

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: A36-00079
Date Received: 12/18/1997
Receipt No: S001180; S 020783
Received By: X

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DALE E BOYER 208-837-4588
Address: PO BOX 232
HAGERMAN ID 83332

AND/OR

Name: ELAINE BOYER 208-837-4588
Address: PO BOX 232
HAGERMAN ID 83332

2. Date of Priority: APR 1, 1888

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	SW	NE			GOODING

5. Description of diverting works:
VIA SANDS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.400		
STOCKWATER	01/01	12/31	0.020		
WILDLIFE	01/01	12/31	1.400		

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

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 55 RANGE; SEE REMARKS FOR WILDLIFE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	11					STOCK	
			NE		SW		IRR	20.0
			NE		SW		WILDLF	
							Section Acres	20.0
							Total Acres	20.0

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:

WILDLIFE ABOUNDS ON OUR PLACE BECAUSE OF THE EXTRA AMOUNT OF
WATER AVAILABLE TO THEM THROUGHOUT THE FULL YEAR.

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)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

A36-00079

Date Received

12-18-97

Receipt Number

5020783

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

Please type or print clearly

1. Name of Claimant (s) DALE & OR ELAINE Boxer Phone (208) 837-4588
Mailing Address PO Box 232 Zip 83332-0232
2. Date of Priority (Only one (1) per claim) 4/1/1888
3. Source of water supply (a) BILLINGSLEY CREEK
which is tributary to (b) SNAKE RIVER
4. a. Location of existing point of diversion is: Township 7S Range 13E Section 511,
NW 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.

SANDS 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 1.4 cfs or _____

For STOCK WATER purposes from 06/01 to 12/31 amount .02 or _____

* For WILDLIFE purposes from 01/01 to 12/31 amount 1.4 or _____

* For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.4 (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.) SEE REMARKS.

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	
<u>7S</u>	<u>13E</u>	<u>11"</u>									<u>20</u>								<u>20</u>
											<u>S</u>								<u>20</u>
											<u>W</u>								<u>20</u>

W* WILDLIFE
SEE REMARKS:

Total number of acres irrigated 20

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 X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

14. Remarks: WILDLIFE ABOUNDS ON OUR PLACE BECAUSE OF
THE EXTRA AMOUNT OF WATER AVAILABLE TO THEM
THROUGHOUT THE FULL YEAR.

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) ☒ Official Use 1 Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 36-00079

Court _____ Case Number _____ Decree Date 1932

Plaintiff vs Defendant NEW INTERNATIONAL

X 16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) X Elaine M. Boyer Date Dec. 18, 1997

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 18th. day of December 19 97

SEAL

Notary Public Jennie Robertson

Residing at Twin Falls, ID

My Commission Expires 9-23-2000

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

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No:
S020783

Date:
Time: 2/18/1997
14:52:15

Received
From: BOYER, ELAINE

	Type of Payment		Program A cct		Amount
ADJUDICATION FEE		41503	337	1155	140.00

CHECK 9584

Total \$ 140.00

A36-00079

Water Right Numbers

Region: SOUTHERN

Signature:

Elaine M Boyer
Jeanie Robertson

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: A36-00079
Date Received: 7/29/1988
Receipt No: S001180
Received By: lw

COPY
FOR YOUR FILES
DO NOT RETURN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DALE E. BOYER 208-837-4588
Address: P.O. BOX 232 83332
HAGERMAN, ID

AND/OR

Name: ELAINE BOYER 208-837-4588
Address: P.O. BOX 232 83332
HAGERMAN, ID

2. Date of Priority: APR 01, 1888

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	SW	NE			GOODING

5. Description of diverting works:
VIA SANDS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.400		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/55 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	11	NE	SW	STOCK IRR	20.0
Section Acres						20.0
Total Acres						20.0

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:
P/U INCOMPLETE. SEE FILE.
AC. IRRIG. NOT SPECIFIED. FARM = 19 AC.

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

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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): Dale E Boyer Date: 7-29-88

Date: _____

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

Subscribed and sworn (or affirmed) before me this 29 day th
of July 19 88 Don White
Notary Public

Seal

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

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

TOTAL RECORDS IN SELECTION FILE: 116

MICROFILMED
OCT 12 1994

RECEIVED
FEB 10 1993
Department of Water Resources

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

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

* * * * *

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

Case No. 39576

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

NOTICE OF APPEARANCE

19 Petitioner,

20 vs.

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

Respondents.

* * * * *

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



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 1

MICROFILMED
OCT 12 1994

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



Hepworth,
Nungester,
& Lezamiz

MICROFILMED
OCT 12 1994

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



Hepworth,
Nungester,
& Lezamiz

MICROFILMED

OCT 12 1994

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

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

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

14
 15 By Patrick D. Brown
 16 PATRICK D. BROWN
 Attorneys for Respondents

17
 18 CERTIFICATE OF MAILING

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



1 February, 1993, to:

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

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

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

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

21 
22 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

MICROFILMED

OCT 12 1994

Mr. Patrick D. Brown
March 1, 1993
Page 2

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

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

MICROFILMED
OCT 12 1994

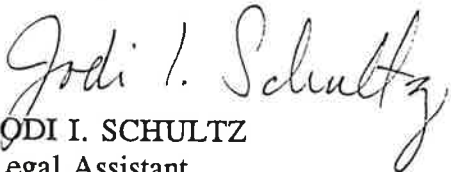
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

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

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

Sincerely,



JODI I. SCHULTZ

Legal Assistant

Idaho Department of Water Resources

cc: IDWR Southern Region

MICROFILMED
OCT 12 1994

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

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

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

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

MICROFILMED

OCT 12 1994

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

09/07/2000

RIGHT NUMBER: 36-79

NAME AND ADDRESS: DALE E BOYER
ELAINE BOYER
PO BOX 232
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: Snake River

QUANTITY: 1.03 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 RIGHT NO. 36-15541 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.40 CFS.

PRIORITY DATE: 04/01/1888

POINT OF DIVERSION: T07S R13E S11 NWSWNE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	0.02 CFS
IRRIGATION	02-15 11-30	1.03 CFS

PLACE OF USE:

IRRIGATION Within GOODING County
T07S R13E S11 NESW 15
STOCKWATER Within GOODING County
T07S R13E S11
NESW
15 ACRES TOTAL

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 - Decreed

A TOTAL 0.05 CFS OF THIS RIGHT IS LIMITED TO USE FOR
CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT. STOCKWATER, 55
RANGE CATTLE WATER IS DELIVERED THROUGH SANDS DITCH.

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

09/07/2000

RIGHT NUMBER: 36-15541
NAME AND ADDRESS: DALE E BOYER
ELAINE BOYER
PO BOX 232
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: Snake River

QUANTITY: 1.4 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-00079 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.40 CFS.

PRIORITY DATE: 11/01/1970

POINT OF DIVERSION: T07S R13E S11 NWSWNE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	01-01 12-31	1.40 CFS

PLACE OF USE:

FISH PROPAGATION Within GOODING
County
T07S R13E S11 NESW

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

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 -

COPY



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

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 5-10-00

TO: STEVE CLELLAND

FROM: NICK SPENCER

DOCUMENT DESCRIPTION: BOYER PIPE INFO

COVER SHEET + 3 PAGES

CONTACT: 327-7930 IF YOU DO NOT RECEIVE ALL THE PAGES.

THANK YOU!

SCC EXAM: 5/10/00

Confirmed pipe conditions as historical & established.
photos: D:\Basins\ Field Exam photos\

Dec 1918 - 1922.jpg

RECEIVED
MAY 10 2000
Department of Water Resources
Southern Region

APR-24-00 04:57 PM 1 THINGS

8376

P.02

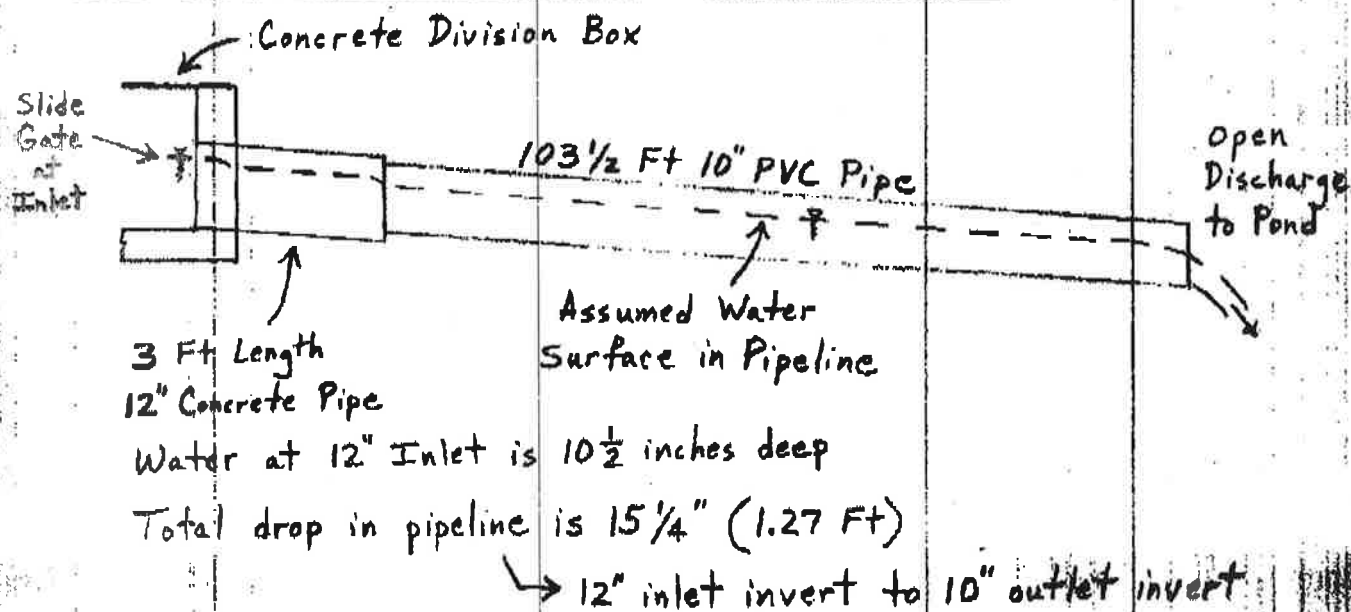
PROJECT- KLAINE BOYER
 ASSISTED BY KEN HASFURTHACK
 DATE-04-17-2000

PIPE DESIGN

Item	Material	Length	Size	Weight	Volume	Area	Perimeter	Surface Area	Volume
1	Plastic Irrigation Pipe, PVC-80	103 1/2	10"	150	44.0	1.07	1.07		

Flow Conversion 51.5 miner inches = 1.03 cfs
 (cubic feet per second)

PIPELINE CONFIGURATION



APR-24-00 04:57 PM 10 THINGS

9376

P.03

06.7er 2 f

Department of Agriculture
Natural Resources Conservation ServiceSlope = 0.012
Friction Value = 0.012

Area	=	0.01	sq. ft.
Velocity	=	4.4	fps
Flow	=	1.18	cfs

PIPE FLOW ANALYSIS

Use "conservative" assumptions:

Uniform pipeline slope of 1.0 %

This amounts to a drop of 1.07 Feet for 107 Ft pipe length

✓

Allows 0.2 Ft loss for entrance and
pipe size reduction (hydraulic losses)

Pipe Friction Values:

Analysis on this sheet uses Manning "n" = 0.012

" " other " " Hazen-Williams "C" = 150

APR-24-00 04:56 PM 1 THINGS

8376

P. 01

211 University Avenue
Gooding, ID 83330-6155

(208) 934-8481 Ext. 8

DATE: April 21, 2000

SUBJECT: Pipeline Flowrate Analysis

TO: Dale & Elaine Boyer
P. O. Box 232
Hagerman ID 83332-0232

Thank you for stopping by our office to detail and explain the hydraulic measurements made on the pipeline in question. I have taken the time to draw up these measurements as I understood them. I have also stated the assumptions used in entering the values into the computer hydraulics programs.

Please find enclosed, two sheets of computer program printouts with the measurements and assumptions drawn up on them. I used two different computer programs to analyze the part-full pipe flow situation that occurs in your pipeline. My analysis objective was to determine about how deep the water has to flow in the ten inch diameter plastic pipe in order to meet or exceed a flowrate of 51.5 miner's inches, with the assumed pipe slope and friction factor. Both computer programs reached the same conclusion that the pipe flows less than half-full at the 51.5 miner's inches flowrate. The "PIPE DESIGN" sheet shows that a flow of 52 miner's inches (1.04 cfs) will occur when the flow depth is 44% of the pipe diameter.

It is my opinion that the flow measurements you detailed would result in a flow depth greater than this, indicating that the flowrate was greater than 51.5 miner's inches at the time that the measurements were taken. If you would like to discuss this in more detail, please give me a call at 208-934-8481 Ext #3.

Ken Hasfurther
NRCS Civil Engineer

Cc: Steve Thompson, District Conservationist

RECEIVED

APR 12 2000

Department of Water Resources
Southern Region

RECEIVED

MAR 29 2000

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 36-00079

(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: Dale and Elaine Boyer

Address: P.O. Box 232

Hagerman, Idaho 83332-0232

Daytime Phone: (208) 837-4588

Name & Address of Attorney, if any:

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

Name: Craney Bros.

Atts: M. C. Creamer

Address: 503 West 1300 South

P.O. Box 2720

Cakley, Idaho 83346

Boise, Idaho 83701

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 Gooding)

Elaine M Boyer, 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.

Elaine M Boyer
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



28 March 2000
Walter C Nelson
Notary Public for Idaho
Residing at: Gooding, ID
My Commission Expires: May 2005

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 March 28, ²⁰⁰⁰~~199~~, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Dale Boyer
Address: P.O. Box 232, Hagerman, Idaho 83332-0232

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

Name: Michael C. Creamer; Karl Klein; Givens Pursley LLP
Address: P.O. Box 2720, Boise Idaho, 83701

4. 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 & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Elaine M Boyer
Your signature or signature of attorney
mailing on your behalf

COPY

RECEIVED

MAR 7 , 2000

Department of Water Resources

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	)	Subcase	36-00079
	)		(Insert water right number)
Case 39576	)		
	)	STANDARD FORM 1	
	)		
	)	OBJECTION	

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in a Director's Report. 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 you are objecting to must be indicated above in the blank space following "Subcase." To object to multiple water right recommendations, you must use a separate form for each objection and there must be only one objector for each 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.

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.

Any party physically filing 25 or more objections must contact the Clerk of the SRBA Court no later than 14 days before the filing deadline and arrange an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; that it 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 needlessly increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant objecting:*

Name: Craney Bros.

Address: 503 West 1300 South
Oakley, ID 83346

Phone: Work: (208) 862-3346 Home: N/A

Briefly describe your interest in this water right:

Craney Bros. is a party in this subcase whose water rights would
be adversely affected if the claimant's right is decreed as
currently recommended.

2. *If this objection is filed by an attorney:*

Attorney Name: Michael C. Creamer; Karl T. Klein Givens Pursley LLP

Attorney Address: 277 North 6th Street, Suite 200

P. O. Box 2720, Boise, ID 83701

Attorney Phone No.: (208) 388-1200

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. ☐ Point(s) 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 40-acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. Water Right Recommendation: I object to:
 - ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
12. ☐ Description of Reservation: I object to the legal description of the reservation.

13. ☐ Other: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

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

The quantity recommended in the Second Amended Director's Report
does not reflect actual beneficial use.

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.

The Second Amended Director's Report should be changed to reflect
a quantity based on actual beneficial use of water on lands that have
been prepared and reduced to a reasonably good condition for irrigation.

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.

VERIFICATION (Must be Completed)

State of Idaho

County of Ada

Karl T. Klein, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 1, "Party/Claimant objecting") as defined by I.C. §§ 42-1401A(1) and (7) 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

Karl T. Klein
Attorney signing in representative capacity

Subscribed and sworn to before me on: march 6, 2000



Lisa A. Hughes
Notary Public for Idaho
Residing at: Boise Idaho
My Commission expires: 3.22.2001

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on March 6, ²⁰⁰⁰~~199~~, I mailed the original and copies of this objection, 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. One copy to the claimant of the water right at the following address:

Name: Dale and Elaine Boyer
Address: PO Box 232
Hagerman, Idaho 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

Karl J. Kl
Signature of Objector or attorney
mailing on Objector's behalf

MEMORANDUM

TO FILE: A36-00079

FROM: Cindy Bird

DATE: September 10, 1999

PURPOSE: Determine the flow in the ditch that conveys water to the Boyer's property. The flow was measured in two locations, at the headgate and just prior to the Boyer's property.

OBSERVATIONS & FINDINGS:

I met with Dale and Elaine Boyer at 11:20 a.m. on September 8th. We drove to the headgate, located approximately 1/8 th mile east of their property, off the Sands Ditch. The Boyer's ditch runs roughly parallel to Pioneer Road. The composition of the ditch near the headgate was coarse fragments, transitioning to finer particles and overgrown vegetation at the end.

The width and construction of the ditch at the headgate made it difficult to measure the flow with the Broad Crested Weir (flume). An average head measurement across the flume of 17.6 centimeters (cm) or approximately 1.93 cfs was determined at the headgate but because of the ditch features all of the water wasn't being captured. Therefore, the flow at the headgate was also measured with the Swoffer Meter at 2.35 cfs. I feel this is more accurate than the flume measurement under these circumstances.

The further away from the headgate, the Boyer's ditch narrowed and this created some areas of overtopping the ditch. The deeper narrow ditch closer to the Boyer's property made it possible to measure the flows with the flume. After setting and leveling the flume a constant head of 17 cm or approximately 1.82 cfs was measured across the flume.

CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: Boyer Delivery Ditch

BY: MP

DATE: 9/9/99

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	390	3.8	1.50	0.03	0.00	0.00	0.0000	0.00	0.04
2	190	2.5	1.50	0.01		0.00	0.0000	0.00	0.01
3				0.00		0.00	0.0000	0.00	0.00
4				0.00		0.00	0.0000	0.00	0.00
5				0.00		0.00	0.0000	0.00	0.00
6				0.00		0.00	0.0000	0.00	0.00
7				0.00		0.00	0.0000	0.00	0.00
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	580			0.04	0.00			0.00	

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 WATER SURFACE IN 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;

IF MULTIPLE RIGHTS WITHIN REACH, DELIVERY LOSSES SHOULD BE

PRORATED BASED ON SIZE OF DELIVERY FOR EACH RIGHT WITHIN REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

The first ^(approx.) 390 ft. of ditch out of the Sands Ditch is soil type EPB. The next ^(approx.) 190 ft. is soil type KOB. Both soil types are fine sandy loam to 6 inches, the approximate depth of the ditch. A seepage rate of 1.5 ft/day was chosen for the entire ditch. The ditch width at the Sands was measured at 4.6 ft. & estimated at 2.0 ft. at the head of the field. From those widths, average widths for the two sections were determined. The same conveyance loss is calculated with one 580 ft. section with a width of 3.3 ft. ^(avg of 4.6 and 2.0) No deliveries are entered since the conveyance loss doesn't need to be distributed between rights.

**State of Idaho
Department of Water Resources
Water District _____**

Meas. No.
Comp. by.

Sta. No. DISCHARGE MEASUREMENT NOTES Checked by CB

36-00079
Date 9/8/99, 19... Party Bayers, Cindy Bird
Width 4.6 Area 1.2 Vel. G.H. Disch. 2.35 cfs
Method 110 No. secs. G.H. change. in hrs. Susp.
Method coef. Hor. angle coef. Susp. coef. Meter No.
Type of meter Swaffer 2100 Date rated Tag checked
Meter ft. above bottom of wt. Spin before meas. OK after OK
Meas. plots. % diff. from. rating. Levels obtained.

GAGE READINGS					WATER QUALITY MEASUREMENTS	
Time	Inside	HM	Chart	Outside	No	Yes
					Time	
					Samples Collected	
					No	Yes
					Time	
					Method Used	
					EDI	EWI
					Other	
					SEDIMENT SAMPLES	
					No	Yes
					Time	
					Method Used	
					EDI	EWI
					Other	
					BIOLOGICAL SAMPLES	
Weighted M.G.H.					Yes	Time
G. H. correction					No	Type
Correct M.G.H.						

Check bar. chain found changed to at

Wading, cable, ice, boat, upstr., downstr., side bridge. feet, mile, above, below gage.

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%); based on the following cond:

Flow.

Cross section Fairly level, some small cobbles

Control.

Gage operating Weather Sunny & Warm

Intake/Orifice cleaned Air °C@ Water °C@

Record removed Extreme Indicator: Max. Min.

Manometer N₂ Pressure Tank Feed Bbl rate per min.

CSG checked Stick reading

Observer

HWM outside, in well

Remarks Rock located on Right bank, Low velocity was measured

GPS LAT\LONG

G.H. of zero flow ft. Sheet No. of sheets

A36-00079
DALE AND ELAINE BOYER
SEPTEMBER 8, 1999
LOOKING NORTH AT THE HEADGATE
WEST OF THE SANDS DITCH



A36-00079
DALE AND ELAINE BOYER
SEPTEMBER 8, 1999
AT THE HEADGATE; WEST OF THE
SANDS DITCH

A36-00079

DALE AND ELAINE BOYER

SEPTEMBER 8, 1999

LOOKING SOUTH; LOCATED NEAR
THE HEADGATE



A36-00079

DALE AND ELAINE BOYER

SEPTEMBER 8, 1999

LOOKING SOUTHWESTERLY JUST
PRIOR TO THE BOYER'S PROPERTY
OVERGROWN VEGETATION

2 of 5



A36-00079
DALE AND ELAINE BOYER
SEPTEMBER 8, 1999
LOOKING WEST; PRIOR TO THE
BOYER'S PROPERTY

A36-00079
DALE AND ELAINE BOYER
SEPTEMBER 8, 1999
LOOKING WEST

Boyer's Property



A36-00079

DALE AND ELAINE BOYER

SEPTEMBER 8, 1999

LOOKING SOUTHWESTERLY

FLUME HEAD AT 17 CM OR 1.82
CFS



A36-00079

DALE AND ELAINE BOYER

SEPTEMBER 8, 1999

BOYER'S PROPERTY



A36-00079
DALE AND ELAINE BOYER
SEPTEMBER 8, 1999
BOYER'S PROPERTY

The trial is November 17, 1999 at 10 AM. Claim 36-00079.

RECEIVED

JUN 25 1999

Department of Water Resources

RECEIVED

JUL 15 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 A36-00079

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: DALE E. BOYER AND/OR ELAINE M. BOYER

Address: P.O. BOX 232

HAGERMAN, IDAHO 83332-0232

Daytime Phone: 1-208-837 4588

Name & Address of Attorney, if any:

REPRESENTING SELF

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

Name: DALE E. BOYER AND/OR ELAINE M. BOYER

Address: P.O. BOX 232

HAGERMAN, IDAHO 83332-0232

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:

STOCKWATER	0.020 CFS
WILDLIFE	1.40 CFS
IRRIGATION	1.40 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: WILDLIFE, IRRIGATION, AND STOCKWATER

8. ☒ Period of Year

Should be:

IRRIGATION	01/01 to 12/31
WILDLIFE	01/01 to 12/31
STOCKWATER	01/01 to 12/31

9. ☐ Place of Use

Should be: _____

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): THE IDWR RECOMMENDED .49 CFS AND NO

WATER FOR WILDLIFE. THIS IS NOT ENOUGH WATER TO PROPERLY IRRIGATE THIS FARM, AS
THE WATER IS CONVEYED FROM THE POINT OF DIVERSION 642' IN AN OPEN DITCH TO THE
POINT OF USE. THE WATER IS THEN CONVEYED 606' IN AN OPEN DITCH AND FLUMED ACROSS
THE BARLOGI DITCH TO IRRIGATE ONE FIELD. IT IS CONVEYED IN GATED PIPE TO IRRI-

GATE THE FIELDS BELOW THE BARLOGI DITCH. THE WATER IS MUCH REDUCED BY EVAPORATION
AND PERCUSSION. WILDLIFE: DUCKS, GEESE AND OTHER WILDLIFE ABUNDANT ON THIS FARM
SF.1 - Objection YEAR AROUND; WATER ATTRACTS THEM AND PRESERVES THEIR HABITAT.

Approved: 10/16/07

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 JUNE, 23, 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:	<u>DALE E. BOYER</u>		
Address:	<u>P.O. BOX 232</u>		
	<u>Hagerman, Idaho</u>	<u>83332-0232</u>	

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

JEFFEREY FEREDAY
GIVENS PURSLEY
P.O. BOX 2720
BOISE, IDAHO
83701-2720

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

Dale E. Boyer
Elaine M. Boyer
Signature of Objector or attorney
mailing on Objector's behalf

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.

County of Cooding)

Dale A. Boyer and/or Elaine M. Boyer 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.

Dale & Boyer
Elaine M. Boyer
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 23 1999



Matthew C. Burr
Notary Public for state of Idaho
Residing at: Wendell Id
My Commission Expires: 12-5-2003

RECEIVED

OCT 06 1999

Department of Water Resources
Southern Region

SEP 10 AM 10:48

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED



RECEIVED

SEP 13 1999

OFFICE OF THE
ATTORNEY GENERALIN 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 36-00079

(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: Cranney Bros.Address: 503 West 1300 SouthOakley, ID 83346Daytime Phone: (208) 862-3346

Name & Address of Attorney, if any:

Michael C. CreamerKarl T. KleinGivens Pursley LLP277 North 6th Street, Suite 200P.O. Box 2720Boise, ID 83701C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDINGName: Dale and Elaine BoyerAddress: P.O. Box 232Hagerman, ID 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)

Karl T. Klein
(Name of person filing response)

duly sworn, upon oath, deposes and says:

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)

Karl T. Klein
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____

Notary Public for _____

Residing at: _____

My Commission Expires: _____

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 9 / 10, 1999, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to: Hand-Delivered

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: Dale and Elaine Boyer

Address: P.O. Box 232, Hagerman, ID 83332

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

Name: Dale and Elaine Boyer

Address: P.O. Box 232, Hagerman, ID 83332

4. 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 & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

KL J KL
Your signature or signature of attorney
mailing on your behalf

RECEIVED

MAY 07 1999

Department of Water Resources
Boise, Idaho

RECEIVED

APR 26 1999

Department of Water Resources

36-00079 Sent
SC
1999 APR 21 AM 1
DISTRICT COURT - 1
TWIN FALLS CO., ID.
FILED

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

In Re SRBA

Case No. 39576

) NOTICE SETTING SUBCASE
) FOR SCHEDULING CONFERENCE
)
) SUBCASE NO: 36-00079

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

MONDAY, MAY 17, 1999 at 02:30 PM
SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

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

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

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

(continued)

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

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

Dated: APRIL 21, 1999

/S/ TERI HRANAC
Deputy Clerk
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING
SUBCASE FOR SCHEDULING CONFERENCE was mailed on APRIL 21, 1999
with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:

CLIVE STRONG

NATURAL RESOURCES

DEP AG OFFICE OF ATTY GEN

STATEHOUSE MAIL

BOISE, ID 83720-0010

Phone: 208-334-2400

CRANNEY BROS

Represented by:

JEFFREY C. FEREDAY

PO BOX 2720

BOISE, ID 83701

Phone: 208-388-1200

DALE E. BOYER

BOYER, ELAINE M.

PO BOX 232

HAGERMAN, ID 83332

Phone: 208-352-1152

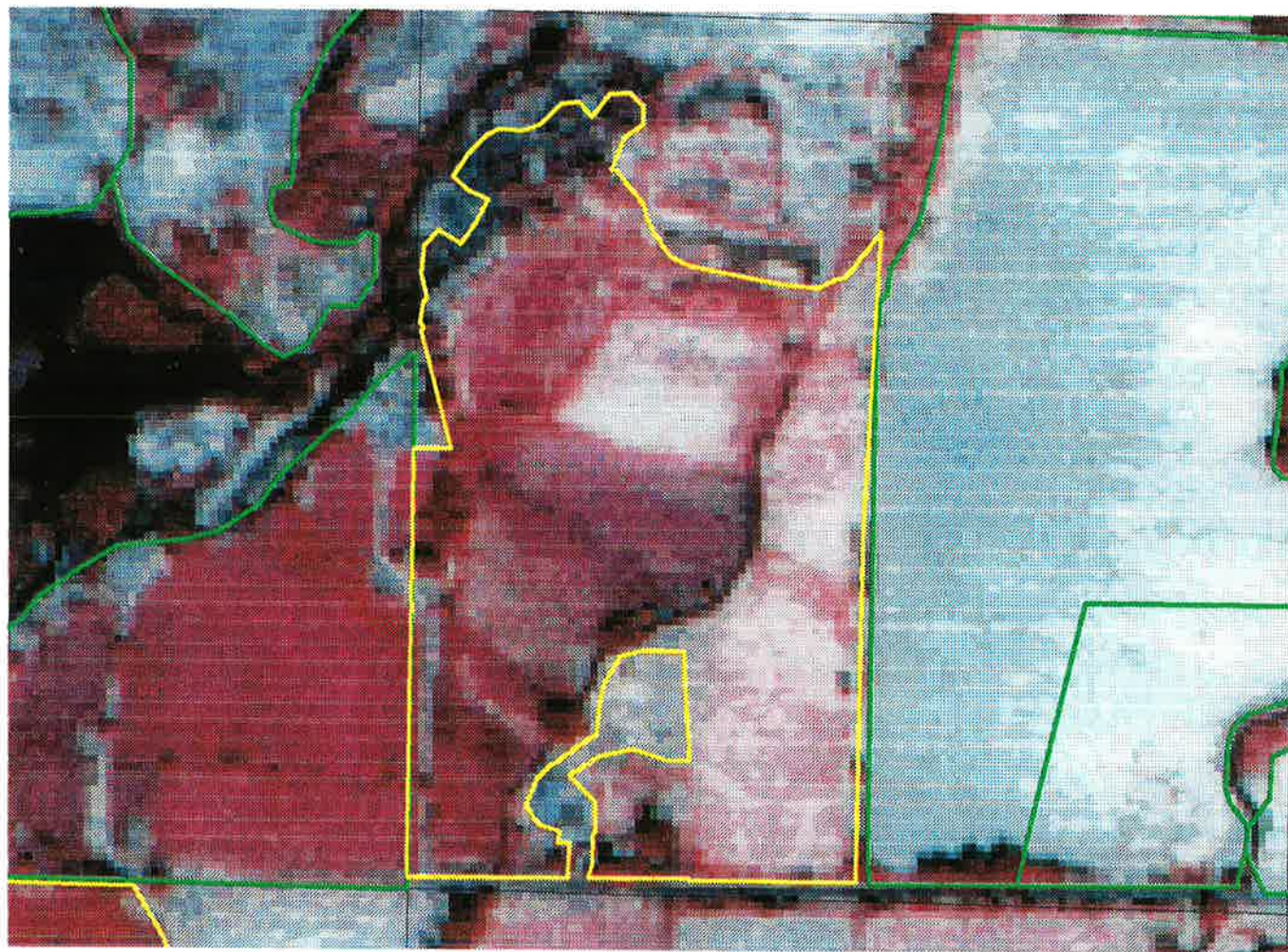
DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

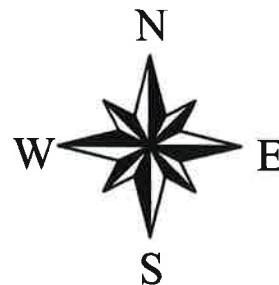
IDAHO DEPARTMENT OF WATER RESOURCES

36-00079



660 0 660 Feet

TNS 7S, RNG 13E
SEC 11, NESW



⊙ Recommended Point of Diversion

 **RECOMMENDED Place of use**

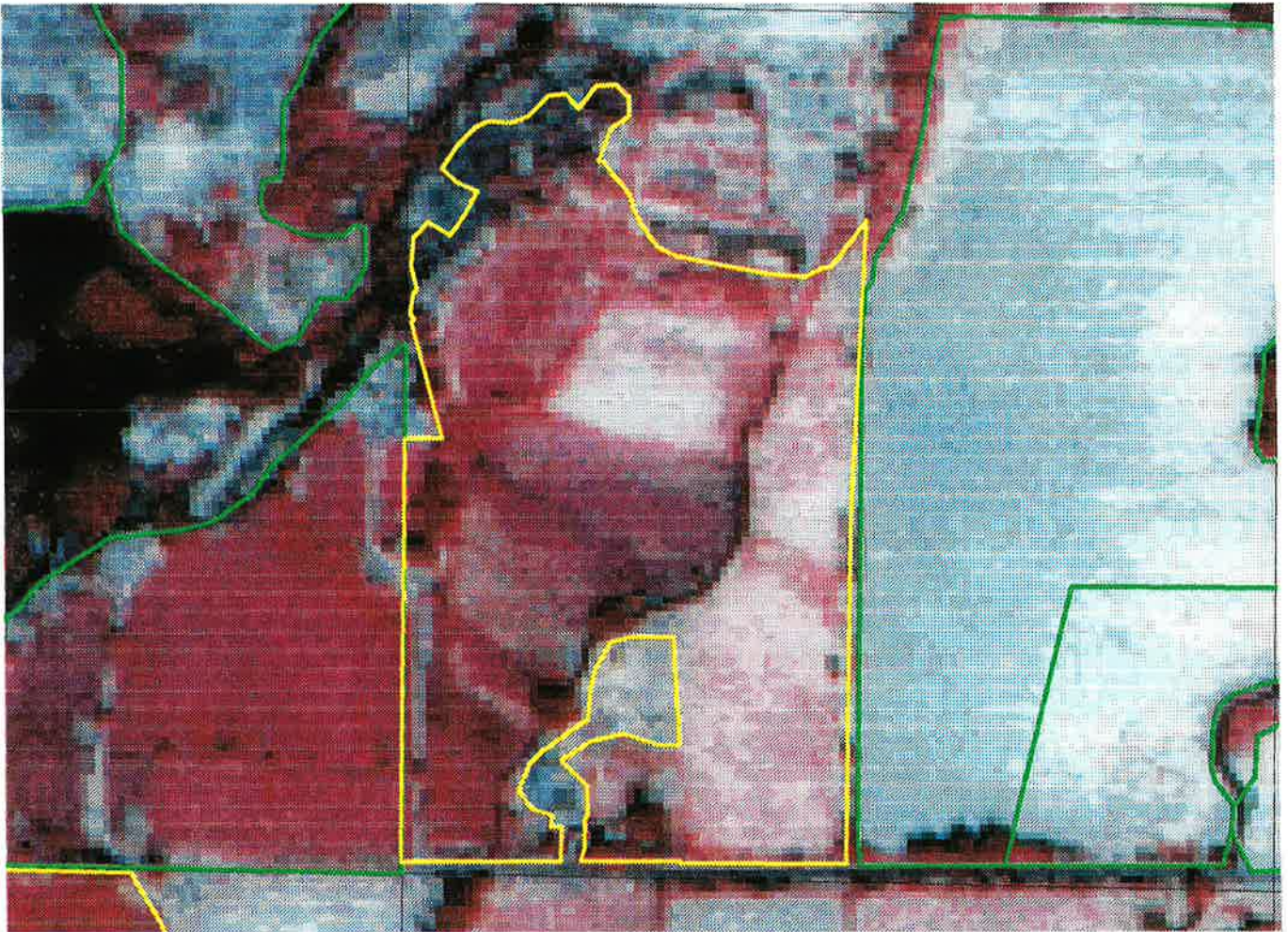
 **Section lines**

 **Quarter/Quarter Lines**

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATE: FEBRUARY 20, 1998
BY: STEVE CLELLAND

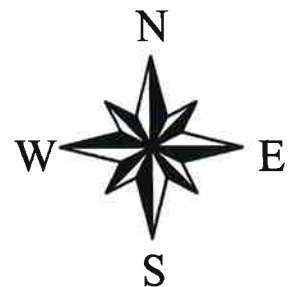
IDAHO DEPARTMENT OF WATER RESOURCES

36-00079



660 0 660 Feet

TNS 7S, RNG 13E
SEC 11, NESW



⊙ Recommended Point of Diversion

 **RECOMMENDED Place of use**

 **Section lines**

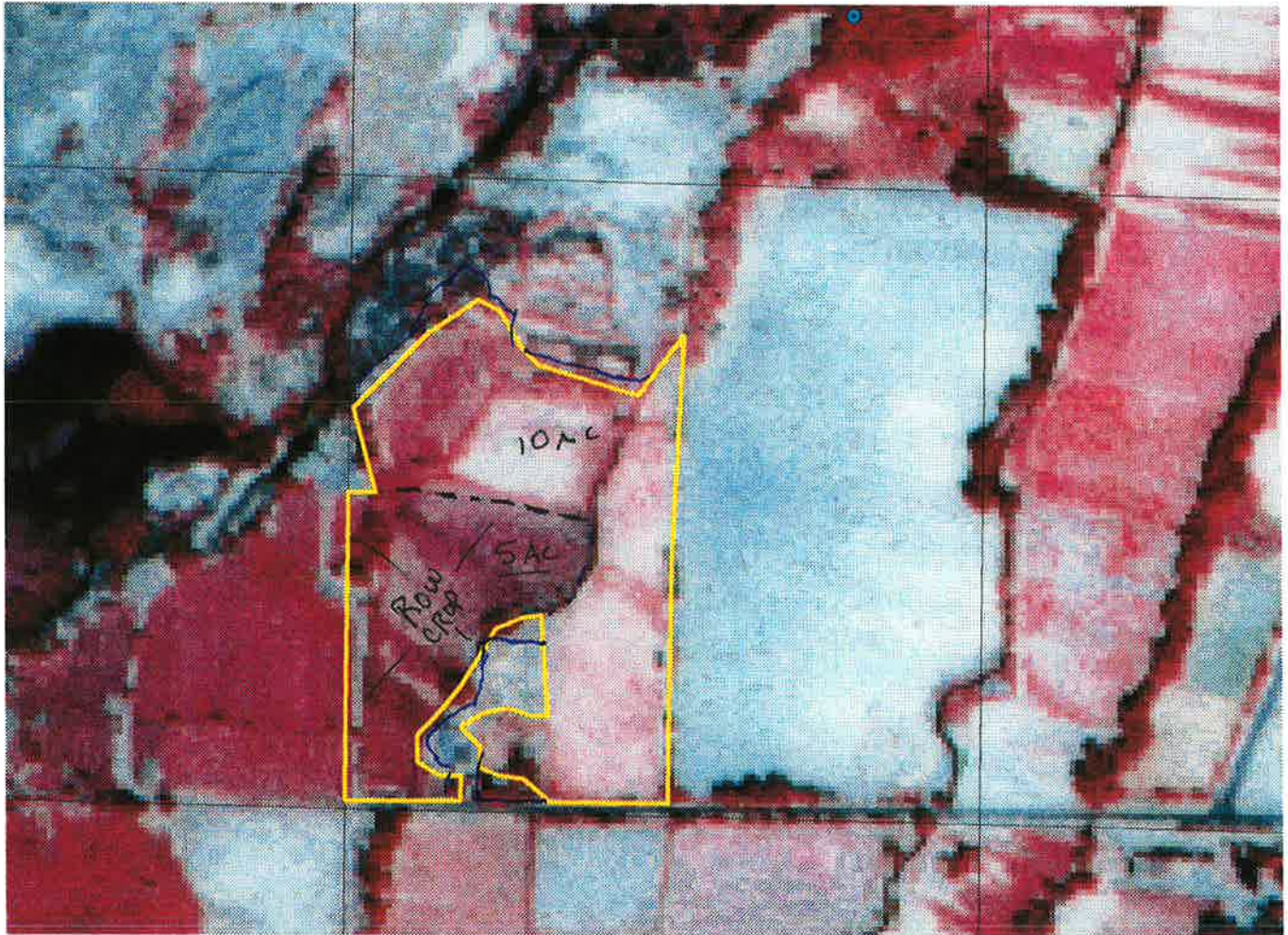
 **Quarter/Quarter Lines**

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATE: FEBRUARY 20, 1998
BY: STEVE CLELLAND

IDAHO DEPARTMENT OF WATER RESOURCES

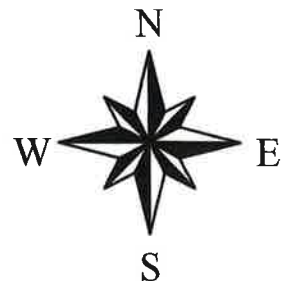
*Revised
per Exam
w/ Mrs. Boyer
2/20/98
SCC*

36-00079



660 0 660 Feet

TNS 7S, RNG 13E,
SEC 11, 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
DATA ENTRY OCTOBER 1997
BY STEVE CLELLAND

SRBA FIELD EXAM REPORT

SRBA CLAIM: A36-00079
EXAM DATE: JANUARY 18, 1998
IDWR AGENT: STEVE CLELLAND
ACCOMPANIED BY CLAIMANT: ELAINE BOYER

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

OBSERVATIONS & FINDINGS: I met with Mrs. Boyer at 2:30 pm and we drove in my vehicle to the north end of the property after having reviewed the GIS map showing the place of use as irrigated. She explained there are some pasture lands that are not being recommended in my map. We walked out west of the fish ponds and there was some pasture areas that are covered with brush and lie on the slope to Billingsley Creek; I agreed to add some additional acres for this land. We returned to the house and I outlined some areas she says were missing but should be included as irrigated lands. I asked her what she thought the total irrigation acreage was for her farm, she thought about 15-16 acres. I asked if the additions to the GIS map could support 15-16 acres would she be willing to settle that portion of the objection. She agreed.

I discussed with her the beneficial use recommendations the Department is limited to are based on a MAD analysis of the soils, crops, and climate for the place of use. I offered to have the Dept. prepare this data for her if I could get the necessary information from her now. I told her I did not have the official form usually used for this purpose but I would try to proceed without it. She told me she raised some melons and pasture, she plans to raise corn on the melon ground this year. She estimated 6 acres for the row crop and the rest for forage crops. She pointed out where the corn will be planted this year and I told her I could use the GIS program to determine the best estimate of the acres involved for row crops. (Found to be 5 acres.)

I asked where she diverted for the wildlife uses. She agreed no ponds were used for wildlife but stated the water is run out onto the fields to provide habitat for the geese. In the wintertime this action will help melt snow off of the fields and give the geese snow free areas to "graze".

SUMMARY & RECOMMENDATIONS:

I told her I would add the additional acres found under the revised acres, I thought it would come real close to the 15-16 acres she wanted. I performed the revision to GIS on 2/20/1998 and found a new total of 14.7 acres and will recommend 15 acres. I presented the necessary info to Jeff Peppersack for a MAD analysis to compare with the existing recommendation; I offered to give her the larger of the two figures.

As far as the Wildlife use, I could not recommend this as a valid use that was developed with the right in 1888.

There would be stockwater recommended with the statement to

allow necessary water to deliver the recommended amounts to the stock.

SRBA CLAIM 36-00079

IRRIGATION: Recommend 15 acres. Flow rate to be the larger of existing recommendation or the MAD rate as calculated.

WILDLIFE: Not recommended. This use was developed incidental to the Irrigation use. The ditch system was built to deliver irrigation water.

STOCKWATER: Recommended. Include N01 remarks.

TOTAL QUANTITY: Proposed irrigation rate.

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



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 18, 1997

ELAINE BOYER
PO BOX 232
HAGERMAN ID 83332

RE: AMENDED CLAIM A36-00079

Dear Mrs. Boyer,

After you left the office this afternoon, I realized I had forgotten to give you a "Standard Form Four", which is a motion to file an amended claim with the SRBA Court. I have enclosed a copy for your use along with copies of your amended claim and receipt, which will need to be filed with the form. I also FAXed a copy of the claim to the court to Diana Delaney's attention. She said she will hold onto it, but I have enclosed this one in case there is a problem.

If you have any questions about the form, please call the SRBA Court at 736-3011. If I can be of any further assistance, please feel free to give me a call at the office.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

6/9/94

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 JEANIE M ROBERTSON

DATE

December 18, 1997 3:41pm

CUSTOMER

ELAINE BOYER

A36-00079

SUBJECT: AMENDED CLAIM

phone call (.) walk-in (X)

Mrs. Boyer came in to amend her claim to add Wildlife as a Year Round Use. She claimed 1.40 cfs and paid the additional \$140.00 for the new use. She left before I could give her a Standard Form Four so I will send her one along with instructions to file it with the SRBA court. I FAXed a copy of the claim to the court to Diana's attention who said she will hold onto it...

)

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:

December 18, 1997 8:02am

CUSTOMER:

ELAINE BOYER

SUBJECT: 36-00079

phone call (.) walk-in (X)

Mrs Boyer came in on 12/17 at 4:30 and said she had until 12/19 to amend their claim. We first discussed why their claim did not read like the paper she had. It appeared that she had something that their former attorney had work up with regard to the motion for summary judgement.

I explained that they could amend their claim to assert any use or uses they wish. Mrs Boyer knew the per cfs rate for additonal uses and I further explained that it would be for each use that they assert. I was asked how to fill the form out and what to put down for the new uses. I answered questions with regard to legal descriptions and whether certain entries on the form pertained as she proceeded to write in information on a set of paper forms (the computer was down). I declined to comment on flow rates and uses. She completed all the form except the specifics of the additional uses they are now intending to claim. She decided to finish filling out the form at home so she could coordinate info with her husband.

I asked her to give me a call if she needed help calculating the fee. I gave her my card and told her we will do everything we could to facilitate their filing process. She left at about 4:55.

SUBCASE NO. 36-00079

	CLAIM (7/29/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Dale & Elaine Boyer	N/A	Dale & Elaine Boyer	Dale & Elaine Boyer
BASIS OF CLAIM	Decree		Decree	
SOURCE	Billingsley Creek		Billingsley Creek	
QUANTITY	1.40 cfs		0.27 cfs	XX - requests as decreed and/or beneficially used
PRIORITY DATE	4/1/1888		4/1/1888	
PURPOSE OF USE	Irrigation Stockwater		Irrigation Stockwater	MSJ requests irrigation, stockwater, wildlife, recreation, aesthetics and "diversion system maintenance"
PERIOD OF USE	Irr.: 1/1/ - 12/31 S.W.: 1/1/ - 12/31		Irr.: 3/15 - 11/15 S.W.: 3/15 - 11/15 S.W.: 11/16 - 3/14	XX - requests year round use. MSJ requests Irrigation season and year round for other uses.
POINT OF DIVERSION	T07S R13E S11		T07S R13E S11	
PLACE OF USE	T07S R13E S11 20.0 acres		T07S R13E S11 13.0 acres	XX - requests 20.0 acres
remarks			"Water is delivered through Sand Ditch. 0.01 cfs of this right is limited to use for conveyance losses in delivery of this right."	XX - requests that remarks after Sand Ditch be deleted. MSJ requests that all remarks be deleted.

CLAIM NUMBERS 36-00079

DATE 10/7/97
AGENT Su

TRANSFER NUMBER _____

OBJECTION FILED Yes

TOTAL ACRES FROM RECOMMENDATION 13

GEOGRAPHIC INFO SYSTEM _____

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>11</u>									<u>13</u>							<u>13</u>
GIS												<u>13</u>							<u>13</u>
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF _____

B36-DBPOD.DBF _____

POLYGON CREATED ON 604 () _____

ATTRIBUTES OF B36-POU.SHP 545 Su 10/7/97

ATTRIBUTES OF B36-POD.SHP 456 Sando Ditch

P/U CONFLICT yes () no (X)

P/D CONFLICT yes () no (X)

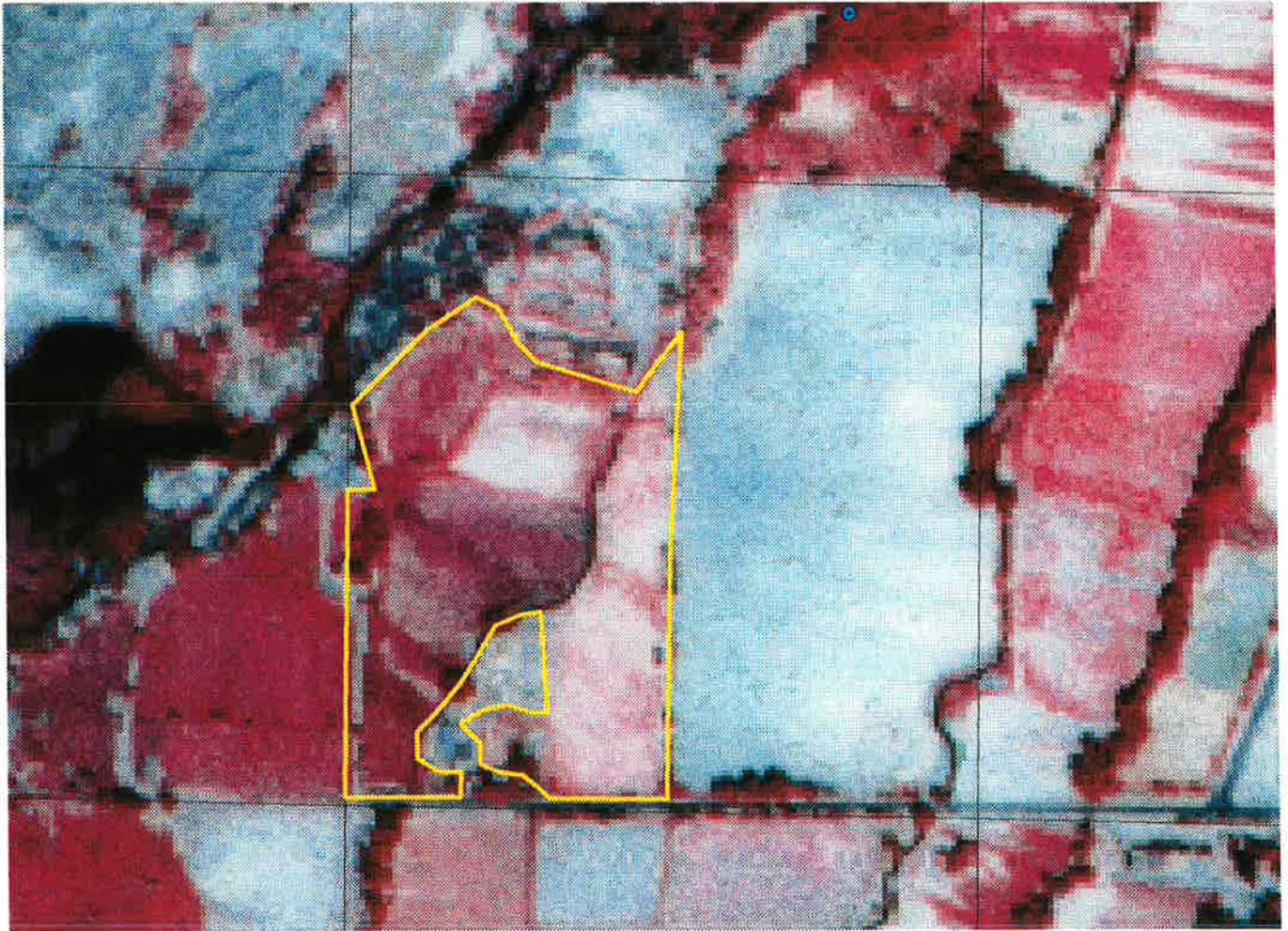
READY FOR DECREE yes (X) no ()

SENT FOR DECREE yes () no ()

KKC: 8/13/97

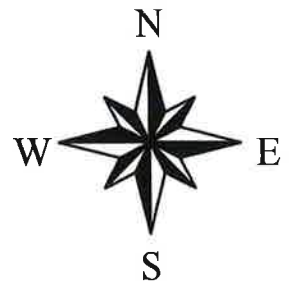
IDAHO DEPARTMENT OF WATER RESOURCES

36-00079



660 0 660 Feet

TNS 7S, RNG 13E,
SEC 11, NESW



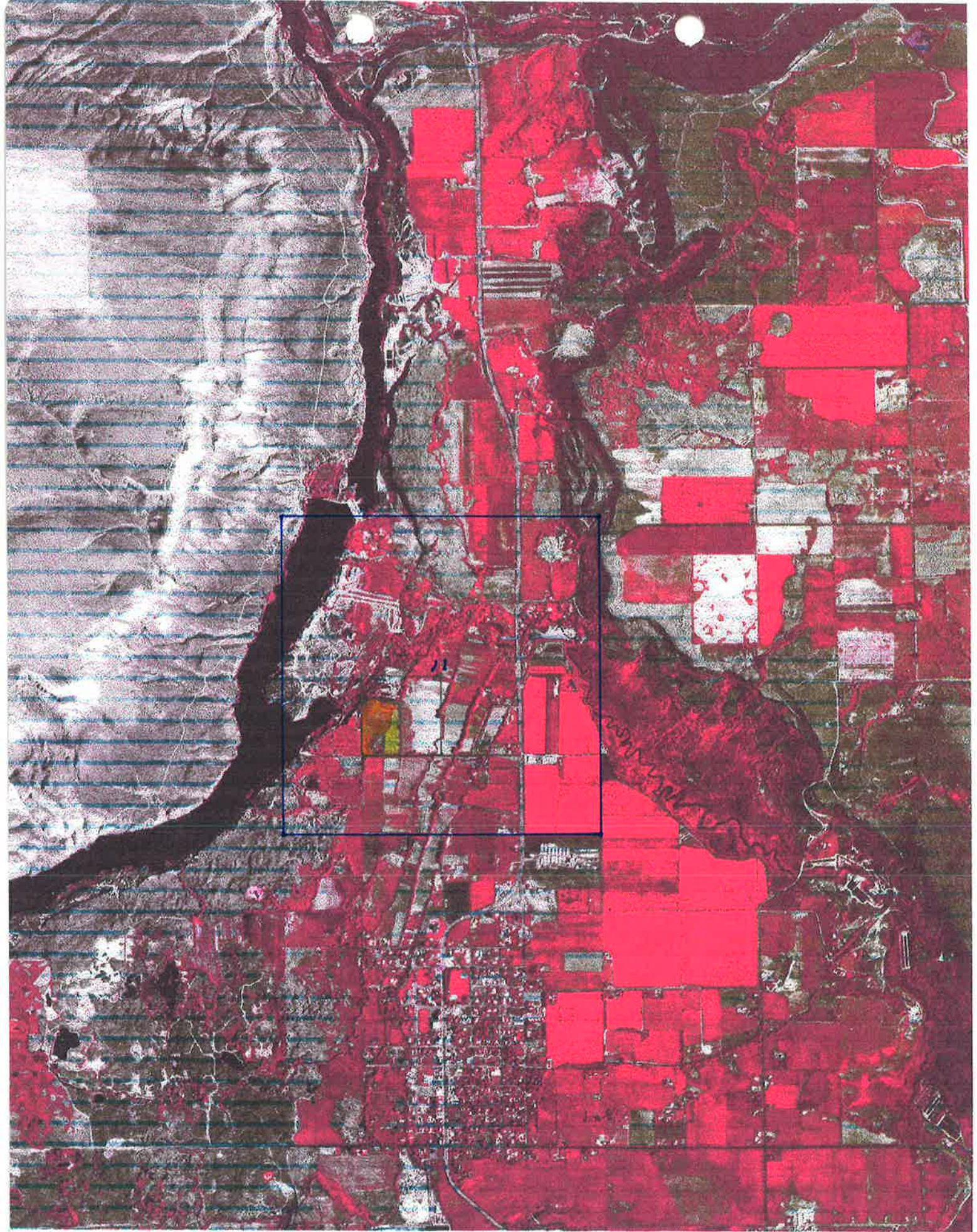
⊙ Recommended Point of Diversion

□ Recommended Place of use

— Section lines

□ Quarter/Quarter Lines

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



T75 R13E Scanned copy of scanned NAPP AAGPNE
 Irrigated lands highlighted in yellow. CA 6-21-96

Tracing on NAPP AA69NE scaled to 1:24000
(1987 photo)

Tracing of NESW Sec. 11 T7S R13E 40.7 ac.

(The claim appears to be for the $W\frac{1}{2}$ of the NESW of Sec. 11)

Tracing of lands appearing irrigated in the $W\frac{1}{2}$
of the NESW Sec. 11 12.5 ac.

Tracing of area identified as irrigated lands
on the photocopy of O.Q. AA69 (1974 aerial photo)
included in the claim file. 11.9 ac.

Conclusions:

The number of acres recommended (13)
appears to adequately describe the amount
of irrigated land in the $W\frac{1}{2}$ of the NESW
of Sec. 11.

MEMORANDUM

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

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

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

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

CLAIMS

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

MICROFILMED

DEC 03 1996

JUL -1 PM 3:13
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00079

In Re SRBA

Twin Falls County Civil Case No. 39576
Sub-Case No. 36-00079

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources

Karl J. Dreher, Director

David B. Shaw, Adjudication Bureau Chief

David R. Tuthill Jr., Acting Adjudication Bureau Chief

July 1, 1996

COPY

MICROFILMED

DEC 03 1996

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00079

The Director of the Idaho Department of Water Resources (IDWR) submits this report regarding claim to water right no. 36-00079 in response to the request of Special Master Haemmerle, pursuant to Idaho Code §42-1412(4) and the court's Order Re: Contested Claims for Amounts Claimed in Excess of .02 CFS. This report was prepared under the supervision of Karl J. Dreher, Director, David B. Shaw, Adjudication Bureau Chief, and David R. Tuthill Jr., Acting Adjudication Bureau Chief for IDWR. The following persons assisted in the preparation of the following portions of this report:

David B. Shaw, Adjudication Bureau Chief, reviewed and verified this Report Regarding Claim to Water Right No. 36-00079. Mr. Shaw also reviewed and verified IDWR's Report Regarding Quantification of Small Domestic and Stockwater Rights, which is incorporated by reference herein. The Affidavit of David B. Shaw describes Mr. Shaw's education and work experience, and is incorporated by reference herein. Mr. Shaw also reviewed IDWR's Report Regarding Evaluation of Irrigation Diversion Rates, described below.

Jeff Peppersack, Adjudication Engineer, prepared and verified IDWR's Report Regarding Evaluation of Irrigation Diversion Rates, which is incorporated by reference herein. The Affidavit of Jeff Peppersack describes Mr. Peppersack's education and work experience, and is incorporated by reference herein. Mr. Peppersack also reviewed IDWR's Report Regarding Consumptive Use for Irrigation in the Hagerman Area, described below.

David R. Tuthill Jr., Acting Adjudication Bureau Chief, prepared IDWR's Report Regarding Consumptive Use for Irrigation in the Hagerman Area, which is incorporated by reference herein. Mr. Tuthill also reviewed this Report Regarding Claim To Water Right No. 36-00079. The Affidavit of David R. Tuthill Jr. describes Mr. Tuthill's education and work experience, and also describes the use of planimeters to measure the size of irrigated acres, and is incorporated by reference herein.

Marci S. Sterling, Adjudication Engineer, prepared and verified Appendix B, which describes the application of IDWR's methodology for evaluation of irrigation diversion rates to claim no. 36-00079. Appendix B is attached hereto and incorporated by reference herein. The Affidavit of Marci S. Sterling describes Ms. Sterling's education and work experience, and is incorporated by reference herein.

Steven C. Clelland, Senior Water Resource Agent, investigated and prepared the preliminary recommendation for claim no. 36-00079, and prepared Appendix C, which is attached hereto and incorporated by reference herein. The Affidavit of

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00079

Steven C. Clelland describes Mr. Clelland's education and work experience, and is incorporated by reference herein. The affidavit also includes a general description of his investigation of claims in the Hagerman area. The Affidavit of Steven C. Clelland Regarding Claim No. 36-00079 describes Mr. Clelland's investigation of the quantity and place of use of this water right; it is attached hereto and incorporated by reference herein.

Helen L. Harrington-Thornton, formerly Senior Water Resource Agent and currently Hydrogeologist, participated in the field examination for claim no. 36-00079. The Affidavit of Helen L. Harrington-Thornton describes Ms. Thornton's education and work experience, and is incorporated by reference herein. The Affidavit of Helen L. Harrington-Thornton Regarding Claim No. 36-00079 describes her investigation of the quantity and place of use of this water right, and is attached hereto and incorporated by reference herein.

Carter Fritschle, Water Rights Supervisor, participated in the place of use review for claim no. 36-00079. The Affidavit of Carter Fritschle Regarding Planimeter Measurements of Claim Nos. 36-00064B and 36-00079 is incorporated by reference herein. The affidavit also describes Mr. Fritschle's education and work experience.

I. INVESTIGATION AND RECOMMENDATION OF CLAIMS GENERALLY

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

II. WATER RIGHT NO. 36-00079

As noted in Appendix A, IDWR's general methodology for the investigation and recommendation of claims includes a further review of water right recommendations to which an objection is filed. As a result of further information obtained during this review, IDWR has prepared a revised recommendation of right no. 36-00079, which is set forth in Appendix B. The revised recommendation shows both the original text from the Director's Report for Reporting Area 3 (Basin 36) and the revised recommendation, with deleted text shown in an overstrike format and new text underlined. The revisions to each element and the basis for those revisions is described below.

A. Basis of Claim

Claim no. 36-00079 was filed with IDWR by Dale E. And Elaine Boyer on July 29, 1988.¹ The claim is to a right decreed to Daniel and Dorothy Moore in the *New International Mortgage* decree, entered in 1932.² The water right is numbered in IDWR's files as water right no. 36-00079. This right, along with numerous others in the decree, were decreed for "irrigation, domestic, power and other purposes."

B. Name and Address of Claimant

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

C. Source of Water

The source of water set forth in the claimant's motion for summary judgment is Billingsley Creek. The source of water is described in the director's report as Billingsley Creek tributary to Snake River.

The director's report includes the body of water to which the source of the right is tributary for each water right in the director's report, except for rights to ground water. IDWR adopted this standard for the description of the source of water rights because there are so many instances, sometimes in the same administrative basin, where different surface water sources bear the same name.³

D. Date of Priority

The priority date set forth in the claimant's motion for summary judgment is the same as recommended in the director's report.

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

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

³ IDWR relied upon the following in reaching its conclusion: Idaho Code §42-1411(2) (which provides that the director shall determine the source of the right to the extent the director deems appropriate and proper to define and administer water rights acquired under state law).

E. Point of Diversion

The legal description of the point of diversion set forth in the claimant's motion for summary judgment describes the point of diversion by 40-acre tract (SWNE). The legal description of the point of diversion recommended in the director's report describes the point of diversion by 10-acre tract (NWSWNE). This right is delivered through the Sands ditch.

Generally, it has been IDWR's practice to describe the point of diversion of a water right by the legal description of the 40-acre tract within which it is located, both in its recommendations in director's report in water right adjudications, and in permits, licenses, and transfers issued by IDWR. In recent years, however, IDWR has begun describing points of diversion by ten-acre tract, particularly for rights to ground water and springs, and in other instances as well. This additional specificity helps to distinguish multiple points of diversion located in the same 40-acre tract. For example, in the Hagerman area, the description by 10-acre tract distinguishes water rights delivered through the Bell ditch (in the NWSENE) from water rights delivered through the Buckeye ditch, which is located in a different 10-acre tract within the same 40-acre tract (SESENE).⁴

F. Purpose of Use

The purposes of use stated on the notice of claim were irrigation and stockwater. The purposes of use recommended in the director's report include both of the claimed purposes of use. The objection did not contest the purpose of use. The claimant's motion for summary judgment now seeks to add wildlife, recreation, aesthetics, and "diversion system maintenance."⁵

The description of the purposes of use of this right in the decree is ambiguous in that it describes the purposes of use for the three New International Mortgage Bank rights as irrigation "and domestic and other purposes," rather than specifically

⁴ IDWR relied upon the following in reaching its conclusion: Idaho Code §42-1411(2) (which provides that the director shall determine the point of diversion of the right to the extent the director deems appropriate and proper to define and administer water rights acquired under state law).

⁵ The filing fee for claims other than small domestic and stockwater claims consists of a flat \$50.00 fee, plus a variable fee of \$1.00 per acre for any claimed irrigation use, plus a per cfs variable fee for other claimed purposes of use. The filing fee for small domestic and stockwater claims is \$25.00; no filing fee is required for portions of rights for small domestic and stockwater uses. The filing fee paid for this claim was limited to the purposes of use claimed on the notice of claim, and no filing fee was paid for the stockwater portion.

identifying each purpose of use for each right.⁶ IDWR's investigation confirmed the use of water for irrigation and stockwater purposes, as further described below in the sections addressing quantity and place of use. Neither the claimant nor IDWR's investigation has yielded information that would confirm the beneficial use of water for the other purposes listed in the motion, either pursuant to the right as originally appropriated or as currently used.⁷ Such information is necessary not only to confirm the use but to quantify the amount of water beneficially used for that purpose.

G. Quantity of Water Used

The notice of claim states a quantity of 1.40 cfs for irrigation, 0.02 cfs for stockwater, and a total quantity of 1.4 cfs. The quantity recommended in the director's report is 0.27 cfs for irrigation, 0.02 cfs for stockwater during the irrigation season and 0.03 cfs outside the irrigation season, and a total quantity of 0.27 cfs. The objection and the claimant's motion for summary judgment state a total quantity of 1.4 cfs, but do not state a quantity for each purpose of use. The total quantity decreed in the *New International Mortgage* decree is 1.4 cfs.

1. Quantity for each purpose of use

The director's report includes a quantity for each purpose of use in addition to the total quantity. This information is appropriate and necessary to indicate whether and to what extent the total quantity or any portion of the total quantity is used for multiple purposes, or whether and to what extent the total quantity is allocated among the listed purposes of use. For example, if a claimant diverted one cfs through a hydropower facility and then used that same water for irrigation, the amount for each purpose of use would be 1 cfs, with a total diversion rate of 1 cfs. If a claimant diverted one cfs, but used one-half in a hydropower facility and the other half for

⁶ IDWR relied upon the following in reaching its conclusion: *Morgan v. Udy*, 58 Idaho 670, 79 P.2d 295 (1938) (a water right decree that omitted the description of the point of diversion necessarily determined the point of diversion but was ambiguous as to its location).

⁷ IDWR relies upon the following in reaching this conclusion: Idaho Code §42-1427 (which allows an ambiguity in a prior decree or license to be resolved based on current beneficial use); the statement of the Presiding Judge that this section "cannot change or exceed the previously decreed or recorded element of the decreed or licensed right" nor "be used to claim an expansion of use beyond the beneficial use existing at the time the right was originally memorialized in a decree or license," Revised Memorandum Decision and Order on Basin-Wide Issue 4, dated May 17, 1995, at page 9; and the statement of the Presiding Judge that, "the purpose of use is defined by the intentional application of water to an intended beneficial use of water," Memorandum Decision and Order Re: Basin-Wide Issue 5, dated April 26, 1996, at page 8.

irrigation, the amount for each purpose of use would be 0.5 cfs, with a total diversion rate of 1 cfs.

Omission of a quantity for each purpose of use would result in ambiguities in the definition of the right that could result in enlargements in use that would result in expansion of the right and injury to other water users. In the example above, assume the claimant who used one-half of a 1 cfs right in a hydropower facility and the other half for irrigation decided to start using the full cfs in a hydropower facility, followed by use of the full cfs for irrigation. If the hydropower use were a year-round use, then the use of the irrigation half outside the irrigation season for hydropower use would result in injury to junior water users outside the irrigation season who were previously subject to a prior use of one-half cfs who are now subject to a prior use of 1 cfs. In addition, if the half cfs formerly used only for hydropower were also used for irrigation, junior water users during the irrigation season would be injured by the use of this half cfs for a more consumptive purpose.⁸

2. Quantity for irrigation

As noted above, the director's report recommended a quantity of 0.27 cfs for irrigation. This includes 0.26 cfs (0.02 cfs per acre for 13 acres) for the on-farm diversion requirement (the amount of water needed at the place of use), and 0.01 cfs for conveyance losses (an additional amount of water needed at the point of diversion to deliver the amount needed at the place of use). IDWR has conducted further analysis of the quantity for irrigation due to further information IDWR received subsequent to its original analysis. Based on this further analysis, IDWR recommends a quantity of 0.35 cfs for irrigation. This includes 0.34 cfs for the on-farm diversion requirement (approximately 0.026 cfs per acre for 13 acres) and 0.01 cfs for conveyance losses.

IDWR's methodology for investigating and recommending claims to water for irrigation in excess of 0.02 cfs per acre is described in IDWR's Report Regarding Evaluation of Irrigation Diversion Rates.⁹ The application of that methodology to this

³ This further quantification is provided pursuant to Idaho Code §42-1411(2)(c) (which provides for IDWR to determine the quantity of water used to the extent the director deems appropriate to define and administer the water right), and §42-1411(2)(k) (which provides for IDWR to include such other matters as the director deems appropriate to define and administer the water right).

⁹ IDWR relied upon the following in reaching its conclusions: Idaho Code §42-220 (which provides that no license or decree will be issued confirming a right to more than 0.02 cfs per acre for irrigation unless it can be shown that a greater amount is necessary) and Idaho Code §42-1402 (which limits the amount of water allotted by a decree to the amount of water beneficially used).

claim is described in Appendix B. Neither the claimant nor IDWR's investigation has yielded information which would confirm beneficial use of a greater quantity for irrigation.

As described in Appendix B, the application of IDWR's methodology for evaluation of irrigation diversion rates resulted in the recommendation of an additional 0.01 cfs for conveyance losses. IDWR determined the total conveyance losses for the ditch through which this right is delivered, and allocated that total among the various rights to water delivered through the same ditch. Further information as to other rights delivered through the same ditch is provided in subsection 5 below.

4. Quantity for stockwater

As noted above, IDWR recommended 0.02 cfs for stockwater during the irrigation season, and 0.03 cfs for stockwater outside the irrigation season. The 0.03 cfs for stockwater use outside the irrigation season includes 0.02 cfs for stockwater use (the same quantity recommended during the irrigation season) and an additional 0.01 cfs for conveyance losses (which is included in the quantity recommended for irrigation during the irrigation season). In addition, the recommendation includes a further description of non-irrigation uses, which states: STOCKWATER, 55 RANGE [CATTLE].

This right was claimed for 0.02 cfs for stockwater for 55 head of range cattle. IDWR recommended 0.02 cfs based on the claim and its guidelines for quantity for stockwater use. The 0.02 cfs is within the standard of up to 0.03 cfs for 50-100 head of range cattle. The guidelines for quantity for stockwater use are described in IDWR's Report Regarding Quantification of Small Domestic and Stockwater Rights. The basis for the additional amount recommended for conveyance losses is described in Appendix B. Neither the claimant nor IDWR's investigation has yielded information which would confirm beneficial use of a greater quantity for stockwater.

The director recommends the following as an alternative method to describe the quantity of water used for stockwater purposes, which has been used in the recommendation of other claims to water rights in the test basins. First, the diversion rate for stockwater would be described as 0.02 cfs (omitting the additional 0.01 cfs for conveyance losses). The quantity element would also include the following language:

THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED
HEREIN FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT

WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED HEREIN.

THE PORTION OF THIS RIGHT FOR STOCKWATER PURPOSES MAY BE DIVERTED SO LONG AS THE AMOUNT OF WATER DIVERTED AT THE POINT OF DIVERSION FOR STOCKWATER PURPOSES DOES NOT CONSTITUTE UNREASONABLE WASTE AND DOES NOT CONFLICT WITH THE PUBLIC INTEREST, AS DETERMINED BY THE DIRECTOR.

Generally, a water right is measured at the point of diversion. The first sentence above provides for measurement at the place of use. Pursuant to this language, the claimant may divert at the point of diversion whatever quantity is necessary to provide 0.02 cfs at the place of use, subject to the total quantity of 0.35 cfs.

Although a water right is generally measured at the point of diversion, there are some exceptional circumstances where quantification at the point of diversion is so difficult that a decree or license will expressly provide for measurement of the right at another location. Where a decree or license provides for measurement of the right at another location, the claimant may divert at the point of diversion the amount necessary to deliver the decreed or licensed quantity at the point of measurement.

IDWR has used this alternative method to describe quantity for stockwater use where an irrigation ditch with substantial conveyance losses that carries a relatively large amount of water for irrigation pursuant to numerous water rights during the irrigation season is used to deliver a relatively small amount of water for a number of small stockwater rights outside the irrigation season.

In such circumstances, determining a reasonable efficiency for the delivery of stockwater outside the irrigation system is difficult, because the relative efficiencies of the conveyance loss during the irrigation season and outside the irrigation season are markedly different. For example, in the present case, where the on-farm requirement for irrigation is 0.34 cfs, and the total amount recommended for irrigation is 0.35, then the additional amount recommended for conveyance losses (0.01 cfs) is a relatively small percentage of the total (about 3%). Outside the irrigation season, where the amount of water needed for stock at the place of use is 0.02 cfs, and the total amount recommended for stockwater is 0.03 cfs, then the additional amount recommended for conveyance losses (0.01 cfs) is one-half the amount actually needed at the place of use. Determination of an appropriate allocation of the total conveyance loss on the ditch among the various water rights on the ditch is also more difficult outside the irrigation season, because not all rights on the ditch include stockwater outside the irrigation season, and those claimants who do have such

rights do not necessarily have stock every winter or divert water for stock throughout the winter. When the total amount of water needed at the places of use for all stockwater uses on the ditch is then compared to the total conveyance loss on the ditch, the conveyance loss may be tens of times the amount of water needed at the places of use.

Using this alternative method of quantification in these circumstances, the amount of water reasonably needed for irrigation becomes the outside limit of the amount of water reasonably needed for stockwater. This allows the water users on the ditch to continue to use a large irrigation ditch for the delivery of small stockwater rights outside the irrigation season. At the same time, however, it leaves a great deal of opportunity for waste. Therefore, if the exceptional step is taken to quantify the right at the place of use, then exceptional steps must also be taken to prevent unreasonable waste in the exercise of those rights. For this reason, where the recommendation provides for quantification of the stockwater portion of the right at the place of use, the second sentence in the language stated above is also included, which expressly notes the authority of the director to administer distribution of water for stockwater uses so as to prevent unreasonable waste. Although this additional language is a statement of existing law, it is appropriate and necessary to define and administer the water rights so that the quantification of stockwater at the place of use is not later construed to be a conclusive determination of the reasonableness of the amount of water diverted at the point of diversion under any and all circumstances.¹⁰

Finally, as previously noted above, the director's report includes a further description of non-irrigation uses by number and type of head which is not included in the claimant's motion for summary judgment. This language is necessary regardless of whether the quantity for stock is described as originally recommended in the director's report or whether the quantity is described using the alternative method described above. The further description of non-irrigation uses is based in part on the notice of claim. Additional information as to the basis for the further description of non-irrigation uses is set forth in IDWR's Report Regarding Quantification of Small Domestic and Stockwater Rights. As part of Basin Wide Issue 12, however, IDWR has proposed that the further description of non-irrigation uses

¹⁰ IDWR relies upon the following in reaching its conclusion: Idaho Code §42-1411(2), which provides that IDWR shall determine the quantity of water used to the extent the director deems *appropriate and proper* to define and administer water rights acquired under state law, and Idaho Code §42-1412(6), which provides that the decree shall contain or incorporate a statement of each element of a water right as stated in section 42-1411, as contrasted with language later in section 42-1412, providing for the inclusion of general provisions to the extent *necessary* to define and administer water rights.

be rephrased as: THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT OF WATER BENEFICIALLY USED FOR: STOCKWATER, 55 RANGE CATTLE. The basis for this rephrasing is also described in IDWR's Report Regarding Quantification of Small Domestic and Stockwater Rights.¹¹

5. Quantity for other purposes

As to the quantity for other purposes of use stated in the claimant's motion for summary judgment, neither the claimant nor IDWR's investigation has yielded information that would confirm the beneficial use of water for other purposes, as noted in section F above. Therefore, IDWR does not have information that would confirm the quantity used for the other purposes.

6. Other rights delivered through same ditch

As noted in Appendix B, the quantity recommended for conveyance losses for this right was partially dependent on the total quantity recommended for all rights delivered through the same ditch. For this reason, IDWR previously proposed that contested water rights in the Hagerman area be grouped by ditch for scheduling purposes to facilitate resolution of quantity issues for those rights. Water right 36-00079 is delivered through the Sands ditch. Appendix C is a schematic which shows the water rights delivered through the Sands ditch, and which includes a variety of information as to the water rights listed.

7. Total quantity

As noted above, the director's report recommended 0.27 cfs for irrigation, 0.02 cfs for stockwater within the irrigation season and 0.03 cfs for stockwater outside the irrigation season, for a total quantity of 0.027 cfs. As also noted above, this report recommends 0.35 cfs for irrigation, and 0.02 cfs for stockwater to be measured at the place of use, resulting in a total quantity of 0.35 cfs. As these numbers demonstrate, the quantity for irrigation and the quantity for stockwater are not additive; in other words, of the total amount recommended, all may be used for irrigation, or a portion may be used for irrigation and a portion may be used for stockwater. This is consistent with the manner in which rights for irrigation and stockwater are used, where livestock water from the irrigation system; it is also the manner in which this water right was claimed.

¹¹ Special Master Haemmerle has issued his recommendation regarding Basin Wide Issue 12; a motion by the United States for reconsideration is pending.

H. Period of Year Water is Used for Each Purpose of Use

1. Irrigation

The director's report states a period of use of 3/15 to 11/15 for irrigation. The claimant's notice of claim and objection states a period of use of 1/1 to 12/31. The claimant's motion for summary judgment states the period of use as "the irrigation season." The *New International Mortgage* decree does not state a period of use for irrigation.

The recommended season of use is consistent with season of use standards for irrigation developed by IDWR for various climatic regions throughout the state, which are based on a 75% chance of a 24 degree Fahrenheit frost. In addition, the director's report included general provision 12b, which allowed use of water for irrigation outside the season of use stated in the description of the individual right subject to certain conditions. In the Memorandum Decision and Order Re: Basin-Wide Issue 5, the Presiding Judge concluded that general provision 12 is not necessary and would not be decreed. This decision further provided that "all decrees for irrigation in the SRBA shall set the period of use as the "irrigation season." Order, pp. 15-16. The district court denied a subsequent motion for permission to appeal the decision. Pending any further proceedings on the decision, any further statement of the basis for IDWR's recommendation as to the season of use for irrigation appears to be unnecessary.

2. Stockwater

The notice of claim states a period of use 1/1 to 12/31 for stockwater. The claimant's motion for summary judgment states the period of use as year-round, which is for all intents and purposes the same as the director's report, which included a quantity for stockwater both within and outside the irrigation season.

3. Other purposes

As to the season of use for other purposes of use stated in the claimant's motion for summary judgment, neither the claimant nor IDWR's investigation has yielded information that would confirm the beneficial use of water for other purposes, as noted in section F above. Therefore, IDWR does not have information that would confirm the season of use for the other purposes.

I. Legal Description of the Place of Use**1. Irrigation**

The legal description under item 8 in the claimant's motion for summary judgment is the same as the legal description of the place of use for irrigation recommended in the director's report. The number of acres following the legal description is different than the number of irrigated acres per 40-acre subdivision recommended in the director's report. The notice of claim, the objection, and the claimant's motion for summary judgment state 20 acres; IDWR's report recommends 13 acres.

IDWR Senior Water Resource Agents Steve Clelland and Helen Thornton confirmed the irrigation of no more than 13 acres by personal observation and aerial photography. The other 7 acres claimed in the notice of claim were not irrigated; the non-irrigated areas consisted of an area at the northern end of the property where fish ponds had been constructed, and another area at the southern end of the property used as an equipment yard. The examination of the place of use for this claim is described in the Affidavit of Steven C. Clelland Regarding Claim No. 36-00079, and the Affidavit of Helen L. Harrington-Thornton Regarding Claim No. 36-00079. IDWR Water Rights Supervisor Carter Fritschle subsequently measured the irrigated area as shown on aerial photography; his measurements were consistent with the recommended place of use. Mr. Fritschle's review of the recommended place of use is described in the Affidavit of Carter Fritschle Regarding Claim No. 36-000079.

2. Stockwater

The legal description of the place of use for stockwater recommended in the director's report is the same quarter-quarter section as the place of use for irrigation. The recommended place of use for stockwater is the same as the claimed place of use, and the claimant did not object to the recommended place of use for stockwater. In the claimant's motion for summary judgment, the claimant asserts that stockwater is used in the same quarter section where there are irrigated acres. Neither the claimant nor IDWR's investigation has yielded information that would confirm the beneficial use of water for stockwater purposes pursuant to this right on these additional lands. The claimant's use of the term "quarter section" instead of "quarter-quarter section" may have been a typographical error.

3. Other purposes

As to the legal description of the place of use for other purposes of use stated in the claimant's motion for summary judgment, neither the claimant nor IDWR's investigation has yielded information that would confirm the beneficial use of water for other purposes, as noted in section F above. Therefore, IDWR does not have information that would confirm the place of use for the other purposes.

J. Annual Volume of Consumptive Use

The notice of claim does not state an annual volume of consumptive use. The annual volume of consumptive use recommended in the director's report is 39 AFY, or 3.0 AFY per acre. The claimant's objection contests the recommended consumptive use, but does not state an amount. The claimant's motion for summary judgment states an amount of 90 AFY, or 4.5 AFY per acre. The Affidavit of Charles E. Brockway, submitted by the claimant in support of the motion for summary judgment, states "that 3.75 acre feet per acre per annum is the amount of consumptive use that is reasonable [in the Hagerman area] based upon a yield of ten tons [of alfalfa] per acre." Applying this standard, the total annual consumptive use volume would be 48.75 AFY for the 13 recommended acres, or 75 AFY for the 20 claimed acres.

IDWR developed standards for annual volume of consumptive use for the various climatic areas throughout the state. The standard for the area in which the claimant's place of use is located is 3.0 AFY. IDWR's recommendation is based on this standard. The development of IDWR's standards for annual volume of consumptive use is described in IDWR's Report Regarding Evaluation of Irrigation Diversion Rates. IDWR has conducted further analysis of the annual volume of consumptive use based on further information IDWR received subsequent to its original analysis. The further analysis is described in IDWR's Report Regarding Consumptive Use for Irrigation in the Hagerman Area. Based on this further analysis, IDWR recommends an annual volume of consumptive use of 3.5 AFY per acre, for a total of 45.5 AFY for the 13 recommended acres.

In response to the request of the Presiding Judge, the director filed an Amended Director's Report for Reporting Area 3 (Basin 36), which substantially reduced the number of general provisions in the director's report. Attachment 2 to the amended report explains the changes made to the general provisions, and further explains the changes to the list of recommended rights necessitated by the changes to the general provisions. The amended report deleted General Provision 14, which established that the recommended consumptive use is for the irrigation portion of the

right only. As a result, the description of the annual volume of consumptive use for this right should contain the following language:

THE CONSUMPTIVE USE VOLUME IS ONLY FOR THE IRRIGATION PORTION OF THIS RIGHT.¹²

K. Conditions on the Exercise of the Right and Other Necessary Matters

The recommendation of this right in the director's report includes the following remarks:

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

The claimant's objection seeks deletion of the conveyance loss remark. The claimant's motion for summary judgment seeks deletion of both remarks.

In response to the request of the Presiding Judge, the director filed an Amended Director's Report for Reporting Area 3 (Basin 36), which substantially reduced the number of general provisions in the director's report. Attachment 2 to the amended report explains the changes made to the general provisions, and further explains changes to the list of recommended rights necessitated by the changes to the general provisions. The amended report deleted General Provision 16, which set forth certain provisions as to conveyance losses. The conveyance loss remark in the description of the individual right was a corollary to the general provision. As a result, the remark in the description of this right as to conveyance losses is no longer necessary. (Deletion of the remark does not change IDWR's recommendation as to the quantity for this right.)

In response to the request of the Presiding Judge, IDWR submitted IDWR's Report for September 19, 1995 Status Conference. In this report, IDWR indicated that it had reviewed its use of remarks in the description of the individual water right, both to address concerns identified by the court, and to separate explanatory material from material the Director recommends be included in the decree of water rights

¹² IDWR relied upon the following in reaching its conclusion: Idaho Code §42-1401A (Supp. 1996) (which provides that the determination of the annual volume of consumptive use for all uses of water other than irrigation need not be decreed unless reported in the director's report).

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00079

pursuant to the 1994 amendments to the adjudication statute.¹³ The remark identifying the common name of the ditch through which the water right is delivered is explanatory material.

¹³ See Idaho Code §42-1411 (which addresses the form and content of director's reports).

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00079

State of Idaho)
) ss.
County of Ada)

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

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



David B. Shaw

Subscribed and sworn to before me this 1st day of July, 1996.

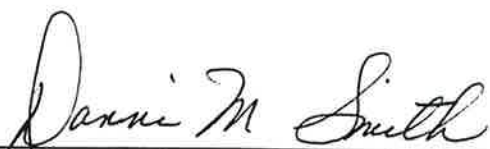


Notary Public for Idaho
Residing at: Boise ID
My commission expires: 11-14-1998

Certificate of Service

I certify that on the 1st day of July, 1996, I hand-delivered copies of the foregoing document, including all attachments, to the following:

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



Person mailing document(s)

APPENDIX A

A. INVESTIGATION AND RECOMMENDATION OF CLAIMS GENERALLY

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

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

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

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

¹ Idaho Code §§ 42-1410 and 42-1411.

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

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

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

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

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

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

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

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

B. METHODOLOGY TO DETERMINE IRRIGATED ACREAGE

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

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

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

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

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

aerial photos¹⁰.

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

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

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

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

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

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

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

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

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

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

APPENDIX B

EVALUATION OF IRRIGATION DIVERSION RATE

WATER RIGHT NUMBER: 36-00079

INTRODUCTION

This water right was recommended in the Director's Report with an irrigation diversion rate of 0.27 cfs. A portion of that amount was recognized as the on-farm irrigation diversion requirement, and the remaining amount as conveyance loss. Based on IDWR's methodology to evaluate irrigation diversion rates, the quantity required on-farm was recommended as 0.26 cfs, or 0.02 cfs per acre for 13 acres, with an additional 0.01 cfs for conveyance loss. The total, 0.27 cfs, is equivalent to a total per acre rate of diversion of approximately 0.021 cfs per acre.

Because IDWR has received new information and has refined the methodology since the time of the original analysis of irrigation diversion requirement, a revised analysis has been completed. The revised analysis is based upon information already contained in the claim file and the new information detailed in this report. An expanded explanation of the methodology used is contained in the report entitled Report Regarding Evaluation of Irrigation Diversion Rates, dated July, 1996. Hereinafter, that report will be referred to as IDWR's Methodology Report.

Several factors must be considered when determining the necessity of an irrigation diversion rate greater than 0.02 cfs per acre. Those factors are crop types, irrigated acres, types of irrigation systems used, evapotranspiration estimates, field application efficiencies, and conveyance loss. These items are discussed in the following paragraphs, along with the results of the analysis.

IRRIGATED ACRES/CROPS

The property described on the claim as the place of use was found to have 13 acres of irrigated land. The 13 irrigated acres are all used for growing pasture, but are split into three distinct fields. As shown in Figure 1 of the Attachments, there is a ditch running approximately north to south which separates the eastern most field, Field 1, from the others. Field 1 is approximately 5 acres in size and is bounded on the east and south by roads. Field 2 is bounded on its east edge by the same ditch mentioned above, and on its west edge by another road. It is approximately 7 acres

in size. From the available aerial photography¹, there appears to be another small ditch at the northwest corner of Field 2, which separates it from another 1 acre field, Field 3. The fields are irrigated using a corrugation system.²

EVAPOTRANSPIRATION

Evapotranspiration is the amount of water evaporated from the soil plus the amount used by a crop during crop growth. IDWR's estimate used for evapotranspiration (ET) for the Hagerman area has been refined since the original analysis of required diversion rate was completed. Originally, the monthly consumptive irrigation requirements for the Bliss weather station were used, based on consumptive irrigation data estimated by Allen and Brockway³. IDWR has since obtained information allowing adjustments to the values that more accurately represent conditions in the Hagerman area. This process is outlined in the section of IDWR's Methodology Report titled EVAPOTRANSPIRATION (CROP CONSUMPTIVE USE) and the resulting ET values are summarized in Table 1 of the Attachments.

The ET values used for pasture are shown under the column titled PAST in Table 1. For each month of the irrigation season, the values in the row titled 80PCT ET are used. This represents the 80th percentile value for ET. The reasoning behind the use of these particular ET numbers is further explained in the EVAPOTRANSPIRATION section of IDWR's Methodology Report.

FIELD APPLICATION EFFICIENCY

In order to calculate the field application efficiency, several elements must first be considered. Among these elements are the slope, approximate furrow lengths, furrow spacings, and set time for each field. Additionally, the soil information described below is necessary.

¹Photos used are all color-infrared aerial photography. They were obtained through projects coordinated by the federal government, including the National Aerial Photography Program (NAPP) and the National Aeronautics and Space Administration (NASA) Airborne Instrumentation Research Project.

NAPP photo used is: Photo No. 419-61, dated 6/25/1987.

NASA photos used are: Photo No. 6134, Flight No. 75-131, FSR 706, dated 6/8/1975; Photo No. 2471, Flight No. 77-134, FSR 1049, dated 10/8/1977; Photo No. 3472, Flight No. 80-152, FSR 1462, dated 9/17/1980; and Photo No. 2314, Flight No. 83-095, FSR 1760, dated 6/7/1983.

²Information as to crop types and irrigation method was verbally provided by the claimant, Elaine Boyer, to IDWR Senior Agent Helen Harrington-Thornton on July 27, 1992.

³Allen, R.G. and C.E. Brockway, Appendix E (unpublished)

Soil Information

Some data unique to each soil type are required for the analysis, including the management allowed deficit (MAD) and intake family. The MAD is based on the maximum soil moisture deficit which will not cause the crop to exceed its stress point. Intake family is a classification of soils with similar water intake rate characteristics. The Natural Resources Conservation Service (NRCS), formerly Soil Conservation Service (SCS), compiles soil surveys describing the various soil types within the state and the locations where those soils may be found. The procedure used to determine the value of MAD and intake family using SCS data is described in the sections of IDWR's Methodology Report titled NET IRRIGATION APPLICATION and IRRIGATION APPLICATION SYSTEMS. In order to use the correct values for MAD and intake family, it is necessary to determine the worst-case significant soil for each field if more than one soil type is present in that field.

There are three different soil types on the property described as the place of use for this water right. These soils are Bahem Very Fine Sandy Loam (DEB), Fathom Loamy Fine Sand (FAB), and Rubbleland-Typic Calciorthids Complex (RFF). Figure 1 shows the layout of the soil types as they relate to the location of the fields described by this claim.

Field 1 consists of both DEB and FAB. However, over 90 percent of the field is soil type FAB, so the information for that soil was used to analyze Field 1. Field 2 consists of both soil types DEB and FAB. The south end of the field is almost entirely soil type DEB, while the remainder of the field is about 80 percent DEB and 20 percent FAB. Because the southern end of Field 2 contains only one soil type and the furrow lengths for that end of the field are much shorter than the average furrow lengths for the rest of the field, the northern and southern ends of Field 2 were analyzed separately. They will be referred to as Field 2a for the area on the southern end, and Field 2b for the remainder of Field 2. For Field 2b, the boundary between the different soil types runs somewhat perpendicular to the direction of the furrows. For cases in which the soil types in a field are somewhat different and the boundary does run perpendicular to the furrows, the field may be analyzed as two separate fields. However, this is not done if splitting the field would result in impractical furrow lengths. Because the furrow lengths would become too small if Field 2b was split, it was analyzed as one field, and the worst-case significant soil for that field was chosen for the purposes of this analysis. That worst-case soil is FAB. For Field 3, the boundary line between soil types DEB and RFF is located in approximately the same place as the ditch between Fields 2 and 3, according to the soils map supplied by SCS. Therefore, Field 3 consists entirely of soil type RFF.

The MAD value for soil type FAB and pasture is 1.71 inches. That value was used in the analysis of Fields 1 and 2b. The MAD for soil type DEB and pasture is 2.89 inches. That value was used for Field 2a, since that area consists entirely of soil type DEB. For Field 3, the only soil type present is RFF, so the MAD value for

pasture, 1.68 inches, was used. The MAD values are provided in Tables 2, 3, and 4 of the Attachments. These tables were created using a spreadsheet developed by IDWR to simplify calculations to determine MAD and intake family.

There are two procedures described in the section of IDWR's Methodology Report entitled IRRIGATION APPLICATION SYSTEMS for determining intake family. The alternative procedure is considered a refinement for some soil conditions and is used where available. The furrow intake family for both FAB and RFF was found by both procedures to be 0.70; this value was used in the analysis. For soil type DEB, both procedures produced slightly different furrow intake family values. Because the alternative procedure provided a more representative value, 0.55 was chosen for analysis. These intake families are also shown in Tables 2, 3, and 4.

Field Slope

Field slopes were determined based on USGS topographic maps. An estimate of the average slope from top end to bottom end of furrows was calculated for each field. To calculate these slopes, it was necessary to make a determination as to the direction of furrows. Those determinations were based on the available aerial photography and information in the claim file, where available. The slope of Field 1 was measured to be approximately 3 percent. The slopes of Fields 2a and 2b were measured to be approximately 4 percent and 5 percent, respectively. Field 3 was measured to have a slope of approximately 2.5 percent.

Furrow Lengths

The furrow lengths were determined using the same topographic maps and aerial photos. If fields appeared to have a rectangular shape, an average length was used. Field 1 is somewhat rectangular and its furrow lengths were scaled from the map to be approximately 230 feet. Field 3 is not rectangular, but there is little variation in the furrow lengths throughout the field. The representative furrow length used for Field 3 was 220 feet.

If a field did not appear to have consistent furrow lengths throughout, a furrow length was chosen that was representative of the lengths which could be found in that field. For instance, furrow lengths for Field 2a vary from 100 to 200 feet, but both yielded the same optimum efficiency estimate, so 200 feet was used as a representative furrow length for the field. Field 2b has furrows that vary in length from approximately 200 feet to approximately 400 feet, and again all those lengths produced the same optimum efficiency estimate, so 400 feet was used as representative.

Use of cross-ditches or gated pipe to reduce the furrow length is an alternative irrigation practice which will improve the efficiencies of fields with high intake rate soils if set times and inflow rates are adjusted appropriately. This alternative is not considered reasonable if it would result in furrow lengths less than 300 feet. A length

of 300 feet is considered by IDWR to be a minimum practical length for farm cultivation practices.

Furrow Spacing/Set Times

When the system efficiencies were calculated, 30 inch furrow spacings were used. In addition, 8, 12, and 24 hour set times were analyzed and compared.⁴ Although the actual practice for these fields is to use 24 hour set times, 8 hour and 12 hour set times were also examined to determine whether either of those changes would significantly increase the overall efficiency of the system. Eight hour and twelve hour set times are considered acceptable irrigation practices which can be used during the peak water use period to improve application efficiencies.

Results

Field application efficiencies are estimated using a computer program developed by SCS for use with furrow irrigation and provided with the Hubble Report⁵. Efficiencies less than 15 percent or greater than 70 percent are outside the practical limits of the program. In cases where efficiency is estimated to be greater than 70 percent, an efficiency of 70 percent is used. In addition, the program does not recognize erosive flows or furrow carrying capacities. The limiting erosive flow is dependent on the slope of a particular field and must be calculated for each field. The limiting erosive flow for Field 1 would be 13 gpm, for Field 2a it would be 10 gpm, for Field 2b it would be 8 gpm, and for Field 3 it would be 16 gpm. The practical carrying capacity of corrugations is 10 gpm. The term identified in the program as design application is equivalent to the MAD, as determined above. Refer to the section FIELD APPLICATION EFFICIENCY in IDWR's Methodology Report for more information regarding the methodology used in determining field application efficiency.

Set times of 8, 12, and 24 hours were considered for each field, and the irrigation method which provided the optimum efficiency using appropriate inflow rates was chosen for each field. The results of these calculations are shown on Table 5 of the Attachments, which depicts the computer output generated by the SCS program.

⁴These furrow spacings and set times were based on information provided in a 1992 telephone conversation with Mrs. Boyer, at which time she stated that the furrow spacings were 30 inches and the set times were 24 hours.

⁵The Hubble Report is a common name given to a pair of reports developed for IDWR in July, 1990 by Hubble Engineering, Inc. and Associated Earth Sciences, Inc. entitled "Guidelines for the Evaluation of Irrigation Diversion Rates" and "Evaluation Workbook for Irrigation Diversion Rates".

The efficiency for Field 1 was estimated to be 28 percent using 24 hour set times, 43 percent using 12 hour set times, and 51 percent using 8 hour set times. The optimum efficiency, 51 percent, was then used in the analysis.

Field 2a was estimated to have an efficiency of 63 percent using both 12 hour and 24 hour set times and an efficiency of 14 percent using 8 hour set times. The inflow rate required using the 8 hour set times was larger than the limiting erosive flow, so it was not considered. Since both 12 hour and 24 hour set times provided the same acceptable efficiency, that efficiency, 63 percent, was used.

The efficiencies estimated for Field 2b were 25 percent using 24 hour set times, 42 percent using 12 hour set times, and 56 percent using 8 hour set times. The optimum efficiency among those, 56 percent, was chosen for the analysis.

Field 3 was estimated to have efficiencies of 27 percent using 24 hour set times, 40 percent using 12 hour set times, and 60 percent using 8 hour set times. The irrigation method using 8 hour set times and providing an optimum efficiency of 60 percent was chosen for the analysis.

ON-FARM IRRIGATION DIVERSION REQUIREMENT

The on-farm irrigation diversion requirement is the amount of water needed on the farm itself to provide adequate water to the crop(s) being grown. The procedure used to determine that amount is described in detail in the section of IDWR's Methodology Report titled ON-FARM IRRIGATION REQUIREMENT. The results of that procedure are provided in Table 6 of the Attachments. Table 6 was created using a spreadsheet developed by IDWR which utilizes the information detailed above and calculates the irrigation diversion requirement. The resulting maximum diversion rate requirement for the entire 13 acres was determined to be 0.34 cfs, or 0.026 cfs per acre.

CONVEYANCE LOSS

When water is conveyed through an earthen delivery ditch, a certain portion of the total flow is lost through seepage into the ground. The method used to estimate seepage losses is referred to as the Worstall method, which is further explained in the CONVEYANCE LOSS section of IDWR's Methodology Report. The Worstall method relies on the characteristics of the soil, the ditch width, and the ditch length to estimate the actual seepage losses of the ditch. IDWR has developed a spreadsheet which calculates the total conveyance loss estimate on a ditch and prorates that loss among the reaches of the ditch based on the total amount of water removed from each reach of the ditch and the location of each reach.

In the original analysis of conveyance loss for the Sands Ditch, delivery locations were identified along the entire ditch. In some cases, more than one right is supplied from a single reach of the ditch. The total conveyance loss estimate for all water use from that reach of the ditch was calculated using the spreadsheet based upon the Worstell method. If there were found to be multiple users removing water from the same reach of the ditch, the conveyance loss estimate for that reach was divided equally among those users. This approach was used along the entire length of the Sands Ditch.

It would not be practical or meaningful for IDWR to re-evaluate the conveyance loss attributable to this right for two primary reasons. First, because the Worstell method does not depend on total flow in a ditch, but rather the top width of the water surface and the ditch length, the total conveyance loss estimate for the ditch would not change even if the determinations of individual water rights were to vary from IDWR's recommendations. The only change might be the allocation of the total conveyance loss among the individual water rights. However, not all of the water rights on the ditch are contested, and of those that are contested, not all are presently before the special master. In addition, no historical method for allocation of conveyance loss exists to use as a basis for distribution of conveyance losses for water rights along this ditch. For all these reasons, the recommended conveyance loss amount remains at 0.01 cfs.

IRRIGATION DIVERSION REQUIREMENT

The total irrigation diversion requirement is the sum of the on-farm irrigation diversion requirement and the conveyance loss. For this right, the total amount is 0.34 cfs + 0.01 cfs, or 0.35 cfs.

REFERENCES

- Allen, R.G., and C.E. Brockway, 1983, Estimating Consumptive Irrigation Requirements for Crops in Idaho, Idaho Water and Energy Resources Research Institute, University of Idaho, Appendix E (unpublished).
- Hubble Engineering, Inc. and Associated Earth Sciences, Inc., 1991, Guidelines for the Evaluation of Irrigation Diversion Rates, Idaho Department of Water Resources.
- Hubble Engineering, Inc. and Associated Earth Sciences, Inc., 1991, Evaluation Workbook for Irrigation Diversion Rates, Idaho Department of Water Resources.
- Idaho Department of Water Resources, 1996, Report Regarding Evaluation of Irrigation Diversion Rates, also referred to as IDWR's Methodology Report.
- National Aerial Photography Program, Color-infrared aerial photography, Flight dates June 25, 1987, August 1, 1988.
- Soil Conservation Service (now Natural Resources Conservation Service) - Gooding, Idaho office, 1992, Unpublished soil survey data.

MICROFILMED
DEC 03 1996

ATTACHMENTS

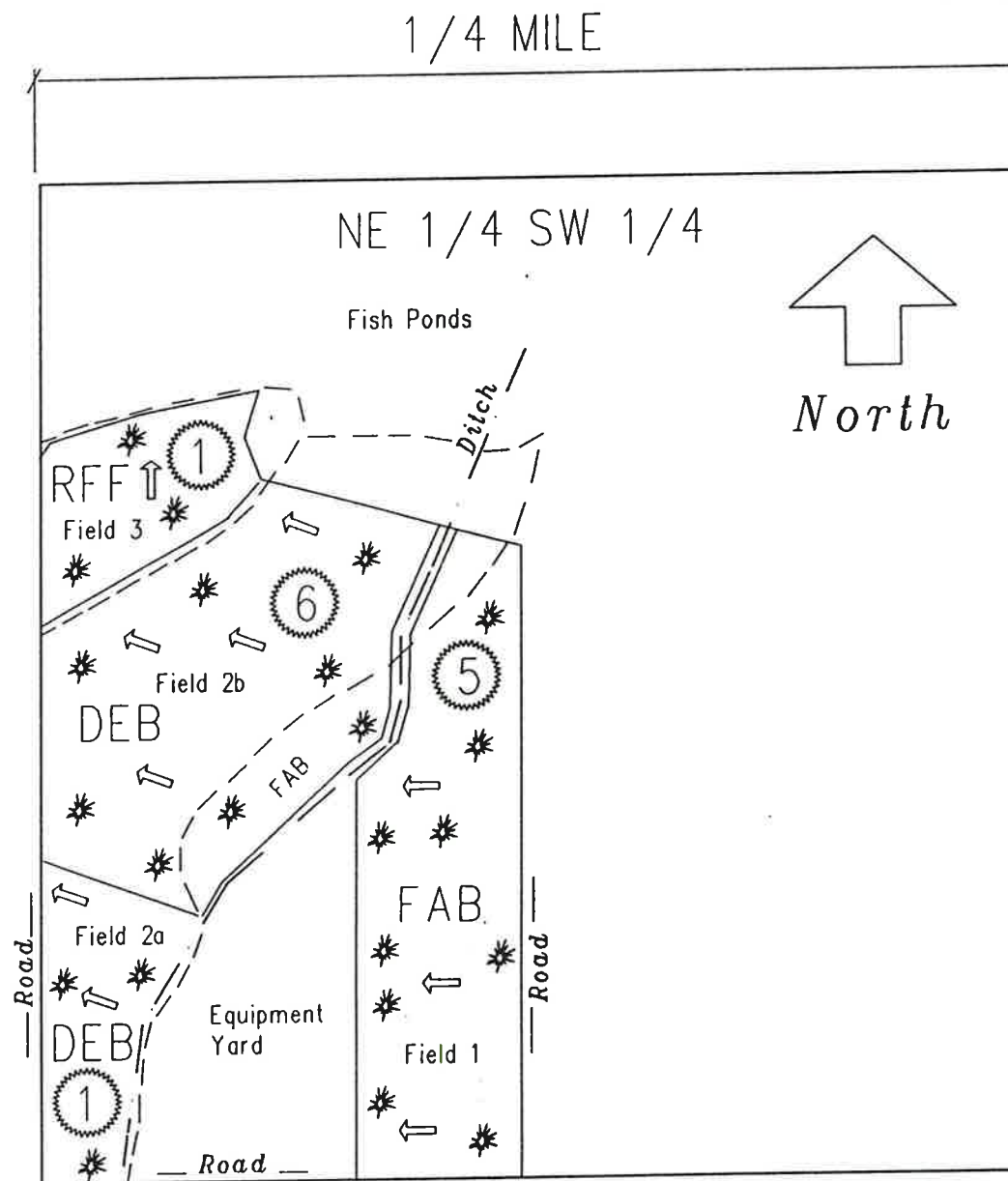
MICROFILMED
DEC 03 1996

FIGURE 1

T. 7 S., R. 13 E.
Section 11
Gooding County

Legend:

- ↖ Furrow Direction
- DEB Soil Type
- - - Soil Type Division Line
- - - Ditch
- 1/4 1/4 Line
- ⑤ Irrigated Acres
- * Pasture



Water Right No. 36-00079

MICROFILMED
DEC 03 1996

DWR QUAD AA-69

Table 1

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	SHEET	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	
ADJ STDD	4	0.80	0.49					0.24	0.24	0.24	0.26	0.73	0.49	
80PCT ET	4	6.42	4.01					1.94	1.92	1.92	2.01	5.86	3.97	
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
ADJ STDD	5	0.80	0.75	0.25	0.25	0.25	0.25	0.46	0.26	0.25	0.61	0.80	0.62	0.25
80PCT ET	5	7.94	7.37	2.39	2.39	2.39	2.39	4.51	2.56	2.39	5.98	7.94	6.12	2.42
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
ADJ STDD	6	1.27	1.11	0.49	0.57	0.57	0.54	1.03	0.86	0.59	1.27	1.27	0.97	0.68
80PCT ET	6	10.00	8.71	3.87	4.36	4.36	4.20	8.11	6.85	4.65	9.98	10.00	7.69	5.24
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
ADJ STDD	7	0.58	0.47	0.51	0.53	0.53	0.51	0.20	0.49	0.56	0.49	0.47	0.44	0.44
80PCT ET	7	9.49	7.71	8.20	8.54	8.54	8.30	3.32	7.97	9.05	7.84	7.56	7.30	7.30
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
ADJ STDD	8	0.70	0.53	0.49	0.64	0.64	0.62		0.55	0.68	0.15	0.13	0.53	0.55
80PCT ET	8	8.18	6.17	5.66	7.54	7.54	7.26		6.35	8.04	1.68	1.50	6.29	6.51
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
ADJ STDD	9	0.66	0.43	0.10	0.50	0.50			0.39	0.58			0.52	0.45
80PCT ET	9	6.53	4.28	0.90	4.89	4.89			3.84	5.67			5.04	4.47
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	
ADJ STDD	10	0.47	0.16		0.14					0.32			0.36	
80PCT ET	10	4.46	1.51		1.25					2.98			3.45	

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.

Adjustments to standard deviation (ADJ STDD) based on Allen & Brockway Report, pp. 18, and Allen, R.G., and J.L. Wright, 1983, Variation Within Measured and Estimated Consumptive Use Requirements, Proceedings of the Irrigation and Drainage Specialty Conference of the American Society of Agricultural Engineers, Jackson Hole, Wyoming, July 20-22, 1983, pp. 1-12.

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.

MICROFILMED

DEC 03 1996

Table 2

SOIL CHARACTERISTICS initials: JP

date: 11/20/92

Soil Type = FAB + FAC + FKE-1

LFS

Source of Soils Data = SCS - GOODING

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (inches) (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	3 0.7
7	61	0.09	0.1					2	2.28	
								3	3.42	
								4	4.56	alternate
								5	5.70	method
										3 0.7

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)			
beets	5	0.5	2.85
mint	3	0.5	1.71
beans	2	0.4	0.91
potatoes	3	0.35	1.20

For definition of terms, refer to the sections called NET IRRIGATION APPLICATION and IRRIGATION APPLICATION SYSTEMS of the IDWR report titled Report Regarding Evaluation of Irrigation Diversion Rates, dated July, 1996.

Table 3

SOIL CHARACTERISTICS initials: JP date: 11/20/92
 Soil Type = DEB V/FSL
 Source of Soils Data = SCS - GOODING

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	11	0.13	0.17	7.4	7.8	1	2	1	1.82	1.5	0.5
11	41	0.14	0.19					2	3.80		
41	60	0.09	0.12					3	5.78		
								4	7.34	alternate	
								5	8.60	method	
										2	0.55

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (inches)
alfalfa (hay or seed)	5	0.5	4.30
corn (field or silage)	4	0.5	3.67
grain (winter or spring)	4	0.5	3.67
pasture (or grass hay)	3	0.5	2.89
other (enter below)			
beets	5	0.5	4.30
mint	3	0.5	2.89
beans	2	0.4	1.52
potatoes	3	0.35	2.02

For definition of terms, refer to the sections called NET IRRIGATION APPLICATION and IRRIGATION APPLICATION SYSTEMS of the IDWR report titled Report Regarding Evaluation of Irrigation Diversion Rates, dated July, 1996.

MICROFILMED
DEC 03 1996

Table 4

SOIL CHARACTERISTICS

initials: JP

date: 11/23/92

Soil Type = RFF

LFS

Source of Soils Data =

SCS - GOODING

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	0.08	0.09	6.6	7.3	0.5	1	1	1.07	3	0.7
7	60	0.06	0.13					2	2.21		
								3	3.35		
								4	4.49	alternate	
								5	5.63	method	
										3	0.7

VERY
STONY

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (inches)
alfalfa (hay or seed)	5	0.5	2.82
corn (field or silage)	4	0.5	2.25
grain (winter or spring)	4	0.5	2.25
pasture (or grass hay)	3	0.5	1.68
other (enter below)			
beets	5	0.5	2.82
mint	3	0.5	1.68
beans	2	0.4	0.88
potatoes	3	0.35	1.17

For definition of terms, refer to the sections called NET IRRIGATION APPLICATION and IRRIGATION APPLICATION SYSTEMS of the IDWR report titled Report Regarding Evaluation of Irrigation Diversion Rates, dated July, 1996.

MICROFILMED

DEC 03 1996

Table 5

	INTAKE	DESIGN	FURROW	FURROW	FURROW	INFLOW	APPROXIMATE	ADVANCE	GROSS	NET	DEEP	IRRIGATION	
	FAMILY	APPLIC.	SLOPE	SPACING	LENGTH	RATE	INFLOW TIME	TIME	IRRIGATION APPLICATION	IRRIGATION APPLICATION			RUNOFF
		Inches	Ft/Ft	Feet	Feet	Gpm	Hours	Minutes	Inches	Inches	Inches	In.	%
Field 1	0.70	1.71	.030	2.50	230	1.5	24	33.2	6.03	5.95	0.01	4.31	28.38
	0.70	1.71	.030	2.50	230	2.0	12	23.6	4.02	3.63	0.33	1.98	42.57
	0.70	1.71	.030	2.50	230	2.5	8	19.2	3.35	2.75	0.54	1.09	51.08 *
Field 2a	0.55	2.89	.040	2.50	200	1.0	24	28.1	4.62	4.51	0.07	1.66	62.56 *
	0.55	2.89	.040	2.50	200	2.0	12	14.6	4.62	2.91	1.68	0.05	62.56 *
	0.55	2.89	.040	2.50	200	13.5	8	8.3	20.79	2.90	17.87	0.03	13.90
Field 2b	0.70	1.71	.050	2.50	400	3.0	24	36.9	6.93	6.24	0.61	4.61	24.68
	0.70	1.71	.050	2.50	400	3.5	12	32.3	4.04	3.74	0.23	2.10	42.30
	0.70	1.71	.050	2.50	400	4.0	8	29.3	3.08	2.78	0.22	1.15	55.52 *
Field 3	0.70	1.68	.025	2.50	220	1.5	24	33.9	6.30	6.00	0.22	4.40	26.67
	0.70	1.68	.025	2.50	220	2.0	12	23.7	4.20	3.67	0.47	2.05	40.00
	0.70	1.68	.025	2.50	220	2.0	8	23.7	2.80	2.69	0.05	1.07	60.00 *

Use of this program and input requirements are described in the FIELD APPLICATION EFFICIENCY section of the IDWR report titled Report Regarding Evaluation of Irrigation Diversion Rates, dated July, 1996.

MICROFILMED
DEC 03 1996

FIELD IRRIGATION REQUIREMENT

initials: MS Claimant = Boyer
 date: 06/25/96 Weather Station = Bliss/Hagerman

crop	acres	irrig. system	eff. (%)	Monthly ET (mm/day)								AVE IR season (mm/yr)	net irrig. app. (in)	ET ratio	irrig. freq. (days)	Gross Irrigation Application (peak period ET/eff. in mm/day)								season (mm/yr)
				mar	apr	may	jun	jul	aug	sep	oct					mar	apr	may	jun	jul	aug	sep	oct	
past	5	cor	51		3.97	6.12	7.69	7.3	6.29	5.04	3.45		1.71	1.12	5.0		8.72	13.44	16.89	16.03	13.81	11.07	7.58	
past	1	cor	63		3.97	6.12	7.69	7.3	6.29	5.04	3.45		2.89	1.09	8.8		6.87	10.59	13.30	12.63	10.88	8.72	5.97	
past	6	cor	56		3.97	6.12	7.69	7.3	6.29	5.04	3.45		1.71	1.12	5.0		7.94	12.24	15.38	14.60	12.58	10.08	6.90	
past	1	cor	60		3.97	6.12	7.69	7.3	6.29	5.04	3.45		1.68	1.12	5.0		7.41	11.42	14.35	13.63	11.74	9.41	6.44	

Summary 13 8.12 12.51 15.72 14.92 12.86 10.30 7.05

Peak Gross Irrigation Application (mm/day) = 15.72
 On-Farm Irrigation Requirement (cfs/acre) = 0.026
 Total On-Farm Irrigation Requirement (cfs) = 0.34
 Irrigation Diversion Volume (ft/yr) = 0.00
 Total Irrigation Diversion Volume (ac-ft/yr) = 0

State of Idaho)
) ss.
County of Ada)

Marci S. Sterling, being first duly sworn, upon oath, deposes and says:

That I am an Engineer for the Adjudication Bureau of IDWR, that I prepared the foregoing appendix, know its contents, and that the statements contained therein are true to the best of my knowledge and belief.

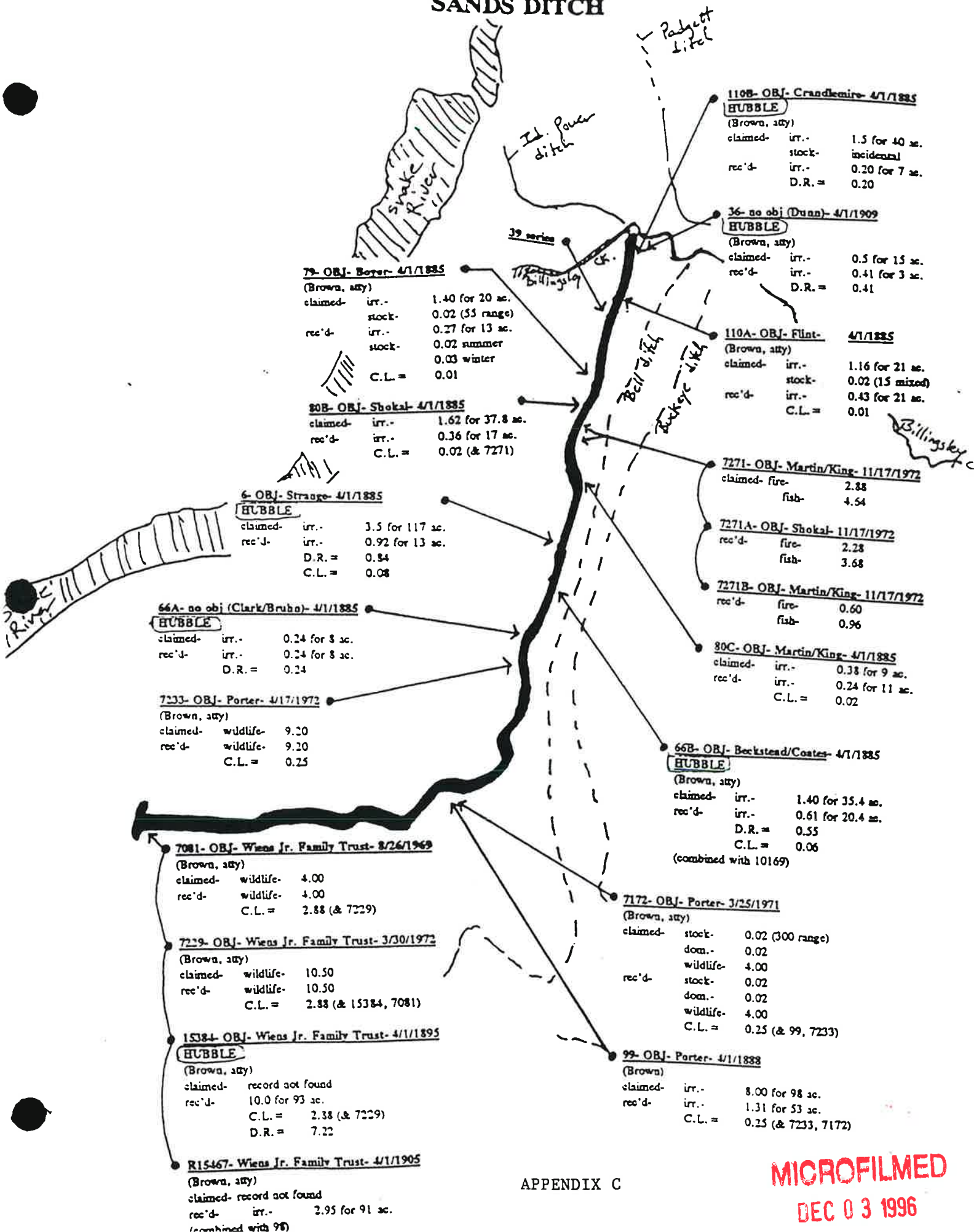
Marci S. Sterling
Marci S. Sterling

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

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

MICROFILMED
DEC 03 1996

SANDS DITCH



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

DATE: JUN-29-1996

PAGE: A-1

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00079

NAME AND ADDRESS: ELAINE BOYER
DALE E BOYER
PO BOX 232
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.35 CFS
0.127 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIALLY
USED FOR: STOCKWATER, 55 RANGE CATTLE
STOCKWATER, 55 RANGE

PRIORITY DATE: 04/01/1888

POINT OF DIVERSION: T07S R13E S11 NWSWE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	<u>Irrigation Season</u>	0.35 CFS
	03/19 11/19	0.127 CFS
STOCKWATER	01-01 12-31	0.02 CFS
	03/19 11/19	
STOCKWATER	11/16 03/16	0.103 CFS

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

THE PORTION OF THIS RIGHT FOR STOCK WATER PURPOSES MAY BE
DIVERTED SO LONG AS THE AMOUNT OF WATER DIVERTED AT THE POINT OF
DIVERSION FOR STOCK WATER PURPOSES DOES NOT CONSTITUTE
UNREASONABLE WASTE AND DOES NOT CONFLICT WITH THE PUBLIC
INTEREST, AS DETERMINED BY THE DIRECTOR.

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S11 NESW 13.0
13.0 ACRES TOTAL

STOCKWATER Within GOODING County
T07S R13E S11 NESW

APPENDIX D
MICROFILMED
DEC 03 1996

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JUN-29-1996
PAGE: A-2

36-00079 (CONT.)

CONSUMPTIVE USE: 45.5 AFY
 3910 AFY

THE CONSUMPTIVE USE VOLUME REPORTED IS ONLY FOR THE IRRIGATION
PORTION OF THIS WATER RIGHT.

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

WATER IS DELIVERED THROUGH SANDS DITCH/
BUT EPS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT/

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
 WATER IS DELIVERED THROUGH SANDS DITCH.

ALAN G. LANCE
Attorney General
State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

BRENT KING
CHARLES L. HONSINGER
Deputy Attorneys General
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Telephone: (208)327-5458
Fax: (208)327-5400

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 No. 36-00079
	)	
Case No. 39576	)	AFFIDAVIT OF STEVE CLELLAND
	)	REGARDING CLAIM NO. 36-00079
	)	

STATE OF IDAHO	)
	) ss.
County of Twin Falls	)

I, STEVE CLELLAND, being first duly sworn on oath, depose and state as follows:

1. I am a Senior Water Resource Agent with the Idaho Department of Water Resources (IDWR).
2. My work address is Idaho Department of Water Resources (IDWR), Southern Regional Office, 222 Shoshone St. East, Twin Falls, ID 83301-6105. I reside in Twin Falls, Idaho.
3. My educational background and work history both outside and within IDWR

AFFIDAVIT OF STEVE CLELLAND REGARDING CLAIM NO. 36-00079, Page 1

MICROFILMED
DEC 03 1996

are detailed in my Affidavit of Steve Clelland as to the Investigation of Claims in the Hagerman Area.

4. As part of my duties as a senior water agent, I investigated the acreage claimed as irrigated pursuant to claim no. 36-00079. The pertinent details of that investigation are as follows:

A. On July 24, 1990, IDWR water agent Helen Thornton and I conducted a field examination for the purpose of determining the irrigated acreage claimed pursuant to claim no. A36-00079.

B. During that field examination, I observed that the area claimed as irrigated in the north end of the property near the fish ponds was not actually irrigated; claimants had constructed fish ponds there. I also observed that an area near the house at the southern end of the property claimed as irrigated was not actually irrigated, but was instead used as an equipment yard.

C. Upon returning to the office, I observed that the pertinent NAPP photograph and orthophoto quad were consistent with my observations as to the irrigated and unirrigated areas within the area claimed as irrigated.

D. I also found that an ASCS slide from 1980 was consistent with my observations as to the irrigated and unirrigated areas within the area claimed as irrigated.

E. I measured the irrigated areas using an ortho photo quad from 1974 and the grid system described in Appendix A to IDWR's Report Regarding Claim to Water Right No. 36-00079. The result of this measurement was that 13 acres were actually

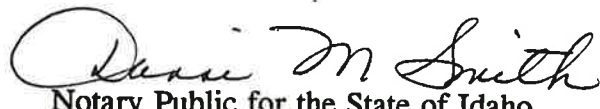
irrigated within the claimed place of use of claim no. A36-00079.

DATED this 1st day of July, 1996.



STEVE CLELLAND

SUBSCRIBED AND SWORN to before me this 1st day of July, 1996.



Notary Public for the State of Idaho

Residing at: Bowse

My commission expires: 12-5-2000

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

BRENT KING
CHARLES L. HONSINGER
Deputy Attorneys General
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Telephone: (208)327-5458
Fax: (208)327-5400

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 No. 36-00079
	)	
Case No. 39576	)	AFFIDAVIT OF HELEN THORNTON
	)	REGARDING CLAIM NO. 36-00079
	)	
STATE OF IDAHO	)	
	) ss.	
County of Ada	)	

I, HELEN THORNTON, being first duly sworn on oath, depose and state as follows:

1. I am currently a Hydrogeologist with the Idaho Department of Water Resources (IDWR). At the relevant time for purposes of this affidavit, I was employed as a Senior Water Resource Agent with IDWR.
2. My work address is Idaho Department of Water Resources (IDWR), 1301 N. Orchard, Boise, ID 83706. I reside in Boise, Idaho.
3. My educational background and work history both outside and within IDWR are detailed in my Affidavit of Helen Thornton as to the Investigation of Claims in the

Hagerman Area.

4. As part of my duties as a senior water agent, I investigated the acreage claimed as irrigated pursuant to claim no. 36-00079. The pertinent details of that investigation are as follows:

A. On July 24, 1990, IDWR water agent Steve Clelland and I conducted a field examination for the purpose of determining the irrigated acreage claimed pursuant to claim no. 36-00079.

B. During that field examination, I observed that the area claimed as irrigated in the north end of the property near the fish ponds was not actually irrigated; claimants had constructed fish ponds there. I also observed that an area near the house at the southern end of the property claimed as irrigated was not actually irrigated, but was instead used as an equipment yard.

5. As part of my duties as a senior water agent, I investigated the quantity claimed pursuant to claim no. 36-00079. The pertinent details of that investigation are as follows:

A. On July 27, 1992, I spoke with the claimant Elaine Boyer by telephone about irrigation practices on the property claimed as irrigated pursuant to this claim. She indicated to me that the property was planted in pasture and was irrigated using the furrow method.

DATED this 1st day of July, 1996.

Helen L. Harrington-Thornton
HELEN L. HARRINGTON-THORNTON

SUBSCRIBED AND SWORN to before me this 1st day of July, 1996.

A. Sherman
Notary Public for the State of Idaho
Residing at: Boise ID
My commission expires: 11-14-1998

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 12 1994

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

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

Case No. 36-00079 -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)

RESPONSE TO OBJECTION NO. 36-00079 -0001 - PAGE 1

MICROFILMED

OCT 12 1994

2. Person who filed objection:

Name: DALE E & ELAINE M BOYER
Address: PO BOX 232
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. |☒| Quantity: I respond to the objection concerning:
- 3a. |☒| The total quantity of water used in cubic feet per second.
8. |☒| 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. |☒| Place of Use: I respond to the objection concerning:
- 9a. |☒| The legal description of the place of use.
10. |☒| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. |☒| Remarks: I respond to the objection concerning the "remarks" listed with the water right.
14. |☒| Other: I respond to the objection concerning:

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

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of 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 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 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 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

(Over)

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 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. A36-00079	3
IDWR's Response to Answer, Affirmative Defenses and Prayer For Relief of Claimant	4

(Over)

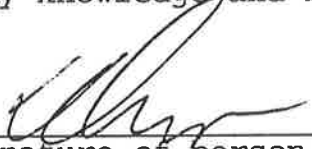
VERIFICATION (Must be Completed)

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 9th 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: A36-00079
Date Received: 7/29/1988
Receipt No: S001180
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DALE E. BOYER 208-837-4588
Address: P.O. BOX 232
HAGERMAN, ID 83332

AND/OR

Name: ELAINE BOYER 208-837-4588
Address: P.O. BOX 232
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1888

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	SW	NE			GOODING

5. Description of diverting works:
VIA SANDS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	1.400		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/55 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	11	NE	SW	STOCK IRR	20.0
Section Acres						20.0
Total Acres						20.0

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:
P/U INCOMPLETE. SEE FILE.
AC. IRRIG. NOT SPECIFIED. FARM = 19 AC.

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

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

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): Dale E Boyer Date: 7-29-88

Date: _____

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

Subscribed and sworn (or affirmed) before me this 29 day

of July 19 88

Don White
Notary Public

Seal

Residing at T.F.

My Commission Expires 5/95

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

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: 8015397

RECEIVED

FEB 17 1993

Department of Water Resources
Southern Region Office

Date: 2/17/1993
Time: 10:33:52

36-00079

Received

From: BOYER ELAINE

Type of Payment	Program Acct Class	Amount
FEE FOR COPY OF ADJUDICATION CLAIM 64100	229 21 1760	3.61

Total

\$3.61

CHECK 6094

Region: SOUTHERN

Signature: R. Foster

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-Jan-1993

ELAINE BOYER
PO BOX 232
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00079

Dear Ms. Boyer:

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:

\$3.61

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

MICROFILMED

OCT 12 1994

RECEIVED

JAN 15 1993

Department of Water Resources
Southern Region Office

Jan 15, 1993
(Date)

POOR ORIGINAL

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in my file as it relates to water right number 36-00079.

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,

Elaine M. Boyer
(Name)

PO Box 232
(Address)

Hagerman Id 83332-0232
(City, State, Zip Code)

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

MICROFILMED

OCT 12 1994

RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

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

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

Case No. A36-00079
(You must insert the
water right number you
are objecting to)

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

OBJECTION

Petitioner,

vs.

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

36-00079 -0001/
93-04-0078

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)

MICROFILMED

OCT 12 1994

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: Dale E. Boyer & Elaine M. Boyer

Address: P. O. Box 232

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Decreed right pursuant to New International

Mortgage Bank v. Idaho Power Company dated

3/22/32 with a priority date of April 1, 1888

2. Owner of the water right:

Name: Dale E. Boyer & Elaine M. Boyer

Address: P. O. Box 232

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.

Maximum quantity & conveyance loss: to conform to decreed right
period of use: 01/01 to 12/31; place of use: 20 acres; Remarks:
strike remarks after "water delivered through Sands Ditch."

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

Dale & Elaine Boyer

(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.

Dale & Boyer

Elaine M. Boyer

Signature of person filing objection

By: [Signature]

(Attorney signing in representative capacity)

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

[Signature]

Notary Public for Idaho

Residing at: HAGERMAN, IDAHO

My Commission Expires: 5-10-97

(Over)

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 28 day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

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

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

Owner name: Dale E. Boyer & Elaine M. Boyer

Owner's address: P. O. Box 232

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 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.

Box 11 - This is beyond the statutory authority vested in the Director.

CHANGES TO DIRECTOR'S REPORT, page 4

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

Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

GENERAL PROVISIONS 1 - 8 APPLY TO ALL WATER RIGHTS IN BASIN 36.
(DRP-I at page 9)

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

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

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

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

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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,

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.

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED
JAN 21 1993

NOTICE OF ERROR FORM

AUG-24-1992

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

**Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000**

RECEIVED

SEP 22 1992

The notice of error must be received at IDWR by the ~~deadline date printed~~ ^{Department of Water Resources} below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS:

SEP-24-1992

RECEIVED

SEP 24 1992

Department of Water Resources
Southern Region Office

1. Water right number: 36-00079

2. Name: DALE E. BOYER
ELAINE BOYER

Address: P.O. Box 232
HAGERMAN, ID 83332-0232

MICROFILMED

Weekday Telephone Number: 837-4588

JAN 21 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

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

TOTAL QUANTITY = .27 CFS

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

RETURN TO ORIGINAL DECREE

5. Describe why you disagree with the proposed recommendation:

NOT ENOUGH WATER TO SUFFICIENTLY
IRRIGATE FARM

6. Date: SEPT. 20, 1992

SIGNATURE

Dale E. Boyer



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

OCTOBER 13, 1992

R. KEITH HIGGINSON
Director

- MR. & MRS. DALE E. BOYER
- PO BOX 232
- HAGERMAN, ID 83332-0232

RE: NOTICE OF ERROR FOR DIVERSION AMOUNT
WATER RIGHT NO.: 36-00079

DEAR MR. & MRS BOYER:

THIS LETTER IS IN RESPONSE TO THE NOTICE(S) OF ERROR (NOE) YOU RECENTLY FILED WITH IDWR REGARDING THE DIRECTOR'S PROPOSED RECOMMENDATION OF THE CLAIM(S) LISTED ABOVE. YOUR NOE QUESTIONS THE BASIS FOR RECOMMENDATION OF AN AMOUNT THAT IS LESS THAN THE AMOUNT SHOWN IN A PREVIOUS DECREE.

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.

THE AMOUNT PROPOSED TO BE RECOMMENDED FOR YOUR CLAIM IS BASED ON THE AMOUNT OF WATER DETERMINED TO BE BENEFICIALLY USED FOR THE RECOMMENDED USES, BASED ON AVAILABLE DATA AND CURRENT METHODS OF ANALYSIS.

IF YOU STILL DISAGREE WITH IDWR'S RECOMMENDATIONS, YOU WILL HAVE AN OPPORTUNITY TO FILE AN OBJECTION TO THE DIRECTOR'S REPORT WITH THE COURT. WHEN THE DIRECTOR'S REPORT IS FILED WITH THE COURT, YOU WILL BE MAILED A NOTICE THAT WILL CONTAIN MORE INFORMATION ABOUT THE OBJECTION PROCESS. AS PART OF THE OBJECTION PROCESS, IDWR WILL WORK WITH THE CLAIMANTS TO RESOLVE DISPUTED ISSUES, INCLUDING EFFORTS TO OBTAIN ADDITIONAL DATA WHICH WILL BE SHARED WITH THE WATER USERS.

SINCERELY,

WATER AGENT

MICROFILMED
JAN 21 1993

Water Right Number - R36-00079

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
BOYER

DALE E

1 - PO BOX 232

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4588

BOYER

ELAINE

1 - PO BOX 232

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4588

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1888 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

07S 13E 11 NW SW NE (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.270
04 - STOCKWATER 04/01 10/31 0.020
04 - STOCKWATER 11/01 03/31 0.030+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.270 39.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 11 NE SW 13.0 01 IRRIGATION (47) GOODING
07S 13E 11 NE SW 04 STOCKWATER (47) GOODING

Total Acres: 13.0

+ - - Diversion Means - VIA SANDS DITCH

+ - - Non-Irrigation Use - STOCKWATER, 55 RANGE

+ - - Other Rights for Same Use - NONE

MICROFILMED
JAN 21 1993*changed season
stock 3-15-1147
KRC
10-21-92*

Water right number - R36-00079

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - -
WATER IS DELIVERED THROUGH SANDS DITCH.
0.01 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.

+ - - - - Old Water Right Numbers - - - - -
3600079

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

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

+ - - - - Comments - - - - -
Date: 09/22/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/4/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/13/1992 User Id: WORSTELL Subject: NOTICE OF ERROR RECORD
NO CHANGE IN RECOMMENDED CLAIM

+ - - Audit Fields - - +
10/13/92 WORSTELL

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/24/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/13/1992	Old Judicial District	-
Claim Received Date	- 07/29/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001180	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	- B

MICROFILMED

JAN 21 1993

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILM D

Water Right Number - R36-00079 Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***
BOYER

DALE E

1 - PO BOX 232

2 -

3 -

City- HAGERMAN

Phone - 208-837-4588

State- ID Zip- 83332

BOYER

ELAINE

1 - PO BOX 232

2 -

3 -

City- HAGERMAN

Phone - 208-837-4588

State- ID Zip- 83332

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1888 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

07S 13E 11 NW SW NE (47) GOODING

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	0.270	
04 - STOCKWATER		04/01	10/31	0.020	
04 - STOCKWATER		11/01	03/31	0.030	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.270 39.0

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	11	NE SW		13.0	01	IRRIGATION	(47) GOODING
07S	13E	11	NE SW			04	STOCKWATER	(47) GOODING

Total Acres: 13.0

+ - - Diversion Means - VIA SANDS DITCH

+ - - Non-Irrigation Use - STOCKWATER, 55 RANGE

+ - - Other Rights for Same Use - NONE

MICROFILMED

JAN 2 1 1993

Prefix Translation: RESEARCH

+		Remarks
	WATER IS DELIVERED THROUGH SANDS DITCH.	
	0.01 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE	
	LOSSES IN DELIVERY OF THIS RIGHT.	

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

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

No Conditions of Approval found.

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

+ - - - - Comments - - - - -

No Comments Found

+ - - Audit Fields - - +
08/04/92 CHRISTEN

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/24/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/04/1992	Old Judicial District	-
Claim Received Date	- 07/29/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001180	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

PROBATION

JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:17:59
06/29/90

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00079

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE				N		See 3-17-92		
POINT OF DIV	Y			(Y)				
SOURCE				N				
PLACE OF USE	Y	7-24-96 SCC/HHT	7-24-90 SCC/HHT	(Y)	1,4,5			
DIV. AMOUNT CFS/VOLUME	Y			(Y)				
CONSUMPTIVE USE	-			(Y)	6			
PURPOSES	Y			N				
PERIOD OF USE	Y			(Y)	6			
BASIS OF CLAIM				N				
REMARKS				(Y)	6			

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAEP 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
JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:17:59
06/29/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00079

LAST: BOYER
ADDRESS: P.O. BOX 232
CITY: HAGERMAN
PHONE NUMBER: 208-837-4588

FIRST: DALE E.

STATE: ID ZIP: 83332

OWNER CODE: C

LAST: BOYER
ADDRESS: P.O. BOX 232
CITY: HAGERMAN
PHONE NUMBER: 208-837-4588

FIRST: ELAINE

STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

MICROFILMED

JAN 21 1993

CONTACT PERSON: Harvey

PHONE NUMBER: () -

DATE OF FIELD EXAM: 7/24/90

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: lives on property and does the irrigating

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED

JAN 21 1993

A. AJ CLAIM: # A36-00079 PRIORITY DATE: 04-01-1888 STAGE: D
B. WR RECORD: # 36-00079 PRIORITY DATE: 04-01-1888 STAGE: D

C. FIELD EXAM REQUIRED?

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

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
04-01-1888

REVIEWED BY ROT

DATE

8-15-90

=====

MICROFILMED

JAN 21 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00079	07S	13E	11		SW	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-10080	NONE
A36-07229	
A36-00113E	
A36-00141	
A36-00066	
A36-00066A	
A36-07081	

WR RECORDS IN SAME 40 ACRE TRACT

36-00006
36-00007
36-00036
36-00037
36-00066
36-00080
36-00081
36-00097
36-00098
36-00099
36-00100
36-00101
36-00110
36-00111
36-00113B
36-00113D
36-00140
36-00141
36-00142
36-00143
36-00144
36-00145
36-00146
36-00147
36-00148
36-00150
36-00151
36-02082
36-07081
36-07172
36-07229
36-07233
36-07271
36-07565
36-07838

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-00079	07S	13E	11		SW	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

MICROFILMED
JAN 21 1993

A PREFIX

R PREFIX

MICROFILMED

JAN 21 1993

36-00006
36-00007
36-00036
36-00037
36-00066
36-00080
36-00081
36-00097
36-00098
36-00099
36-00100
36-00101
36-00110
36-00111
36-00113B
36-00113D
36-00140
36-00141
36-00142
36-00143
36-00144
36-00145
36-00146
36-00147
36-00148
36-00150
36-00151
36-02082
36-07081
36-07172
36-07229
36-07233
36-07271
36-07565
36-07838

A36-10080
A36-07229
A36-00113E
A36-00141
A36-00066
A36-00066A
A36-07081
A36-07565
A36-10543
A36-00021A
A36-00021B
A36-00037A
A36-00036
A36-10566
A36-07233
A36-07271
A36-00006
A36-00007
A36-00110A
A36-00081A
A36-07172
A36-00037C
A36-00080A
A36-00099
A36-00100
A36-00111A
A36-00113G

NONE

MICROFILMED

JAN 21 1993

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER

2
2

REMARKS:

Via Sands Ditch

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>7S</u>	<u>13E</u>	<u>11</u>	<u>NW</u>	<u>SW</u>	<u>NE</u>	<u> </u>	<u>Gooding</u>

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY: AGT DATE: 8-15-90

MICROFILMED

JAN 21 1993

A. ROOT WATER RIGHT NUMBERS: A36-00079

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	200 Reel 13	FIELD EXAM. 20	RECOMM. ACRES 20
07S	13E	11	NE	SW		BOYER, DALE E.	A36-00079 /20.0	36-00079 /	40.0			13
						FLINT, WILLIAM E.	A36-10168 /	- /				
						BOYER, DALE E.	A36-10289 /	- /				
						FLINT, WILLIAM E.	A36-00110A /17.0	- /				
						BOYER, DALE E.	A36-07129 /	36-07129 /				
						FLINT, WILLIAM E.	A36-00111A /17.0	- /				
						TROVILLO, D. C.		36-00110 /				
						TROVILLO, D. C.		36-00111 /				
						PRINCE, CLEAMANT		36-00112A /21.0				
						DILATUSH, CHARLES N.		36-00143 /				
07S	13E	11				BOYER, DALE E.	A36-00079 /	- /				
						WATKINS, PAUL E.	A36-10157 /	- /				
						WATKINS, PAUL E.	A36-10158 /	- /				
						MC FADDAN, MATTHEW D.	A36-00039G /	- /				
						JOHNSON, IRA L.	A36-07142 /	- /				
						FLINT, WILLIAM E.	A36-00111A /	- /				
						MERCER, CECILE M.	A36-00113E /	- /				
						REED, COLE	A36-00113G /	- /				
						NORTH SIDE CANAL CO.		01-00212 /				
						NORTH SIDE CANAL CO.		01-00213 /				
						NORTH SIDE CANAL CO.		01-00215 /				
						NORTH SIDE CANAL CO.		01-00220 /				
TOTAL ACRES							A36-00079	20.00	40.00			13

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
N

Ditch (Barlogi) runs through property, fish ponds & houses also on property.
Landsat shows 40 acres & 20 ac. is within tolerances.

not all land claimed is irrigated. North end
where fish ponds are located is not dry pasture.
only.

Confirmed by field exam & Napp photo.

Some conclusions appear on June 1980 ASES color slide C35/E-12-1
SC 3-17-92

PRESUMPTION FLAG:

REMARKS:

see master map for location

RECOMMENDATIONS:

TOTAL ACRES:

~~20~~ 13

REVIEWED BY:

RAH SW

DATE:

8-15-90

3-17-92

MICROFILMED
JAN 21 1993

A. AJ CLAIMED USES:

PURPOSES
A36-00079 IRRIGATION
A36-00079 STOCKWATER

MONTH/DAY
FROM 01-01 TO 12-31
FROM 01-01 TO 12-31

4-1-10-31

DIVERSION QUANTITY
1.400 CFS
.020 CFS
1.400 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

B. WR RECORDED USES:

PURPOSES
36-00079 IRRIGATION

MONTH/DAY
FROM TO
TO

DIVERSION QUANTITY
1.400 CFS
1.400 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATABASE FIELD
EXAMINER
Y
Y
Y

Excess water

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

MICROFILMED
JAN 21 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 1.400 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.400 CFS

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

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER
N

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

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00079	BILLINGSLEY CREEK	BOYER , DALE E.	1.400	0.070		
A36-00110A	BILLINGSLEY CREEK	FLINT , WILLIAM E.	1.160	0.061	76.00	4.00

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-00079	STOCKWATER	BOYER , DALE E.	FROM 01-01 TO 12-31	.020 CFS	
A36-10168	DOMESTIC	FLINT , WILLIAM E.	FROM 01-01 TO 12-31	.040 CFS	
A36-10289	DOMESTIC	BOYER , DALE E.	FROM 01-01 TO 12-31	.040 CFS	
A36-07129	FISH PROPAGATION	BOYER , DALE E.	FROM 01-01 TO 12-31	11.570 CFS	
A36-10157	DOMESTIC	WATKINS , PAUL E.	FROM 01-01 TO 12-31	.040 CFS	
A36-10157	STOCKWATER	WATKINS , PAUL E.	FROM 01-01 TO 12-31	.040 CFS	
A36-10158	DOMESTIC	WATKINS , PAUL E.	FROM 01-01 TO 12-31	.040 CFS	
A36-10158	STOCKWATER	WATKINS , PAUL E.	FROM 01-01 TO 12-31	.040 CFS	
A36-00039G	STOCKWATER	MC FADDAN , MATTHEW D.	FROM 01-01 TO 12-31	.020 CFS	
A36-07142	POWER	JOHNSON , IRA L.	FROM 01-01 TO 12-31	1.180 CFS	
A36-00111A	STOCKWATER	FLINT , WILLIAM E.	FROM 03-15 TO 11-15	.020 CFS	
A36-00113E	STOCKWATER	MERCER , CECILE M.	FROM 01-01 TO 12-31	.130 CFS	
A36-00113G	STOCKWATER	REED , COLE	FROM 01-01 TO 12-31	.020 CFS	
A36-00113G	HEATING	REED , COLE	FROM 10-01 TO 05-01	.120 CFS	
A36-00113G	COOLING	REED , COLE	FROM 05-02 TO 09-30	.120 CFS	

MICROFILMED

JAN 21 1993

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 20 x 0.02 CFS/ACRE = 0.40 CFS
(Taken from p/u review) 0.26

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 60.0 AF/A

ACRES 20 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 60.0 AF/A

39

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 20 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 80.0 AF/A

no volume needed
for surface flow

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

Total rate for claim = 1.4 cfs
See attached Irrigation Analysis Sheet for basis of Recommendation
~~20 ac.: 1.4 ÷ 20 = .07 cfs per ac.~~
~~(3 1/2 inches)~~

Recommend ~~0.26 + C.L.~~ 1" / ac.
0.26 + C.L.

Conveyance loss 0.01
additional flow x

26
0.26 + C.L.

MICROFILMED

JAN 21 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
<u>Irrigation</u>	<u>4/1</u>	<u>10/31</u>	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
<u>Stockwater</u>	<u>3/15</u>	<u>11/15</u>		<u>0.27</u>		<u>80.0</u>		<u>60.0</u>
<u>Stockwater</u>	<u>1/1</u>	<u>12/31</u>	4/1 to 10/31	<u>0.02</u>				
			11/1 to 3/31	<u>0.03</u>				
TOTAL FOR THIS RIGHT								<u>39</u>
REVIEWED BY: <u>Sen</u>	DATE: <u>3-17-92</u>							

"FOI = "SANDS DITCH"

year round stock — outside irrigation season needs conveyance loss added

MICROFILMED

JAN 21 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED
(X)
()
()
()

NEEDS
REVIEW
()
(X)
(X) *Excess Water*

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00079

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.400

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-

A36-00079

1.400

-

36-00079

1.400

TOTAL CFS

1.400

1.400

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
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

MICROFILMED

JAN 21 1993

REMARK AND CONDITION CODE WORKSHEET

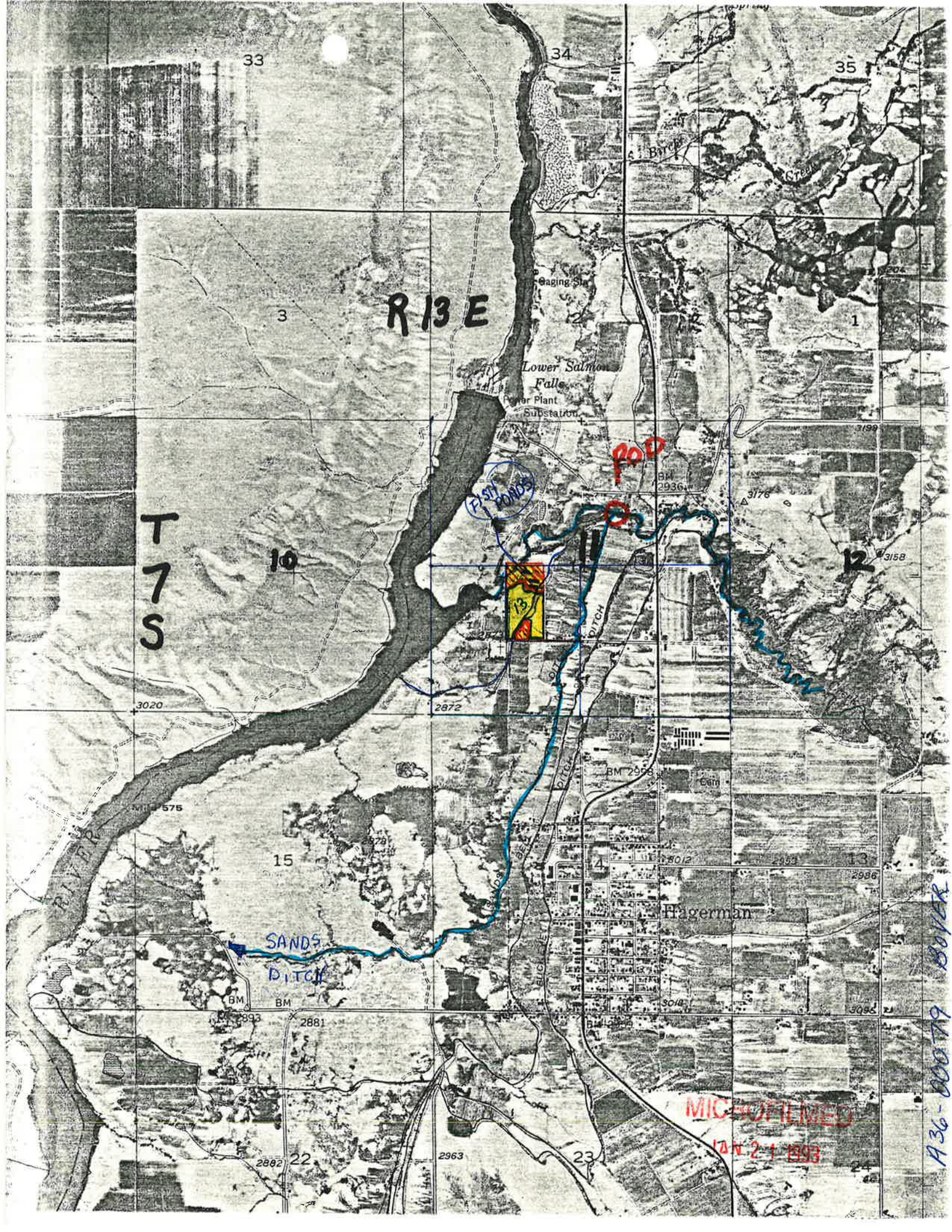
SYSTEM CLAIM NUMBERS P36 00079 _____

AGENT
INITIALS HHT
DATE 8/3/92

[illegible]

Delete SNR

MICROFILMED
JAN 21 1993



MICROFILMED

JAN 21 1993

A36-00079 BOYER

IRRIGATION ANALYSIS WORKSHEET

CLAIM NO. A36-00079
 DATE 7-27-92
 AGENT SC

CLAIMANT/SYSTEM DESCRIPTION Boyer @ Sands Pch
 IRRIGATION SYSTEM Corrugated
 ANALYSIS METHOD BORDER FURROW
 TYPE OF CROP ALFALFA Pasture
 MAXIMUM PROFILE DEPTH 60 INCHES
 INTAKE FAMILY .55 / .70 0.625

 SOIL TYPE DEB FAB SYSTEM TOTAL
 ACRES PER TYPE 6 7 13 ACRES
 SOIL PROFILE WHC 8.61 5.70
 DESIGN IRR $\frac{1}{2}$ WHC 4.305 2.85
 weighted averages: 1.98 + 1.54 = 3.52

CROP REQUIREMENT:

REPORT AREA & FIGURE NO. Boiss 10-8

DAILY CROP REQUIREMENT:

6.79 (MM/DAY) / 25.4 (FACTOR IN MM/IN) 0.267 IN/DAY

ACTUAL ROTATION PRACTICED 7 DAYS

DRY DAY ROTATION 0 IRR DAY ROTATION 7

THEORETICAL ROTATION:

3.52 DESIGN IRR / 0.267 CROP REQ = 13 DAYS

DESCRIPTION OF FIELD:

AVERAGE LENGTH RUN 283

TOTAL WIDTH OF FIELD 850 + 1150 2000

CHECK 283 L * 2000 W / 43,560 = 12.99 ACRES

% SLOPE 0

~~BORDER WIDTH~~ N/A

~~WIDTH OF FIELD / DAYS OF ROTATION~~

FURROW / CORRUGATION WIDTH 30"

SET TIME 12-24 hrs.

MICROFILMED

JAN 21 1993

INTAKE FAMILY <If> = 33
 DESIGN APPLICATION <Fn> = 3.52 INCHES
 FURROW SLOPE <S> = 0.010 FEET/FOOT
 FURROW SPACING <W> = 2.50 FEET
 FURROW LENGTH <L> = 283 FEET
 INFLOW RATE <Q> = 3 GPM/FURROW
 APPLICATION TIME <Ti> = 12 HOURS

 ADVANCE TIME <TT> = 40.7 MINUTES; OR 0.7 HOURS
 GROSS APPLICATION <FG> = 4.90 INCHES
 NET APPLICATION <Fx> = 3.67 INCHES
 RUNOFF <RO> = 1.12 INCHES
 DEEP PERCOLATION <DP> = 0.26 INCHES
 EFFICIENCY <E> = 71.88 %

TO CHANGE: PRESS (EXISTING)
 Design Application <1> 3.52 in
 Furrow Slope <2> 0.010 ft/ft
 Furrow Spacing <3> 2.50 ft
 Furrow Length <4> 283 ft
 Furrow Intake Family <5> 0.63
 Inflow Rate <6> 3 gpm/furrow
 Inflow Time <7> 12 hours <ANALYSIS MODE>

TO PRINT: DATA/WITH HEADING PRESS:<8/9>
 NEW DESIGN PRESS <10>, NEW ANALYSIS PRESS <11>, QUIT PRESS <12>?

INTAKE FAMILY	DESIGN APPLIC. Inches	FURROW SLOPE Ft/Ft	FURROW SPACING Feet	FURROW LENGTH Feet	INFLOW RATE Gpm	APPROXIMATE INFLOW TIME Hours	ADVANCE TIME Minutes	GROSS IRRIGATION APPLICATION Inches	NET IRRIGATION APPLICATION Inches	RUNOFF Inches	DEEP PERC. In.	IRRIGATION EFFICIENCY %
0.55	1.65	.030	1.30	327	3	12	28.3	8.15	5.91	2.14	4.36	20.24
0.63	3.52	.010	2.50	283	5	12	23.7	8.16	4.07	4.03	0.61	43.13
0.63	3.52	.010	2.50	283	4	12	29.0	6.53	3.89	2.56	0.45	53.91
0.63	3.52	.010	2.50	283	3	12	40.7	4.90	3.67	1.12	0.26	71.88
0.63	3.52	.010	2.50	283	2	12	79.9	3.26	3.67	1.12	0.26	71.88

$$\begin{aligned}
 FIR &= 4.2 \left(\frac{cu}{eff\%} \right) \\
 &= 4.2 \left(\frac{0.267}{71.88} \right) \\
 &= 0.016
 \end{aligned}$$

$$13 \text{ acres} \times 0.016 = .21$$

claimed 1.4

Recommend ~~0.21~~ + C.L.

→ 1" / ac.

$$\begin{aligned}
 &= 0.26 + C.L. \\
 &+ 0.01 \text{ (conv. loss)}
 \end{aligned}$$

0.27

MICROFILMED

JAN 21 1993

CONVERSATION MEMORANDUM

EMPLOYEE: Helen Harrington-Thorn

FILE A36-00079

RE: irrigation methods

DATE

NAME OF PARTY

Elaine

-Dale Boyer

837-4588

Type of crops? Pasture

Rotation, set time? 7 days, 24 hr. set

furrow spacing? 30"

7-27-92 4:30 pm No Answer - sc

7-27-92 6:15 pm - Spoke w/ Elaine Boyer

A36-07129

Barlogi *** NEED FACILITY VOLUME ON FISH PINDS:

(GET DIMENSIONS)

estimates 1) 290 x 70 x 3'

2) 190 x 50 x 3'

~~3) 160 x 40' x 3'~~ settling pond (no fish)

MICROFILMED

JAN 21 1993

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	200	10.0	2.00	0.05	0.61	11.93	0.0042	0.00	15.29
2	900	10.0	2.00	0.23	0.44	11.32	0.0201	0.01	14.63
3	1300	10.0	2.00	0.33	0.21	10.88	0.0302	0.01	13.96
4	200	10.0	2.00	0.05	0.34	10.67	0.0047	0.02	13.42
5	700	10.0	2.00	0.18	0.22	10.33	0.0171	0.02	13.03
6	600	10.0	2.00	0.15	0.84	10.11	0.0150	0.08	12.64
7	600	10.0	2.00	0.15	0.55	9.27	0.0164	0.06	11.65
8	1400	10.0	2.00	0.35	0.24	8.72	0.0406	0.04	10.94
9	2900	10.0	2.00	0.73	1.06	8.48	0.0864	0.25	10.35
10	4500	10.0	2.00	1.14	7.42	7.42	0.1532	2.88	8.56
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	13300			3.36	11.93			3.36	

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

SANDS DITCH

36-00079

MICROFILMED

JAN 21 1993

Elaine Boyer
PO Box 232
Hagerman Id
83332



ALWAYS
USE ZIP CODE

RECEIVED

FEB 17 1993

Department of Water Resources
Southern Region Office

State of Idaho
Dept. of Water Resources
522 Shoshone St. E.
Twin Falls, Id.
83301

MICROFILMED