

COPY

2000 JUN 23 PM 1:56

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

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

In Re SRBA

Case No. 39576

) SUBCASE NO. 36-00089A,
) **36-00089F**, 36-00089G
)
)

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING

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

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

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

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

DATED: 6/22/00


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6/23, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Patrick D Brown
109 S Adams St
Jerome ID 83338
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Bob R Hunt
Jana C Hunt
947 Justice Grade
Hagerman ID 83332
Frankie A Alvarez
148 3rd St
Idaho Falls ID 83401
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

AJ5859NP

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

DATE: JUN-21-2000

PAGE: A-1

RIGHT NUMBER: 36-00089A

SPLIT RIGHT: SEE RIGHT NOS. 36-00089F AND 36-00089G.

AJ5856NP

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

DATE: JUN-21-2000

PAGE: A-9

RIGHT NUMBER: 36-00089F

NAME & ADDRESS: FRANKIE A ALVAREZ
148 3RD STREET
IDAHO FALLS ID 83401

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S11 NESENE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	03-15 11-15	0.02 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS FEBRUARY 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 30, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 AND AFTER NOVEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S11 SENE 1
1 ACRES TOTAL

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 - DECREE
WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.

AJ5856NP

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

DATE: JUN-21-2000
PAGE: A-10

RIGHT NUMBER: 36-00089G

NAME & ADDRESS: JANA C HUNT
BOB R HUNT
947 JUSTICE GRADE
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S11 NESENE Within GOODING County

TWO POINTS OF DIVERSION LOCATED IN T07S, R13E, S11, NESENE.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
0.02 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS FEBRUARY 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 30, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 AND AFTER NOVEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S11 SENE 1
1 ACRES TOTAL

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.

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY TRANSFER NO. 2333 BY MAY 10, 2000.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

WATER IS DELIVERED THROUGH THE JOHN BELL DITCH AND A PUMP IN BILLINGSLEY CREEK.



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

SOUTHERN REGION

June 23, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BOB R HUNT
JANA C HUNT
947 JUSTICE GRADE
HAGERMAN ID 83332

RE: SRBA Claim(s) 36-00089A - Split

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Patrick D Brown
Frankie A Alvarez

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: A36-00089A
Date Received: 6/21/1988
Receipt No: S000490
Received By: SC

COPY

Amended

FOR YOUR FILES
DO NOT RETURN

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

Amended

1. Name: DORIS H CLOUSER 208-837-4507
Address: 947 JUSTICE GRADE
HAGERMAN ID 83332
AND/OR
Name: JOHN F CLOUSER 208-837-4507
Address: 947 JUSTICE GRADE
HAGERMAN ID 83332

2. Date of Priority: JUN 26, 1881

3. Source: BILLINGSLEY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
CEMENT CHECK STRUCTURE TO EARTH DITCH AND 36" PIPE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		

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

8. Total consumptive use is 6.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	13E	11	SE	NE		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

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:
A37-00090A

14. Remarks:
THERE HAS BEEN AN APPLICATION FOR TRANSFER TO ADD A POINT
OF DIVERSION OUT OF BILLINGSLEY CR. FOR WATERING LAWN WITH PUMP.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

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): John F. Clouser Date: 9/30/92

Date: _____

State of Idaho

County of Twin Falls

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 30th day

of September 19 92

Steve Collins

Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994

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

TOTAL RECORDS IN SELECTION FILE: 116

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

12 * * * * *

13 In Re the General Adjudication)
14 of Rights to the Use of Water)
15 from the Snake River Basin)
16 Water System)

Case No. 39576

17 The State of Idaho, ex rel.)
18 R. Keith Higginson in his)
19 official capacity as director)
20 of the Idaho Department of)
21 Water Resources,)

NOTICE OF APPEARANCE

22 Petitioner,)

23 vs.)

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

Respondents.)

* * * * *

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

NOTICE OF APPEARANCE - 1



Hepworth,
Nungester,
& Lezamiz

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
16	Norwood Subdivision/	A36-15240
	Ruby Springs Water Company	A36-07092A
17	Potter, Mark B. & Susan H.	A36-00039J
	Rawson, Frank S. & Carol A.	A36-00123A
18	Reese, Bruce W. & LaRose A.	A36-04091
	Reese, Bruce W. & LaRose A.	A36-10231
19	Rue, James O. & Beverly Jane	A36-07142A
	Shaffer, Roger	A36-00034B
20	Simcoe, Doyt H. & Roxie J.	A36-00003F
	Simpson, Michael, on behalf of	A36-0123E
	Josephine Simpson Estate	
21	Simpson, Michael, on behalf of	A36-0096A
	Josephine Simpson Estate	
22	Strange, Wm. (Penelope Turner-remainder man)	A36-00006
	Strange, Wm. (Penelope Turner-remainder man)	A36-00007
	Strange, Wm. (Penelope Turner-remainder man)	A36-00008
23	Veenendaal, Dick J.	A36-00108A
	Veenendaal, Dick J.	A36-00039C



Hepworth,
Nungester,
& Lezamiz

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

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

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

14
 15 By 
 16 PATRICK D. BROWN
 Attorneys for Respondents

17
 18 CERTIFICATE OF MAILING

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



Hepworth,
 Nungester,
 & Lezamiz

MICROFILMED

OCT 12 1994

1 February, 1993, to:

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

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

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

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

21 
22 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz



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

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

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

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

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

MICROFILMED
 OCT 12 1994

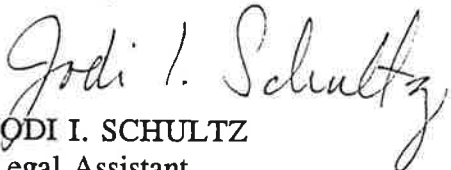
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

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: **A36-00089A**

Date Received: 6/21/1988

Receipt No: S000490

Received By: **ADDRESS CHANGE** 8/31/92 jg

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

1. Name: DORIS H CLOUSER 208-837-4507
Address: 947 JUSTICE GRADE
HAGERMAN ID 83332

AND/OR

Name: JOHN F CLOUSER 208-837-4507
Address: 947 JUSTICE GRADE
HAGERMAN ID 83332

2. Date of Priority: JUN 26, 1881

3. Source: BILLINGSLEY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
CEMENT CHECK STRUCTURE TO EARTH DITCH AND 36" PIPE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.030		

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

8. Total consumptive use is 4.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

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

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): A36-00090A

A36-00089A

[] Old Mailing Address: JOHN F CLAUSER

Box 380 A RT1

HAGERMAN ID 83332

[] New Mailing Address: JOHN F CLAUSER

947 JUSTICE GRADE

HAGERMAN ID 83332

New Telephone Number: () ____ - ____ (same)

[] Signature of Claimant: John F Clouser

Date: 8/31/92

FOR IDWR USE ONLY:

~~Initial Review and Data Entry~~

Date: SCC 8-31-92 By:

Further Action Needed: DATA ENTRY

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 8/31/92 By: J

MICROFILMED

JAN 21 1993

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00089A
Date Received: 6/21/1988
Receipt No: 5000490
Received By: YB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN F. CLOUSER 208-837-4507
Address: BOX 380A RT. 1
HAGERMAN, ID 83332

AND/OR

Name: DORIS H. CLOUSER
Address: HAGERMAN, ID 83332

2. Date of Priority: JUN 26, 1881

3. Source: BILLINGSLEY CR. Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works: (John Bell)
CEMENT CHECK STRUCTURE TO EARTH DITCH AND 36" PIPE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.030		

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

8. Total consumptive use is 4.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

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

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:
A37-00090A

14. Remarks:

THERE HAS BEEN AN APPLICATION FOR TRANSFER TO ADD A POINT
OF DIVERSION OUT OF BILLINGSLEY CR. FOR WATERING LAWN WITH PUMP.

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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

Signature of Claimant(s): John F. Blouner Date: June 21, 1988

Date: _____

State of Idaho)
County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 21st day
of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding Id
My Commission Expires 10/16/1992



T7S R13E

MICROFILMED

JAN 21 1993

2.8 MI. TO IDAH TUTTLE

AJ0749NP
No. R36-00089F

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

DATE: 06/16/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRANKIE A ALVAREZ 148 3RD STREET IDAHO FALLS ID 83401 (208) 535-0228	06/26/1881	IRRIGATION	03-15 11-15	0.020 CFS	
TOTAL DIVERSION:					0.020 CFS	

Water Source: BILLINGSLEY CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T07S R13E S11 NESENE

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	:	---
07S	13E	11	:					01	:											:	1.0
TOTAL ACRES																				1.0	

POU County: GOODING

Other Rights: NONE

Conditions of Approval:

- C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
 - ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
 - DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
 - ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks: USE THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS FEBRUARY 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 30, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 AND AFTER NOVEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

EXP WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.

Dates: Exam Made Date: Verified Date: 06/16/2000 Objection Filed Date:

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



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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 16, 2000

FRANKIE A ALVAREZ
148 3RD ST
IDAHO FALLS ID 83401

RE: Change of Ownership of SRBA Claim 36-00089F

Dear Ms. Alvarez,

Pursuant to your request for a change in ownership and/or the notification that you recently purchased portions of the property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owner as requested for right listed above.

Please find enclosed a copy of your adjudication report, as it now appears in our records. Please refer to this number, 36-00089F.

If you have any further corrections or questions please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Steve Clelland'.

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED
JUN 13 2000
Department of Water Resources
Southern Region
*Claim was previously split
by ownership change - 6/16/00 SCC*

1. Water Right No(s).: 36-00089A
Adjudication Claim No(s).: (36-00089G)
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant John F. Clouser & Doris H. Clouser
4. New Owner/Claimant(s) Frankie A. Alvarez
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 148 3rd Street
City, State and ZIP Code Idaho Falls, ID 83401
New Telephone Number (208) 535-0228
5. Date you acquired the property June 2, 2000
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS .02 Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) X Frankie A. Alvarez
Frankie A. Alvarez

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..
Data Entry ✓ 6/16/00 SCC

QUIT CLAIM DEED

FOR VALUE RECEIVED

JOHN F. CLOUSER and DORIS H. CLOUSER, husband and wife

GRANTOR(S)

Do(es) Hereby Convey, Release, Remise and Forever Quitclaim Unto

FRANKIE A. ALVAREZ, a single woman

GRANTEE(S)

Whose address is: 143 3rd Street, Idaho Falls, ID 83401

The following described premises, to-wit:

State of Idaho, Department of Water Resources water right #36-00089A for .02 CFS.

Instrument # 186065

GOODING GOODING, IDAHO

2000-06-05 11:14:53 No. of Pages: 3

Recorded for : GOODING TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy Penny Archibald

Index to: DEED, QUIT-CLAIM

Together with their appurtenances.

Dated: 6-1-00

John F. Clouser
John F. Clouser

Doris H. Clouser
Doris H. Clouser

State of Idaho }
 }ss.
County of Gooding }

On this 1st day of June, in the year 2000, before me, a Notary Public in and for said State, personally appeared JOHN F. CLOUSER and DORIS H. CLOUSER, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Gwen A. Sherman
Notary Public
Residing At: Shoshone, Id
Commission Expires: 03-27-06



EXHIBIT A
G000214

RP07S13E111950

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho.

Section 11: A parcel of land located in the Southeast Quarter of the Northeast Quarter and more particularly described as follows:

COMMENCING at the Northeast corner of said Section 11, from which the East one Quarter (E1/4) corner of said Section 11 bears South 00°46'31" East 2637.39 feet;
Thence South 00°46'31" East along the East boundary of the Northeast Quarter of said Section 11 for a distance of 1318.69 feet to the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 11;
Thence South 89°40'00" West along the North boundary of the Southeast Quarter of the Northeast Quarter of said Section 11 for a distance of 637.05 feet to the TRUE POINT OF BEGINNING;
Thence South 29°48'00" East for a distance of 114.45 feet;
Thence South 03°47'00" East for a distance of 181.50 feet to a point in the center of Billingsley Creek;
Thence along the center of Billingsley Creek on the following courses:
 South 78°19'46" West 101.22 feet
 South 61°37'25" West 66.53 feet;
Thence leaving the center of Billingsley Creek on a bearing of North 00°00'02" East for a distance of 332.00 feet to a point on the North boundary of the Southeast Quarter of the Northeast Quarter of said Section 11;
Thence North 89°40'00" East along the North boundary of the Southeast Quarter of the Northeast Quarter of said Section 11 for a distance of 88.81 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO:

1. A 10.0 foot wide easement for the use and maintenance of an existing buried sanitary sewer line, said easement being centered on the following described line;
COMMENCING at the Northeast corner of the before described parcel;
Thence South 00°00'02" West along the East boundary of the before described parcel for a distance of 96.50 feet to the TRUE POINT OF BEGINNING.
Thence North 89°24'12" East for a distance of 116.0 feet to the TERMINUS POINT of said easement.

EXHIBIT A continued

'G000214

2. A 10.0 foot wide easement for the use and maintenance of an existing buried domestic water line, said easement being centered on the following described line; COMMENCING at the Northeast corner of the before described parcel;
Thence South $00^{\circ}00'02''$ West along the East boundary of the before described parcel for a distance of 171.70 feet to the TRUE POINT OF BEGINNING;
Thence South $76^{\circ}43'27''$ East for a distance of 157.09 feet to the TERMINUS POINT of said Easement.

3. A 25.0 foot wide County road easement along the North boundary of the before described parcel.

WARRANTY DEED

For Value Received

John F. Clouser And Doris H. Clouser,
Husband And Wife.

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

Frankie A. Alvarez,
A Single Woman.

the grantee(s), whose current address is

148 3rd Street, Idaho Falls,, Id 83401

the following described premises, to-wit:

See Attached Exhibit "A"

Instrument # 186064

GOODING GOODING, IDAHO

2000-06-05 11:14:30 No. of Pages: 3

Recorded for : GOODING TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy *Jimmy Archibald* Fee: 9.00

Index to: DEED, WARRANTY

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: June 1, 2000

John F. Clouser
John F. Clouser

Doris H. Clouser
Doris H. Clouser

STATE OF IDAHO

: ss

COUNTY OF GOODING

On This 1st day of JUNE, in the year 2000, before me, a Notary Public in and for said State, personally appeared John F. Clouser And Doris H. Clouser, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Sheryl Sherman
Notary Public of Idaho

Residing at Shoshone, Idaho

Commission Expires: 03/27/06



TITLE & ESCROW
COMPANIES

EXHIBIT A
G000214

RP07S13E111950

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho.

Section 11: A parcel of land located in the Southeast Quarter of the Northeast Quarter and more particularly described as follows:

COMMENCING at the Northeast corner of said Section 11, from which the East one Quarter (E1/4) corner of said Section 11 bears South 00°46'31" East 2637.39 feet;
Thence South 00°46'31" East along the East boundary of the Northeast Quarter of said Section 11 for a distance of 1318.69 feet to the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 11;
Thence South 89°40'00" West along the North boundary of the Southeast Quarter of the Northeast Quarter of said Section 11 for a distance of 637.05 feet to the TRUE POINT OF BEGINNING;
Thence South 29°48'00" East for a distance of 114.45 feet;
Thence South 03°47'00" East for a distance of 181.50 feet to a point in the center of Billingsley Creek;
Thence along the center of Billingsley Creek on the following courses:
 South 78°19'46" West 101.22 feet
 South 61°37'25" West 66.53 feet;
Thence leaving the center of Billingsley Creek on a bearing of North 00°00'02" East for a distance of 332.00 feet to a point on the North boundary of the Southeast Quarter of the Northeast Quarter of said Section 11;
Thence North 89°40'00" East along the North boundary of the Southeast Quarter of the Northeast Quarter of said Section 11 for a distance of 88.81 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO:

1. A 10.0 foot wide easement for the use and maintenance of an existing buried sanitary sewer line, said easement being centered on the following described line;
COMMENCING at the Northeast corner of the before described parcel;
Thence South 00°00'02" West along the East boundary of the before described parcel for a distance of 96.50 feet to the TRUE POINT OF BEGINNING.
Thence North 89°24'12" East for a distance of 116.0 feet to the TERMINUS POINT of said easement.

EXHIBIT A continued
'G000214

2. A 10.0 foot wide easement for the use and maintenance of an existing buried domestic water line, said easement being centered on the following described line; COMMENCING at the Northeast corner of the before described parcel;
Thence South 00°00'02" West along the East boundary of the before described parcel for a distance of 171.70 feet to the TRUE POINT OF BEGINNING;
Thence South 76°43'27" East for a distance of 157.09 feet to the TERMINUS POINT of said Easement.

3. A 25.0 foot wide County road easement along the North boundary of the before described parcel.



June 12, 2000

RECEIVED
JUN 13 2000
Department of Water Resources
Southern Region

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301

Re: Transfers

Dear Sir or Madam,

Enclosed please find two separate transfers. Attached to each is a copy of the Warranty Deed and Quit Claim Deed.

If you have any questions please feel free to call.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gwen Sherman", is written over the typed name.

Gwen A. Sherman
Escrow Officer
Gooding Title & Escrow Co.

Encl.



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

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

June 13, 2000

**BOB R &/OR JANA C HUNT
947 JUSTICE GRADE
HAGERMAN ID 83332**

RE: Change of Ownership of SRBA Claims 36-00090A & 36-00089A

Dear Mr. & Mrs. Hunt,

Pursuant to your request for a change in ownership and/or the notification that you recently purchased portions of the property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owner as requested for right listed above.

Please find enclosed a copy of your adjudication report, as it now appears in our records. Please refer to this number, 36-00090A & 36-00089G, in your future correspondence with IDWR.

I did not forward a copy of this letter to John F. Clouser since the address of record is the same as your address.

If you have any further corrections or questions please contact our office.

Sincerely,

**STEVE CLELLAND
Sr. Water Resource Agent**

ENC:

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 36-00089A & 90A

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

IDWR Employee/Agent: Steve Clelland

6/12/2000 12:45 PM

NAME:

JANA HUNT

RE:

DISCUSS COO

She called to ask some questions about her COO for the Clouser rights. I confirmed with her that she bought the land with the existing pump on it. The other parcel does not have a pump site. Clouser filed and completed a POD transfer to add the diversion to this right and therefore only one pump is authorized by the water right. It does not appear there are the same limits on diversions from the John Bell Ditch. I told her I would include both POD's on her portion of the right.

6/13/00 Ser

3/00 Sec
I found the first COO entry submitted.
all documents gathered together.

36-00089X F

Form 43-248/42-1400(6) February 3, 1997

RECEIVED

SEP 24 1999

Department of Water Resources
Snake River Basin

Logged ✓

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 36-00089A/36-00090A
Adjudication Claim No(s).: _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant: John F. Clouser and Doris H. Clouser
947 Justice Grade, Hagerman, ID 83332
4. New Owner/Claimant(s): Bob R. Hunt and Jana C. Hunt
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address: 947 Justice Grade, Hagerman, ID 83332
City, State and ZIP Code: _____
New Telephone Number: () _____
5. Date you acquired the property: September 21, 1999
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s): 
Jana C. Hunt
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

36-00090A : Data Entry made 6/13/00 SC

36-00089A : SRBA Decease → forward info to WR Allocations. 6/13/00 SC
<SEE Attached Recommendation of splits> F & G

WARRANTY DEED

For Value Received

**John F. Clouser And Doris H. Clouser,
Husband And Wife.**

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

**Bob R. Hunt And Jana C. Hunt,
Husband And Wife.**

the grantee(s), whose current address is

947 JUSTICE GRADE, HAGERMAN, ID 83332

the following described premises, to-wit:

See Attached Exhibit "A"

182443

COUNTY OF GOODING

GOODING TITLE & ESCROW

11 min. past 4 o'clock P.m. this 21st

of September, 1999 900

By Penny Archibald Deputy

TOGETHER WITH water right number 36-00090A with Idaho Department of Water Resources for .04CFS.

and

TOGETHER WITH water right number 36-00089A with Idaho Department of Water Resources for .02CFS.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: September 20, 1999

John F. Clouser
JOHN F. CLOUSER

Doris H. Clouser
DORIS H. CLOUSER

STATE OF IDAHO

: ss

COUNTY OF GOODING

On This 20th day of SEPTEMBER, in the year 1999, before me, a Notary Public in and for said State, personally appeared **John F. Clouser And Doris H. Clouser**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Dorinda M. Hayes
Notary Public of Idaho
Residing at WENDELL, Idaho
Commission Expires 03/22/02



TITLE & ESCROW
COMPANIES

EXHIBIT A
G990441

RP07S13E111955

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho.

Section 11: A parcel of land located in the Southeast Quarter of the Northeast Quarter and more particularly described as follows:

COMMENCING at the Northeast corner of said Section 11, from which the East One Quarter corner of said Section 11 bears S00°46'31" East 2637.39 feet;
Thence South 00°46'31" East along the East boundary of the Northeast Quarter of said Section 11 for a distance of 1318.69 feet to the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 11;
Thence South 89°40'00" West along the North boundary of the Southeast Quarter of the Northeast Quarter of said Section 11 for a distance of 725.86 feet to the TRUE POINT OF BEGINNING;
Thence South 00°00'02" West for a distance of 332.00 feet to a point in the center of Billingsley Creek;
Thence along the center of Billingsley Creek on the following courses;
 North 57°15'16" West 66.59 feet;
 North 22°32'28" West 116.85 feet;
 South 50°05'30" West 53.93 feet;
Thence leaving the center of Billingsley Creek on a bearing of North 00°20'00" West for a distance of 221.83 feet to a point on the North boundary of the Southeast Quarter of the Northeast Quarter of said Section 11;
Thence North 89°40'00" East along the North boundary of the Southeast Quarter of the Northeast Quarter of said Section 11 for a distance of 143.47 feet to THE TRUE POINT OF BEGINNING.

EXHIBIT A continued
G990441

TOGETHER WITH

1. A 10.00 foot wide easement for the use and maintenance of an existing buried sanitary sewer line, said easement being centered on the following described line:
COMMENCING at the Northeast corner of the before described parcel;
Thence South 00°00'02" West along the East boundary of the before described parcel for a distance of 96.50 feet to the TRUE POINT OF BEGINNING;
Thence North 86°24'12" East for a distance of 116.00 feet to the terminus point of said easement.
2. A 10.0 foot wide easement for the use and maintenance of an existing buried domestic water line, said easement being centered on the following described line;
COMMENCING at the Northeast corner of the before described parcel;
Thence South 00°00'02" West along the East boundary of the before described parcel for a distance of 171.70 feet to the TRUE POINT OF BEGINNING;
Thence South 76°43'27" East for a distance of 157.09 feet to the terminus point of said easement.

SUBJECT TO a 25.00 foot wide County road easement along the North boundary of the before described parcel.

QUIT CLAIM DEED

FOR VALUE RECEIVED

RALEIGH W. STEVENS AND VIRGINIA STEVENS

GRANTOR(S)

Do(es) Hereby Convey, Release, Remise and Forever Quitclaim Unto

JOHN F. CLOUSER AND DORIS H. CLOUSER, Husband and Wife

GRANTEE(S)

Whose address is: 947 Justice Grade, Hagerman, ID 83332

The following described premises, to-wit:

See Exhibit "A" attached hereto and made a part hereof

182442

STATE OF IDAHO, COUNTY OF GOODING
GOODING TITLE & ESCROW

Filed for record at the recorder's office of
10 min. past 4 o'clock P.m. this 21st
of September, 1999 9:00

By Penny Archibald Deputy

Together with their appurtenances.

Dated: September 10th, 1999,

Raleigh W. Stevens
Raleigh W. Stevens

Virginia Stevens
By Raleigh W. Stevens conservator
Virginia Stevens
By: Raleigh W. Stevens, conservator

State of Nevada }
County of Clark } ss.

On this 10th day of September, in the year 1999, before me, a Notary Public in and for said State, personally appeared Raleigh W. Stevens, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

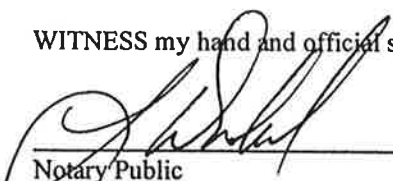
State of Nevada }
County of Clark } ss.

On this 10th day of September, in the year 1999,

before me, the undersigned, personally appeared

Raleigh W. Stevens, known or identified to me to be the person(s) whose name(s) is/are
subscribed to the within instrument as conservator of the estate of Virginia Stevens, a protected person, and
acknowledged to me that he executed the same the same as such conservator.

WITNESS my hand and official seal.



Notary Public
Residing At: Wendell, ID.
Commission Expires: 03-22-02

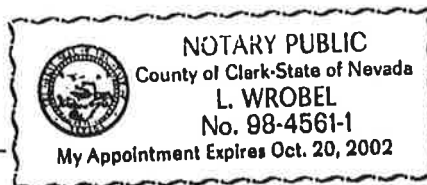


EXHIBIT "A"

A PARCEL OF LAND LOCATED IN THE SE1/4NE1/4 OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 13 EAST, BOISE MERIDIAN, GOODING COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11, FROM WHICH THE EAST ONE QUARTER (E1/4) CORNER OF SAID SECTION 11 BEARS S00° 46' 31" E-2637.39 FEET, THENCE S00°46'31"E ALONG THE EAST BOUNDARY OF THE NE1/4 OF SAID SECTION 11 FOR A DISTANCE OF 1318.69 FEET TO THE NORTHEAST CORNER OF THE SE1/4NE1/4 OF SAID SECTION 11, THENCE S 89°40'00" W ALONG THE NORTH BOUNDARY OF THE SE1/4NE1/4 OF SAID SECTION 11 FOR A DISTANCE OF 637.05 FEET TO THE TRUE POINT OF BEGINNING:

THENCE S29°48'00"E FOR A DISTANCE OF 114.45 FEET

THENCE S03°47'00"E FOR A DISTANCE OF 161.50 FEET TO A POINT ON THE NORTHERLY BANK OF BILLINGSLEY CREEK;

THENCE S80°13'00"W ALONG THE NORTHERLY BANK OF BILLINGSLEY CREEK FOR A DISTANCE OF 180.50 FEET;

THENCE N01°07'00"E ALONG THE NORTHERLY BANK OF BILLINGSLEY CREEK FOR A DISTANCE OF 112.70 FEET;

THENCE N74°02'00"W ALONG THE NORTHERLY BANK OF BILLINGSLEY CREEK FOR A DISTANCE OF 128.26 FEET;

THENCE LEAVING THE NORTHERLY BANK OF BILLINGSLEY CREEK ON A BEARING OF N00°20'00"W FOR A DISTANCE OF 141.83 FEET TO A POINT ON THE NORTH BOUNDARY OF THE SE1/4NE1/4 OF SAID SECTION 11;

THENCE N89°40'00"E ALONG THE NORTH BOUNDARY OF THE SE1/4NE1/4 OF SAID SECTION 11 FOR A DISTANCE OF 232.28 FEET TO THE TRUE POINT OF BEGINNING

AND

TOGETHER WITH:

ALL LAND LYING ON THE SOUTHERLY SIDE OF THE ABOVE DESCRIBED COURSES THAT ARE ALONG AND PARALLEL, THE NORTH BANK OF BILLINGSLEY CREEK, AND EXTENDING TO THE CENTER OF BILLINGSLEY CREEK.

ORDER #G990441

QUIT CLAIM DEED

FOR VALUE RECEIVED

JOHN F. CLOUSER AND DORIS H. CLOUSER

GRANTOR(S)

Do(es) Hereby Convey, Release, Remise and Forever Quitclaim Unto

BOB R. HUNT AND JANA C. HUNT, husband and wife

GRANTEE(S)

Whose address is: 947 Justice Grade, Hagerman, ID 83332

The following described premises, to-wit:

Water Right Number 36-00089A with the Idaho Department of Water Resources for .02CFS.
Water Right Number 36-00090A with the Idaho Department of Water Resources for .04CFS.

Together with their appurtenances.

Dated: September 20, 1999.

John F. Clouser
John F. Clouser

Doris H. Clouser
Doris H. Clouser

State of Idaho }
 } ss.
County of Gooding

On this 20th day of September, in the year 1999, before me, a Notary Public in and for said State, personally appeared John F. Clouser & Doris H. Clouser, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to



September 23, 1999

Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED
SEP 24 1999
Department of Water Resources
Shirley R. Rader

Re: #36-00089A
#36-00090A

Dear Clerk:

Enclosed please find a Notice of Change of Ownership to be filed with your office on the above-referred to license/claim. Also enclosed is a copy of Quit Claim Deed and a copy of the recorded Warranty Deed for your reference.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

GOODING TITLE & ESCROW CO.

DeNene M. Dixon
Escrow Assistant

/dmd
Encl.

RECEIVED

MAY 31 2000

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
 Southern Region

✓logged - Dupl.

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right No(s).: _____
 Adjudication Claim No(s).: 36-00089A and 36-00090A

2. The following **REQUIRED** information must be submitted with this form:
 - ✓ A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - ✓ B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s).
 (These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant John F. Clouser and Doris H. Clouser
947 Justice Grade, Hagerman, Idaho 83332

4. New Owner/Claimant(s) Bob and Jana Hunt
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
 New Mailing Address 947 Justice Grade
 City, State and ZIP Code Hagerman, Idaho 83332
 New Telephone Number (208) 837-4046

5. Date you acquired the property 9-21-99

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance. SPLIT IS FOR 1/2 of 36-00090A - POD is pump in CREEK.

Number of acres you irrigate with this water right 0.850 AC Number and type of stock 0

Diversion rate in CFS .020 Number of homes you acquired 1 Other uses _____

see 5/31/00

7. Signature of New Owner(s) or Claimant(s) Bob R. Hunt
Jana Hunt
 Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. see below

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

IDWR Employee/Agent: Steve Clelland

5/31/2000 3:00 PM

NAME: _____

JANA HUNT

RE:

COO DETAILS

She came into discuss the details of the change of ownership on some property in the Hagerman Valley. She and her husband have bought part of the John Clouser parcel near the Rock Lodge area. It is clear in the deed they got all the spring water as defined in 36-00089A and they got 1/2 of the irrigation water described by 36-00890A.

The right lists two POD's for the irrigation right; one from the John Bell Ditch and one from the Billingsley Creek directly. Due to the location of their lot and a lack of an easement they are taking over the pump in the Creek diversion. The remaining portion (new owners unknown) will keep the John Bell Ditch diversion since the Ditch borders that parcel.

Claims: 36-00089A & 36-00090A

-90A is spring water.

-89A is John Bell Ditch.

SCU
6/12/00

WARRANTY DEED

RECEIVED

MAY 31 2000

Department of Water Resources
Southern Region

For Value Received

John F. Clouser And Doris H. Clouser,
Husband And Wife.

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

Bob R. Hunt And Jana C. Hunt,
Husband And Wife.

the grantee(s), whose current address is

947 JUSTICE GRADE, HAGERMAN, ID 83332

the following described premises, to-wit:

See Attached Exhibit "A"

182443

GOODING TITLE & ESCROW

11 4 21st
of September 1999 900
By Penny Archibald Deputy

TOGETHER WITH water right number 36-00090A with Idaho Department of Water Resources for .04CFS.

and

TOGETHER WITH water right number 36-00089A with Idaho Department of Water Resources for .02CFS.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: September 20, 1999

John F. Clouser
JOHN F. CLOUSER

Doris H. Clouser
DORIS H. CLOUSER

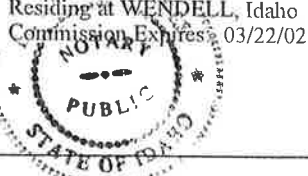
STATE OF IDAHO

SS
COUNTY OF GOODING

On This 20th day of SEPTEMBER, in the year 1999, before me, a Notary Public in and for said State, personally appeared John F. Clouser And Doris H. Clouser, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Danna H. Hayes
Notary Public of Idaho
Residing at WENDELL, Idaho
Commission Expires 03/22/02



TITLE & ESCROW
COMPANIES

EXHIBIT A
G990441

RP07S13E111955

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho.

Section 11: A parcel of land located in the Southeast Quarter of the Northeast Quarter and more particularly described as follows:

COMMENCING at the Northeast corner of said Section 11, from which the East One Quarter corner of said Section 11 bears S00°46'31" East 2637.39 feet;

Thence South 00°46'31" East along the East boundary of the Northeast Quarter of said Section 11 for a distance of 1318.69 feet to the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 11;

Thence South 89°40'00" West along the North boundary of the Southeast Quarter of the Northeast Quarter of said Section 11 for a distance of 725.86 feet to the TRUE POINT OF BEGINNING;

Thence South 00°00'02" West for a distance of 332.00 feet to a point in the center of Billingsley Creek;

Thence along the center of Billingsley Creek on the following courses;

North 57°15'16" West 66.59 feet;

North 22°32'28" West 116.85 feet;

South 50°05'30" West 53.93 feet;

Thence leaving the center of Billingsley Creek on a bearing of North 00°20'00" West for a distance of 221.83 feet to a point on the North boundary of the Southeast Quarter of the Northeast Quarter of said Section 11;

Thence North 89°40'00" East along the North boundary of the Southeast Quarter of the Northeast Quarter of said Section 11 for a distance of 143.47 feet to THE TRUE POINT OF BEGINNING.

EXHIBIT A continued
G990441

TOGETHER WITH

1. A 10.00 foot wide easement for the use and maintenance of an existing buried sanitary sewer line, said easement being centered on the following described line:

COMMENCING at the Northeast corner of the before described parcel;

Thence South 00°00'02" West along the East boundary of the before described parcel for a distance of 96.50 feet to the TRUE POINT OF BEGINNING;

Thence North 86°24'12" East for a distance of 116.00 feet to the terminus point of said easement.

2. A 10.0 foot wide easement for the use and maintenance of an existing buried domestic water line, said easement being centered on the following described line;

COMMENCING at the Northeast corner of the before described parcel;

Thence South 00°00'02" West along the East boundary of the before described parcel for a distance of 171.70 feet to the TRUE POINT OF BEGINNING;

Thence South 76°43'27" East for a distance of 157.09 feet to the terminus point of said easement.

SUBJECT TO a 25.00 foot wide County road easement along the North boundary of the before described parcel.

Form No. 1402.92
(10/17/92)
ALTA Owner's Policy



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

GOODING TITLE & ESCROW CO.

BY Shirley Mason

First American Title Insurance Company

BY

Parker S. Kennedy

PRESIDENT

ATTEST

Mark R. Ames

SECRETARY

J 769006

Form No. 1402 (10/92)
ALTA Owner's Policy
Schedule A

SCHEDULE A

File No. G990441

Policy No. J 769006

Amount of Insurance \$ 120,000.00

Premium \$ 615.00

Policy Date: September 21, 1999 at 4:12 P.M.

1. Name of Insured:

BOB R. HUNT and JANA C. HUNT, Husband and Wife.

2. The estate of interest in the land which is covered by this policy is:

FEE SIMPLE

3. Title to the estate of interest in the land is vested in:

BOB R. HUNT and JANA C. HUNT, Husband and Wife.

4. The land referred to in this policy is described as follows:

See Attached Exhibit "A"

EXHIBIT A
G990441

RP07S13E111955

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho.

Section 11: A parcel of land located in the Southeast Quarter of the Northeast Quarter and more particularly described as follows:

COMMENCING at the Northeast corner of said Section 11, from which the East One Quarter corner of said Section 11 bears S00°46'31" East 2637.39 feet;
Thence South 00°46'31" East along the East boundary of the Northeast Quarter of said Section 11 for a distance of 1318.69 feet to the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 11;
Thence South 89°40'00" West along the North boundary of the Southeast Quarter of the Northeast Quarter of said Section 11 for a distance of 725.86 feet to the TRUE POINT OF BEGINNING;
Thence South 00°00'02" West for a distance of 332.00 feet to a point in the center of Billingsley Creek;
Thence along the center of Billingsley Creek on the following courses;
 North 57°15'16" West 66.59 feet;
 North 22°32'28" West 116.85 feet;
 South 50°05'30" West 53.93 feet;
Thence leaving the center of Billingsley Creek on a bearing of North 00°20'00" West for a distance of 221.83 feet to a point on the North boundary of the Southeast Quarter of the Northeast Quarter of said Section 11;
Thence North 89°40'00" East along the North boundary of the Southeast Quarter of the Northeast Quarter of said Section 11 for a distance of 143.47 feet to THE TRUE POINT OF BEGINNING.

EXHIBIT A continued
G990441

TOGETHER WITH

1. A 10.00 foot wide easement for the use and maintenance of an existing buried sanitary sewer line, said easement being centered on the following described line:
COMMENCING at the Northeast corner of the before described parcel;
Thence South 00°00'02" West along the East boundary of the before described parcel for a distance of 96.50 feet to the TRUE POINT OF BEGINNING;
Thence North 86°24'12" East for a distance of 116.00 feet to the terminus point of said easement.
2. A 10.0 foot wide easement for the use and maintenance of an existing buried domestic water line, said easement being centered on the following described line;
COMMENCING at the Northeast corner of the before described parcel;
Thence South 00°00'02" West along the East boundary of the before described parcel for a distance of 171.70 feet to the TRUE POINT OF BEGINNING;
Thence South 76°43'27" East for a distance of 157.09 feet to the terminus point of said easement.

SUBJECT TO a 25.00 foot wide County road easement along the North boundary of the before described parcel.

Order No. G990441

SCHEDULE B
Part I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

Section One:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes of assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary line, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claim: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

Section Two:

1. General Taxes for 1999 are an accruing lien and not yet due or payable.
2. Any assessments levied by a local irrigation district, including but not limited to assessments for delivery of water which was adjudicated by Decree in the District Court of the United States for the District of Idaho Southern Division, dated March 22, 1932, recorded April 19, 1932 in Book 6 of Judgments at Page 31, records of Gooding County, Idaho. Paid Current
3. Rights of way for canals and laterals.
4. Power line easement granted to Idaho Power Company, a corporation recorded May 29, 1953 in Book 7 of Miscellaneous, Page 251.
5. Any claim arising from the difference in the mean high water line of the Billingsley Creek and the meander line as shown by the original Government Survey.

(Continued)

SCHEDULE B - Section II
Continued

File No. G990441

Policy No. J 769006

6. Deed of Trust , dated September 21, 1999 to secure an indebtedness in the principal sum of \$96,000.00

Recorded: September 21, 1999, Instrument No. 182444

Grantor: Bob R. Hunt and Jana C. Hunt, Husband and Wife

Trustee: Twin Falls Title and Escrow Company

Beneficiary: First Union Mortgage Corporation

This map is given for information only - no assurances are made as to the actual footages and boundaries reflected herein.

GOODING
TITLE & ESCROW
COMM.

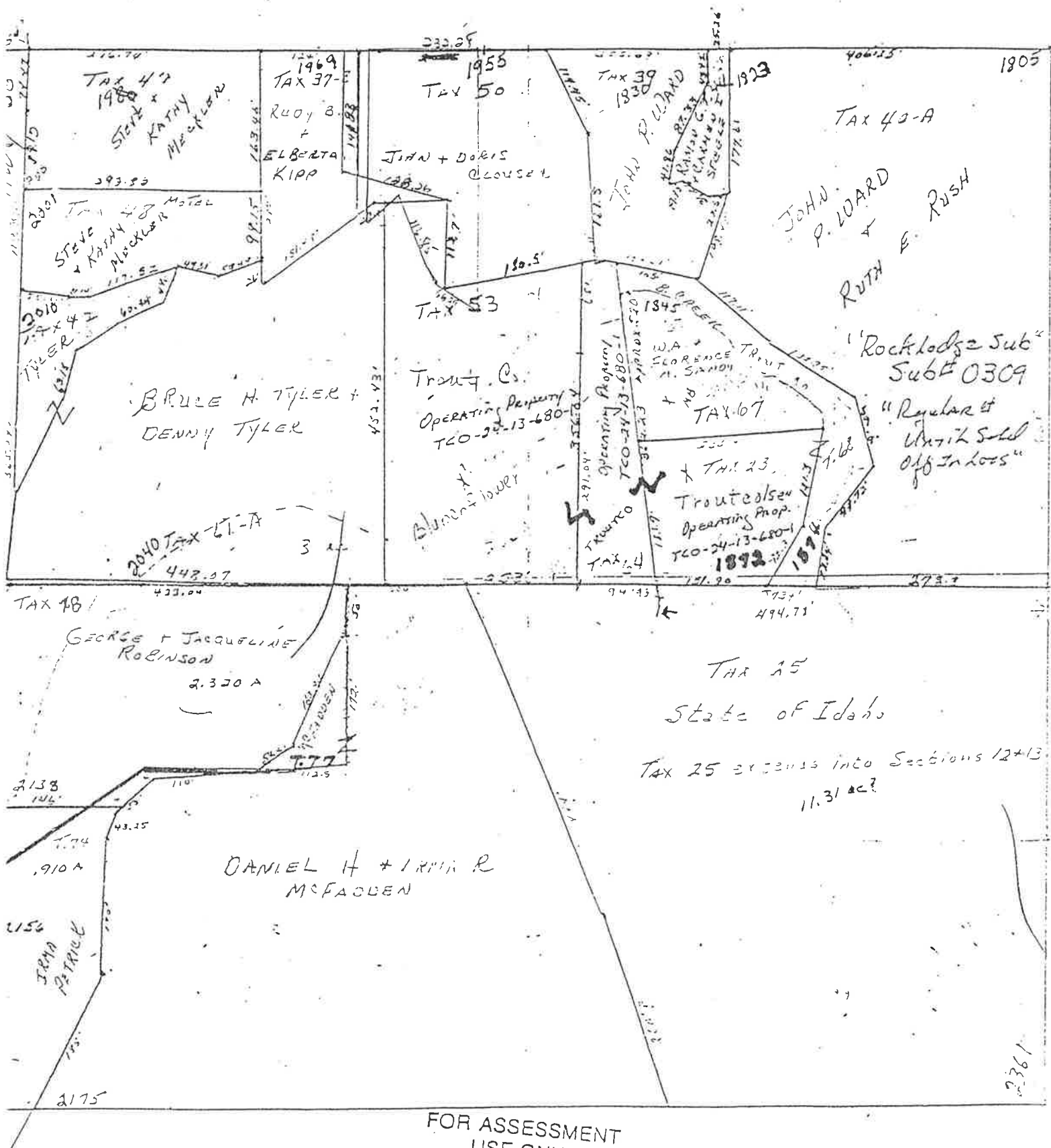
Section 11 Township 7 Range 13
SE 1/4 NE 1/4 Scale 1" = 165'

1/4 mile scale

07513E11

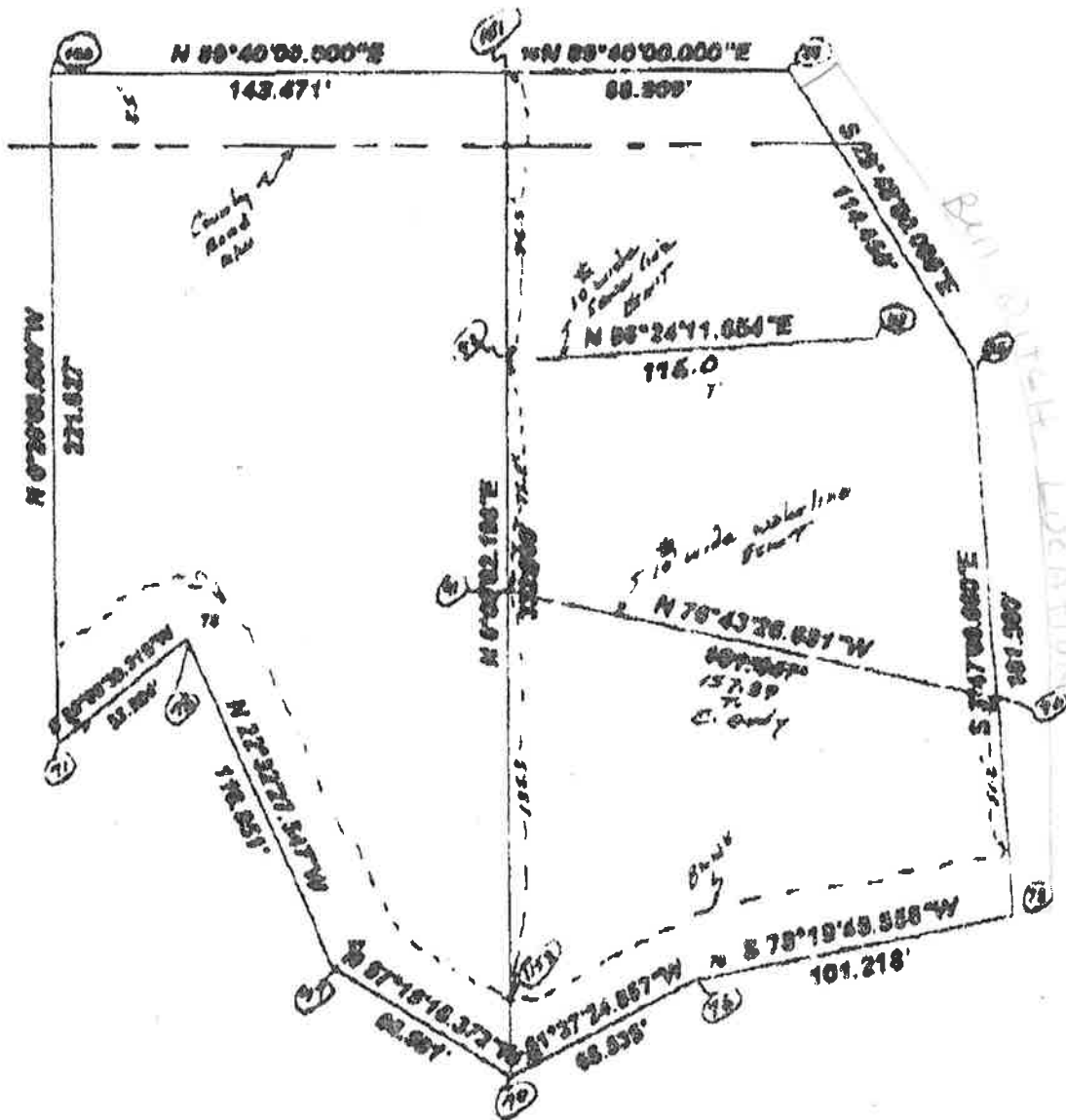
AG NE

992
965



SEP-10-99 02:41P

P.01



COPY

1996 SEP 27 PM 3:17

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

Water Rights: 36-00089A

NOTICE OF ADMINISTRATIVE
PROCEEDING

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

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

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ I.C. § 42-222 transfer

☒ point of diversion ☐ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed no later than: September 30,
1997.

DATED: 9/27/1996

Douglas Jones
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 9-27, 1996, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
John and Doris Clouser Pat Brown
947 Justice Grade Hepworth Lezamiz & Hohnhorst
Hagerman ID 83332 PO Box 983
Twin Falls ID 83303-0389
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

September 27, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JOHN AND DORIS CLOUSER
947 JUSTICE GRADE
HAGERMAN ID 83332

RE: SRBA Claim(s) 36-00089A

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf
Enc

cc: Pat Brown

MICROFILMED
DEC 03 1996

no split
objections

FROM: Allen Merritt

DATE: September 18, 1996

TO: Transfer File No. 2333
In the Name of: John & Doris Clouser

SUBJECT: Review and Recommendation

This transfer proposes to add a point of diversion (place a pump in Billingsley Creek). Three protests were filed and all appear to have with resolved. The right has since been involved in the SRBA process. Claim A36-00089A represents this right. 36-00089A represents our recommendation which has been objected to. Presently the matter of the objection has not been resolved through the SRBA process. Taking Steve Clelland's lead, it appears that this administrative process can be concluded.

RECOMMENDATION

I recommend that the transfer be approved subject to the following conditions:

- Subject to SRBA determination (Right may be decreed for 0.04 cfs on 2 acres instead of what is represented on transfer application)

- Under control of watermaster of district 36A.

- Maintain measuring devices on all points of diversion.

SRBA court should be notified of completion of this administrative process.

Pat Brown - atty for claimants
John & Doris Clouser - claimants

MICROFILMED
DEC 03 1996

MEMO

TO: Allen Merritt
FROM: Steve Clelland *sc*
DATE: September 17, 1996

RE: Transfer on 36-00089; SRBA Claim A36-00089A; Clouser

=====

I was given this file to use in Settlement Conference negotiations earlier in 1996. The Settlement Conf. were cancelled and this right was ultimately scheduled for trial without any form of conference. Only after the court ruled the trials vacated inquiries were made by the claimant's attorney.

On May 28, 1996 the attorney's office called and asked why this claim had been objected to at all since it was recommended for the exact amounts as claimed. They would try to resolve this issue from their end.

SUMMARY: This right is recommended for 0.04 cfs on 2.0 acres and is delivered down the John Bell Ditch as claimed. While the pump was found to be an additional diversion for the same place of use, the point of diversion was not claimed as such by the claimant. He refers instead to the transfer in process to accomplish this change. The requested change has been completed prior to 1990.

Recommend the transfer be approved and recorded with the amounts given in the Director's Report for Basin 36.

MICROFILMED
DEC 03 1996

COMMUNICATION DOCUMENTATION

MICROFILMED
DEC 03 1996

INFORMATION REQUEST

NAME: LeAnn McMillan , Pat Brown Esquire Office

DATE: 5/16/96

ADDRESS: _____

CITY/ZIP: _____

PHONE: 734-7510

(please print)

I HAVE REQUESTED TO REVIEW AND/OR OBTAIN COPIES OF THE FOLLOWING DOCUMENTS ON FILE WITH THE DEPARTMENT OF WATER RESOURCES.

ADJUDICATION
CLAIM NUMBERS

ALLOCATION WATER
RIGHT NUMBERS

OTHER
DOCUMENTS

☒ A36-00089A

A43-02061

A43-02110

RESEARCH SUBJECT: Please copy all pertinent files.

COPIES MADE OF: _____

10 COPIES OR LESS: FREE

NUMBER OF COPIES MADE: 174

FEES DUE @ \$0.05 PER COPY: \$8.70

OTHER FEES: _____

RECEIPT NUMBER: 5019137

ASSISTING AGENT: (Signature)

LeAnn McMillan
(customer signature)

RECEIVED

MAY 16 1996

Department of Water Resources
Southern Region

MICROFILMED

DEC 03 1996

chk #18681

HANWORTH et al

COPY

Tara -

1:30 pm
5/16/96

{ A 36-00089A
Copy Whole file
please

43-02061

WR 43-02110
I'll do this Div or area

pick up 3 PM
& give
her a call
with charge amt.
Leann
734-7510

RECEIVED

MAY 16 1996

Department of Water Resources
Southern Region

ORIGINAL

MICROFILMED

DEC 03 1996

R PROOF

CVR

MAPS

PHOTOS

MISC

NOT FILMED

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. 36-00089A -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)

MICROFILMED
OCT 12 1994

2. Person who filed objection:

Name: JOHN F & DORIS H CLOUSER
Address: 947 JUSTICE GRADE
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. ☒ Quantity: I respond to the objection concerning:
- 3a. ☒ The total quantity of water used in cubic feet per second.
9. ☒ Place of Use: I respond to the objection concerning:
- 9b. ☒ The number of irrigated acres within each forty (40) acre subdivision.
14. ☒ Other: I respond to the objection concerning:

ALL MATTERS RAISED BY 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). In further response

to this objection item, IDWR responds that the amount recommended is the amount claimed and the amount IDWR determined was being beneficially used. The objector does not identify the change sought in the amount recommended or state a reason for this portion of the objection. This portion of the objection should be stricken.

In response to Statement of the Objection 9 and 9.b, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the total number of acres within each 40 acre subdivision upon which IDWR found water was beneficially used for irrigation under this water right.

In further response to this objection item, IDWR responds that the claimant seeks more acres than claimed and 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. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection item 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.

(Over)

FILED
JUL 10 1968
FBI - ALBUQUERQUE

☒ 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. A36-00089A	3
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4

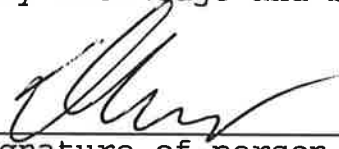
VERIFICATION (Must be Completed)

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

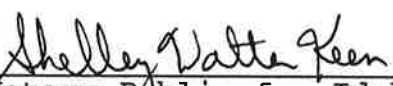
By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 9th day of September,
1993.





Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: July 31, 1997

(Over)

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: A36-00089A
Date Received: 6/21/1988
Receipt No: S000490
Received By: SC

Amended

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

Amended

1. Name: DORIS H CLOUSER
Address: 947 JUSTICE GRADE
HAGERMAN ID 83332 208-837-4507

AND/OR

Name: JOHN F CLOUSER
Address: 947 JUSTICE GRADE
HAGERMAN ID 83332 208-837-4507

2. Date of Priority: JUN 26, 1881

3. Source: BILLINGSLEY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
CEMENT CHECK STRUCTURE TO EARTH DITCH AND 36" PIPE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		

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

8. Total consumptive use is 6.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	SE	NE		IRR	2.0

A36-00089A

Page 1

Date: 04/30/92

MICROFILMED

OCT 12 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

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:

A37-00090A

14. Remarks:

THERE HAS BEEN AN APPLICATION FOR TRANSFER TO ADD A POINT
OF DIVERSION OUT OF BILLINGSLEY CR. FOR WATERING LAWN WITH PUMP.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

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): John F. Blouner Date: 9/30/92

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of September 19 92

Steve C. [Signature]
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994

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

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

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

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

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

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

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

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

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

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

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

22-Jan-1993

JOHN CLOUSER
947 JUSTICE GRADE
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00089A, 36-00090A

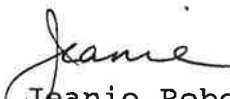
Dear Mr. Clouser:

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:

\$7.62

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

MICROFILMED

OCT 12 1994

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No:

6015318

RECEIVED

JAN 27 1993

Department of Water Resources
Southern Region Office

Date:
Time:

1/27/1993
09:07:19

Received
From:

CLOUSER JOHN F

Type of Payment

Program Acct Class

Amount

FEE FOR COPY OF ADJUDICATION CLAIM

64100

229 21 1760

7.62

Total

CHECK

5894

\$7.62

Region: SOUTHERN

Signature:

R. Foster

MICROFILMED

OCT 12 1994

RECEIVED

JAN 19 1993
Department of Water Resources
Southern Region Office

January 15, 1993

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 in my file as it relates to water right numbers 36-00089A (Irrigation, priority date 6/26/1881) and 36-00090A (Domestic, priority date 06/01/1927).

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.

Yours truly,

Doris H. Clouser

Doris H. Clouser

John F. Clouser

John F. Clouser

947 Justice Grade

Hagerman, Id 83332

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

MICROFILMED

OCT 12 1994

Jan 24, 1993

Idaho Department Water Resources
Twin Falls, Idaho 83301

Gentlemen:

Enclosed is my check for \$462
for copying + postage of my file.

Thank you for your prompt
remission of my file.

Yours truly,

John F. Blouin

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. A36-00089A
(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,

36-00089A -0001/
93-04-0083

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: John F. and Doris H. Clouser

Address: 947 Justice Grade

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Priority date of 6-26-1881 decreed right

pursuant to New International Mortgage Bank

v. Idaho Power Co. dated 3/22/1932

2. Owner of the water right:

Name: John F. and Doris H. Clouser

Address: 947 Justice Grade

Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: Hepworth, Nungerster & Lezamiz

Attorney Address: P. Parker & Patrick D. Brown

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

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

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

See page 7

CHANGES TO THE DIRECTOR'S REPORT

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

Place of use: 2.5 acres

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

JOHN F and DORIS H. CLOUSER, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. Sec 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

John F. Clouser
Signature of person filing objection

By: [Signature]
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 21 day of April,
1993.



LINDA M. ROUSSEAU
NOTARY PUBLIC - STATE OF IDAHO
Linda M. Rousseau
Notary Public for Idaho
Residing at: Sun Valley, ID
My Commission Expires: 9-11-93

(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: John F. and Doris Clouser
Owner's address: 947 Justice Grade
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 9 - Director's Report fails to accurately state the place of use.

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.

(WATER\21530ANS)

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



MICROFILMED

JAN 21 1993

NOTICE OF ERROR FORM

AUG-24-1992

RECEIVED

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

SEP 23 1992

Department of Water Resources
Southern Region Office

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

1. Water right number: 36-00089A

2. Name: DORIS H. CLOUSER

Address: JOHN F. CLOUSER

947 JUSTICE GRADE

HAGERMAN, IDAHO 83332

Weekday Telephone Number:

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:

MAX QUANTITY: 0.03 cfs should be 0.04 cfs decreed
Acres total: 1.5 Acres should be 2 1/2 Acres

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

From 0.03 CFS Decreed to 0.04 cfs decreed
Priority date 6/26/81

From: 1.5 Acres total to 2.5 Acres total

5. Describe why you disagree with the proposed recommendation:

We are taxed on 2 1/2 Acres. When purchased in 1978 2 inches of water was transferred to us indeed from the Gulin Bell Ditch for irrigation purposes with priority date of 6/26/81 (6/26/1881)

- 6.

Date:

Sept 18, 1992

SIGNATURE

John F. Blousser

MICROFILMED

JAN 21 1993

VERIFIED BY

SW

Water Right Number - R36-00089A

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
CLOUSER

DORIS H

1 - 947 JUSTICE GRADE
2 -
3 -City- HAGERMAN
Phone - 208-837-4507

State- ID Zip- 83332

CLOUSER

JOHN F

1 - 947 JUSTICE GRADE
2 -
3 -City- HAGERMAN
Phone - 208-837-4507

State- ID Zip- 83332

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
06/26/1881 ERROR IN REGION D - DECREED+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER

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

TwN Rng Sec Tract Lot RFlg County
07S 13E 11 NE SE NE (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.040+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.040 6.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 13E 11 SE NE 2.0 01 IRRIGATION (47) GOODING

Total Acres: 2.0

+ - - Diversion Means - CEMENT CHECK STRUCTURE TO EARTH DITCH AND 36" PIPE.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.
2 POINTS OF DIVERSION LOCATED IN NESENE, S11, T07S, R13E.

MICROFILMED

JAN 21 1993

Water right number - R36-00089A

Prefix Translation: RESEARCH

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

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

A3600089

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

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

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

Date: 07/30/1992 User Id: WORSTELL Subject: COPIED FROM REMARKS

THERE HAS BEEN AN APPLICATION FOR TRANSFER TO ADD A POINT
UNABLE TO LOCATE A TRANSFER IN FILES.--8-14-90 HHT.

OF DIVERSION OUT OF BILLINGSLEY CR. FOR WATERING LAWN WITH PUMP.

Date: 09/30/1992 User Id: CLELLAND Subject: NOTICE OF ERROR

MR. CLAUSER AMENDED HIS CLAIM TO .04 CFS ON 2.0 ACRES. THIS IS
CLAIMED.

WITHIN THE CONDITIONS FOUND IN THE FIELD EXAM AND IS ALLOWED AS

+ - - Audit Fields - - +

09/30/92 CLELLAND

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 09/30/1992	Old Judicial District	-
Claim Received Date	- 06/21/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S000490	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	- E

MICROFILMED

JAN 2 1 1993

RESPONSE TO NOTICE OF ERROR
IN THE SNAKE RIVER BASIN ADJUDICATION

Water Right No: 36-00089A & 36-00090A Contact Date: _____

IDWR Contact Person: (print and initial) STEVE CLELLAND

Claimant Contact Person _____

Others Present _____

Contact By (give date) _____

Phone Call (no.) 837-4507

Meeting (location): _____

Letter (attach letter): _____

IDWR USE ONLY

Date _____ Initials _____

Date Entered _____

Verified _____

I. Issues identified by claimant: _____

36-00090A: Domestic use to include irrigation; Div. RATE = 0.04 cfs

36-00089A: Diversion Rate change to 0.04 cfs
irrigated acres changed to 2.5 Acres

II. Reasons provided claimant for original recommendation: _____

Both rights are recommended as claimed, any changes
above would require and amendment to his claims.

36-00090A - this system is very limited in its Diversion
Capacity. There is a common agreement not to
use the spring for irrigation purposes

36-00089A - water rights are based on the actual irrigated
acres (see memo by RVW). Field Exam & maps
indicate the 1.5 Acres claimed is accurate description
Diversion Rate as claimed

III. Additional information provided by claimant: NONE

9-30-92 McCluskey amended his claims to the diversion rates
of 0.04 cfs each and increased the acres of 36-00089 to 2.0
acres.

IV. Changes to be made in final recommendation (if any): change recommendation to
match the claimed rates & acres.

MICROFILMED

JAN 21 1993

V. Action taken (date): 9-30-92 I changed these recommended claims
as described above to reflect the rights as claimed.

Steve Clelland 9-30-92

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELAND

FILE A36-00089A
A36-00090A

RE: NOTICE OF ERROR

DATE 9-25-92

NAME OF PARTY

JOHN CLAUSER

837-4507

10:30 Am left message on machine.
9-28-92 10:00 AM left message on machine.

11:30 Am Mr. Clauser returned my call.

I explained we recommended what he
claimed; to change anything he would first
have to amend his claim for more water &/or
irrigation acres.
He said he will do that.

MICROFILMED

JAN 21 1993

947 Justice Grade
Hagerman, Idaho 83332
Sept. 23, 1992

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

RECEIVED

SEP 23 1992

Re: Water Rights Number 3600090A & 36-00089A

Department of Water Resources
Southern Region Office

Gentlemen:

This property was purchased in 1978. The $2\frac{1}{2}$ Acre parcel at that time was divided into two parcels.

The two (2") inches of domestic water (Water Right #36-00090A) was and is adequate for two single family dwellings and to furnish water for a garden near the house, spot lawn watering, and flower and shrub watering.

Since this water has been utilized on the property and the priority date for this Water Right dates to 6/1/1927, it cannot be claimed to not have been used. This Water Right is therefore available as an "IRA" to a retiree, the present owner, by selling off a homesite to another person and offering one inch of water for household use. This would assist the present owner to stay off the County and State indigent rolls.

Re: the decreed irrigation water of two inches with priority date of 6/26/1888 No. 36-00089A

This water is available to irrigate the land under Water Right No. 36-00089A. Land with no water in southern Idaho is useless because in this area average "rainfall" will not support cultivation over a summer season.

The arbitrary reduction in acreage and Water Rights is a bureaucratic misconception, illegal, capricious and an invasion of "personal rights" to current landholders.

Where are the so-called inches reduction of water rights going to be utilized; sold to California or Arizona, or used to flush offspring of two spawning Salmon through the turbines of dams on the Snake and Columbia Rivers? I trust you people will leave our Water Rights and taxable acreages alone!

Yours truly,


John F. Clouser

MICROFILMED

JAN 21 1993

~~DIRECTOR'S REPORT~~ CONVERSATION MEMO
NOTICE OF ERROR

837-4507

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

John Clouser

947 Justice Grade

Hagerman ID 83332

2. SUBJECT OF INQUIRY:

Mr Clouser was concerned about the recommended acreage (1.5) on his claim when his deed lists his property as 2.5 acres - also 2.5 acres on his tax notice. He also was concerned that our recommended diversion rate was less than the one shown in his deed.

(He was accompanied by Mrs. Clouser)

3. RESPONSE TO INQUIRY:

We estimated that approx. 0.26 acres of his property was covered by his home, garage, driveway and rights of way for the street and a lateral ditch. Claim 36-00090A is for domestic use on the same property - good for $\frac{1}{2}$ acre of yard and garden, so he has most of his property covered in the adjudication.

We told him he could amend his claim if he would bring in a copy of his deed and Tax notice, and pay an additional fee.

4. IDWR STAFF AND DATE:

R. V. WORSTELL

9/16/92

Print name and initial

ROBERT V. WORSTELL

R.V.W.

WATER RIGHT CLAIM (Nos.):

36-00089A + 36-00090A

MICROFILMED

JAN 21 1993

R PROOF

CVR

MAPS

PHOTOS

MISC



MICROFILM

JAN 21 19

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

VERIFIED BY HAT

Water Right Number - R36-00089A		Prefix Translation: RESEARCH		Old (D) Number -	
+ - - - - Last Name - - - - +		+ - First Name - - +		+ - - - - Address - - - - - +	
*** C - CURRENT OWNER ***					
CLOUSER		DORIS H		1 - RT 1 BOX 380A	
				2 -	
				3 -	
				City- HAGERMAN	
				State- ID Zip- 83332	
				Phone - 208-000-0000	
CLOUSER		JOHN F		1 - RT 1 BOX 380A	
				2 -	
				3 -	
				City- HAGERMAN	
				State- ID Zip- 83332	
				Phone - 208-837-4507	
+ - - Priority Date - - +		+ - - Region - - +		+ - - Stage - - - +	
06/26/1881		ERROR IN REGION		D - DECREED	
+ - - - - Source - - - - +		+ - - - - Tributary - - - - +			
BILLINGSLEY CREEK		SNAKE RIVER			
+ - - - - Point of Diversion - - - - - +					
TwN	Rng	Sec	Tract	Lot	RFlg County
07S	13E	11	NE SE NE		(47) GOODING
+ - - - - Water Use - - - - - +					
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	0.030	
+ - Total Div. Rate - +		+ - Total Div. Volume - +		+ - Total Consumptive Use - +	
0.030				4.5	
+ - - - - Place of Use - - - - - +					
TwN	Rng	Sec	Tract	Lot	Acres Code Description County
07S	13E	11	SE NE		1.5 01 IRRIGATION (47) GOODING
Total Acres: 1.5					
+ - - Diversion Means - CEMENT CHECK STRUCTURE TO EARTH DITCH AND 36" PIPE.					
+ - - Non-Irrigation Use -					
+ - - Other Rights for Same Use - NONE					
+ - - - - Remarks - - - - - +					
WATER IS DELIVERED THROUGH THE JOHN BELL DITCH.					
2 POINTS OF DIVERSION LOCATED IN NESENE, S 11, T07S, R13E.					

MICROFILMED

JAN 21 1993

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

Water right number - R36-00089A

Prefix Translation: RESEARCH

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

+ - - - - Old Water Right Numbers - - - - - +
A3600089

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

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

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

Date: 12/18/1990 User Id: CLELLAND Subject: DIVERSION RATE

CHANGED THE DIVERSION RATE TO THE DECREE STDS. 0.0125 CFS/AC.

Date: 07/30/1992 User Id: WORSTELL Subject: COPIED FROM REMARKS

THERE HAS BEEN AN APPLICATION FOR TRANSFER TO ADD A POINT

UNABLE TO LOCATE A TRANSFER IN FILES.--8-14-90 HHT.

OF DIVERSION OUT OF BILLINGSLEY CR. FOR WATERING LAWN WITH PUMP.

+ - - Audit Fields - - +
08/17/92 THORNTON

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/17/1992	Old Judicial District	-
Claim Received Date	- 06/21/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S000490	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:35:30
06/29/90

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00089A

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				
POINT OF DIV	(Y)		7-25-90 SCC/HHT	(Y)	1, 4, 5	9-28-90	4-10-90	
SOURCE	N			N				
PLACE OF USE	(Y)		7-25-90 SCC/HHT	N	1, 4, 5	7/20/92		
DIV. AMOUNT CFS/VOLUME	(Y)		7-25-90 SCC/HHT	N (Y)	5 6 DEGREE		12-18-90 SCC	
CONSUMPTIVE USE	-			N				
PURPOSES	N			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS	Y			(Y)	5			

"VERIFIED BY" CODES

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

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

*claim is for 1.5 Acres
@ 0.03 CFS which is within
guide lines*

MICROFILMED
JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:35:30
06/29/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00089A

LAST: CLOUSER
ADDRESS: RT. 1 BOX 380A
CITY: HAGERMAN
PHONE NUMBER: 208-000-0000

FIRST: DORIS H.
STATE: ID ZIP: 83332

OWNER CODE: C

LAST: CLOUSER
ADDRESS: RT. 1 BOX 380A
CITY: HAGERMAN
PHONE NUMBER: 208-837-4507

FIRST: JOHN F.
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: THERE HAS BEEN AN APPLICATION FOR TRANSFER TO ADD A POINT
OF DIVERSION OUT OF BILLINGSLEY CR. FOR WATERING LAWN WITH PUMP.

} unable to locate a transfer in
files - 8/14/90
Jax

CONTACT PERSON: John Clouser

PHONE NUMBER: () -

DATE OF FIELD EXAM: 7/25/90

APPOINTMENT MADE: Y() N(X)

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED

JAN 21 1993

Conversation Memo:

Mr. Clouser stated that the domestic use for his and other houses is from a spring. The ~~POD~~ POD for domestic is a buried pipeline on the east side of the ~~and~~ dirt road. The collection box on the west side is for Mr. Ward's irrigation from the spring (see A36-04008)

A. AJ CLAIM: # A36-00089A PRIORITY DATE: 06-26-1881 STAGE: D

B. WR RECORD: # 36-00089 PRIORITY DATE: 06-26-1881 STAGE: D

C. FIELD EXAM REQUIRED?

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

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
06-26-1881

REVIEWED BY act

DATE

8-14-90

MICROFILMED
JAN 21 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00089A	07S	13E	11	NE	SE	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-00051D	NONE

WR RECORDS IN SAME 40 ACRE TRACT

A36-10119	36-00003
A36-10120	36-00005
A36-10751	36-00019
A36-10752	36-00021
A36-10755	36-00024
A36-10061	36-00025
A36-00103B	36-00026
A36-00108A	36-00027
A36-00003G	36-00034
A36-00027	36-00035A
A36-00039C	36-00035B
A36-00090E	36-00039A
A36-00051B	36-00039B
A36-00076A	36-00040
A36-00089B	36-00051
A36-00089D	36-00052
A36-10283	36-00064
A36-10312	36-00065
A36-00090A	36-00067
A36-00003D	36-00071
A36-00090B	36-00076
A36-00090C	36-00077
A36-00090D	36-00082
A36-00090F	36-00083
A36-00108F	36-00085
A36-00125A	36-00087
A36-00026	36-00088
A36-00051C	36-00090
A36-00071A	36-00091
A36-00108C	36-00094
A36-00108D	36-00095
A36-00108E	36-00096
A36-00108H	36-00103
A36-04008	36-00108
	36-00112A
	36-00112B
	36-00113B
	36-00113C
	36-00113D
	36-00125
	36-04008
	36-04115
	36-04261
	36-07271
	36-07658
	36-07739

MICROFILMED
JAN 21 1993

36-07834
36-07840
36-07853
36-07875
36-07957
36-08058
36-08319
36-08335

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
36-00089	07S	13E	11		SE	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-00003	A36-00025	NONE
36-00005	A36-00087	
36-00019	A36-07658	
36-00021	A36-10409	
36-00024	A36-00051D	
36-00025	A36-10119	
36-00026	A36-10120	
36-00027	A36-10751	
36-00034	A36-10752	
36-00035A	A36-10755	
36-00035B	A36-10061	
36-00039A	A36-00103B	
36-00039B	A36-00108A	
36-00040	A36-00003G	
36-00051	A36-00027	
36-00052	A36-00039C	
36-00064	A36-00090E	
36-00065	A36-00051B	
36-00067	A36-00076A	
36-00071	A36-00089B	
36-00076	A36-00089D	
36-00077	A36-10283	
36-00082	A36-10312	
36-00083	A36-00090A	
36-00085	A36-00003D	
36-00087	A36-00090B	
36-00088	A36-00090C	
36-00090	A36-00090D	
36-00091	A36-00090F	
36-00094	A36-00108F	
36-00095	A36-00125A	
36-00096	A36-00026	
36-00103	A36-00051C	
36-00108	A36-00071A	
36-00112A	A36-00108C	
36-00112B	A36-00108D	
36-00113B	A36-00108E	
36-00113C	A36-00108H	

MICROFILMED

JAN 21 1993

36-00113D
36-00125
36-04008
36-04115
36-04261
36-07271
36-07658
36-07739
36-07834
36-07840
36-07853
36-07875
36-07957
36-08058
36-08319
36-08335

A36-04008
A36-04115
A36-04261
A36-00113B
A36-10316
A36-10588
A36-00039J
A36-00096A
A36-00113F
A36-00113G
A36-10559
A36-00048B
A36-00048C
A36-10223
A36-00103A
A36-00003B
A36-00003C
A36-00003E
A36-00003F
A36-00003J
A36-00039G

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
Y
N

REMARKS:

Exam found that there are 2 PODs - John Bell ditch, and pump directly out of
creek - need to add 2nd pod.

~~Point~~
this water

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
7S	13E	E11	NE	SE	NE		Gooding
7S	13E	11	NE	SE	NE		

Add in Remarks:
2 pts. of diversion

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY: Rat

DATE: 8-13-90

A. ROOT WATER RIGHT NUMBERS: A36-00089A
A36-00089B
A36-00089C
A36-00089D

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	11	SE	NE		CLOUSER , DORIS H.	A36-00089A / 1.5	- /	29.0	1.5	1.5
						HOLMES , H.L.	A36-10588 / 1.5	- /			
						ROBINSON , GEORGE E.	A36-04068 /	36-04068 /			
						TYLER , DENNY	A36-04261 / 4.0	36-04261 / 4.0			
						KIPP , RUDY B.	A36-07658 / 0.5	36-07658 / 1.0			
						KIPP , RUDY B.	A36-10119 /	- /			
						KIPP , RUDY B.	A36-10120 / 0.5	- /			
						PETRICK , HERMAN W.	A36-10559 /	- /			
						SANDY , WILLIAM A.	A36-10751 /	- /			
						SANDY , WILLIAM A.	A36-10752 /	- /			
						TROUT-CO	A36-10755 /	- /			
						WARD , JOHN P.	A36-04008 / 1.0	36-04008 / 1.0			
						HOLMES , ALICE M.	A36-00090E /	- /			
						FISH & GAME	A36-00048 / 6.0	36-00048 /			
						PETRICK , HERMAN W.	A36-00048C / 1.0	- /			
						WARD , JOHN P.	A36-00090B /	- /			
						TYLER , BRUCE H.	A36-00090C /	- /			
						CULBERTSON , S.A.	A36-00090D /	- /			
						PAR-6 PARTNERSHIP	A36-00090F /	- /			
						NORTHRUP , HAROLD N.	A36-00090G /	- /			
						CLOUSER , JOHN F.	A36-00090A /	- /			
						BOTHWELL , MARY	A36-00103A / 1.0	- /			
						ROBINSON , GEORGE E.	A36-00048B / 2.0	- /			
						MC FADDAN , DAN H.	A36-00049 / 6.0	36-00049 /			
						HOLMES , H.L.	A36-00089C / 2.0	- /			
						NORTHRUP , HAROLD N.	A36-00089D / 1.0	- /			
						TROUT-CO	A36-07834 /	36-07834 /			
						TROUT-CO	A36-08058 /	36-08058 /			
						POPE , ELIJAH		36-00089 /			
						POPE , ELIJAH		36-00090 /			
						TROVILLO , D. C.		36-00147 /			
						PARKER , CHARLES		36-07957 /			
						STATE OF IDAHO		36-08353 /			
TOTAL ACRES							A36-00089A	1.50	29.00		

MICROFILMED
JUN 21 1998

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
2

PRESUMPTION FLAG:

REMARKS:

MICROFILMED
JAN 21 1993

RECOMMENDATIONS:

TOTAL ACRES:

1.5

REVIEWED BY:

Rat

DATE:

8-14-90

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00089A IRRIGATION	FROM 03-15 TO 11-15	.030 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.030 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00089 IRRIGATION	FROM TO	.500 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.500 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	<u>22</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	<u>22</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	<u>22</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(~~X~~) N(~~X~~)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(~~X~~) N(~~X~~)

Explain in remarks, below.

REMARKS:

MICROFILMED

JAN 21 1993

MICROFILMED
JAN 21 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N(X)

AJ TOTAL CLAIMED DIVERSION RATE: 0.030 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.500 CFS

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

FLOW MEASUREMENT REQUIRED?

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

B. FLOW MEASUREMENT

MEASUREMENT METHOD theoretical, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: ~~A37-00090A~~

(domestic) None for irrigation

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00089A	BILLINGSLEY CREEK	CLOUSER, DORIS H.	0.030	0.020		
A36-10588	BILLINGSLEY CREEK	HOLMES, H.L.	0.050	0.033		
A36-04008	SPRING	WARD, JOHN P.	0.020	0.020		
A36-00048	BILLINGSLEY CREEK	FISH & GAME	10.000	0.056		
A36-00048C	BILLINGSLEY CREEK	PETRICK, HERMAN W.	0.030	0.030		
A36-00103A	BILLINGSLEY CREEK	BOTHWELL, MARY	0.060	0.060		
A36-00048B	BILLINGSLEY CREEK	ROBINSON, GEORGE E.	0.180	0.090	8.00	4.00
A36-00049	FLORENCE LIVESTOCK SPRING	MC FADDAN, DAN H.	9.700	0.054		
A36-00089C	BILLINGSLEY CREEK	HOLMES, H.L.	0.060	0.030		
A36-00089D	BILLINGSLEY CREEK	NORTHRUP, HAROLD N.	0.040	0.040		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-04068	DOMESTIC	ROBINSON, GEORGE E.	FROM 01-01 TO 12-31	.020 CFS	
A36-07658	DOMESTIC	KIPP, RUDY B.	FROM 03-15 TO 11-15	.040 CFS	
A36-10119	DOMESTIC	KIPP, RUDY B.	FROM 01-01 TO 12-31	.020 CFS	
A36-10120	DOMESTIC	KIPP, RUDY B.	FROM 03-15 TO 11-15	.030 CFS	
A36-10559	DOMESTIC	PETRICK, HERMAN W.	FROM 01-01 TO 12-31	.040 CFS	
A36-10751	DOMESTIC	SANDY, WILLIAM A.	FROM 01-01 TO 12-31	.040 CFS	
A36-10752	DOMESTIC	SANDY, WILLIAM A.	FROM 01-01 TO 12-31	.040 CFS	
A36-10755	DOMESTIC	TROUT-CO	FROM 01-01 TO 12-31	.040 CFS	

A36-00090E	DOMESTIC	HOLMES , ALICE M.
A36-00090E	COMMERCIAL	HOLMES , ALICE M.
A36-00090B	DOMESTIC	WARD , JOHN P.
A36-00090C	DOMESTIC	TYLER , BRUCE H.
A36-00090D	DOMESTIC	CULBERTSON , S.A.
A36-00090F	DOMESTIC	PAR-6 PARTNERSHIP
A36-00090G	DOMESTIC	NORTHROP , HAROLD N.
A36-00090A	DOMESTIC	CLOUSER , JOHN F.
A36-07834	POWER	TROUT-CO
A36-08058	POWER	TROUT-CO

FROM	01-01	TO	12-31	.040	CFS
FROM	01-01	TO	12-31	.100	CFS
FROM	01-01	TO	12-31	.020	CFS
FROM	01-01	TO	12-31	.020	CFS
FROM	01-01	TO	12-31	.020	CFS
FROM	01-01	TO	12-31	.080	CFS
FROM	01-01	TO	12-31	.040	CFS
FROM	01-01	TO	12-31	.020	CFS
FROM	01-01	TO	12-31	100.000	CFS
FROM	01-01	TO	12-31	100.000	CFS

MICROFILMED

JAN 21 1993

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 1.5 x 0.02 CFS/ACRE = .03 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 4.5 AF/A

ACRES 1.5 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =
TOTAL CONSUMPTIVE USE 4.5 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 1.5 x DIVERSION VOL. AF/A FOR AREA 4 =
TOTAL DIVERSION VOLUME 6 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

Recommend 0.03 - w/i parameters.

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	03-15 11-15	DATABASE EXAMINER 0.030 <u>0.02</u>	DATABASE EXAMINER <u>6</u>	DATABASE EXAMINER 4.5 <u>4.5</u>
TOTAL FOR THIS RIGHT		0.030		4.5

REVIEWED BY: Rat

DATE: 8-14-90

MICROFILMED

JAN 21 1993

~~12-18-90~~
~~see~~

— upon further review of Decreed WR
Proportional Rate = $\frac{0.5 \text{ cfs}}{40 \text{ Acres}} = 0.0125 \text{ cfs/Ac.}$

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(X)	()
FORFEIT/ABANDON _____	(X)	()
ADDITIONAL DIV. AMOUNT _____	(X)	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00089

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 0.500	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-00089	A36-00089A	0.030	-		36-00089	0.500
A36-00089	A36-00089B	0.030	-		36-00089	0.500
A36-00089	A36-00089C	0.060	-		36-00089	0.500
A36-00089	A36-00089D	0.040	-		36-00089	0.500
TOTAL CFS		0.160				0.500

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER
N

REMARKS:

*See A36-00089 for Split Review
See Split Review Sheet in file*

AUTHENTICATION:

SIGNATURE: Helen Harrington-Thornton

DATE: 8-14-90

NAME OF FIELD EXAMINER: Helen Harrington-Thornton

TITLE: Senior Water Rights Agent

MICROFILMED
JAN 21 1993

Remarks — Add: 2 pts. of diversion
delete existing remarks.

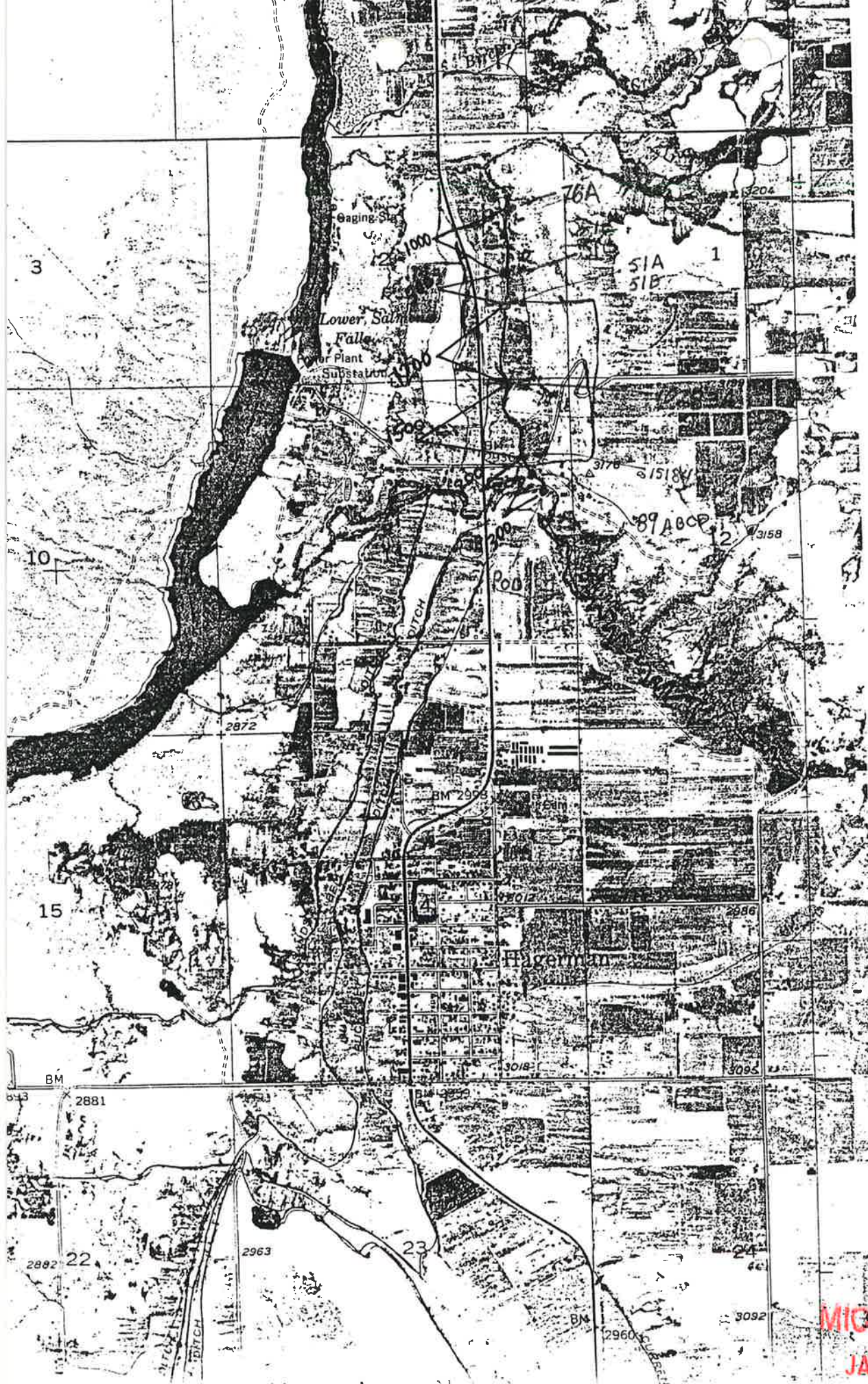
MICROFILMED

JAN 21 1993

AGENT
INITIALS HHH
DATE 7/30/92

Add Water District 36A
Delete Div. volume
check season of use

MICROFILMED
JAN 21 1993



T6S
T7S
JOHN
BELL
DITCH

CONVEY

Hagerman
15,000

15,000

19,000

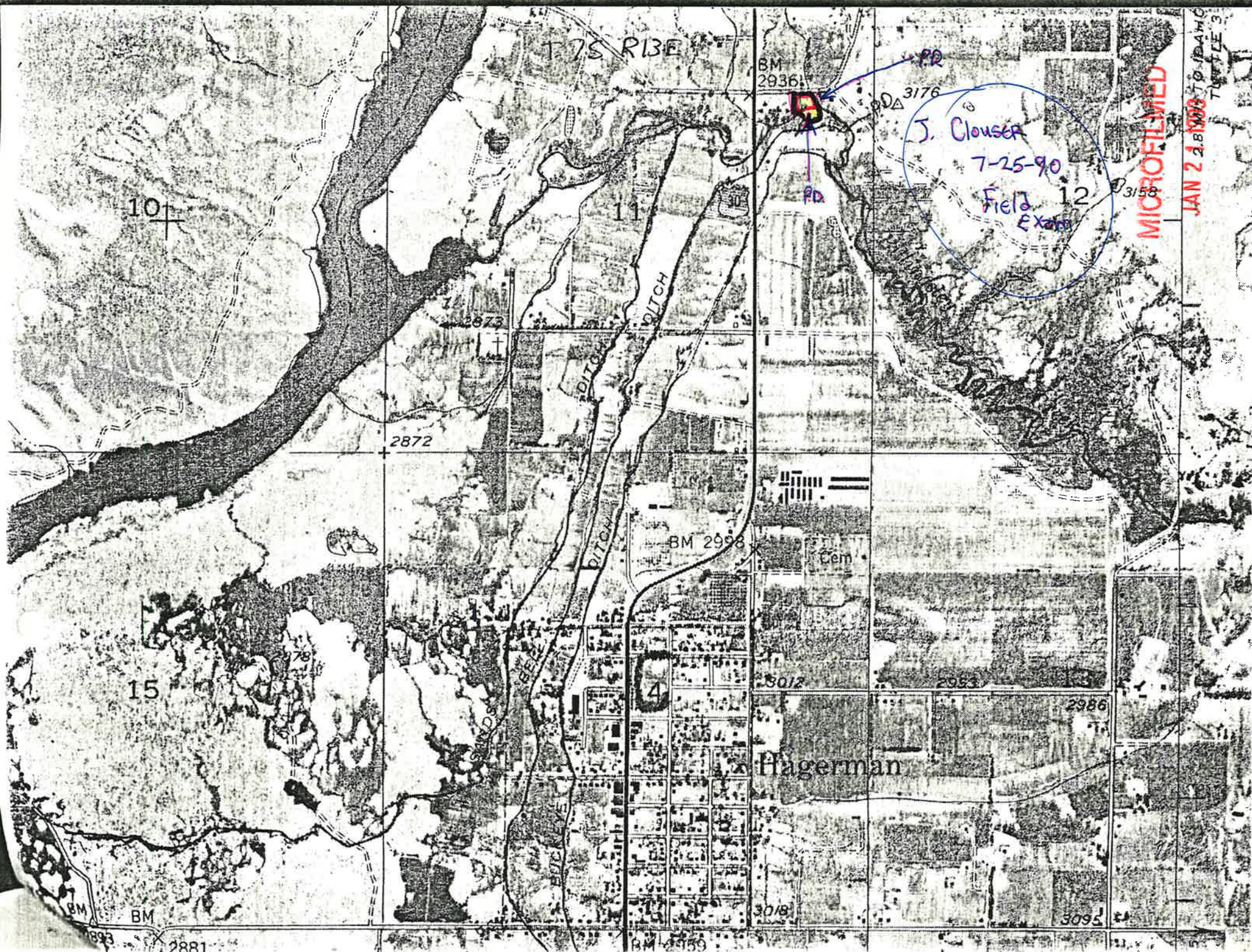
13,000

23,000

Buckley

MICROFILMED

JAN 21 1993



MICROFILMED

JAN 21 1993
TO IDAHO
TOWNSHIP 3

J. Clouser
7-25-90
Field Exam

BM 2936

3176

PD

3158

BM 2998

Cem

Hagerman

3012

2953

2986

3018

3095

BM 2959

10

11

15

4

T7S R13E

DITCH

BUCKLE

2873

2872

BM 2893

BM

2881

PREPARATION DATE 7-29-92 HHT

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	300	4.0	2.00	0.03	0.12	1.81	0.0168	0.00	2.22	-89 A, B, C, D
2	200	4.0	2.00	0.02	0.22	1.69	0.0120	0.01	2.07	-151 84
3	1500	4.0	2.00	0.15	0.24	1.47	0.1031	0.03	1.83	-102 83 A
4	600	3.0	2.00	0.05	0.38	1.23	0.0370	0.06	1.43	-71 A
5	600	3.0	2.00	0.05	0.21	0.85	0.0535	0.05	1.01	-51 A + B
6	500	3.0	2.00	0.04	0.16	0.64	0.0592	0.05	0.75	-51 E + C
7	1000	3.0	2.00	0.08	0.48	0.48	0.1579	0.21	0.56	-76 A
8				0.00		0.00	0.0000	0.00	0.00	
9				0.00		0.00	0.0000	0.00	0.00	
10				0.00		0.00	0.0000	0.00	0.00	
11				0.00		0.00	0.0000	0.00	0.00	
12				0.00		0.00	0.0000	0.00	0.00	
13				0.00		0.00	0.0000	0.00	0.00	
14				0.00		0.00	0.0000	0.00	0.00	
15				0.00		0.00	0.0000	0.00	0.00	
16				0.00		0.00	0.0000	0.00	0.00	
17				0.00		0.00	0.0000	0.00	0.00	
18				0.00		0.00	0.0000	0.00	0.00	
19				0.00		0.00	0.0000	0.00	0.00	
20				0.00		0.00	0.0000	0.00	0.00	
TOTALS	4700			0.41	1.81			0.41		

JOHN BELL
DITCH

8-4-92

see

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

MICROFILMED
JAN 21 1993

FROM STEVE CLELLAND

DATE 12-18-90

TO A36-0089 & A36-0090 SPLITS

SUBJECT Diversion Rates

It appears these two water rights were designed to be used in conjunction with one another. The proportional rate of each WR is 0.0125 cfs/A. — When combined for irrigation they would supply 0.025 cfs/Acre. This is the basis for recommendations.



SIGNATURE

7/30/92

See CUR —

Can recommend
0.03 as claimed
w/i parameters

MICROFILMED

JAN 21 1993

John F. Clouser
947 Justice Grade
Hagerman, Idaho 83332



ALWAYS
USE ZIP CODE

RECEIVED
JAN 19 1993

Department of Water Resources
Southern Region Office

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