East
of the Boise Meridian, Gooding County, State of Idaho. See attached
plat and legal description.

Attach proof of ownership, describe proof attached: copy of recorded Warranty Deed

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

☒ Signature of New Owner/Claimant(s) *Carl H. H.* Date *8-2-94*
Carl H. H. & Catherine Date *8/2/94*
☒ Signature of Former Owner/Claimant(s): *Robert P. H.* Date *8-3-94*
Yvonne Ann Dwyer Date *8-3-94*

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

Claim Numbers of Split, if any:

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

MICROFILMED

OCT 12 1994

CHANGE OF OWNERSHIP FROM BRADLEY GISLER TO ALBERT L. & CORALIE M.
ADKISON.

MICROFILMED
OCT 12 1994

AJ0749NP
No. A36-00077E

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

DATE: 09/20/94
PAGE: 2

=====

Dates:	Exam Made Date:	Verified Date:
Misc:	Water District Number: 36A	Field Inspection Flag: Presumption Flag:

MICROFILMED
OCT 12 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

22-SEPT-1994

ROBERT B & LINDA GAY GISLER
755E 2800S
HAGERMAN ID 83332

RE: SPLITTING OF ADJUDICATION CLAIM A36-00077C (Bradley Gisler)

Dear Mr. & Mrs. Gisler:

Pursuant to the notification that you have sold a portion of the property listed as the place of use for original claim A36-00077C, our office has split the original claim as you requested with your portion being renumbered A36-00077D.

Your draft recommendation will be held in our office pending direction from the SRBA Court as to the procedure they wish to use concerning splitting of recommendations. Please note that the court presently has stopped or stayed action of such matters but may be addressed these matters in the future.

If you have questions please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Judy Givens'.

Judy Givens
Technical Records Specialist

Enclosures: Proof Report of original SRBA Claim A36-00077C
Proof Report of A36-00077D
Proof Report of R36-00077D

c.c. Patrick Brown, Attorney

MICROFILMED
OCT 12 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

21-SEPT-1994

R. KEITH HIGGINSON

Director

ALBERT L & CORALIE ADKISON
71700 TUNIS RD
RANCHO MIRAGE CA 82270

RE: SPLITTING OF ADJUDICATION CLAIM A36-00077C (BRADLEY GISLER)

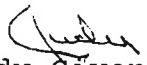
Dear Mr. & Mrs. Adkison:

Pursuant to the notification that you have purchased a portion of the property listed as the place of use for original claim A36-00077C, our office has split the original claim as you requested with your portion being numbered A36-00077E. However, as the recommendation for the original claim has already been filed with the SRBA Court and does not recommend water for your portion of the land, your newly identified portion of the recommendation numbered R36-00077E is drafted as being disallowed. Please note that the original claimant, Mr. Gisler, was represented by attorney Patrick Brown and the original recommendation was objected to by Mr. Gisler thru Mr. Brown. Please note that unless you remove Mr. Brown as attorney we will keep him on our record for your claim and will send all correspondence to him regarding your claim.

Your draft recommendation will be held in our office pending direction from the SRBA Court as to the procedure they wish to use concerning splitting of recommendations. Please note that the court presently has stopped or stayed action of such matters but may be addressed these matters in the future.

If you have questions please feel free to contact our office.

Sincerely,


Judy Givens
Technical Records Specialist

Enclosures: Proof Report of original SRBA Claim A36-00077C
Proof Report of A36-00077E
Proof Report of R36-00077E

c.c. Patrick Brown, Attorney
c.c. Robert B. Gisler

MICROFILMED

OCT 12 1994

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

In Re SRBA) **ORDER OF PARTIAL DECREE**
)
Case No. 39576) **For Water Right 36-00077E**
)

PAGE I

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

1999 MAR 26 AM 9:30

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-00077E

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

NAME AND ADDRESS: ALBERT L AKISON
CORALIE M AKISON
PO BOX 607
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.09 CFS

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

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

PRIORITY DATE: 03/30/1884

POINT OF DIVERSION: T07S R13E S11 NWSENE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.09 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Gooding County
T07S R13E S22 NESW 2.3
2.3 Acres Total

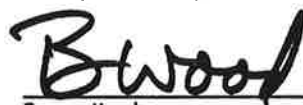
Stockwater Within Gooding County
T07S R13E S22 NESW

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

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

RULE 54(b) CERTIFICATE

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


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

SCHROEDER
BSC

RECEIVED

FEB 09 1969

Department of Water Resources

**Department of Water Resources
Southern Region**

1979 FEB -1 PM 2: 27

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

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 36-00077E

INDEX ENTRY
COMPLETED
RP

On February 01, 1999, Special Master FRITZ X HAEMMERLE 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 February 01, 1999.


TERI HRANAC
Deputy Clerk

1999 MAR 29 PM 02:00
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)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 36-00077E

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-00077E was mailed
on March 29, 1999, with sufficient first-class postage prepaid
to the following:

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

ALBERT L AKISON
CORALIE M AKISON
PO BOX 607
HAGERMAN, ID 83332

DIANA DELANEY
Chief Deputy Clerk

1999 FEB -1 PM 2: 27

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
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 36-00077E
	)	

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of water right 36-00077C.

Water right 36-00077C was subsequently split into 36-00077D and 36-00077E. An *Amended Notice of Claim* was filed for water right 36-00077E. An *Amended Director's Report* was filed for this water right and was reported on the Docket Sheet as such. No objections were filed to the *Amended Director's Report* and the time for filing such objections has now expired.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-00077E*.

DATED: February 1, 1999.



FRITZ K. HAEMMERLE
Special Master
Snake River Basin Adjudication

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

In Re SRBA

Case No. 39576

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

Water Right 36-00077E

1999 FEB -1 PM 2: 27

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

NAME AND ADDRESS: ALBERT L AKISON
CORALIE M AKISON
PO BOX 607
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.09 CFS

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

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

PRIORITY DATE: 03/30/1884

POINT OF DIVERSION: T07S R13E S11 NWSENE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.09 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Gooding County
T07S R13E S22 NESW 2.3
2.3 Acres Total

Stockwater Within Gooding County
T07S R13E S22 NESW

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

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

RULE 54(b) CERTIFICATE

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

RECOMMENDATION

FEB - 1 1999

SPECIAL MASTER

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

1999 FEB -1 PM 2: 27
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-00077E

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on February 01, 1999, with sufficient first-class postage prepaid to the following:

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

ALBERT L AKISON
CORALIE M AKISON
PO BOX 607
HAGERMAN, ID 83332



TERI HRANAC
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
02/01/99

RECEIVED

MAY 25 1999

Department of Water Resources
Southern Region

36-00077E South
File
1999 MAR 26 AM 9:30

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

)
)
)
)
ORDER OF PARTIAL DECREE

For Water Right 36-00077E

On February 1, 1999, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 36-00077E is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED MAR 26 1999.

7/01/98


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

2/03/99

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

1999 MAR 26 AM 9:30

In Re SRBA
Case No. 39576

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

Water Right 36-00077E

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME AND ADDRESS: ALBERT L AKISON
CORALIE M AKISON
PO BOX 607
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.09 CFS

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

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

PRIORITY DATE: 03/30/1884

POINT OF DIVERSION: T07S R13E S11 NWSENE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.09 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

PLACE OF USE: Irrigation Within Gooding County
T07S R13E S22 NESW 2.3
2.3 Acres Total

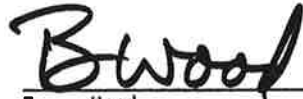
Stockwater Within Gooding County
T07S R13E S22 NESW

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

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

RULE 54(b) CERTIFICATE

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



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

1999 MAR 29 PM 02:00
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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-00077E

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-00077E was mailed
on March 29, 1999, with sufficient first-class postage prepaid
to the following:

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

ALBERT L AKISON
CORALIE M AKISON
PO BOX 607
HAGERMAN, ID 83332

DIANA DELANEY
Chief Deputy Clerk

May 26, 1998

NOTE TO FILE

FROM: V.Hancock

CLAIM NO: >36-00004 36-00047 36-15094 36-10446 36-00003B
36-00003L 36-00077E

MADE COPIES OF ABOVE FILES FOR MATT HOWARD FOR BEEMAN & HOFSTETTER

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.

April 6, 1998 7:50am

HE RECEIVED THE AMENDED DIR. REP. FOR HIS RIGHT AND WANTED TO KNOW WHERE THE SF5 WAS. I TOLD HIM THIS WAS ISSUED FIRST AND THE SF5 WILL BE ARRIVING SOON; IT HAS BEEN PREPARED BY THE STAFF IN BOISE AND THEY INDICATE IT HAS BEEN SENT OUT.

CLAIM: 36-00077E

RECEIVED

APR 02 1998

Department of Water Resources
Southern Region

NOTICE OF DIRECTOR'S REPORT FOR AMENDED CLAIM NO. 36-00077E

Attached to this notice is the Idaho Department of Water Resources' (IDWR) Director's Report in the Snake River Basin Adjudication (SRBA) for the amended claim listed above. IDWR provides individual reports like this one to claimants amending their claims or asserting late claims in your area. In addition this notice is reported on the Court's monthly docket sheet. The originals of both this notice and the director's recommendation of this amended claim are available at the SRBA Courthouse in Twin Falls for review by any water right claimant, other party to the SRBA, or other member of the public. Copies are also available for review at the locations listed at the end of this notice. Copies of the notice and recommendation can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR REVIEWING THIS WATER RIGHT CLAIM

The water right description that is attached to this notice is only IDWR's recommendation to the SRBA Court as to how this claim should be decreed. The claimant of this water right had previously objected to IDWR's recommendation of it. At the initial hearing on the claimant's objection, the court granted the claimant leave to file an amended claim. You are free to agree or disagree with IDWR's recommendation of the amended claim. If you disagree with the recommendation, you need to file an objection to it, as described below. If someone else files an objection to this recommendation, and you disagree with the objection, you may file a response to the objection, as described below.

INSTRUCTIONS FOR TAKING THIS WATER RIGHT CLAIM TO COURT

What do I do if I disagree with IDWR's recommendation of this amended claim?

If you disagree with any element of the recommendation of this water right claim and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court. You must use a separate objection form for each water right you object to. According to the court order entered by the SRBA Special Master who granted the claimant leave to file this amended claim, your objection must be received by the SRBA Court by no later than 60 days after this notice appears on the monthly court docket sheet.

What do I do if someone else objects to this water right recommendation?

If you are the claimant of this water right and somebody else objects to it, you will receive a copy of the objection. If you are not the claimant, but wish to know if somebody else has objected, you must contact the SRBA Court after the objection deadline to find out if objections have been filed. If somebody has filed an objection, you may file a response to the objection. Responses to objections must be made on the standard response form available from any IDWR office or from the SRBA Court. According to the court order entered by the SRBA Special Master who granted the claimant leave to file this amended claim, your response must be received by the SRBA Court by **no later than 90 days after this notice appears on the monthly court docket sheet**. (This is 30 days after the due date for filing objections.)

What happens if there are no objections to this water right recommendation?

After the deadline for filing objections, if no objections have been filed to this water right recommendation, the Special Master will issue his recommendation to the SRBA Presiding Judge as to how this amended claim should be decreed. A partial decree will be issued after the Special Master has made his recommendation to the Presiding Judge.

How will I know about the proceedings on water right recommendations to which objections were filed?

If you file either an objection or a response to an objection to this water right recommendation you will mailed a notice of upcoming court dates. If you are the claimant of this water right claim, and somebody else has filed either an objection or a response, you also will be mailed a notice of upcoming court dates.

NOTE: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of your reporting area, as well as assistance in using the maps and the photography, are available at the IDWR office in your area. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you. Copies of this notice and IDWR's attached recommendation are available for inspection and copying at any of the locations listed on the following page.

Snake River Basin Adjudication

District Court

253 Third Avenue North

P.O. Box 2707

Twin Falls, Idaho 83303-2707

Telephone (208) 736-3011

Idaho Department of Water Resources

Southern Region

1341 Fillmore Street Suite 200

Twin Falls, Idaho 83301-3380

Telephone (208) 736-3033

Idaho Department of Water Resources

Western Region

2735 Airport Way

Boise, Idaho 83705-5082

Telephone (208) 334-2190

Idaho Department of Water Resources

Eastern Region

900 North Skyline Suite A

Idaho Falls, Idaho 83402-3653

Gooding County Courthouse

Gooding County Clerk's Office

624 Main Street

P.O. Box 417

Gooding, Idaho 83330

Telephone (208) 934-4861

Idaho Department of Water Resources

State Office

1301 North Orchard Street

P.O. Box 83720

Boise, Idaho 83720-0098

Telephone (208) 327-7900

(800) 451-4129

Idaho Department of Water Resources

Northern Region

1910 Northwest Blvd. Suite 210

Coeur d'Alene, Idaho 83814-2615

Telephone (208) 765-1450

CERTIFICATE OF SERVICE

I certify that on the 31ST day of MARCH, 1998, I served the original and copies of this notice, including all attachments, in the manner designated below to the following persons at the addresses listed below.

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

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

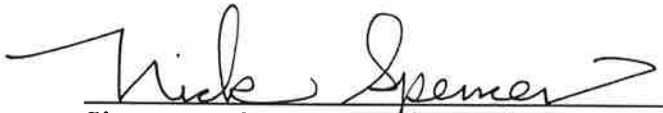
2. Copy to:

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

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

3. Albert L. Adkison
Coralie M. Adkison
P.O. Box 607
Hagerman, Idaho 83332

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


Signature of person serving notice

AMENDED DIRECTOR'S REPORT

Subcase No. 36-00077E

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

March 31, 1998

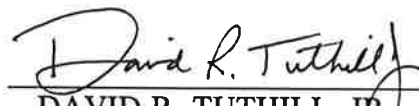
DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the Special Master's order from the bench at the hearing held on March 4, 1998, the Director submits for filing with the Court an Amended Director's Report for the aforementioned subcase.

Respectfully submitted this 31st day of March, 1998.



DAVID R. TUTHILL, JR.
Adjudication Bureau Chief

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAR-25-1998
PAGE: A-1RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00077E

NAME AND ADDRESS: CORALIE M ADKISON
ALBERT L ADKISON
PO BOX 607
HAGERMAN ID 83332SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.09 CFS

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.

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

PRIORITY DATE: 03/30/1884POINT OF DIVERSION: T07S R13E S11 NWSENE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	<u>IRRIGATION</u>	<u>Irrigation Season</u>	<u>0.09</u> <u>CFS</u>
	<u>STOCKWATER</u>	<u>01-01</u> <u>12-31</u>	<u>0.02</u> <u>CFS</u>

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S22 NESW 2.3
2.3 ACRES TOTALSTOCKWATER Within GOODING County
T07S R13E S22 NESW

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

Recommended Director's Report - 36-00077E

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

DATE: MAR-25-1998

PAGE: A-2

36-00077E (CONT.)

WATER IS DELIVERED THROUGH BELL DITCH.
STOCKWATER, 50 HEAD MIXED.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00077E

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

March 23, 1998 2:07pm

NAME:
CORALIE ADKISON

CALLIN

RE:
SF5 REQUEST

SHE REQUESTED I SEND HER A SF5 IN ACCORDANCE WITH MY RECENT LETTER TO RESOLVE THE CLAIM OBJECTION. I AGREED TO PROVIDE THIS. CLAIM: 36-00077E

Notice to Nick Spencer
for SF5.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

January 28, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ALBERT L ADKISON
CORALIE M ADKISON
PO BOX 607
HAGERMAN ID 83332

RE: SRBA Claim A36-00077E

Dear Mr. Adkison:

Thank you for notifying us of the incorrect telephone number on the water right claim referenced above. Enclosed please find a profile report of your claim showing your corrected telephone number.

If you have any questions, please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

March 20, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ALBERT L & CORALIE M ADKISON
PO BOX 607
HAGERMAN ID 83332

RE: SRBA RECOMMENDATION FOR CLAIM NO. A36-00077E

Dear Mr. & Mrs. Adkison,

Enclosed please find the revised GIS map as we discussed during the recent field exam of your right. I have also included a profile report of the recommendation I have proposed.

This information will be forwarded to our attorneys for preparation of the Supplemental Director's Report that will be submitted to the SRBA court later this month.

If you are in agreement with this recommendation and wish to settle your objection with the department please contact me and I will arrange to get you a Standard Form 5 (SF5). This is the form used to notify the SRBA court of our resolution of the objection regarding this right.

Feel free to contact me at our office if you have further questions.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

CC: Nick Spencer, IDWR attorney

AJ0749NP
No. R36-00077E

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

DATE: 03/20/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CORALIE M ADKISON	03/30/1884	IRRIGATION	03-15 11-15	0.09 CFS	
C	ALBERT L ADKISON		STOCKWATER	01-01 12-31	0.02 CFS	
	PO BOX 607					
	HAGERMAN ID 83332			TOTAL DIVERSION:	0.09 CFS	
	(208) 837-6060					

Water Source: BILLINGSLEY CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T07S R13E S11 NWSENE

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	22	:																	2.3	
																				TOTAL ACRES	2.3

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	22	:																	

POU County: GOODING

Other Rights: NONE

Conditions of Approval:

- N01 - THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.
- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

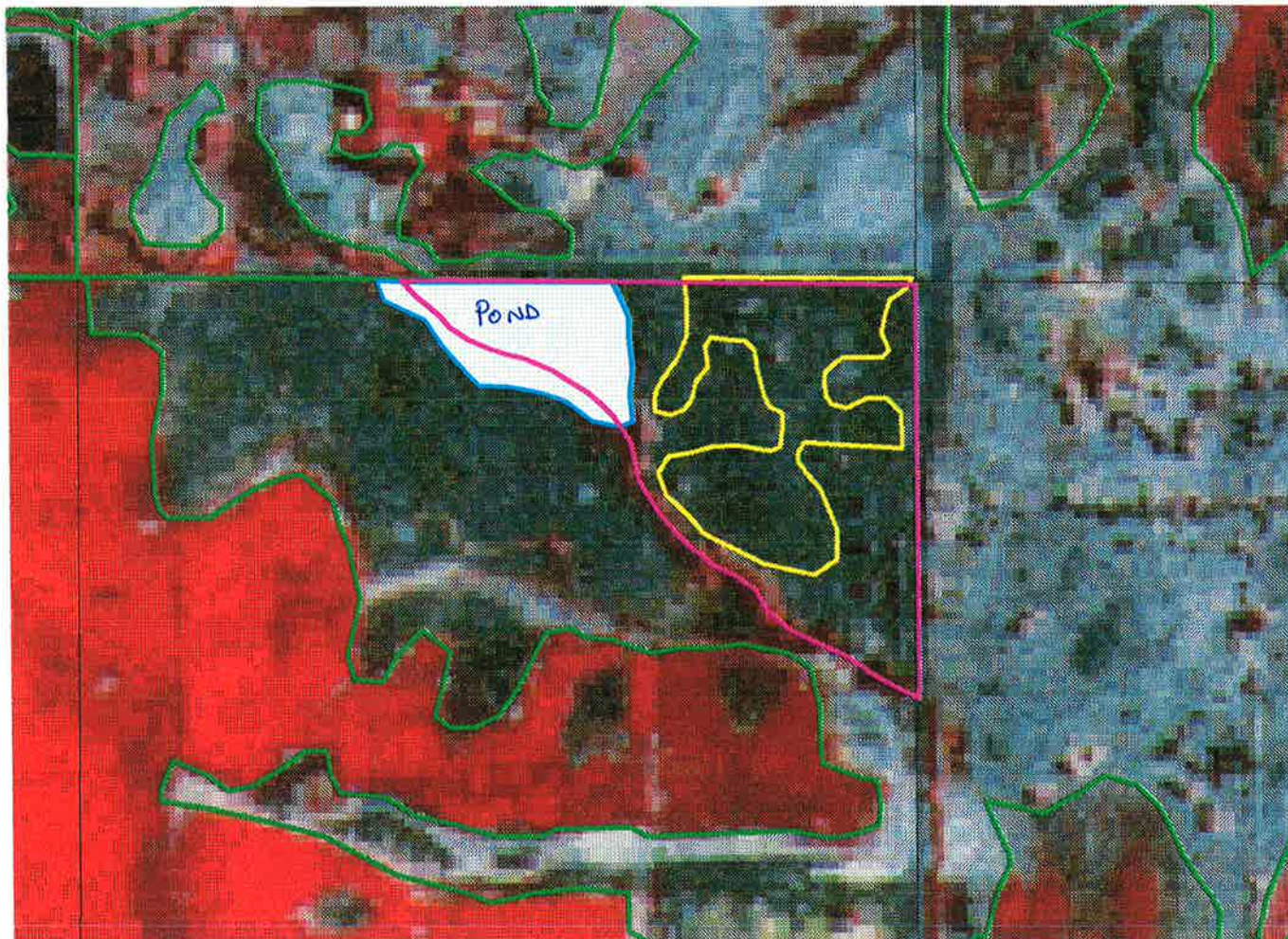
Remarks: EXP WATER IS DELIVERED THROUGH BELL DITCH.
STOCKWATER, 50 HEAD MIXED.

Dates: Exam Made Date: 03/18/1998 Verified Date: 03/20/1998 Objection Filed Date:

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

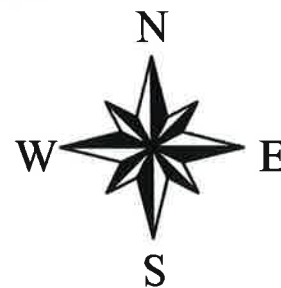
IDAHO DEPARTMENT OF WATER RESOURCES

36-00077E



660 0 660 Feet

TNS 7S, RNG 13E,
S22, NESW



⊙ Recommended Point of Diversion

RECOMMENDED Place of use

Section lines

Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATE: MARCH 18, 1998
BY: STEVE CLELLAND

Exhibit 1

CLAIM NUMBERS 36-00077E
Revised Acres

DATE 3/18/98
 AGENT SCC

TRANSFER NUMBER _____
 OBJECTION FILED YES
 TOTAL ACRES FROM RECOMMENDATION 2.3
 GEOGRAPHIC INFO SYSTEM 2.3

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>7S</u>	<u>13E</u>	<u>22</u>									<u>2.3</u>							<u>2.3</u>
GIS												<u>2.3</u>							<u>2.3</u>
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED POLYGON # UPDATED

B36-DBPOU.DBF _____ POLYGON CREATED ON 604 ()
 B36-DBPOD.DBF _____ ATTRIBUTES OF B36-POU.SHP #779
 ATTRIBUTES OF B36-POD.SHP #455 Beel Ditch

Based on re-exam of right & assumption of use as stated by letter from Bradley Giesler.

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

KKC: 8/13/97

SRBA FIELD EXAM REPORT

SRBA CLAIM: A36-00077E
EXAM DATE: MARCH 18, 1998
IDWR AGENT: STEVE CLELLAND
ACCOMPANIED BY CLAIMANT: ALBERT L. ADKISON

PURPOSE: This examination was made to investigate the amendments for additional uses filed by the above named claimant.

OBSERVATIONS & FINDINGS: I met with Mr. Adkison at 11:00 am as agreed at his homesite on the property described within the claim. I asked him to show me the wildlife uses and the irrigation as claimed. He led me to a pond area on the northwest part of the parcel. He explained the area flooded regularly due to constraint at the culvert and caused flooding across an access road that runs the north line of his property. He had the ditch widened to control the flooding of his property and the road easement. I noticed the GIS map in his file seems to show some swampy areas in the location of the pond. Wildlife appears to be incidental to the flood control measures on the Bell Ditch system.

I asked about the irrigation and he showed me several points where water was diverted from the Bell Ditch onto his parcel. He pointed to remnants of old ditches that were used to control water on the property. He did mention most of the old ditches have been removed or buried as he has developed his homesite, but I did see the evidence of irrigation diversion and use on the existing ditches. This appears to be consistent with the uses stated in the letter from Mr. Gisler that was shown to me at our settlement meeting on 3/4/98.

SUMMARY & RECOMMENDATIONS: After viewing the property I told Mr. Adkison I would be recommending irrigation of the acres that have been resumed to be irrigated by him. I drew a sketch on the GIS map in the file and told him the acres will be determined by the GIS program when I return to the office and revise the map according to the areas shown in the sketch. He appeared to agree with the results I proposed. I told him I will not recognize the wildlife as a use since it appears the pond is a newer structure and was developed to control flooding at the culvert. Stockwater will be allowed also. No mention was made of quantity.

SRBA CLAIM 36-00077E

IRRIGATION: Recommend 2.3 acres with a diversion rate of 0.09 cfs. Based upon the same diversion rate allowed on the other split portion of this right 36-00077D to Gisler, 0.038 cfs/acre.

WILDLIFE: Not recommended. This use is incidental to the Irrigation uses on the Bell Ditch.

STOCKWATER: Recommended per IDWR standards in Appendix IV.

ADKISON EXAM REPORT - page 2

TOTAL QUANTITY: 0.09 cfs

I suggest adding the remark about "necessary flows to deliver the right," common to stockwater uses under Condition Code N01.

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

PREPARED BY SCC
ON 3/20/98
FILE(cvr:77e-adkison-report.wp)

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00077E

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IDWR Employee/Agent Steve Clelland

March 13, 1998 9:58am

NAME:

MRS. ADKISON

CALLOUT

RE:

SET EXAM APPT.

I REQUESTED AN EXAM TIME ON 3/18 AT 11 AM ... SHE AGREED. I WILL MEET AT THEIR HOME ON THAT DATE TO EXAMINE THE CLAIM AS AMENDED. CLAIM: A36-00077E.

3/4/98

36-00077 E

HEARING NOTES
by SCC

Initial Hearing: w/ Mr. & Mrs. Adkison

- unable to reach settlement.
- proof offered was by letter from Giesler stating sporadic irrigation as "from time to time".
- I show no evidence of irrigation at any point from 1974-1987
Not forfeiture issue since irrigation was never developed under 36-00077.
- all irrigation has recently (1996) been established by claimants

Amended Claim:

- IDWR to investigate amendments w/ Supplemental D.R.
- open to objection period

Call for Exam 837-6060

ASAP

* Due before
April 21ST

Status Confer
or Docket
Sheet

3/5/98 split analysis done by SCC

SPLIT REVIEW

3/5/98
SEC

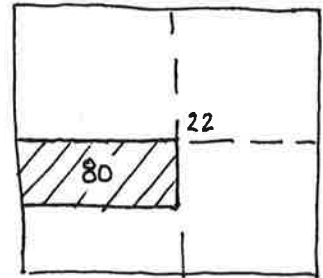
DECREE: 36-00077

(C.F. MARINER)

4.8 cfs

N $\frac{1}{2}$ SW S 22, 7S, 13E

PRO-RATA: $\frac{4.8 \text{ cfs}}{80 \text{ AC}} = 0.06 \text{ cfs}$



80 ACRES

SRBA:

A36-00077

— AS RECOMMENDED —

P.D. (A) BURLESON 0.10 cfs 2.0 AC. = 0.05 $\frac{\text{cfs}}{\text{AC}}$

P.D. (B) CHILDS LIVING TRUST 0.70 cfs 8.0 = 0.088 $\frac{\text{cfs}}{\text{AC}}$
(FIR = .54 CL. = 0.19)

— (C) <SPLIT> —

P.D. (D) BRAD GISH 2.34 cfs 61 AC. = 0.038 $\frac{\text{cfs}}{\text{AC}}$
(CLAIM: 3.86 62.6 AC)

(E) ADKISON — DISALLOW —
(CLAIM: 0.14 6.3 AC) = 0.022 cfs/AC

3.14 cfs 71 AC

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 Douglas Jones

DATE: 1/13/98

CUSTOMER: Mr Adkison

SUBJECT: A36-000-77E
phone call ☒ walk-in (.)

① Phone # incorrect; should be 6060
→ We will update info

② Nonin use reads incorrectly
should be 50 stock, wildlife
for game, etc (not 50 wildlife)
→ Ask him to note this &
bring it up in discussion

COPY

1998 JAN 12 PM 2:26

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

Water Rights: 36-00077E

**NOTICE OF ADMINISTRATIVE
PROCEEDING**

IDWR has received an application for an Administrative Proceeding for the above
water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated
below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ Amended Claim:

☐ point of diversion ☐ place of use

☒ period of use ☒ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than: April 10,
1998.

DATED: 1/9/98

Douglas Jones
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 1-12, 1998, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant or attorney of record:
Albert L Adkison
Coralie M Adkison
PO Box 607
Hagerman ID 83332
3. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
4. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

January 12, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

ALBERT L ADKISON
CORALIE M ADKISON
PO BOX 607
HAGERMAN ID 83332

RE: SRBA Claim(s) 36-00077E

Dear Claimant:

Please find the enclosed copy of the Notice of Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

After IDWR completes the indicated administrative process, and has modified the SRBA claims, you will be forwarded a Notice of Completed Administrative Proceeding. Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf
Enc

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 Douglas Jones

DATE:

November 14, 1997 9:24am

CUSTOMER:

ALBERT ADKISON

SUBJECT: 36-00077E

phone call (X) walk-in (.)

Adkison called on the 12th, but I couldn't work on it due to hearings for Dolan. He called again this morning and we briefly discussed our recommendation and conclusions. He referenced various dates of papers and I said I needed to get the files and call him back. I located the files and called him back.

It appears that he had filed an SF-3 with the court and a 1409 with IDWR in Aug, 1994. I believe the court rejected the SF-5 due to a necessary split and IDWR completed the data entry in Sept, 1994. As of 8/94 Adkison was still in CA. When the hearings were set for 10/97 by Haemmerle it became apparent that they did not know of the split and IDWR sent the court an NCAP. We also mailed it to Adkison in CA our address of record. Needless to say he did not get it. There is nothing in our files since 1994 that would indicate that Adkison lives in Idaho.

I informed him of my uncertainty of the above chain of events and recommended that he contact the court to arrange for a hearing date and/or let them know he is interested in continuing the protest as it affects his interests. I assured him that IDWR is still open for discussion, but the burden for evidence is on him. He may get a slot for 11/19/97, or the court will set one for later. He told me that he was going to be out of state until Feb, 1998.

I asked him to submit a change of address and he said that he had received one and that it was on its way back to us.

SUBCASE NO. 36-00077C

	CLAIM * (7/29/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Bradley Gisler **	N/A	Bradley Gisler	Bradley Gisler
BASIS OF CLAIM	Decree		Decree	
SOURCE	Billingsley Creek		Billingsley Creek	
QUANTITY	4.0 cfs		1.15 cfs	XX requests as decreed and or beneficially used "whichever is greater"
PRIORITY DATE	3/30/1884		3/30/1884	
PURPOSE OF USE	Irrigation Stockwater		Irrigation Stockwater	
PERIOD OF USE	Irr.: 3/15 - 11/15 S.W.: 1/1 - 12/31		Irr.: 3/15 - 11/15 S.W.: 3/15 - 11/15 S.W.: 11/16 - 3/14	XX year round
POINT OF DIVERSION	T07S R13E S11 T07S R13E S22		T07S R13E S11	
PLACE OF USE	T07S R13E S21 T07S R13E S22 69.0 acres		T07S R13E S21 T07S R13E S22 48.0 acres	XX requests 60 acres
remarks	"This amount of water is needed on the property for several reasons: (1) with the length of the Bell Ditch, there is a lot of loss from evaporation and seepage from the dirt ditch itself. (2) The property that is irrigated is very sandy in nature. (3) The ditch passes over lava flows and there are sink holes that cannot be filled, which also cause loss in water."		"Right includes accomplished change in place of use pursuant to Idaho Code 42-1416A. Water is delivered through Bell Ditch. 0.19 cfs of this right is limited to use for conveyance losses in delivery of this right."	XX strike all remarks except "water is delivered through Bell Ditch."

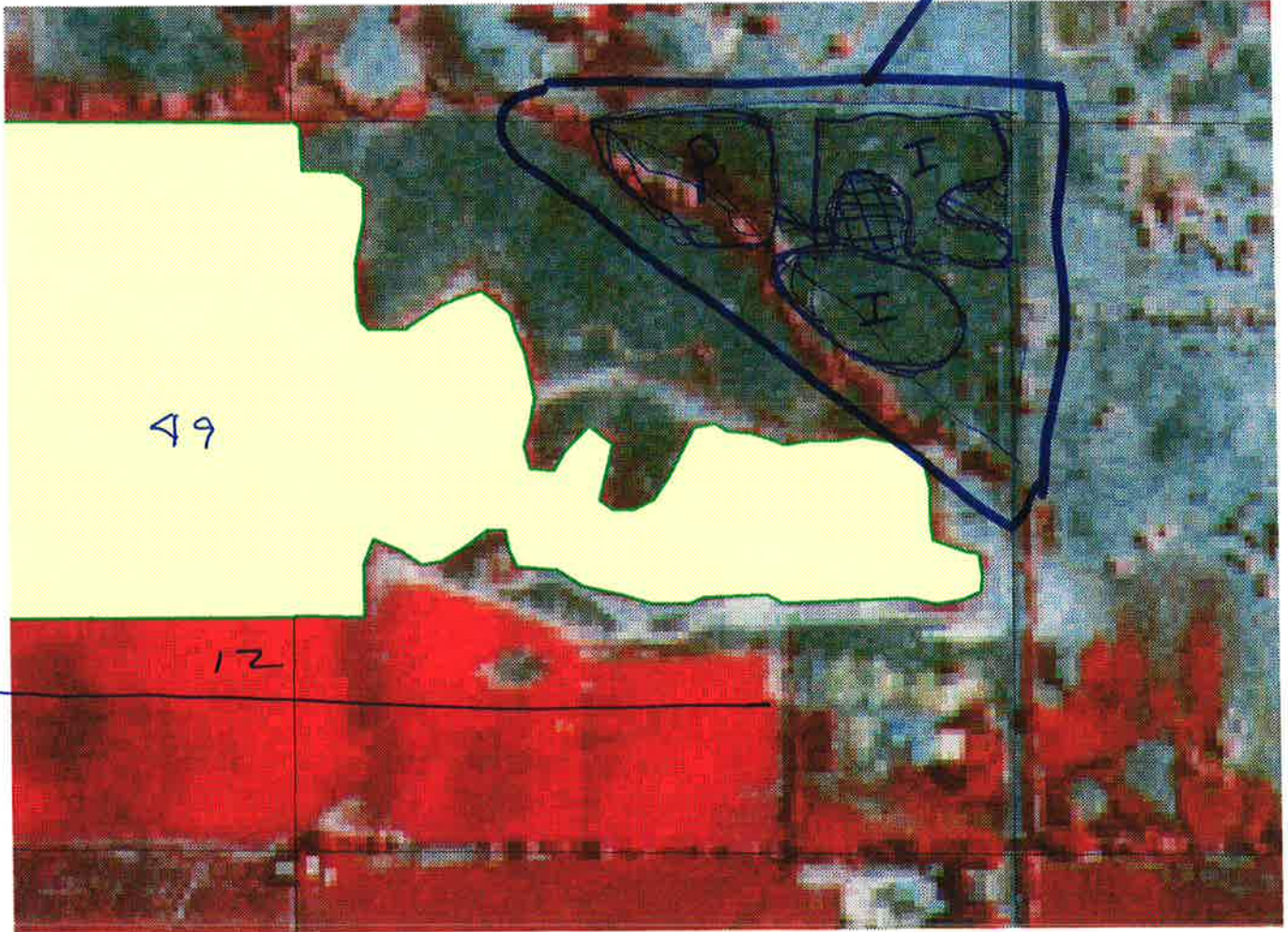
* originally claimed as number: A36-00021A. Re-numbered in March of 1992 since correct basis for claim was a portion of decreed right no. 36-00077.

** Change of Ownership/Split filed on 9/21/94 - Robert Gisler to Albert & Coralie Adkison. Sold 0.14 cfs (7 shares) from Bell Ditch for 6.34 acres located in S22 (NESW 1/4 1/4) in T07S R13E (water right no. 36-00077E - disallowed.- unobjected to right).

IDAHO DEPARTMENT OF WATER RESOURCES

~~36-00098 & 36-15384~~
~~& 36-15467~~

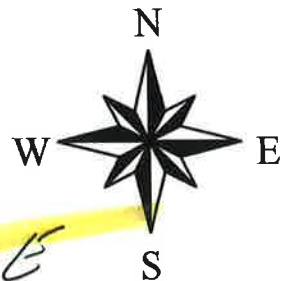
36-00077E
Not Rec'd.



660 0 660 Feet

Revised
w/ edits
at Exam on
3/10/98 su

~~TNS 75, RNG 13E~~
~~SEC 15 & 16~~



⊙ Recommended Point of Diversion

☐ Recommended Place of use

— Section lines

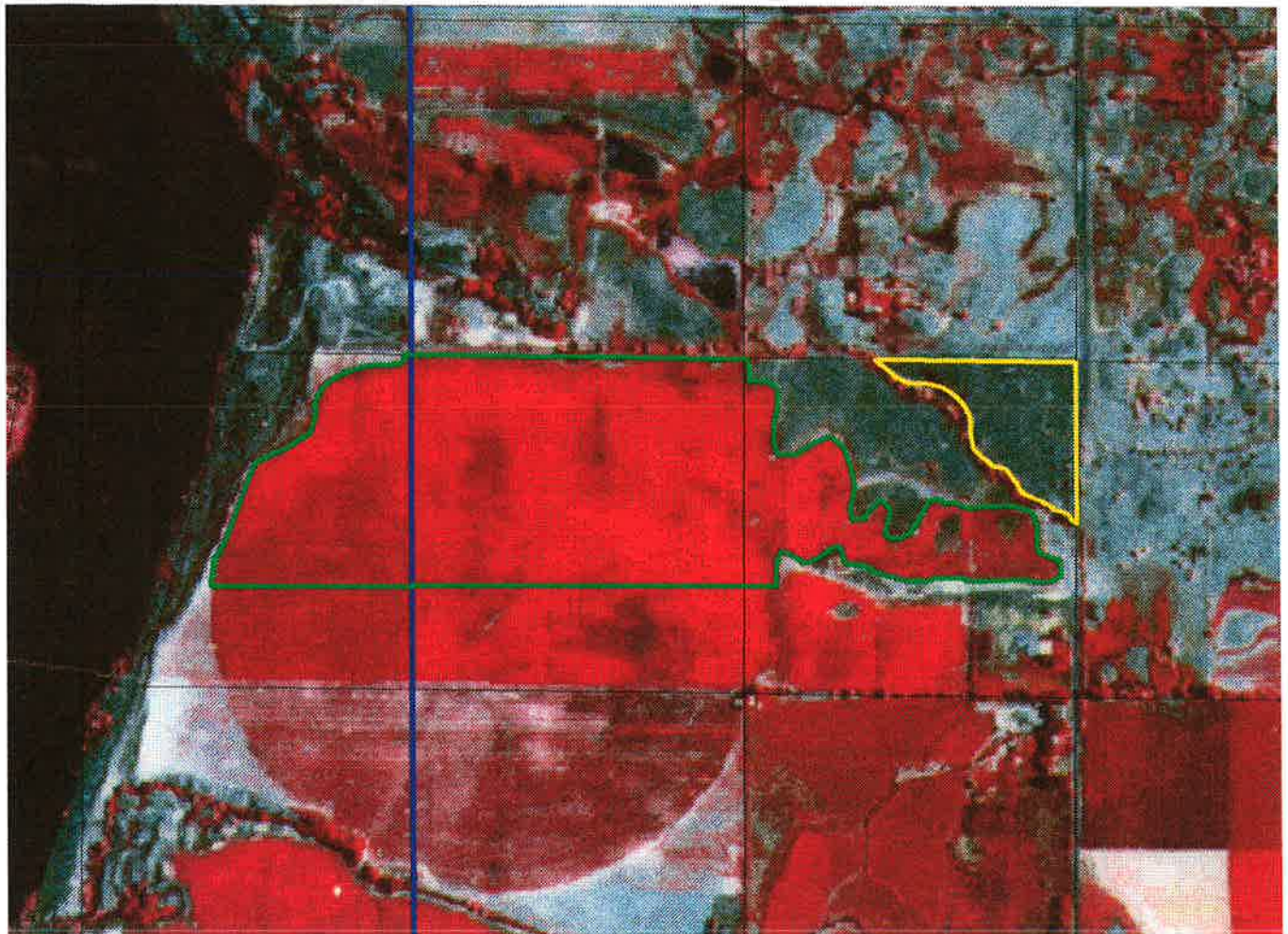
□ Quarter/Quarter Lines

for Part E
Rec Disallowed
Remark P03 no beneficial
use found

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

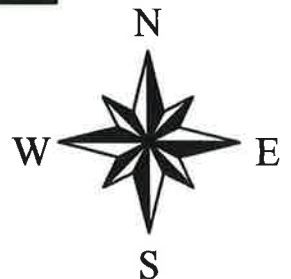
IDAHO DEPARTMENT OF WATER RESOURCES

36-00077E
ALBERT & CORALIE ADKISON



660 0 660 1320 1980 2640 Feet

**TNS 7S, RNG 13E,
SEC 22, NE1/4SW1/4**



⊙ Claimed Point of Diversion

Claimed Place of use

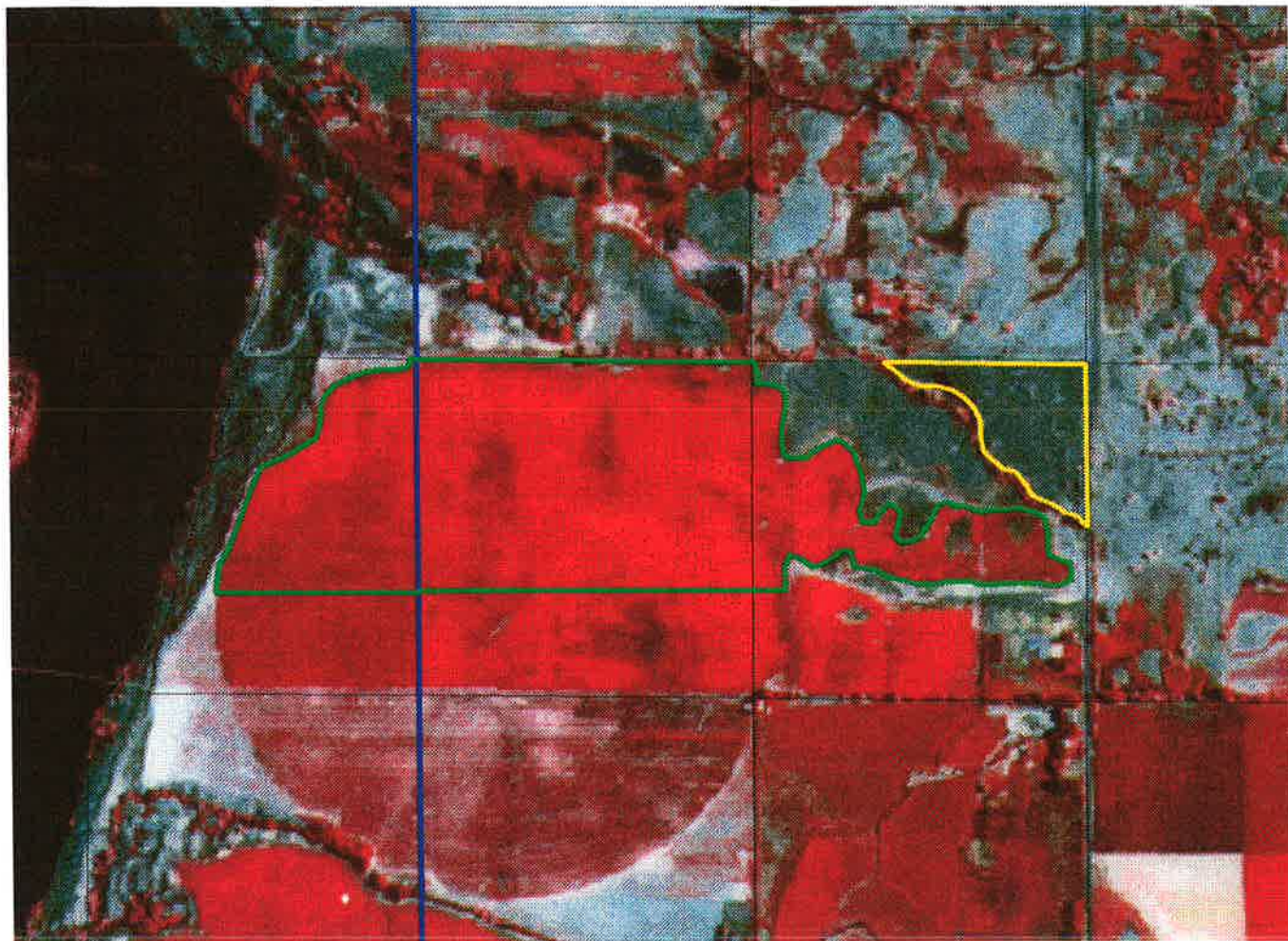
Section lines

Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 21, 1997
BY KELLY K CHRISTENSEN

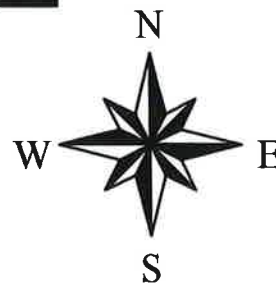
IDAHO DEPARTMENT OF WATER RESOURCES

36-00077E
ALBERT & CORALIE ADKISON



660 0 660 1320 1980 2640 Feet

**TNS 7S, RNG 13E,
SEC 22, NE1/4SW1/4**



⊙ Claimed Point of Diversion



Claimed Place of use



Section lines



Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY OCTOBER 21, 1997
BY KELLY K CHRISTENSEN

1997 OCT 30 PM 2:48

DISTRICT COURT-SRBA

**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	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDINGS
Case No. 39576	)	
	)	
_____	)	SUB CASE NO. 36-00077C

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☒Yes ☐No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

Bradley Gisler
794 E 2800 S
Hagerman ID 83332
Phone: 837-6396

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

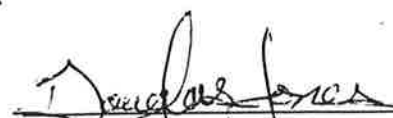
Bradley Gisler
Linda Gay Gisler
755 E 2800 S
Hagerman ID 83332
Phone: 837-6396

Albert Adkison
Coralie M Adkison
71700 Tunis Rd
Rancho Mirage CA 92270
Phone: (619) 346-1906

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 10/23/97



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 10-30, 1997, I mailed the original and copies of this form to the following persons, 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. One Copy to:

Claimant/Seller for Substitution of Party or attorney of record:

Bradley Gisler
755 E 2800 S
Hagerman ID 83332

3. One Copy to:

Claimant/Purchaser for Substitution of Party or attorney of record:

Bradley Gisler
Linda Gay Gisler
755 E 2800 S
Hagerman ID 83332

Albert L Adkison
Coralie M Adkison
71700 Tunis RD
Rancho Mirago CA 92270

4. One Copy to:

Each party in the subcase or attorney of record:

5. One Copy to:

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

6. One Copy to:

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

AJ5859NP

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

DATE: OCT-23-1997

PAGE: A-1

RIGHT NUMBER:

36-00077C

SPLIT RIGHT: SEE RIGHT NOS. 36-00077D AND 36-00077E.

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

DATE: OCT-24-1997

PAGE: A-1

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00077D

NAME & ADDRESS: BRADLEY GISLER
755 E 2800 S
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 2.34 CFS

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

PRIORITY DATE: 03/30/1884

POINT OF DIVERSION: T07S R13E S11 NWSNE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	2.34 CFS
	STOCKWATER	03-15 11-15	0.05 CFS
	STOCKWATER	11-16 03-14	0.24 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S21 Lot 6 (NESE)14
S22 NESW 14 NWSW 33
61 ACRES TOTAL

STOCKWATER Within GOODING County
T07S R13E S21 Lot 6 (NESE)
S22 NESW NWSW

STOCKWATER
SAME AS OTHER USE

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.EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

AJ5856NP

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

DATE: OCT-24-1997
PAGE: A-2

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00077D (CONT)

EXPLANATORY MATERIAL: (CONT)

WATER IS DELIVERED THROUGH BELL DITCH.
STOCKWATER, 150 RANGE CATTLE

AJ5857NP

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS/RIGHTS NOT RECOMMENDED

DATE: OCT-20-1997

PAGE: B-1

W.R. NUMBER	NAME & ADDRESS	CLAIM DISPOSITION	REASON
-------------	----------------	-------------------	--------

36-00077E	ADKISON, ALBERT L ADKISON, CORALIE M 71700 TUNIS RD RANCHO MIRAGE CA 82270	DISALLOWED	NO BENEFICIAL USE FOUND.
-----------	---	------------	--------------------------



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

October 31, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ALBERT L ADKISON
CORALIE M ADKISON
71700 TUNIS RD
RANCHO MIRAGE CA 92270

RE: SRBA Claim(s) 36-00077C

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: Bradley and Linda Gay Gisler