



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

DEC 27 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 21, 2001

BILLINGSLEY CREEK LODGE & RETREAT LLC
PO BOX 308
HAGERMAN ID 83332

Re: Snake River Basin Adjudication (SRBA)

Water Right(s) #36-89C, 36-90E

Change of Address *pp. Records modified 12-27-01.*

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by January 11, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Pat J. Keeney
Claimant Signature

(208) 837-4822
Telephone No.

ADDRESS SERVICE
REQUESTED



☐ INSUFFICIENT ADDRESS
☐ NO SUCH NUMBER
☐ UNCLAIMED ☐ REFUSED
☐ ATTEMPTED NOT KNOWN
☐ NO SUCH STREET
☐ VACANT
☐ NO RECEIPTABLE
☒ NOT DELIVERABLE AS
 ADDRESSED - UNABLE
 TO FORWARD
 ROUTE NO. _____ DATE _____
 CARRIERIALS _____

36-89C ^{EP}
 36-90E ^{EP}

dupl?

PO Box 308

BILLINGSLEY CREEK LODGE &
 RETREAT LLC
 17490 HWY 30
 HAGERMAN ID 83332

CID 321179

Needs for msheet

05/15/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 36-90E

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BILLINGSLEY CREEK LODGE & RETREAT LLC 17490 HWY 30 HAGERMAN, ID 83332

Directors Report Owner	CREED ROBINSON
Directors Report Owner	SAUNDRA ROBINSON PO BOX 239 HAGERMAN, ID 83332 (208)837-4822

Directors Report Owner	KATHY MECKLER
Directors Report Owner	STEVE MECKLER PO BOX 449 HAGERMAN, ID 83332 (208)837-4822

Priority Date: 06/01/1927
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
SPRING	BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	1/01	12/31	0.1 CFS		
DOMESTIC	1/01	12/31	0.04 CFS		
Total Diversion			0.1 CFS		

Location of Point(s) of Diversion:

SPRING NESENE Sec. 11 Township 07S Range 13E GOODING County

Place(s) of use:

Place of Use Legal Description: COMMERCIAL GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	13E	11		SENE										

Place of Use Legal Description: DOMESTIC GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	13E	11		SENE										

Conditions of Approval:

1. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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:

1. Purpose of Use COMMERCIAL USE IS FOR AN RV PARK, 7 UNIT MOTEL, AND 12 RENTALS.

Dates:

Licensed Date:
Claim Received Date: 08/24/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date: 4/29/93
SF5 Filed: 10/22/97
Special Master Recom Signed Date: 10/22/97

Other Information:

Receipt Number(s): S001708
State or Federal: S
Owner Name Connector:
Water District Number: 36A
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NO NOTICE - RECOMMENDATION CHANGED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False



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

May 18, 2001

BILLINGSLEY CREEK LODGE & RETREAT
17490 HWY 30
HAGERMAN ID 83332

RE: SRBA Claim(s) 36-00089C
Decreed Water Right 36-00090E

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 claim. 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.

Water right 36-00090E has been decreed and as such does not require a Notice of Completed Administrative Proceeding be filed with the SRBA court. IDWR records have been updated and enclosed you will find a computer print out of the right reflecting the change.

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

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Steve and Kathy Meckler

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

RECEIVED

MAY 07 2001

Department of Water Resources
Boise, Idaho

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
36-89C					
36-90E					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the 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(s) Steve & Kathy Meckler
P. O. Box 449, Hagerman, ID 83332
4. New Owner/Claimant(s) Billingsley Creek Lodge & Retreat LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
17490 U. S. Highway 30
Hagerman, ID 83332
 New Mailing Address
 City, State and ZIP Code
 New Telephone Number ()
5. Date you acquired the property May 3, 2001

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) BILLINGSLEY CREEK LODGE & RETREAT, LLC
(include title if applicable)

By: [Signature] Pat O'Keene
Claudia J. Vincenz

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

For Office Use Only

Received by [Signature] Date 5/9/01 Fee 25.00
 Received by [Signature] Date 5/9/01 Receipt No. 5023438
 Processed by [Signature] Date 5/9/01 WR _____ Date _____

QUIT CLAIM DEED

FOR VALUE RECEIVED

STEVE MECKLER AND KATHY MECKLER, HUSBAND AND WIFE

GRANTOR(S)

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

BILLINGSLEY CREEK LODGE & RETREAT, LLC

GRANTEE(S)

Whose address is: *P.O. Box 308 Hagerman, Id 83334*

The following described premises, to-wit:

State of Idaho, Department of Water Resources Water License #36-89C and #36-90E.

Together with their appurtenances.

Dated: May 2, 2001

Steve Meckler
Steve Meckler

Kathy Meckler
Kathy Meckler

State of Idaho

County of Gooding

On this 2nd day of May, in the year 2001, before me, a Notary Public in and for said State, personally appeared STEVE MECKLER AND KATHY MECKLER, 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.

Notary Public

Residing At: *Tim Falls*

Commission Expires: *7-25-2002*



Instrument # 190363

GOODING, GOODING, IDAHO

2001-05-03 02:25:39 No. of Pages: 1

Recorded for: GOODING TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

Index to: DEED, QUIT-CLAIM

Fee: 3.00

D. Hansen

RECEIVED

MAY 07 2001

Department of Water Resources
Cultural Register

JTB
Ball
SP



GOODING
TITLE & ESCROW
COMPANY

May 4, 2001

Idaho Dept. of Water Resources
Attn: Trish Fawcett
1341 Fillmore Street, Ste. #200
Twin Falls, ID 83301

RECEIVED

MAY 07 2001

Department of Water Resources
Twin Falls, Idaho

Re: Water Right #36-89C
Water Right #36-90E

Dear Trish:

Enclosed please find a Notice of Change of Ownership to be filed with your office along with our check in the amount of \$25.00 for the transfer. I have also enclosed some recent correspondence we had concerning these transfers. A copy of the recorded Quit Claim Deed is also enclosed 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.

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET 200
TWIN FALLS ID 83301
PHONE 736-3033
FAX 736-3037

FACSIMILE TRANSMITTAL SHEET

TO:	DeNene	FROM:	Trish Fawcett
COMPANY:		DATE:	04/30/01
FAX NUMBER:	934-4741	TOTAL NO. OF PAGES INCLUDING COVER:	5
PHONE NUMBER:	934-4427	SENDER'S REFERENCE NUMBER:	
RE:	Rock Lodge / Meckler	YOUR REFERENCE NUMBER:	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

DeNene,

I spoke with our agent who made the recommendations for the Hagerman area and he pointed out that 36-89C is also appurtenant to property associated with the Rock Lodge. He knows of no assessments charged by or due to the department. I am sending copies of print outs of both 36-89C and 36-90E. As we discussed, there will be a \$25.00 fee due to change the ownership on 36-90E, but no fee due to change 36-89C. Should you have any further questions, give me a call. Thanks!

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

04/30/2001

WATER RIGHT NO. 36-90E

Owner Type
Current Owner
Current Owner

Name and Address
KATHY MECKLER
STEVE MECKLER
PO BOX 449
HAGERMAN, ID 83332
(208)837-4822

Directors Report Owner
Directors Report Owner

CREED ROBINSON
SAUNDRA ROBINSON
PO BOX 239
HAGERMAN, ID 83332
(208)837-4822

Attorney

PATRICK D BROWN
HEPWORTH NUNGESTER LEZAMIZ
133 SHOSHONE ST N
PO BOX 389
TWIN FALLS, ID 833030389
(208)734-7510

Priority Date: 06/01/1927
Basis: Decreed
Status: Active

Source
SPRING

Tributary to
BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	1/01	12/31	0.1 CFS		
DOMESTIC	1/01	12/31	0.04 CFS		
Total Diversion			0.1 CFS		

Location of Point(s) of Diversion:

SPRING

NESENE

Sec. 11

Township 07S

Range 13E

GOODING County

Place(s) of use:

Place of Use Legal Description: COMMERCIAL

GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	13E	11		SENE										

Place of Use Legal Description: DOMESTIC

GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	13E	11		SENE										

Conditions of Approval:

C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

Water Right 36-90E

1. Purpose of Use

COMMERCIAL USE IS FOR AN RV PARK, 7 UNIT MOTEL, AND 12 RENTALS.

Comments:

Author	Date	Subject	Comment
BEDKE	1/15/91	SCC-STAFF REVIEW	SCC-STAFF REVIEW
CLELLAND	11/13/91	CHANGE OF OWNERSHIP	DATED 11/13/1991
CLELLAND	9/25/92	CHANGE OF ADDRESS	FORM FILED BY SAUNDRA ROBINSON TO CORRECT BOX NUMBER.
WORSTELL	10/19/92	NOTICE OF ERROR RECORDS	NOE RECIEVED 9/24/92 NOE FLAG ON "R" RECORD ALREADY AS "D" FURTHER RESPONSE TO CLAIMANT ON 10/19. NO FURTHER CHANGES, NO CHANGE IN NOE FLAG.
JGIVENS	12/20/94	OWNERSHIP CHANGE	CHANGE OF OWNERSHIP RECEIVED 12/19/94 FORMER OWNERS CREED AND SAUNDRA ROBINSON NEW OWNERS STEVE AND KATHY MECKLER. SIGNATURE OF FORMER OWNERS AND COPY OF WARRANTY DEED SUBMITTED WITH FORM.

Dates:

Licensed Date:
 Claim Received Date: 08/24/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date: 4/29/93
 SFS Filed: 10/22/97
 Special Master Reccom Signed Date: 10/22/97

Other Information:

Receipt Number(s): S001708
 State or Federal: S
 Owner Name Connector:
 Water District Number: 36A
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 Presumption Flag:
 Notice of Error Flag: NO NOTICE - RECOMMENDATION CHANGED
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

04/30/2001

WATER RIGHT NO. 36-89C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KATHY MECKLER
Current Owner	STEVE MECKLER
	PO BOX 449
	HAGERMAN, ID 83332
	(208)837-4822
Directors Report Owner	CREED ROBINSON
Directors Report Owner	SAUNDRA ROBINSON
	PO BOX 239
	HAGERMAN, ID 83332
	(208)837-4822
Attorney	PATRICK D BROWN
	HEPWORTH NUNGESETER LEZAMIZ
	133 SHOSHONE ST N
	PO BOX 389
	TWIN FALLS, ID 833030389
	(208)734-7510

Priority Date: 06/26/1881
Basis: Decreed
Status: Active

Source BILLINGSLEY CREEK
Tributary to SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	2/15	11/30	0.06 CFS		
Total Diversion			0.06 CFS		

Location of Point(s) of Diversion:

BILLINGSLEY CREEK	NESENE	Sec. 11	Township 07S	Range 13E	GOODING County
BILLINGSLEY CREEK	NWSENE	Sec. 11	Township 07S	Range 13E	GOODING County

IRRIGATION Use:
Acre Limit: 1.5

Place(s) of use:

Place of Use Legal Description: IRRIGATION GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	13E	11		SENE	1.5									

Total Acres: 1.5

Water Right 36-89C

Remarks:

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

Comments:

Author	Date	Subject	Comment
CLELLAND	10/15/92	RESPONSE TO NOE	CLAIM WAS NOT AMENDED TO CHANGE POD. HOWEVER, SINCE THEIR OTHER CLAIM, 36-10588, LISTED THE PUMP AS A POD, THIS OTHER POINT OF DIVERSION WILL BE RECOMMENDED HEREIN. 36-10588 IS BEING RECOMMENDED UNDER THIS RIGHT. CHANGE OF OWNERSHIP RECEIVED 12/19/94 FORMER OWNERS CREED AND SAUNDRA ROBINSON NEW OWNERS STEVE AND KATHY MECKLER. SIGNATURE OF FORMER OWNERS AND COPY OF WARRANTY DEED SUBMITTED WITH FORM.
JGIVENS	12/20/94	OWNERSHIP CHANGE	

Dates:

Licensed Date:
Claim Received Date: 08/24/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date: 4/29/93
SF5 Filed: 10/22/97
Special Master Recom Signed Date: 10/22/97

Other Information:

Receipt Number(s): S001708
State or Federal: S
Owner Name Connector:
Water District Number: 36A
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:RECEIVED - RECOMMENDATION CHANGED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

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: **A36-00090E**
Date Received: 8/24/1988
Receipt No: S001708
Received By: _____

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

1. Name: STEVE MECKLER 208-837-4822
Address: PO BOX 449
HAGERMAN ID 83332
AND
Name: KATHY MECKLER 208-837-4822
Address: PO BOX 449
HAGERMAN ID 83332
2. Date of Priority: JUN 1, 1927
3. Source: SPRINGS Trib. to: BILLINGSLEY CREEK
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:
COLLECTOR BOX WITH PIPELINE
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
COMMERCIAL	01/01	12/31	0.100		
7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
DOM., 1 HOME; COMM., 10 RV PARK, 7 UNIT MOTEL, 2 RENTALS

10. Place of Use:

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

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

CHANGE OF OWNERSHIP 11-13-91 SCC.

OWNERSHIP CHANGE 12/20/94 BY JG.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER CO.
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DEC 19 1994

DATE OF CLOSING: 12/16/94

Department of Water Resources
Southern Region Office

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

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: A36-00090E, A36-00089C. & A36-10588
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Creed and Sandra Robinson
P.O. Box 449
Hagerman, ID 83332
- ☐ New Owner/Claimant (Purchaser): Steve and Kathy Meckler
- ☐ New Mailing Address: P.O. Box 449
Hagerman, ID 83332
- ☐ New Telephone Number: (208) 837 - 4822
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: warranty deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Steve Meckler Date 12/16/94
Kathy Meckler Date 12/16/94
- ☐ Signature of Former Owner/Claimant(s): Creed Robinson Date 12/16/94
Sandra Robinson Date 12/16/94

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

FOR IDWR USE ONLY: warranty deed
Initial Review and Data-Entry A36-00089C
Date: 12-20-94 By: SC

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

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



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

December 20, 1994

STEVE and KATHY MECKLER
PO BOX 449
HAGERMAN ID 83332

RE: Snake River Basin Adjudication (SRBA) Change of Ownership
No. A36-00090E, A36-00089C & A36-10588 - CREED and SAUNDRA
ROBINSON

Dear Claimant(s):

Thank you for notifying us of your change in Ownership on the water right claim(s) referenced above. I have changed the records in our computer system, please find enclosed copies. Please note that the Director's Report for Basin 36 has been filed with the Court. The original owners names will remain with a Code of D (Dir Rpt Owner), however, your names will be listed with an C (Currant Owner) Code. You will need to fill out the Standard Form 3 (enclosed) for the SRBA Court's records.

Please note that these files have been OBJECTED to, by Patrick D Brown, HEPWORTH NUNGESTER & LEZAMIZ for the former Claimants. Should you have any questions concerning this procedure, please contact Mr. Brown's office.

When the agent, Steve Clelland, reviewed A36-10588, in 1/9/91, he recommended that this Claim be DISALLOWED. Should you have any questions concerning this, please call him.

It seems like there are a lot of legal matters going on with this Basin 36, Gooding County. Should you have any questions, you can contact this office,

Sincerely,

Judy Givens
Technical Records Specialist

Enclosures - Profile Reports
Standard Form 3

c.c. Patrick D Brown, Attorney
PO BOX 389
TWIN FALLS ID 83303

COMMUNICATION DOCUMENTATION

Claim No. A36-00090G
A36-00090E

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

IDWR Employee/Agent

Douglas Jones

Date

3/13/95

Contact Person(s)

Ramon Steele

Nature of Contact

Water distribution problem

Substance of Communication

Mr Steele asserts that Meckler
(recent, new owner) has changed system operation
from shared mainline and caused loss of pressure
for others. Other users list attached. Steele now
owns Northrup - has paperwork to change record.
I explained IDWR doesn't have authority to deliver
or cut flows in private system. I suggested he
write a letter explaining problem. Steele's phone
calls have not been successful. I told him that
distribution between users may be a civil matter
& could entail getting an attorney.

SD-0607-2 Prefix: Basin: 36 Starting Water Right 00090 STATE

Water Right No.	Name Last, First	O W N	Priority Date	Stg/ Sts	Source	Use Code Desc
36-00090	SPLIT RIGHT,	C	06/01/1927	/Z	SPLIT RIGHT	
36-00090A	CLOUSER, DORIS H	C	06/01/1927	D/	SPRING	43 DOMEST
	CLOUSER, JOHN F	C				
36-00090B	WARD, JOHN P	C	06/01/1927	D/	SPRING	43 DOMEST
36-00090C	TYLER, BRUCE H	C	06/01/1927	D/	SPRING	43 DOMEST
	TYLER, DENNY	C				
36-00090D	CULBERTSON, S A	C	06/01/1927	D/	SPRING	43 DOMEST
	CULBERTSON, MILDRED	C				
36-00090E	MECKLER, STEVE	C	06/01/1927	D/	SPRING	43 DOMEST
	MECKLER, KATHY	C				10 COMMER
36-00090F	RUSH, RUTH E	C	06/01/1927	/I	SPRING	43 DOMEST
	WARD, JOHN P	C				
36-00090G	NORTHRUP, HAROLD N	C	06/01/1927	D/	SPRING	43 DOMEST
36-00091	SPLIT CLAIM,	C	09/10/1884	/Z	BILLINGSLEY CREE	01 IRR
					SPLIT CLAIM	
36-00091A	ELLSTON, ARTHUR	C	09/10/1884	D/	BILLINGSLEY CREE	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu)

New Ramona State

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: A36-00090E
Date Received: 8/24/1988
Receipt No: S001708
Received By: SCC

COPY
FOR YOUR FILES
DO NOT RETURN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALICE M. HOLMES 208-837-4822
Address: RT. 1
HAGERMAN, ID 83332

OR

Name: H.L. HOLMES 208-837-4822
Address: RT. 1
HAGERMAN, ID 83332

2. Date of Priority: JUN 01, 1927

3. Source: UNNAMED SPRINGS Trib. to: BILLINGSLEY CREEK

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:
COLLECTOR BOX WITH PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
COMMERCIAL	01/01	12/31	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSE C/ 10 RV PARK, 7 UNIT MOTEL, 2 RENTALS.

A36-00090E

Page 1

Date: 08/24/88

MICROFILMED
OCT 12 1994

10. Place of Use:

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

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER CO.
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: 2

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): [Signature] Date: 8/24/88
Date: _____

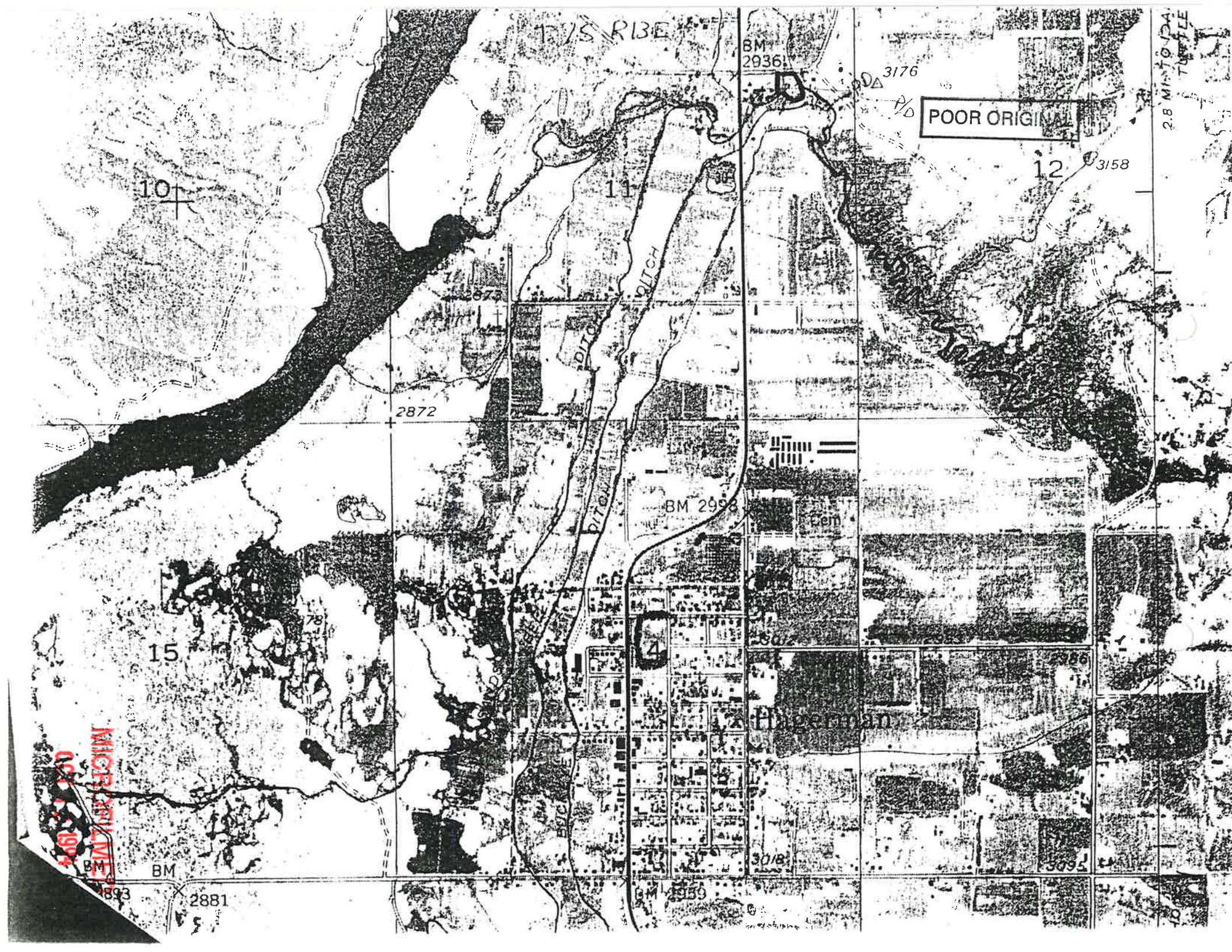
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of August 19 88

[Signature]
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94



T/S RBE

BM 2936

3176

POOR ORIGINAL

12

3158

10

11

2872

BM 2998

Cem

15

78

4

Fingerman

MICROFILMED
OCT 1 1994

BM

BM

2893

2881

BM 2959

3018

3095

2.8 MILES TO DA
TANGLE

NAME	AMOUNT OF WATER IN SECOND FEET AND SOURCE	PRIORITY OF APPROPRIATION	DIVERSION POINT
POPE, ELI- JAH, AND MAUD POPE, GERALD AND BERNICE POPE	.5 Billingsley Creek .5 Spring	June 23, 1881 June 1, 1927	John Bell Ditch Unnamed Spring
(Said Unnamed spring is located on the east portion of the tract of land immediately hereinafter described and about 75 yards from the east line thereof.)			
NE 1/4 of the SE 1/4 of the NE 1/4 of Sec. 11, Twp. 7 S. R. 13 E. B. M.			

PREWETT, M. M., AND MARGARET PREWETT

Billingsley Creek Sept. 1, 1884 Buckeye Ditch;

That certain portion of the SE 1/4 of the SW 1/4 of Sec. 14, Twp. 7 S. R. 13 E. B. M. described as follows: Beginning at a point 570 feet east and 75 feet north of the southwest corner of the said SW 1/4, running thence north to a point on the south boundary line of acreage tract or outlot 3, thence due west to a point in the center of the State Ditch, thence in a southerly direction along the center of the said ditch to a point where said ditch intersects a line running east and west 25 feet north and parallel with south boundary of the said southeast boundary of the said southeast quarter, thence due east to the point of beginning. Also acreage tract or outlots numbered 64 and 65 according to the map or plat of Hagerman Townsite; Also Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 of Block 61; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 of Block 62; Lots 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of Block 63; Lots 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of Block 64; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of Block 65; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 of Block 66 of the Village of Hagerman according to the Plat of Hagerman Townsite, in the office of the Recorder of Gooding County, Idaho.

RAWLINGS, WALTER AND MRS. WALTER RAWLINGS

.6 Spring April 1, 1901 Florence Livestock Spring

A certain parcel of land, described in acres and bounds as follows: Beginning at the southwest corner of the NE 1/4 of the NE 1/4 of Sec. 14, Twp. 7 S. R. 13 E. B. M., and running thence East 594 feet, thence north 400 feet, thence West 594 feet, thence South 400 feet to the place of beginning, containing 5.45 acre more or less.

A certain parcel of land, described in acres and bounds as follows: Beginning at a point 1320 feet north of the southwest corner of the NE 1/4 of the NE 1/4 of Sec. 14, Twp. 7 S. R. 13 E. B. M. and running thence East 1320 feet, thence North 370 feet, thence West 1320 feet, thence South 370 feet to the place of beginning.

MICROFILMED
OCT 12 1994

INPUT: AJ_SELECTION:HHT-NOA-BROWN1.SEL

TYPE OF ACTION: ADD
MODIFY ALL FIELDS FLAG:

LAST NAME: BROWN

ADDRESS LINE 1: HEPWORTH NUNGESTER LEZAMIZ

ADDRESS LINE 3: PO BOX 389

CITY: TWIN FALLS

STATE: ID ZIP: 833030389

FIRST NAME: PATRICK D
ADDRESS LINE 2:133 SHOSHONE ST N
PHONE NUMBER: (208) 734-7510

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

MICROFILMED
OCT 12 1994

Hepworth,
Nungester,
& Lezamiz

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

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

11 DATED This 19 day of February, 1993.

12 HEPWORTH, NUNGESTER & LEZAMIZ

13 By 
14 PATRICK D. BROWN

15 Attorneys for Respondents

16 CERTIFICATE OF MAILING

17
18 The undersigned, a resident attorney of the State of
19 Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin
20 Falls, Idaho 83303, and one of the attorneys for the respondents
21 in this matter, certifies that he caused to be mailed a copy of the
22 above and foregoing SUPPLEMENTAL NOTICE OF APPEARANCE on the 19
day of February, 1993, to:



Hepworth,
Nungester,
& Lezamiz

SUPPLEMENTAL NOTICE OF APPEARANCE - 2

MICROFILMED
OCT 12 1994

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

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

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

14 
15 _____
16 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

SUPPLEMENTAL NOTICE OF APPEARANCE - 3

MICROFILMED
OCT 12 1994

AJ5514NP
INPUT: AJ_SELECTION:HHT-NOA-BROWN2.SEL

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION ATTORNEY NAME ADD/UPDATE

DATE: 03/15/93
TIME: 23:19:17.8
PAGE: 1

TYPE OF ACTION: ADD

MODIFY ALL FIELDS FLAG:

LAST NAME: BROWN

ADDRESS LINE 1: HEPWORTH NUNGESTER LEZAMIZ

ADDRESS LINE 3: PO BOX 389

CITY: TWIN FALLS

FIRST NAME: PATRICK D

ADDRESS LINE 2:133 SHOSHONE ST N

STATE: ID ZIP: 833030389

PHONE NUMBER: (208) 734-7510

36-00003A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00011A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00033D ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00033E ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00051C ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00051E ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00055AA ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00064A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00090D ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-00090E WATER RIGHT HAS ONE ATTORNEY OWNER CODE - NOT ADDED
36-00104A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02008 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02009 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02588 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10308 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10309 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10310 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10314 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10409 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10588 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-10706 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00003A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00011A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00033D ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00033E ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00051C ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00055AA ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00064A ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-00090D ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A36-10309 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10310 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10312 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10314 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10409 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10588 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A36-10706 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

added on first supplement 1.0

added on first supplement 1.0

MICROFILMED
OCT 12 1994

1 HEPWORTH, NUNGESTER & LEZAMIZ,
2 CHARTERED
3 133 Shoshone St. North
4 P.O. Box 389
5 Twin Falls, ID 83303-0389
6 Telephone: (208)734-7510
7 Attorneys for Claimant
8 (PPK\21530SUP.NO2\lmr)

RECEIVED

FEB 25 1993

Department of Water Resources
Adjudication Bureau

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

11 * * * * *

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

Case No. 39576

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

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

21 Petitioner,)

22 vs.)

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

Respondents.)

* * * * *

24 COMES NOW the law firm of Hepworth, Nungester & Lezamiz
25 and supplements its Notice of Appearance to add on behalf of



Hepworth,
Nungester,
& Lezamiz

SECOND SUPPLEMENTAL NOTICE OF APPEARANCE - 1

MICROFILMED
OCT 12 1994

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

Mallane, Thomas	A36-00055AA
Mavencamp, John V.	A36-00104A
Pothier, Norman	A36-00064A
Vader, Loren	A36-10706
Vader, Loren	A36-02588
Culbertson, Stowe Allen & Mildred Sue	A36-00090D
Culbertson, Stowe Allen & Mildred Sue	A36-10409
Barnard, Clifton R.	A36-02008
Barnard, Clifton R.	A36-02009
Rea, Edna Mae & Bell, Verl C.	A36-00003A
Rea, Edna Mae & Bell, Verl C.	A36-000033E
Sauer, Roy E.	A36-00033D
Jensen, Darrell W.	A36-10308
Jensen, Darrell W.	A36-10309
Jensen, Darrell W.	A36-10310
Jensen, Darrell W.	A36-00011A
Robinson, Creed & Saundra	A36-00090E
Robinson, Creed & Saundra	A36-10588
Zabala, Ignacio Nick	A36-00051C
Zabala, Ignacio Nick	A36-10312-00051E
Zabala, Ignacio Nick	A36-10314

Dated this 24 day of February, 1993.

HEPWORTH, NUNGESTER & LEZAMIZ,
CHARTERED

By: 
Patrick D. Brown
Attorneys for Respondents

CERTIFICATE OF MAILING

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



Hepworth,
Nungester,
& Lezamiz

SECOND SUPPLEMENTAL NOTICE OF APPEARANCE - 2

MICROFILMED
OCT 12 1994

1 ~~24~~ day of February, 1993, to:

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

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

7 The United States Department of Justice (1)
8 Environment and Natural Resources Division
550 West Fort Street, Box 33
9 Boise, ID 83734

10 
11 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

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: **A36-00090E**
Date Received: 8/24/1988
Receipt No: S001708
Received By: _____

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

1. Name: CREED ROBINSON 208-837-4822
Address: PO BOX 239
HAGERMAN ID 83332

AND

Name: SAUNDRA ROBINSON 208-837-4822
Address: PO BOX 239
HAGERMAN ID 83332

2. Date of Priority: JUN 1, 1927

3. Source: SPRINGS Trib. to: BILLINGSLEY CREEK

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:
COLLECTOR BOX WITH PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
COMMERCIAL	01/01	12/31	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOM., 1 HOME; COMM., 10 RV PARK, 7 UNIT MOTEL, 2 RENTALS

10. Place of Use:

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

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:
CHANGE OF OWNERSHIP 11-13-91 SCC.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER CO.
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

MICROFILMED

JAN 21 1993

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

JAN 21 1993

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): A36-10588

A36-00089C

A36-00090E ✓

[] Old Mailing Address: P.O. Box 488

Hagerman, ID 83332

[] New Mailing Address: P.O. Box 239

New Telephone Number: () - -

[] Signature of Claimant: Samuel E. (Belmont)

Date: 9/21/92

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 9-25-92 By: sc

Further Action Needed: NONE

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

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: **A36-00090E**

Date Received: 8/24/1988

Receipt No: S001708

Received By: Sw

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

1. Name: CREED ROBINSON 208-837-4822
Address: PO BOX 488
HAGERMAN ID 83332

AND

Name: SAUNDRA ROBINSON 208-837-4822
Address: PO BOX 488
HAGERMAN ID 83332

2. Date of Priority: JUN 1, 1927

3. Source: SPRINGS Trib. to: BILLINGSLEY CREEK

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:
COLLECTOR BOX WITH PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
COMMERCIAL	01/01	12/31	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOM., 1 HOME; COMM., 10 RV PARK, 7 UNIT MOTEL, 2 RENTALS

10. Place of Use:

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

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

NONE

14. Remarks:

CHANGE OF OWNERSHIP 11-13-91 SCC.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER CO.
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 10/1/91

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

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s)
Assigned by IDWR: A36-00090E, A36-00089C & A36-10588

☐ Name and Address of Former Owner/Claimant(s)(Seller): H. L. "Burt" Holmes
P.O. Box 488

☒ New Owner/Claimant (Purchaser): Hagerman, ID 83332
Creed and Sandra Robinson

☐ New Mailing Address: P. O. Box #398
Hagerman, ID 83332

☐ New Telephone Number: (208) 837 -4822

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Warranty Deed (Copy Of)

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

☐ Signature of New Owner/Claimant(s) Creed L. Robinson Date 8-30-91
Sandra L. Robinson Date 9-30-91

☒ Signature of Former Owner/Claimant(s): H. L. Holmes Date 9-30-91
Date

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 1-13-91 By: SC

Further Action Needed:

NONE

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

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

MICROFILMED
JAN 21 1993

LAW OFFICE OF
JAMES ANNEST
ATTORNEY AND COUNSELOR AT LAW
AREA CODE 208 PHONE 678-7783

1742 OVERLAND AVENUE
BURLEY, IDAHO 83316
POST OFFICE BOX 686

October 30, 1990

Mr. John L. Pope
Route 1 Box 403
Hagerman, ID 83332

*orig in
A36-10588*

RECEIVED

NOV 9 1990

Department of Water Resources
Southern Region Office

A36-00090E

Dear Dick:

Mr. H. L. Holmes, who apparently operates the Rock Lodge Motel and Creekside Campground, has contacted me to obtain your acknowledgment that the water rights, both domestic and irrigation used at Rock Lodge were acquired and applied to a beneficial use in 1927. He forwarded to me a form of affidavit which I have revised somewhat, and am enclosing in this letter for your execution. I see no reason why you should not sign this document if you believe the facts stated therein to be true and correct.

From the information furnished by Mr. Holmes, you and your family apparently developed the Rock Lodge and operated the same for some time. You and your family appropriated the water, developed the water systems, and put the water to a beneficial use on the property. If those facts are true and correct and that the year of 1927 is correct when that was done, then please sign the affidavit and give Mr. Holmes a call so that he can pick it up and deliver it to the water resource.

I am advising Mr. Holmes of this action by a sending him a copy of this letter.

Yours very truly,


James Annest
Attorney at Law

JA:dv

Enclosure: Affidavit

cc Mr. H. L. Holmes

John L. Pope

MICROFILMED

JAN 21 1993

RECEIVED

NOV 9 1990

Department of Water Resources
Southern Region Office

STATE OF IDAHO)
) ss.
County of Cassia)

JOHN L. POPE, being first duly sworn upon his oath states:

1. My name is John L. Pope.

2. This affidavit is given to Mr. H. L. Holmes for the benefit of all concerned including the Department of Water Resources of the State of Idaho to verify the water right of Mr. H. L. Holmes.

3. Your affiant avers that my brother, Clarence Gerald Pope, and my father, Elija Pope, owned, built, and operated the property known as Rock Lodge. Rock Lodge is located one mile north of Hagerman at the corner of Justice Grade Road and U.S. 30.

4. Rock Lodge was built in 1927. At the time that Rock Lodge was built, I was of the age of 22 years and have a clear recollection of the following facts.

5. From my personal knowledge, I aver that the water used in the domestic and irrigation svstems upon the Rock Lodge premises were, in my memory, used, appropriated, and applied to a beneficial use to said property during the year 1927.

DATED this 6th day of November, 1990.

JOHN L. POPE

SUBSCRIBED AND SWORN to before me this 6th day of November, 1990.

(SEAL)

Robert H. Lawerson
Notary Public for Idaho
Residing at *Hagerman*
My Commission Expires: *3-28-90*

MICROFILMED
JAN 21 1993

In answer to your letter of Oct. 30th 1990

Yes my Father and family used very little water from unnamed spring, only in the kitchen, mens' and ladies toilets plus a little at gas pumps, of which my brother C.G. Pope filed on in 1927. It was then C.G. Pope, - Elijah Pope, Clinton Trovillo just w. of u.s. hwy 30, put the pipe line in to unnamed spring. At that time it didn't seem necessary to file.

Rock Lodge had 29" inches water out of the Old John Bell ditch for irrigation.

In 1942 I John L. and Lola S Pope purchased the Clinton Trovillo place. C.G. Pope And Berniece Pope deeded us 5" swater in unnamed--- spring. We just weren't getting enough water so I put in a little larger pipe to spring. But since then many people have moved at Rock and vicinity of which all filed on water from same unnamed spring and hhhk ed on . Since water indication came along all have filed on more -- water and (Also) all have put on pressure pumps, leaving us many times with little or no water.

John L. Pope

John L. Pope

State of Idaho

County of Gooding

ss.

On this 6 day of November, 19 90, before me, the undersigned notary public in and for said state, personally appeared

JOHN L. (DICK) POPE

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

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

Robert H. Lawman

Notary public for the State of Idaho

Residing at Logan

MICROFILMED
JAN 21 1993

8 units
Motel + RV park

10 spaces

1 Modular home

1 person

3 spaces

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-90E V2

WATER RIGHT NUMBER: 36-90E V2

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	SAUNDRA ROBINSON PO BOX 239 HAGERMAN, ID 83332 (208)837-4822
Directors Report Owner	CREED ROBINSON PO BOX 239 HAGERMAN, ID 83332 (208)837-4822
Directors Report Owner	KATHY MECKLER PO BOX 449 HAGERMAN, ID 83332 (208)837-4822
Directors Report Owner	STEVE MECKLER PO BOX 449 HAGERMAN, ID 83332 (208)837-4822
Current Owner	BILLINGSLEY CREEK LODGE & RETREAT LLC 17490 HWY 30 HAGERMAN, ID 83332

Priority Date: 06/01/1927

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
COMMERCIAL	1/01 to 12/31	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

SPRING	NE1/4SE1/4NE1/4	Sec. 11, Twp 07S, Rge 13E, B.M.
GOODING County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07S	13E	11				X													

Total Acres: 0

COMMERCIAL

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-90E V2

Twp	Rge	Sec	NE				NW				SW				SE				Totals
07S	13E	11	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
						X													

Total Acres: 0

Conditions of Approval:

1. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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:

1. Purpose of Use COMMERCIAL USE IS FOR AN RV PARK, 7 UNIT MOTEL, AND 12 RENTALS.^^

Comments:

1. BEDKE 1/15/1991 SCC-STAFF REVIEW
Comment:
2. CLELLAND 11/13/1991 CHANGE OF OWNERSHIP
Comment: DATED 11/13/1991
3. CLELLAND 9/25/1992 CHANGE OF ADDRESS
Comment: FORM FILED BY SAUNDRA ROBINSON TO CORRECT BOX NUMBER.
4. WORSTELL 10/19/1992 NOTICE OF ERROR RECORDS
Comment: NOE RECIEVED 9/24/92 NOE FLAG ON "R" RECORD ALREADY AS "D" FURTHER RESPONSE TO CLAIMANT ON 10/19. NO FURTHER CHANGES, NO CHANGE IN NOE FLAG.
5. JGIVENS 12/20/1994 OWNERSHIP CHANGE
Comment: CHANGE OF OWNERSHIP RECEIVED 12/19/94 FORMER OWNERS CREED AND SAUNDRA ROBINSON NEW OWNERS STEVE AND KATHY MECKLER. SIGNATURE OF FORMER OWNERS AND COPY OF WARRANTY DEED SUBMITTED WITH FORM.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 36-90E V2

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NO NOTICE - RECOMMENDATION CHANGED
State or Federal: S
Owner Name Connector:
Water District Number: 36A
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SubCase:

SubCase Number: 3600090E
Class: 1
SF5 Filed Date: 10/22/1997
Special Master Recom Signed Date: 10/22/1997
Attorney Assigned: NICHOLAS B SPENCER
Date Filed: 4/29/1993 Objection Status: Active

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

DATE: NOV-14-1997

PAGE: A-1

GHTS FROM: SOURCE: SPRING TRIBUTARY: BILLINGSLEY CREEK

RIGHT NUMBER: 36-00090E

NAME AND ADDRESS: CREED ROBINSON
SAMUELA ROBINSON
PO BOX 239
HAGERMAN ID 83332

STEVE MECKLER
KATHY MECKLER
PO BOX 449
HAGERMAN ID 83332

VERIFIED BY RB 11-14-97

SOURCE: SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.1 CFS
0.07 CFS

THE QUANTITY FOR NON-IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIARILY
USED FOR DOMESTIC 1 HOME, COMM, 10 RV PARK, 7 UNIT MOTEL, 2 RENTALS

PRIORITY DATE: 06/01/1927

POINT OF DIVERSION: T07S R13E S11 NESENE Within GOODING County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	COMMERCIAL	01-01 12-31	0.1 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.07 CFS
	COMMERCIAL USE IS FOR AN RV PARK, 7 UNIT MOTEL, AND 12 RENTALS.		0.04 CFS

PLACE OF USE: COMMERCIAL Within GOODING County
T07S R13E S11 SENE

DOMESTIC Within GOODING County
T07S R13E S11 SENE

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

RECEIVED

JAN 02 1998

Department of Water Resources
Southern Region

OCT 22 1997

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(S) 36-00090E
)
) SPECIAL MASTER'S REPORT
)

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

- ☐ There were no objections to this claim; however, this claim is used in combination with another claim which is the subject of an objection.
- ☒ All objections to this claim were resolved by stipulation of the parties at hearing or with a *Standard Form 5*. All parties to the subcase and IDWR have signed the *Standard Form 5*.
- ☐ All objections to this claim were resolved at trial. The court made oral findings of fact and conclusions of law at the trial and they are incorporated herein reference.

Therefore, based on the file and record herein, IT IS RECOMMENDED that this claim be decreed with the elements as set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: October 22, 1997

[Signature]
Special Master
Snake River Basin Adjudication

RECEIVED

JAN 02 1998

Department of Water Resources
Southern Region

OCT 22 1997

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(S): 36-00090E

NOTICE OF ISSUANCE and SERVICE

Special Master FRITZ X. HAEMMERLE issued a **SPECIAL MASTER'S REPORT AND RECOMMENDATION** for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 9.

The documents were served only on parties to the subcase and IDWR. They were not served on the Presiding Judge. Parties to this subcase may file a *Motion to Alter or Amend* with the Special Master, but must do so within 14 days of the date of the **SPECIAL MASTER'S REPORT AND RECOMMENDATION**.

I certify that a true and correct copy of the **SPECIAL MASTER'S REPORT AND RECOMMENDATION** were hand delivered to the following:

Representative of IDWR:

Nick Spencer

Steve & Kathy Medler
Claimant/Attorney

Claimant/Attorney

Representative of U.S. Dept. of Justice

Party/Attorney

Party/Attorney

DATED October 22, 1997

Wm. A. Bledsoe
Deputy Clerk

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

In Re SRBA

Subcase(s) 36-00090E

Case 39576

STANDARD FORM 5

This form is used to report the stipulated elements of a water right acquired under state law and/or a federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the element of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date: 10/28/97

[Signature]
IDWR Concurrence

[Signature]
Claimant

[Signature]
Claimant/Attorney

Claimant/Attorney

APPROVED AS TO FORM
[Signature]

Objector

Objector/Attorney

Objector/Attorney

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

DATE: OCT-16-1997

PAGE: A-1

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: BILLINGSLEY CREEK

RIGHT NUMBER: 36-00090E

NAME AND ADDRESS: BREED ROBINSON
SAMMORA ROBINSON
PO BOX 239
HAGERMAN ID 83332

STEVE MECKLER
KATHY MECKLER
PO BOX 449
HAGERMAN ID 83332

SOURCE: SPRING TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: ^{.10}
~~0.07~~ CFS

THE QUANTITY FOR NON/IRRIGATION USE IS LIMITED TO THE AMOUNT BENEFICIARILY
USED FOR: DOMI, 1 HOME, COMM, 10 RV PARK, 7 UNIT MOTEL, 2 RENTALS

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

PRIORITY DATE: 06/01/1927

POINT OF DIVERSION: T07S R13E S11 NESENE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	COMMERCIAL	01-01 12-31	0.07 ^{.10} CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS
COMMERCIAL USE IS FOR 10 UNIT RV PARK, 7 UNIT MOTEL, AND 12 RENTALS.			

PLACE OF USE: COMMERCIAL Within GOODING County
T07S R13E S11 SENE

DOMESTIC Within GOODING County
T07S R13E S11 SENE

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

~~THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR~~

RECOMMENDATION

OCT 22 1997

Rx. Hermal
SPECIAL MASTER

NBS

Km
SM

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

DATE: OCT-16-1997

PAGE: A-2

36-00090E (CONT.)

~~DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.~~

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


NBS



CLAIM NUMBERS 36-00089C
36-00090E: Dem & Comm
36-0588: I

DATE 10/2
 AGENT [Signature]

TRANSFER NUMBER _____
 OBJECTION FILED _____
 TOTAL ACRES FROM RECOMMENDATION 1
 GEOGRAPHIC INFO SYSTEM 1.15

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	75	13E	11				1												1
GIS							1.15												1.15
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON # _____ UPDATED

B36-DBPOU.DBF ✓

B36-DBPOD.DBF ✓

POLYGON CREATED ON 604 (✓)

ATTRIBUTES OF B36-POU.SHP 573 10/14

ATTRIBUTES OF B36-POD.SHP 458.59 10/14

John Bell Ditch

580 = Spring source for 90E

.034

1.5

170

34

.0510

P/U CONFLICT yes () no (X)

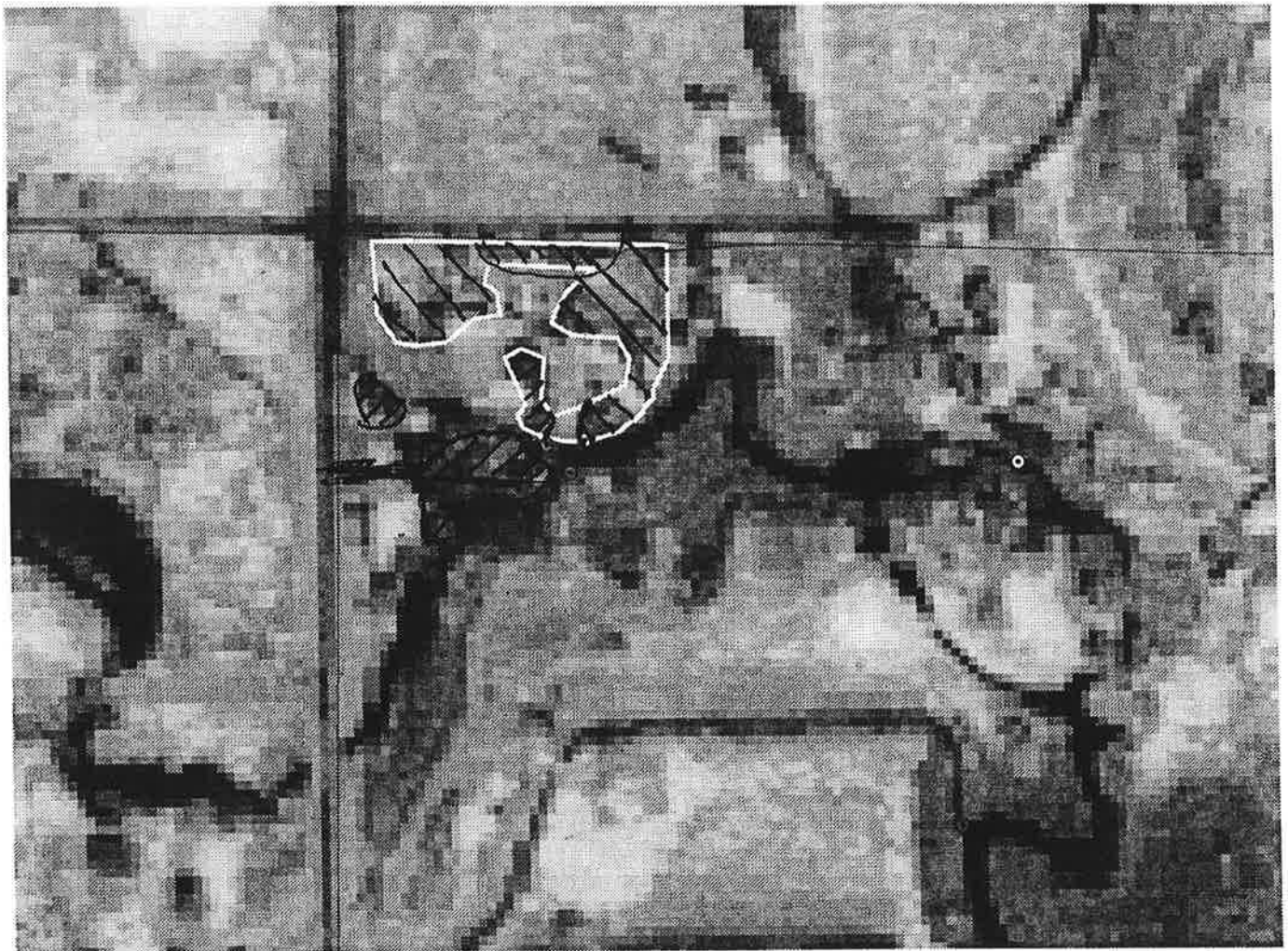
P/D CONFLICT yes () no (X)

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

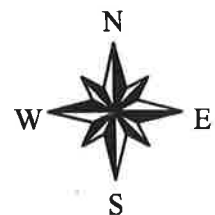
IDAHO DEPARTMENT OF WATER RESOURCES

**36-00089C, 36-00090E & 36-10588
MECKLER**



660 0 660 Feet

TNS 7S, RNG 13E, SEC 11 SENE



⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE



SECTION LINES &/OR TRACT LINES



QUARTER/QUARTER LINES

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

SUBCASE NO. 36-00090E

	CLAIM (8/24/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Steve & Kathy Meckler	N/A	Creed & Sandra Robinson	
BASIS OF CLAIM	Decree		Decree	
SOURCE	Springs		Spring	
QUANTITY	0.100 cfs		.07 cfs	XX as decreed &/or beneficially used. Objectors reserve the right to claim all purposes of use & quantities of use as shown by the evidence at trial.
PRIORITY DATE	6/1/1927		6/1/1927	
PURPOSE OF USE	Domestic Commercial		Domestic Commercial	
PERIOD OF USE	Dom.: 1/1 - 12/31 Com.: 1/1 - 12/31		Dom.: 1/1 - 12/31 Com.: 1/1 - 12/31	
POINT OF DIVERSION	T07S R13E S11		T07S R13E S11	
PLACE OF USE	T07S R13E S11		T07S R13E S11	
REMARKS			Right includes accomplished change in purpose of use pursuant to Idaho Code 42-1416A	

Note: IDWR received C of O form 12/19/94 seller Robinson buyer Meckler. Court records show Robinson as claimant.

OBJECTION _____

RESPONSE _____

SETTLEMENT _____

RESPONSE _____

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. 36-00090E -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: CREED & SAUNDRA ROBINSON
Address: PO BOX 239
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.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
14. ☒ Other: I respond to the objection concerning:

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

REASONS SUPPORTING EACH BOX CHECKED

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

is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

In response to Statement of the Objection item 10 and all allegations of the objection regarding this item, IDWR responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this right. (2) Idaho Code 42-1411(2)(i) requires the director to determine annual consumptive use volume for each water right acquired under state law and recommended in the director's report. (3) General provision 9 of the director's report states: Where consumptive use is not stated for a right or a portion of a right, the consumptive use for that right or that portion of the right is so small that it is deemed de minimus." (4) IDWR did not include a consumptive use volume in its recommendation for this right because the consumptive use for this water right is deemed to be de minimus. (5) No annual consumptive use volume was claimed for this right. (6) As noted above, neither IDWR's recommendation nor the court's determination of this right constitute a taking.

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)

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01/09/2011

☒ 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. A36-00090E	5
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4

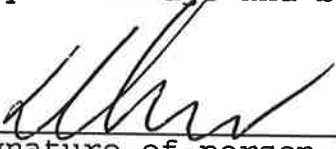
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

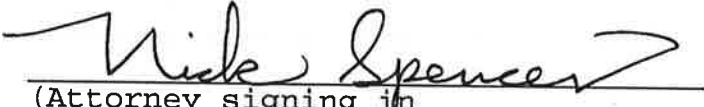
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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

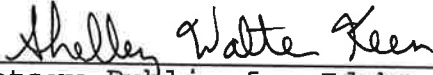
By:



(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: A36-00090E
Date Received: 8/24/1988
Receipt No: S001708
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALICE M. HOLMES 208-837-4822
Address: RT. 1
HAGERMAN, ID 83332

OR

Name: H.L. HOLMES 208-837-4822
Address: RT. 1
HAGERMAN, ID 83332

2. Date of Priority: JUN 01, 1927

3. Source: UNNAMED SPRINGS Trib. to: BILLINGSLEY CREEK

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:
COLLECTOR BOX WITH PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
COMMERCIAL	01/01	12/31	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSE C/ 10 RV PARK, 7 UNIT MOTEL, 2 RENTALS.

A36-00090E

Page 1

Date: 08/24/88

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10. Place of Use:

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

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER CO.
Decree Defendant

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JAN 27 1989
MICROFILMED

OCT 12 1994

16. Signature(s)

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

Number of attachments: 2

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): [Signature] Date: 8/24/88
Date: _____

State of Idaho

County of Twin Falls)
SS.

Subscribed and sworn (or affirmed) before me this 24th day
of August 19 88

Seal

Roxanne Storey
Notary Public

Residing at Buhl, Id
My Commission Expires 6-30-94

A36-00090-E

ANGELINE
JAN 2 1988
B

7-15 RIBE

BM-2936

3176

~~POOR~~ ORIGINAL

2.8 MINTOIDA, TUFFLE

10

11

12

3/5

2872

BM 2998

Life Ent

15.

禮

4

150

24286

Hagerman

BM

288

Q

30/8

3095

NAME	AMOUNT OF WATER IN SECOND FEET AND SOURCE	PRIORITY OF APPROPRIATION	DIVERSION POINT
------	---	------------------------------	-----------------

POPE, ELI- JAH, AND	.5 Billingsley Creek .5 Spring	June 23, 1881 June 1, 1927	John Bell Ditch Unnamed Spring
------------------------	-----------------------------------	-------------------------------	-----------------------------------

MAUD POPE,
GERALD AND
BERNICE
POPE

(Said Unnamed spring is located on the east portion of the tract of land immediately hereinafter described and about 75 yards from the east line thereof.)

$\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 11, Twp. 7 S. R. 13 E. B. M.

PREWETT,
M. M.,
AND
MARGARET
PREWETT

PREWETT, M. M., AND MARGARET PREWETT	.5 Billingsley Creek	Sept. 17, 1884	Buckeye Ditch;
--	----------------------	----------------	----------------

That certain portion of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 14, Twp. 7 S. R. 13 E. B. M. described as follows: Beginning at a point 670 feet east and 25 feet north of the southwest corner of the said SE $\frac{1}{4}$, running thence north to a point on the south boundary line of acreage tract or outlet 3, thence due east to a point in the center of the Stutz Ditch, thence in a southeasterly direction along the center of the said ditch to a point where said ditch intersects a line running east and west 25 feet north and parallel with south boundary of the said southeast boundary of the said southeast quarter, thence due east to the point of beginning. Also acreage tract or outlots numbered 24 and 65 according to the map or plat of Hagerman Townsite; Also Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 of Block 61; Lots 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16 Block 43; Lots 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of Block 52; Lots 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of Block 47; Lots 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14 15 and 16 of Block 31; Lots 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16 of Block 20 of the Village of Hagerman according to the Plat of Hagerman Townsite, in the office of the Recorder of Gooding County, Idaho.

RAWLINGS,
WALTER
AND MRS.
WALTER RAW-
LINGS

RAWLINGS, WALTER AND MRS. WALTER RAW- LINGS	.6 Spring	April 1, 1901	Florence Livestock Spring
---	-----------	---------------	------------------------------

A certain parcel of land, described in metes and bounds as follows: Beginning at the southwest corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 14, Twp. 7 S. R. 13 E. B. M., and running thence East 594 feet, thence north 400 feet, thence West 594 feet, thence South 400 feet to the place of beginning, containing 5.45 acre more or less.

A certain parcel of land, described in metes and bounds as follows: Beginning at a point 1320 feet north of the southwest corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 14, Twp. 7 S. R. 13 E. B. M. and running thence East 1320 feet, thence North 330 feet, thence East 1320 feet, thence South 330 feet to the place of be-

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A36-00090 E

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

IDWR'S RESPONSE TO ANSWER, AFFIRMATIVE DEFENSES AND PRAYER FOR
RELIEF OF CLAIMANT, Page 1

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OCT 12 1994

- 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.

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. A36-00090E
(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,

36-00090E -0001/
93-04-0086

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)

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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: Creed Robinson & Sandra Robinson

Address: P. O. Box 239

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Priority Right 6-1-1927 decreed 3/22/1932

pursuant to New International Mortgage Bank v.

Idaho Power Company

2. Owner of the water right:

Name: Creed Robinson & Sandra Robinson

Address: P. O. Box 239

Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

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

Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

Maximum quantity- as decreed and/or beneficially used.
Objectors reserve the right to claim all purposes of use
and quantities of use as shown by the evidence at trial.

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 Owner's, Inc.'s Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of Sun Valley

Saunders K. Robinson

(Name of person filing objection)

, being first duly 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.

Saunders K. Robinson

Signature of person filing objection

By: [Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me this 26 day of April, 1993.

Linda M. Rousseau
Notary Public for Idaho
Residing at: Sun Valley, ID
My Commission Expires: 9-11-93

LINDA M. ROUSSEAU
NOTARY PUBLIC - STATE OF IDAHO
Residing at: _____

(Over)

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OCT 12 1994

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:

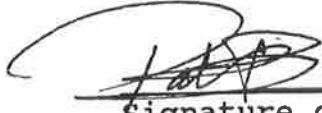
Owner name: Creed Robinson & Sandra Robinson
Owner's address: P. O. Box 239
Hagerman, Idaho 83332

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

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.

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Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

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

(DRP-I at page 9)

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

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

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

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

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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.

MICROFILMED
OCT 12 1994

(WATER\21530ANS)

N.O.E. _____

RESPONSE _____

NOTICE OF ERROR FORM

RECEIVED

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

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

SEP 24 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:

1. Water right number: 36-00090 E
2. Name: Creed & Saundra Robinson
Address: P.O. Box 239
Hagerman, ID 83332

Weekday Telephone Number: 837-4822

(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:
This is a commercial property & we barely have enough water. We are doing laundry for motel units' linens; as well as needing water for guest consumption. In addition, the property has room for further development.
4. Describe the changes you wish to have made in the proposed recommendation:
To decrease our water would restrict us from further development & expansion of our lodging facility. I recommend that no reduction be made on our domestic water.
5. Describe why you disagree with the proposed recommendation:
To reduce our water would hinder our families ability to make a living on this property.
6. DATE: 9/23/92 SIGNATURE Creed L. Robinson
Saundra R. Robinson

(1/92 RMC)

* Property also includes 2 Hot Tubs which should be added to "uses." Plans for future development also include a pool.

JAN 21 1993

RESPONSE TO NOTICE OF ERROR
IN THE SNAKE RIVER BASIN ADJUDICATION

Water Right No: 36-000 90E

Contact Date: 10/19/92

IDWR Contact Person: (print and initial) ROBERT WORSTELL R.V.S.

Claimant Contact Person CREED ROBINSON

Others Present

Contact By (give date) 10/21/92

Meeting (location):

Phone Call (no.)

Letter (attach letter):

IDWR USE ONLY

Date

Initials

Date

Entered

Verified

RESPONSE FORM

I. Issues identified by claimant: AS A COMMERCIAL CLAIM THEY NEED MORE WATER FOR LAUNDRY AND GUESTS. THEY NEED MORE WATER FOR FUTURE DEVELOPMENT AND EXPANSION AND POOL AND HOT TUBS

II. Reasons provided claimant for original recommendation: THE RECOMMENDATION IS BASED ON USES IN 1987 AS CLAIMED IN 8/27/1988 BY THE FORMER OWNERS. FURTHER AND FUTURE DEVELOPMENTS CANNOT BE ADDED. THE RECOMMENDED DIVERSION RATE IS BASED ON THE STANDARD RATE ESTIMATES FOR YOUR TYPE OF COMMERCIAL OPERATION PLUS 2 RENTAL HOMES AS FOUND IN APPENDIX IV OF THE IDAHO WATER LAW HANDBOOK.

FURTHER AND FUTURE DEVELOPMENTS SHOULD BE COVERED BY A NEW PERMIT TO APPROPRIATE MORE WATER.

III. Additional information provided by claimant: NONE

IV. Changes to be made in final recommendation (if any): NONE

V. Action taken (date): SENT NOTICE OF ^{ERROR} RESPONSE TO CLAIMANT; ~~CHANGED~~ NOTICE OF ERROR FLAG UNCHANGED RE-VERIFIED CLAIM.

10/19/92

MICROFILMED

Water Right Number - R36-00090E Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***

ROBINSON CREED 1 - PO BOX 239
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-4822

ROBINSON SAUNDRA 1 - PO BOX 239
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-4822

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +

06/01/1927 ERROR IN REGION D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +

SPRING BILLINGSLEY CREEK

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

Tw	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
43 - DOMESTIC		01/01	12/31	0.040	
10 - COMMERCIAL		01/01	12/31	0.070	

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

0.070 0.0

+ - - - - Place of Use - - - - - +

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	11	SE NE			10	COMMERCIAL	(47) GOODING
07S	13E	11	SE NE			43	DOMESTIC	(47) GOODING

Total Acres:

+ - - Diversion Means - COLLECTOR BOX WITH PIPELINE

+ - - Non-Irrigation Use - DOM., 1 HOME; COMM., 10 RV PARK, 7 UNIT MOTEL, 2 RENTALS

+ - - Other Rights for Same Use - NONE

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

No Remarks found.

MICROFILMED

JAN 21 1993

Water right number - R36-00090E

Prefix Translation: RESEARCH

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

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

3600090

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

C04 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT
- TO IDAHO CODE 42-1416A.

+ - - - - Decree Plaintiff - - - +

NEW INTERNATIONAL MORTGAGE BANK

+ - - - - Decree Defendant - - - +

IDAHO POWER CO.

+ - Decree Date - +

03/22/1932

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

Date: 01/15/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW

Date: 11/13/1991 User Id: CLELLAND Subject: CHANGE OF OWNERSHIP

DATED 11/13/1991

Date: 09/25/1992 User Id: CLELLAND Subject: CHANGE OF ADDRESS

FORM FILED BY SAUNDRA ROBINSON TO CORRECT BOX NUMBER.

Date: 10/19/1992 User Id: WORSTELL Subject: NOTICE OF ERROR RECORDS

NOE RECIEVED 9/24/92 NOE FLAG ON "R" RECORD ALREADY AS "D"
CHANGE IN NOE FLAG.

FURTHER RESPONSE TO CLAIMANT ON 10/19. NO FURTHER CHANGES, NO

+ - - Audit Fields - - +

10/19/92 WORSTELL

+ - - - - 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	- 10/19/1992	Old Judicial District	-
Claim Received Date	- 08/24/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001708	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	- D
				Notice of Error Flag	- D

MICROFILMED
JAN 21 1993

R PROOF

CVR

MAPS

PHOTOS

MISC

Water Right Number - R36-00090E

Prefix Translation: RESEARCH

Old (D) Number -

VERIFIED BY

SCW

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

*** C - CURRENT OWNER ***
ROBINSON

CREED

1 - PO BOX 239

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4822

ROBINSON

SAUNDRA

1 - PO BOX 239

2 -

3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-4822

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1927 ERROR IN REGION D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRING BILLINGSLEY CREEK

+ - - - - 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

43 - DOMESTIC

01/01

12/31

0.040

10 - COMMERCIAL

01/01

12/31

0.070

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.070 0.0

+ - - - - Place of Use - - - - - +

Twn Rng Sec Tract Lot Acres Code Description County

07S 13E 11 SE NE 10 COMMERCIAL (47) GOODING

07S 13E 11 SE NE 43 DOMESTIC (47) GOODING

Total Acres:

+ - - Diversion Means - COLLECTOR BOX WITH PIPELINE

+ - - Non-Irrigation Use - DOM., 1 HOME; COMM., 10 RV PARK, 7 UNIT MOTEL, 2 RENTALS

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
No Remarks found.MICROFILMED
JAN 21 1993

Water right number - R36-00090E

Prefix Translation: RESEARCH

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

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

3600090

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

C04 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT
- TO IDAHO CODE 42-1416A.

+ - - - Decree Plaintiff - - - +

NEW INTERNATIONAL MORTGAGE BANK

+ - - - Decree Defendant - - - +

IDAHO POWER CO.

+ - Decree Date - - +

03/22/1932

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

Date: 01/15/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW

Date: 11/13/1991 User Id: CLELLAND Subject: CHANGE OF OWNERSHIP

DATED 11/13/1991

Date: 09/25/1992 User Id: CLELLAND Subject: CHANGE OF ADDRESS

FORM FILED BY SAUNDRA ROBINSON TO CORRECT BOX NUMBER.

+ - - Audit Fields - - +

09/25/92 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	- 09/25/1992	Old Judicial District	-
Claim Received Date	- 08/24/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001708	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	- D
				Notice of Error Flag	- D

MICROFILMED
JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

17:03:44
06/29/90

PAGE: 16
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00090E

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			7-25-90 SW/AHT	N		HHT 7/30/92	DB D	
POINT OF DIV	Y			N	1,5			
SOURCE	Y			(N)	5.			
PLACE OF USE	Y			N				
DIV. AMOUNT CFS/VOLUME	Y			(Y)	6. Decree + FDWR			
CONSUMPTIVE USE	-			N				
PURPOSES	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS								

LW 7/17/90

"VERIFIED BY" CODES

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

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

MICROFILMED

JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

17:03:44
06/29/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00090E

LAST: HOLMES
ADDRESS: RT. 1
CITY: HAGERMAN
PHONE NUMBER: 208-837-4822

FIRST: ALICE M.

STATE: ID ZIP: 83332

OWNER CODE: C

LAST: HOLMES
ADDRESS: RT. 1
CITY: HAGERMAN
PHONE NUMBER: 208-837-4822

FIRST: H.L.

STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

MICROFILMED

JAN 21 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

This claim is supported by affidavits filed in 136-10588 by John Pope.

MICROFILMED

JAN 21 1993

A. AJ CLAIM: # A36-00090E PRIORITY DATE: 06-01-1927 STAGE: D
B. WR RECORD: # 36-00090 PRIORITY DATE: 06-01-1927 STAGE: D

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER N

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
06-01-1927

REVIEWED BY lw

DATE 2/17/90

=====

MICROFILMED

JAN 21 1990

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00090E	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
A36-00051B	36-00039A
A36-00076A	36-00039B
A36-00089B	36-00040
A36-00089D	36-00051
A36-10283	36-00052
A36-10312	36-00064
A36-00090A	36-00065
A36-00003D	36-00067
A36-00090B	36-00071
A36-00090C	36-00076
A36-00090D	36-00077
A36-00090F	36-00082
A36-00108F	36-00083
A36-00125A	36-00085
A36-00026	36-00087
A36-00051C	36-00088
A36-00071A	36-00089
A36-00089A	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 1999

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

SOURCE: SPRINGS

TRIB: BILLINGSLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-00090	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	A36-00051B	
36-00065	A36-00076A	
36-00067	A36-00089B	
36-00071	A36-00089D	
36-00076	A36-10283	
36-00077	A36-10312	
36-00082	A36-00090A	
36-00083	A36-00003D	
36-00085	A36-00090B	
36-00087	A36-00090C	
36-00088	A36-00090D	
36-00089	A36-00090F	
36-00091	A36-00108F	
36-00094	A36-00125A	
36-00095	A36-00026	
36-00096	A36-00051C	
36-00103	A36-00071A	
36-00108	A36-00089A	
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: SPRING

TRIB: BILLINGSLEY CREEK

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
Y

FIELD
EXAMINER
N

REMARKS:

confirm POD

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>TS.</u>	<u>13E</u>	<u>11</u>	<u>NE</u>	<u>SE</u>	<u>NE</u>	<u>---</u>	<u>47</u> <u>Same</u>

SOURCE: SPRING
REVIEWED BY: SCL

TRIB: BILLINGSLEY CREEK
DATE: 12-12-90

A. ROOT WATER RIGHT NUMBERS: A36-00090A
A36-00090B
A36-00090C
A36-00090D
A36-00090E
A36-00090F
A36-00090G

MICROFILMED
JAN 21 1993

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		HOLMES , ALICE M.	A36-00090E /	- /	29.0		
						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			
						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 /			
						CLOUSER , DORIS H.	A36-00089A / 1.5	- /			
						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 /			
07S	13E	11	SE	NE		HOLMES , ALICE M.	A36-00090E /	- /	29.0		
						HOLMES , H.L.	A36-10588 / 1.5	- /			
						ROBINSON , GEORGE E.	A36-04068 /	36-04068 /			

Domestic

Commercial

MICROFILMED
JAN 21 1993

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
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 /	- /
NORTHROP , 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 /
CLOUSER , DORIS H.	A36-00089A / 1.5	- /
HOLMES , H.L.	A36-00089C / 2.0	- /
NORTHROP , 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

A36-00090E

58.00

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
N

PRESUMPTION FLAG: D

REMARKS:

confirm user - commercial - CHANGE IN NATURE OF USE

MICROFILMED

RECOMMENDATIONS:

TOTAL ACRES: *Ø*

REVIEWED BY: *SC*

DATE: *1-9-91*

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00090E DOMESTIC	FROM 01-01 TO 12-31	.040 CFS
A36-00090E COMMERCIAL	FROM 01-01 TO 12-31	.100 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.100 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00090 IRRIGATION	FROM TO	.500 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.500 CFS

PRESUMPTION FLAG: D

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

commercial use not part of decree

MICROFILMED

JAN 21 1992

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(/)

AJ TOTAL CLAIMED DIVERSION RATE: 0.100 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?

FIELD
DATABASE EXAMINER

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

Y

FLOW MEASUREMENT

B.

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-10588	BILLINGSLEY CREEK	HOLMES , H.L.	0.050	0.033		
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		
A36-00089A	BILLINGSLEY CREEK	CLOUSER , DORIS H.	0.030	0.020		
A36-00089C	BILLINGSLEY CREEK	HOLMES , H.L.	0.060	0.030		
A36-00089D	BILLINGSLEY CREEK	NORTHROP , 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
A36-00090E	DOMESTIC	HOLMES , ALICE M.	FROM 01-01 TO 12-31	.040 CFS	
A36-00090E	COMMERCIAL	HOLMES , ALICE M.	FROM 01-01 TO 12-31	.100 CFS	
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	

MICROFILMED
JAN 21 1993

A36-10755 DOMESTIC
A36-00090B DOMESTIC
A36-00090C DOMESTIC
A36-00090D DOMESTIC
A36-00090F DOMESTIC
A36-00090G DOMESTIC
A36-00090A DOMESTIC
A36-07834 POWER
A36-08058 POWER

TROUT-CO
WARD, JOHN P.
TYLER, BRUCE H.
CULBERTSON, S.A.
PAR-6 PARTNERSHIP
NORTHROP, HAROLD N.
CLOUSER, JOHN F.
TROUT-CO
TROUT-CO

FROM 01-01 TO 12-31 .040 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

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

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

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A
ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =
TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A
ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =
TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

530 GPD = 0.0098 cfs
(per Appendix II
Water Law Handbook)

per IDWR STDS:

10 RV parks @ 25 GPD = 250 GPD
7 units motel @ 40 GPD = 280 GPD
2 Rentals = 0.06 cfs

CFS TOTAL 0.07

No Ditch Loss

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
<u>Domestic</u>	<u>1-1 12-31</u>	<u>0.04</u>	<u>—</u>	<u>—</u>
<u>Commercial</u>	<u>1-1 12-31</u>	<u>0.07</u>	<u>—</u>	<u>—</u>
TOTAL FOR THIS RIGHT		<u>0.07</u>	<u>—</u>	<u>—</u>

REVIEWED BY: See

DATE: 1-9-91

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
(☒)	(☐)
(☐)	(☐)
(☐)	(☒)

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00090

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

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-00090	A36-00090A	0.020	-		36-00090	0.500
A36-00090	A36-00090B	0.020	-		36-00090	0.500
A36-00090	A36-00090C	0.020	-		36-00090	0.500
A36-00090	A36-00090D	0.020	-		36-00090	0.500
A36-00090	A36-00090E	0.100	-		36-00090	0.500
A36-00090	A36-00090F	0.080	-		36-00090	0.500
A36-00090	A36-00090G	0.040	-		36-00090	0.500
TOTAL CFS		0.300				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 <u>N</u>
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REMARKS:

*this file
See A36-00090 for split Review*

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JAN 21 1993

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AUTHENTICATION:

SIGNATURE: Steve C. [Signature]

DATE: 1-9-91

NAME OF FIELD EXAMINER: _____

TITLE: _____

=====

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JAN 21 1993

R36 00090E

打打

7/30/92

**PRESUMPTION
CODE**

Foto

36-00090A³⁶⁻ 00090B 36-00090C
36-00090D^{36-00090G} 36-04008

C04

Add Water District 31A

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[illegible]

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