

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: **A36-00090F**
Date Received: 8/25/1988
Receipt No: S001743
Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JOHN P WARD 208-837-6385
Address: 955-B JUSTICE GRADE
HAGERMAN ID 83332

AND/OR

Name: RUTH E RUSH 208-837-6385
Address: 955-B JUSTICE GRADE
HAGERMAN ID 83332

2. Date of Priority: JUN 1, 1927

3. Source: SPRING Trib. to: BILLINGSLEY CR.

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:
SPRING BARREL WITH PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.080		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	SE	NE		IRR	4.0

10. Place of Use: Continued

Section Acres 4.0

Total Acres 4.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
36-00094A

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576
Ident. Number 36-00090F
Date Received 12/19/97 su
Receipt Number 5020786

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

Please type or print clearly

1. Name of Claimant (s) John P. Ward & Ruth E. Rush Phone (208) 837-6385
Mailing Address 955-B Justice Grade, Hagerman ID Zip 83332

2. Date of Priority (Only one (1) per claim) June 1, 1927

3. Source of water supply (a) Spring
which is tributary to (b) Billingsley Crk.

4. a. Location of existing point of diversion is: Township 7S Range 13E Section 11,

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

Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. spring to barrel from which it

is pumped to sprinklers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Irrigation Season to to amount .08 or _____

For ~~Swamp~~ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .08 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
75	13E	11				4.													4

Total number of acres irrigated 4

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

12. Do you own the property listed above as place of use? Yes ☒ No _____

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

13. Describe any other water rights used at the same place and for the same purposes as described above.

36-00094 A or None ()

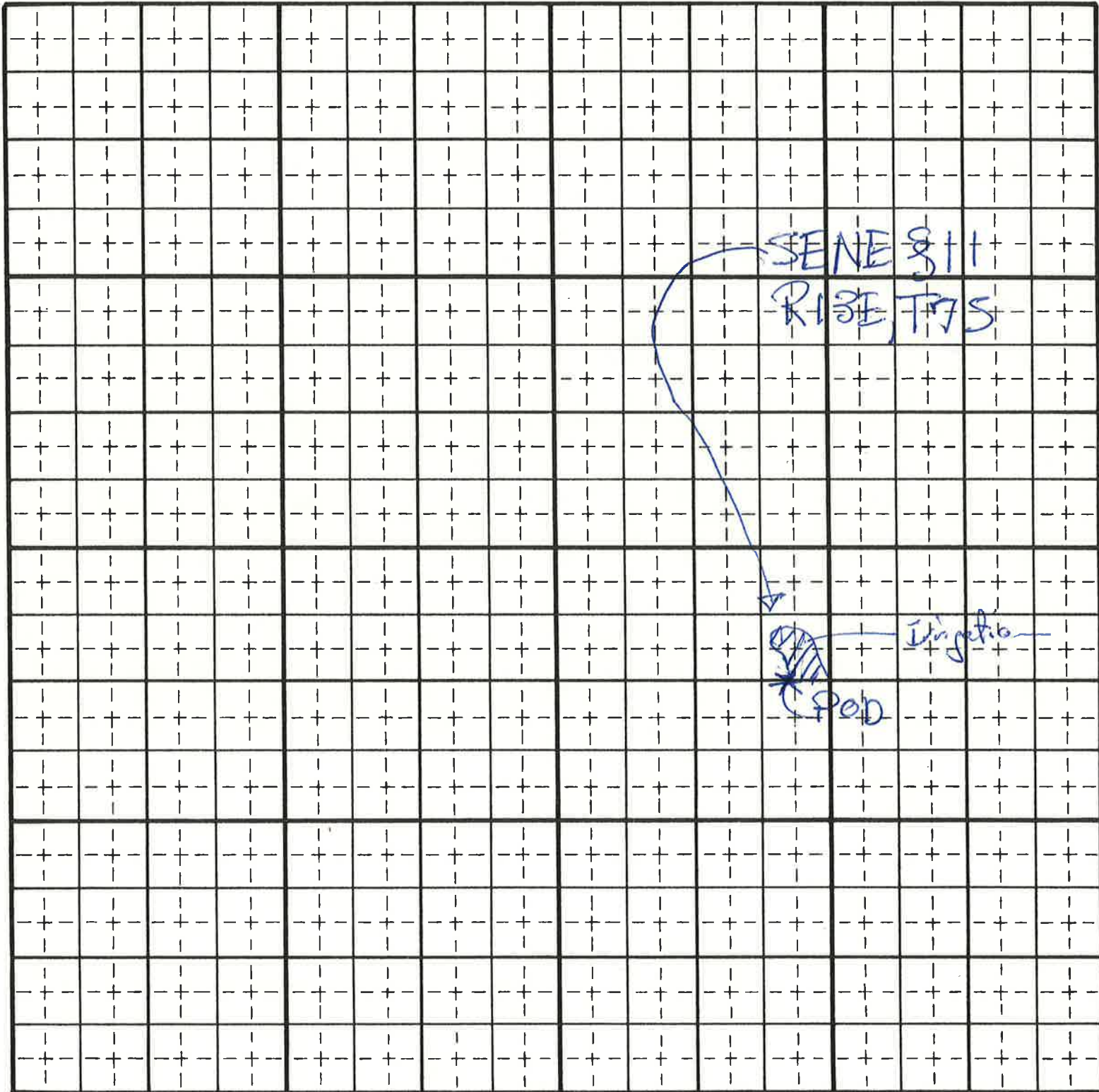
14. Remarks:

Last Name Ward + Rush Ident No. 36-00090 F

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Ward & Rush

Ident No. 36-00090F

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date March 22, 1932

Plaintiff vs Defendant New Int'l Mortgage Bank v. Idaho Power Co.

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s)

[Signature]
Ruth E. Rush

Date

12/19/97

Date

12/19/97

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Twin Falls)

SS.

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

SEAL

Notary Public

Deana L. McMillan

Residing at

Idaho, ID

My Commission Expires

8/24/2001

Please Print Name

17. Notice of Appearance:

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

Signature

[Signature]

Address

133 Shoshone St. N., P.O. Box 389, Twin Falls, ID 83303-0389

Date

12/19/97

Last Name

Ward & Rush

Ident. Number

36-00090F

Copies White-State, Yellow-Claimant

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: A36-00090F
Date Received: 8/25/1988
Receipt No: S001743
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PAR-6 PARTNERSHIP 208-788-3450
Address: BOX 1360
HAILEY, ID 83333

2. Date of Priority: JUN 01, 1927

3. Source: SPRING Trib. to: BILLINGSLEY CR.

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:
NATURAL, FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/LAWN, PASTURE

10. Place of Use:

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

11. Place of use in counties: GOODING

A36-00090F

Page 1

Date: 08/25/88

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:
PORTION OF 36-0090 DECREE. PROPERTY WILL BE DEVELOPED IN
FUTURE AND DIVIDED INTO PARCELS. CURRENTLY WATER USED FOR
GREENERY.

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

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: 2

For Organizations:

I do solemnly swear or affirm that I am PARTNER of
Title
PAR-6, that I have signed the foregoing
Organization
document in the space below as PARTNER of
Title
PAR-6 and that the statements contained in the
Organization
foregoing document are true and correct.

Charles B Parker
Signature of Authorized Agent

PARTNER PAR-6
Title and Organization

8-25-88
Date

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of August 19 88

Lon White
Notary Public

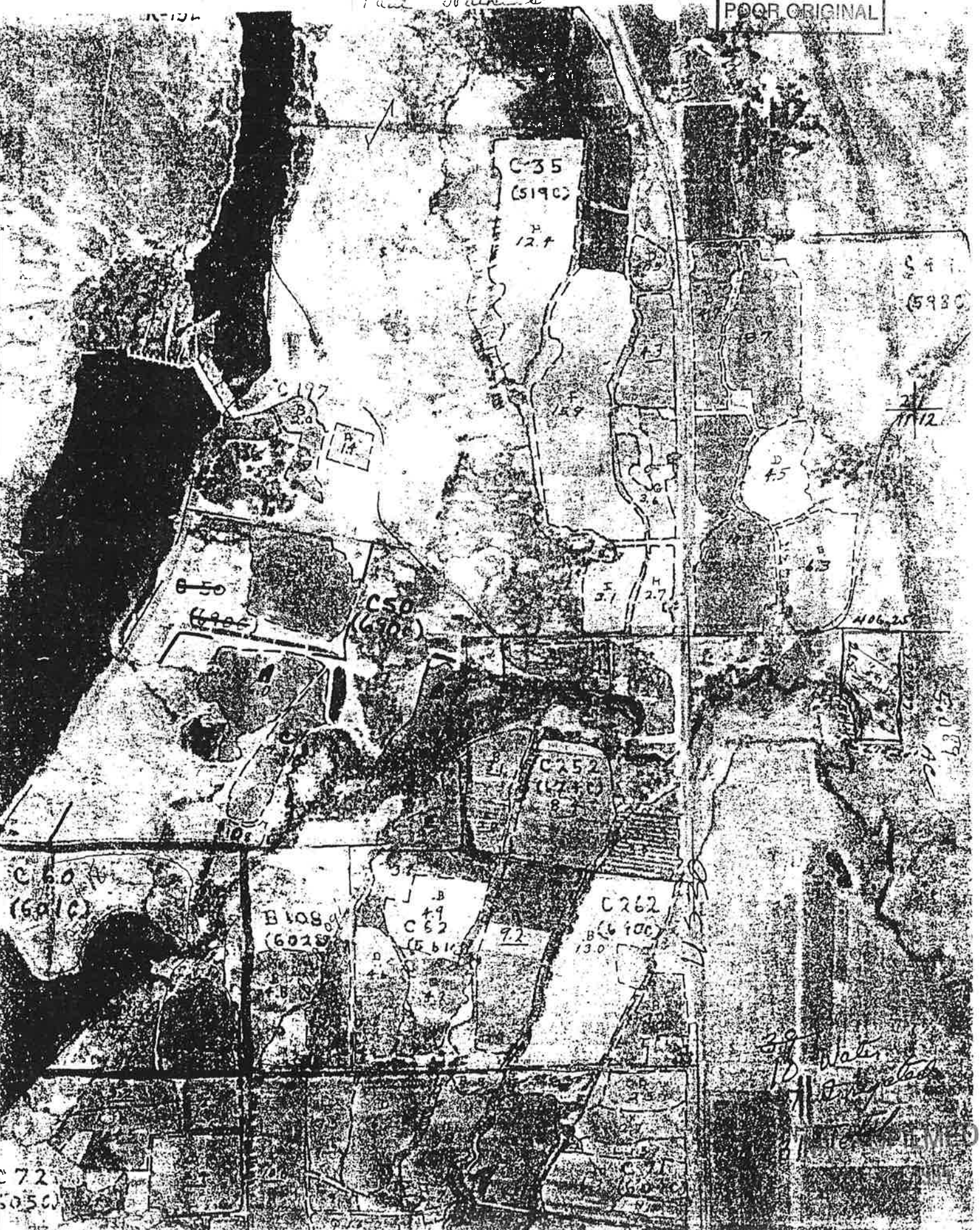
Seal

Residing at TF

My Commission Expires 5/95

Paul Blumenthal

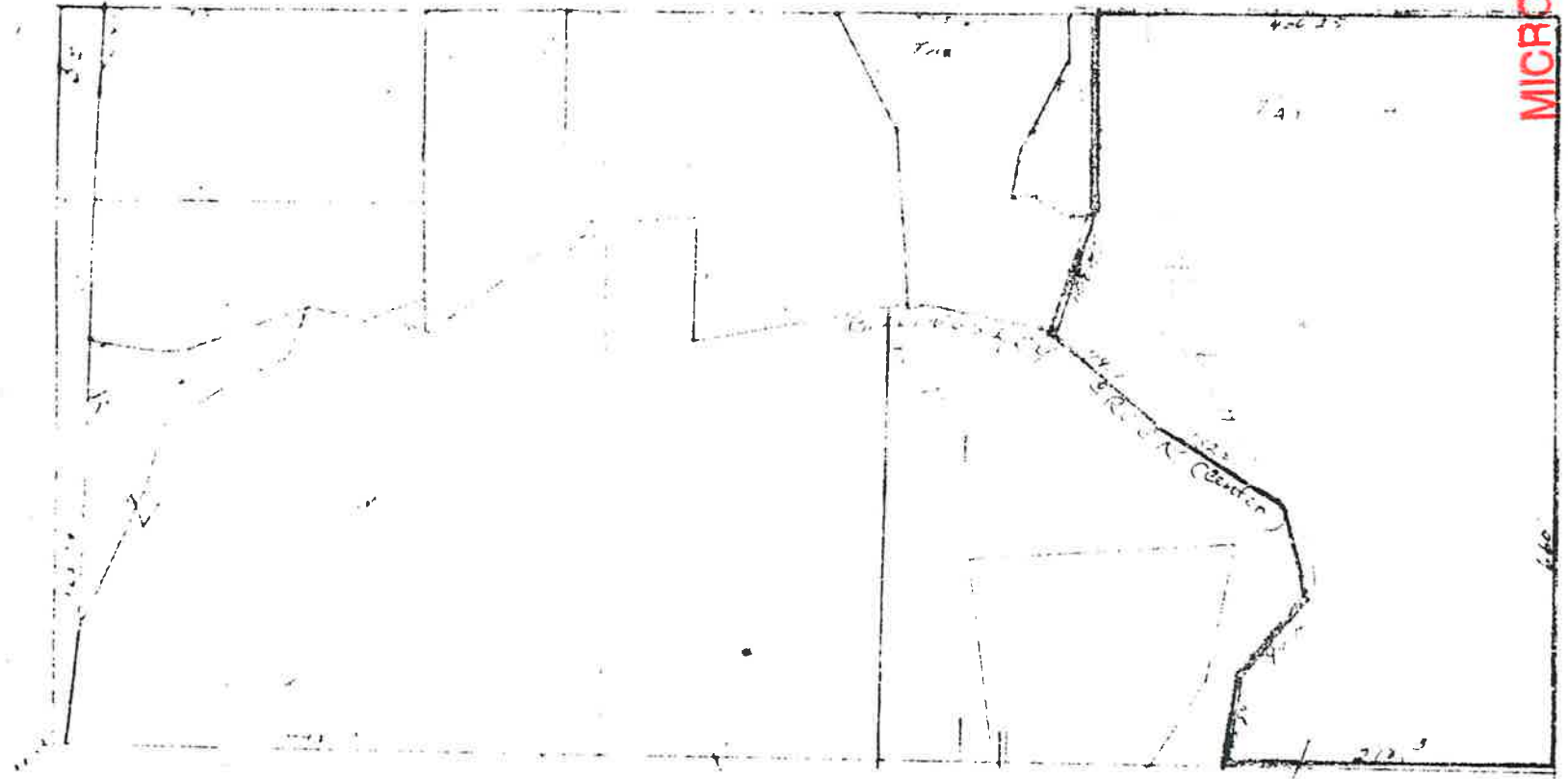
POOR ORIGINAL



POOR ORIGINAL

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5 ACRES (approx.)

Located on Billingsley Creek in Hagerman, Idaho. Affords a pleasant view of creek as well as surrounding valley. Land is located in hilly terrain & abounds with natural landscaping opportunities. One of the rare chances to own a small acreage with privacy & protection only offered by a few unique properties adjacent to the canyon walls as well as fish & game land.

Price: \$81,000.00 Cash or terms to be arranged

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

TOTAL RECORDS IN SELECTION FILE: 116

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OCT 12 1994

RECEIVED
FEB 10 1993
Department of Water Resources

1 HEPWORTH, NUNGESTER & LEZAMIZ,
2 CHARTERED
3 133 Shoshone St. North
4 P.O. Box 389
5 Twin Falls, ID 83303-0389
6 Telephone: (208)734-7510
7 Attorneys for Claimant
8 (PPK\HAGERMAN.NOA\lmr)
9

10 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
11 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
12

13 * * * * *

14 In Re the General Adjudication)
15 of Rights to the Use of Water) Case No. 39576
16 from the Snake River Basin)
17 Water System)
18

19 The State of Idaho, ex rel.)
20 R. Keith Higginson in his)
21 official capacity as director) NOTICE OF APPEARANCE
22 of the Idaho Department of)
23 Water Resources,)
24

25 Petitioner,)
26

27 vs.)
28

29 United States; State of Idaho;)
30 and all claimants to the use)
31 of water from the Snake River)
32 Basin Water System,)
33

34 Respondents.)
35

36 * * * * *

37 PLEASE BE NOTIFIED that the firm of Hepworth, Nungester
38 & Lezamiz, Chartered, hereby appears on behalf of Hagerman Water
39



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 1

MICROFILMED
OCT 12 1994

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



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& Lezamiz

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



Hepworth,
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& Lezamiz

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

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

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

14
 15 By 
 16 PATRICK D. BROWN
 Attorneys for Respondents

17
 18 CERTIFICATE OF MAILING

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



Hepworth,
 Nungester,
 & Lezamiz

NOTICE OF APPEARANCE - 4

MICROFILMED

OCT 12 1994

1 February, 1993, to:

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

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

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

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

21 
22 Patrick D. Brown
23



Hepworth,
Nungester,
& Lezamiz

MICROFILMED
OCT 12 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

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OCT 12 1994

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

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

MICROFILMED
 OCT 12 1994

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

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

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

MICROFILMED
 OCT 12 1994

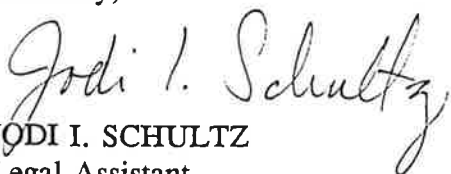
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

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

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

Sincerely,



JODI I. SCHULTZ

Legal Assistant

Idaho Department of Water Resources

cc: IDWR Southern Region

MICROFILMED

OCT 12 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A36-00090F**

Date Received: 8/25/1988

Receipt No: S001743

Received By: ownership change JC

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

1. Name: JOHN P. WARD 208-837-6385
Address: 955-B JUSTICE GRADE
RT 1 BOX 378
HAGERMAN ID 83332

AND/OR

Name: RUTH E. RUSH 208-837-6385
Address: 955-B JUSTICE GRADE
RT 1 BOX 378
HAGERMAN ID 83332

2. Date of Priority: JUN 1, 1927

3. Source: SPRING Trib. to: BILLINGSLEY CR.

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:
NATURAL, FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/LAWN, PASTURE

MICROFILMED
JAN 21 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	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:
SEE REMARKS

14. Remarks:

PORTION OF 36-0090 DECREE. PROPERTY WILL BE DEVELOPED IN FUTURE AND DIVIDED INTO PARCELS. CURRENTLY WATER USED FOR GREENERY. IRRIG .5 ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

Date: _____

MICROFILMED

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



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

Department of Water Resources
Southern Region Office

MAR 30 1992

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 07S Range 13E
Section 11, NE 1/4 of SE 1/4 of NE 1/4, Govt. Lot _____, BM. _____
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: X A36-00090 F A36-00094 A
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): PAR-G PARTNERSHIP
Box 1360
HAILEY ID 83333
- ☐ New Owner/Claimant (Purchaser): JOHN P. WARD & OR RUTH E. RUSH
- ☐ New Mailing Address: 955-B JUSTICE GRADE
RT 1 Box 378
HAGERMAN ID 83332
- ☐ New Telephone Number: (208) 837-6385
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X 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): X [Signature] Date 3/30/92
[Signature] Date 3/30/92
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ 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: 4/1/92 By: [Signature]

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 4/1/92 By: [Signature]

Claim Numbers of Split, if any:

MICROFILMED
JAN 21 1993

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



WARRANTY DEED

For Value Received

Wesley G. Rose and Mary R. Rose, husband and wife; and Charles B. Parker and Doris Parker, husband and wife; and Everett Ahrens and Bonnie Ahrens, husband and wife,

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

John P. Ward, a single man and Ruth E. Rush, a single woman,

hereinafter referred to as Grantee, whose current address is

955B Justice Grade, Route 1, Box 378, Hagerman, ID 83332
the following described premises, to-wit:

See attached Exhibit A, attached hereto and made a part hereof.

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

Dated: March 1, 1992.

Wesley G. Rose

Charles B. Parker

Everett Ahrens

Mary R. Rose

Doris Parker

Bonnie Ahrens

STATE OF IDAHO)

COUNTY OF Gooding)

On This 1st day of March, in the year 1992, before me, a Notary Public in and for said State, personally appeared Wesley G. Rose and Mary R. Rose, known or identified to me to be the persons whose names are subscribed to the within Instrument, and acknowledged to me that they executed the same.

Ruth E. Rush
Notary Public for Idaho
Residing at Gooding, Idaho
Commission Expires:

STATE OF IDAHO)

COUNTY OF Gooding)

On This 1st day of March, in the year 1992, before me, a Notary Public in and for said State, personally appeared Charles B. Parker and Doris Parker, known or identified to me to be the persons whose names are subscribed to the within Instrument, and acknowledged to me that they executed the same.

Ruth E. Rush
Notary Public for Idaho
Residing at Gooding, Idaho
Commission Expires:

STATE OF IDAHO)

COUNTY OF Gooding)

On This 1st day of March, in the year 1992, before me, a Notary Public in and for said State, personally appeared Everett Ahrens and Bonnie Ahrens, known or identified to me to be the persons whose names are subscribed to the within Instrument, and acknowledged to me that they executed the same.

Ruth E. Rush
Notary Public for Idaho
Residing at Gooding, Idaho
Commission Expires:

MICROFILMED
JAN 21 1993

First American Title Company of Idaho

EXHIBIT A

Part of the Northeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 11, Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho, described as follows:

BEGINNING at the Northeast corner of said North Half of the Southeast Quarter of the Northeast Quarter;
Thence South 89° 40' West along the North line of said North Half of the Southeast Quarter of the Northeast Quarter, 406.25 feet;
Thence South 0° 11' East, 177.50 feet;
Thence South 18° 26' West, 108.45 feet to the North Bank of Billingsley Creek;
Thence running more or less along the bank of the creek the following courses and distances:
Thence South 50° 37' East, 119.11 feet;
Thence South 60° 45' East, 132.85 feet;
Thence South 17° 08' East, 89.90 feet;
Thence South 39° 56' West, 94.72 feet;
Thence South 8° 52' West, 77.84 feet to the South line of said Northeast Quarter of the Southeast Quarter of the Northeast Quarter;
Thence leaving Billingsley Creek, South 89° 43' East along the South line of said Northeast Quarter of the Southeast Quarter of the Northeast Quarter, 278.30 feet to the Southeast corner of said Northeast Quarter of the Southeast Quarter of the Northeast Quarter;
Thence North along the East line of said Northeast Quarter of the Southeast Quarter of the Northeast Quarter, 660 feet to THE POINT OF BEGINNING.

PLUS all land lying on the Southerly side of the above described courses that parallel the banks of Billingsley Creek, and extending to the center line of Billingsley Creek.

148052

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of

FIRST AMERICAN TITLE

45 min. past 3 o'clock p.m. this 16

of March, 1992 Sub. 00

JOHN A. MYERS Recorder

by Carolee Stiles

MICROFILMED

JAN 21 1993
Deputy

SD-0604-2 Township: 07S			Range: 13E		Section: 11		Tract:		Lot:	
S	L		STATE	O		S	Max # Records	379		
E	O	Water	Name	W		T	Priority	Use		
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc
-	SENE		R36-00090C	TYLER, BRUCE H	C		D	06/01/1927	43	DOMEST
-	SENE		R36-04261	TYLER, DENNY	C		J	05/05/1966	43	DOMEST
-	SENE		A36-00048C	PETRICK, HERMAN W.	C	1	D	11/04/1885	01	IRR
-	SENE		A36-00090B	PETRICK, IRMA M.	C		J	06/01/1927	43	DOMEST
-	SENE		A36-00090D	WARD, JOHN P.	C		D	06/01/1927	43	DOMEST
-	SENE		A36-00090F	CULBERTSON, S.A.	C		D	06/01/1927	43	DOMEST
-	SENE		A36-00090G	CULBERTSON, MILDRED	C		D	06/01/1927	43	DOMEST
-	SENE		A36-00090A	PAR-6 PARTNERSHIP	C		D	06/01/1927	43	DOMEST
-	SENE		A36-00090A	NORTHROP, HAROLD N.	C		J	06/01/1927	43	DOMEST
-	SENE		A36-00103A	CLOUSER, JOHN F.	C	1	D	09/10/1884	01	IRR
-	SENE		A36-00048B	CLOUSER, DORIS H.	C	2	D	11/04/1885	01	IRR
-	SENE			BOTHWELL, MARY	C					
-	SENE			BOTHWELL, BRUCE	C					
-	SENE			ROBINSON, GEORGE E.	C					

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

JAN 21 1993

SD-0604-2 Township: 07S			Range: 13E		Section: 11		Tract:		Lot:	
S	L		STATE	O	S	Max # Records	379			
E	O	Water	Name	W	T	Priority	Use			
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc
---	---	---	---	---	---	---	---	---	---	---
---	SENE		R36-08058	TROUT-CO	C		P	02/03/1982	28	POWER
---	SENE		R36-00090E	HOLMES, ALICE M	O		D	06/01/1927	43	DOMEST
---				HOLMES, H L	O				10	COMMER
---				ROBINSON, CREED	C					
---				ROBINSON, SAUNDRA	C					
---	SENE		R36-10755	SANDY, FLORENCE M	C		J	06/08/1941	43	DOMEST
---				TROUT-CO	C					
---				SANDY, WILLIAM A.	C					
---	SENE		R36-00090F	PAR-6 PARTNERSHIP	C			06/01/1927	43	DOMEST
---	NENW		A36-10136	TALBOTT, VERNITA	C		J	01/01/1936	43	DOMEST
---	NENW		A36-00037C	TALBOTT, VERNITA	C	5	D	04/01/1880	01	IRR
---									04	STOCK
---	NENW		A36-07314	SMITH, O. S.	O			03/15/1973	19	FISH
---				SMITH, ETHEL	O					
---				SPLIT RIGHT	C					
---	NENW		A36-07282	ECKLES, MYRLE	C		L	01/05/1973	19	FISH

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

JAN 21 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

01-Apr-1992

RE: ADJUDICATION CLAIM NO. A36-00090F, A36-00094A - PAR-6/
WARD - RUSH

JOHN P. WARD
RUTH E. RUSH
955-B JUSTICE GRADE
RT 1 BOX 378
HAGERMAN ID 83332

Dear Claimant(s):

Enclosed please find a copy of a computer-generated claim based on the information from your original claim, which has been entered in our records.

Please review the claim for accuracy. In a few instances, clarifications may have been added by the Department at the time of data entry. Should you have any questions or objections regarding this record of your claim, please contact this office.

Sincerely,


Jeanie Robertson
Records Clerk

/jrr
Enclosures

MICROFILMED

JAN 21 1993

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

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

*** C - CURRENT OWNER ***
WARD JOHN P. 1 - 955-B JUSTICE GRADE
2 - RT 1 BOX 378
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6385

RUSH RUTH E. 1 - 955-B JUSTICE GRADE
2 - RT 1 BOX 378
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6385

*** O - ORIGINAL OWNER ***
PAR-6 PARTNERSHIP 1 - PO BOX 1360
2 -
3 -
City- HAILEY State- ID Zip- 83333
Phone - 208-788-3450

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/01/1927 ERROR IN REGION I - DISALLOWED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
SPRING BILLINGSLEY CR.

+ - - - - 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 0.080

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.080 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 13E 11 SE NE 43 DOMESTIC (47) GOODING

Total Acres:

+ - - Diversion Means - NATURAL, FLOOD IRRIG.
+ - - Non-Irrigation Use - DOMESTIC LAWN, PASTURE
+ - - Other Rights for Same Use - SEE REMARKS

MICROFILMED
JAN 21 1993

Water right number - R36-00090F

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +
NO BENEFICIAL USE FOUND.

+ - - - - - Old Water Right Numbers - - - - - +
3600090

+ - - - - - Conditions of Approval - - - - - +
P03 - NO BENEFICIAL USE FOUND: This is included for a claim based on
- beneficial use that is PROPOSED to be disallowed because
- beneficial use of water was not confirmed by IDWR's field
- examination or by other evidence submitted by the claimant.

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

+ - - - - - Comments - - - - - +
Date: 09/05/1991 User Id: SMITH Subject: COPIED FROM REMARKS
PORTION OF 36-0090 DECREE. PROPERTY WILL BE DEVELOPED IN FUTURE AND DIVIDED INTO PARCELS. CURRENTLY WATER USED FOR
GREENERY. IRRIG .5 ACRE.
Date: 04/01/1992 User Id: ROBERTSO Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 3/30/92 ORIGINAL OWNER PAR-6 PARTNER SHIP, NEW OWNER JOHN P WARD AND/OR RUTH E RUSH. COPY OF WARRANTY
DEED SUBMITTED WITH FORM. A36-00090F ALSO CHANGED ON THIS DATE. REVIEW COMPLETED.

+ - - Audit Fields - - +
04/01/92 ROBERTSO

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/25/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 04/01/1992	Old Judicial District	-
Claim Received Date	- 08/25/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001743	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
JAN 21 1993

RECEIVED

JUL 19 2002

Department of Water Resources

2002 JUL 18 AM 11:01

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

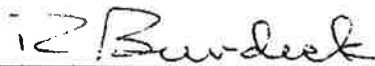
)
) **ORDER OF AMENDED PARTIAL DECREE**
)

) **For Water Right 36-00090F**
)

On June 10, 2002, this Court issued a *Notice of Court's Intent to Issue Amended Partial Decree, and Notice of Hearing Thereon*. At the July 16, 2002 hearing on the matter, no party raised any objection to the Court's proposed course of action.

Therefore, IT IS ORDERED that water right 36-00090F is hereby decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 18, 2002.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

AMENDED

202 JUL 18 AM 11: 01
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

PAGE 1
Jul-17-2002

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE 36-00090F was mailed on July 18, 2002, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

JOHN P WARD
JOHN P. WARD
RUTH E RUSH

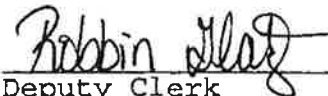
Represented by:
PATRICK D. BROWN
HUTCHINSON & BROWN, LLP
P O BOX 207
TWIN FALLS, ID 83303-0207
Phone: 208-733-9300

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

ORDER

Page 1 7/18/02

FILE COPY FOR 00198


Deputy Clerk

Hancock, Vikie

From: Hamlin Nygard, Susan
Sent: Thursday, June 06, 2002 12:13 PM
To: Hancock, Vikie
Cc: Kelly, Vicki
Subject: RE: 36-090F

Looks like our data base need to be changed to reflect the amended partial decree. If Fritz determined (even incorrectly) that the priority date was 1881, and nobody challenged it, then we are all stuck with that date.

-----Original Message-----

From: Hancock, Vikie
Sent: Monday, May 20, 2002 2:37 PM
To: Hamlin Nygard, Susan
Cc: Kelly, Vicki
Subject: 36-090F

Memo

May 20, 2002

From: Vikie Hancock

To: Susan Hamlin-Nygard

Re: 36-090F

Susan,

On December 13, 2000 Judge Wood issued a partial decree on the above water right based upon a Recommendation from Special Master Fritz Hammerle dated February 23, 1999. During the recent Adjudication staff review of Basin 36 water rights, I discovered a discrepancy between the total quantity listed on Judge Wood's Partial Decree and the latest IDWR Recommendation version. Further investigation verified that the IDWR Recommendation correctly reflected the total quantity recommended by the Special Master. This was brought to the attention of the Court by Vicki Kelly and an amended Partial Decree was issued by Judge Burdick on May 15, 2002.

In the course of Judge Burdick's review, he also determined that the priority date recommended for 36-90F by Special Master Hammerle was June 26, 1881 and that the partial decree issued by Judge Wood incorrectly listed a priority date of June 1, 1927. Judge Burdick changed the priority date of his amended Partial Decree for 36-90F to June 26, 1881.

It is my opinion that the correct priority date for this water right is June 1, 1927 as was claimed by the right holder. It does not appear that an 1881 priority date was ever asserted for this right by the claimant. The 1881 priority date determination by Judge Burdick may have been the result of an interpretation of Special Master Hammerle's Findings of Fact and Conclusions of Law dated February 23, 1999 (see finding number 10). The *International Mortgage Decree* cited by the Special Master, however, clearly assigns a June 1, 1927 priority date to this water right, which has a source of unnamed Spring. Note that right 36-094A, with a source of Billingsly Creek, does have a priority date of June 26, 1881 and elements of this right are also addressed in the Special Master's February 23, 1999 Findings on 36-090F.

Upon the receipt of the Amended Partial Decree issued by Judge Burdick dated May 15, 2002, the Adjudication Recommendation 36-090F was closed and this record moved into the Water Right database with the 1927 priority date unchanged. As a consequence, IDWR records and the SRBA Partial Decree do not match as to the priority date of this right.

This memo is to alert you to this circumstance so that you may advise the Department to take appropriate steps to either change our database in response to the Judge's Order, or again notice the Court of an apparent error.

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

AMENDED

In Re SRBA

Case No. 39576

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

Water Right 36-00090F

2002 MAY 15 AM 11:20
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: JOHN P WARD
RUTH E RUSH
955-B JUSTICE GRADE
HAGERMAN, ID 83332

SOURCE: SPRING TRIBUTARY: BILLINGSLEY CR.

QUANTITY: 0.07 CFS

USE OF THIS RIGHT WITH RIGHT 36-00094A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.07 CFS.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S11 NESENE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	0.07 CFS

PLACE OF USE: Irrigation Within Gooding County
T07S R13E S11 SENE 3.5
3.5 Acres Total

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

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

RULE 54(b) CERTIFICATE

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

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

MAY 16 2002

Department of Water Resources 2002 MAY 15 AM 11:20

DISTRICT COURT-SRBA
DISTRICT OF THE
STATE OF IDAHO

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

In Re SRBA

) Subcase 36-00090F
)

Case No. 39576

) ORDER OF PARTIAL DECREE
) TO CORRECT CLERICAL ERROR; I.R.C.P.
) 60(a)

On December 13, 2000, a *Partial Decree* was issued for the above-captioned water right. The *Partial Decree* was issued pursuant to a *Special Master's Report and Recommendation, Findings of Fact and Conclusions of Law* ("*Special Master's Report*"), dated February 23, 1999. The *Special Master's Report* states that this water right is used in combination with water right 36-00094A, and therefore a remark to that effect should be included in the *Partial Decree*. The *Partial Decree* does contain such a remark, but it erroneously states "34-00094A" rather than "36-00094A." Further, the *Special Master's Report* recommends a quantity of 0.07 cfs, but the *Partial Decree* erroneously states "0.02 cfs" under the quantity element. Finally, the *Special Master's Report* recommends a priority date of June 26, 1881, but the *Partial Decree* erroneously states "06/01/1927" as the priority date. These clerical errors are clearly caused by oversight or omission from Court personnel. These errors have been corrected in the attached *Amended Partial Decree*.

Therefore, pursuant to I.R.C.P. 60(a), IT IS ORDERED that the clerical errors are corrected and that water right 36-00090F is hereby decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-00090F*. This order is being entered *nunc pro tunc* as of December 13, 2000, and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

DATED May 15, 2002

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

2002 MAY 15 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-00090F

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-00090F was mailed
on May 15, 2002, with sufficient first-class postage prepaid
to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

JOHN P WARD
JOHN P. WARD
RUTH E RUSH
Represented by:
PATRICK D. BROWN
HUTCHINSON & BROWN, LLP
P O BOX 207
TWIN FALLS, ID 83303-0207
Phone: 208-733-9300

CERTIFICATE OF MAILING

DIANA DELANEY
Chief Deputy Clerk

PAGE 1
05/15/02

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

In Re SRBA

Case No. 39576

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

Water Right 36-00090F

200 DEC 13 PM 3:15

T-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS:

JOHN P WARD
RUTH E RUSH
955-B JUSTICE GRADE
HAGERMAN, ID 83332

SOURCE:

SPRING

TRIBUTARY: BILLINGSLEY CR.

QUANTITY:

0.02 CFS

USE OF THIS RIGHT WITH RIGHT 34-00094A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.07 CFS.

PRIORITY DATE:

06/01/1927

POINT OF DIVERSION:

T07S R13E S11

NESENE

Within Gooding County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
02-15 TO 11-30

QUANTITY
0.07 CFS

PLACE OF USE:

Irrigation

T07S R13E S11

SENE 3.5

3.5 Acres Total

Within Gooding County

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

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

RULE 54(b) CERTIFICATE

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

Barry Wood

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

04/03/2002

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

RIGHT NUMBER: 36-90F

NAME AND ADDRESS: JOHN P WARD
955 B JUSTICE GRADE
HAGERMAN ID 83332

RUTH E RUSH
955-B JUSTICE GRADE
HAGERMAN ID 83332

SOURCE: SPRING

TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 0.07 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-00094A IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.07 CFS.

PRIORITY DATE: 06/01/1927

POINT OF DIVERSION:

T07S R13E S11 NESENE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
2/15 11/30

QUANTITY
0.070 CFS

PLACE OF USE:

IRRIGATION Within GOODING County

T07S R13E S11 SENE 3.5

3.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-00094A IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 3.5 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: Decreed

36-089B is
Billingsley Cr with
1881 priority
Court PD

RECEIVED
FEB 25 1999
Department of Water Resources

RECEIVED
MAR 08 1999
Department of Water Resources
Southern Region

Southern
DT

FEB 23 PM 4:15
DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO

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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

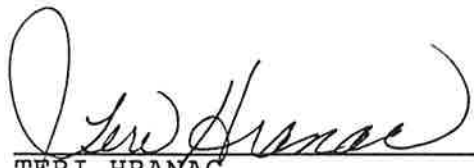
Water Right(s): 36-00090F
36-00094A

On February 23, 1999, Special Master FRITZ X HAEMMERLE issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (A01), Section 13a.

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

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

DATED February 23, 1999.


TERI HRANAC
Deputy Clerk

1999 FEB 23 PM 4: 15
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	)	Subcases: 36-00090F and 36-00094A
	)	
Case No. 39576	)	FINDINGS OF FACT
	)	AND CONCLUSIONS OF LAW
	)	

I. PROCEDURAL AND FACTUAL BACKGROUND

Water rights 36-00090F and 36-00094A came before the court for trial on December 12, 1997. Both water rights were disallowed in the Director's Report. Consequently, the claimants, John Ward and Ruth Rush, had the burden of establishing all elements of both water rights. I.C. § 42-1411(5). After trial, the court made oral findings recommending each water right. Prior to trial, the claimants amended their claim changing the purpose of use for each water right from domestic to irrigation. The court set deadlines for an objection period on each of the amended claims. Those objection dates expired without any further objections being filed.

II. FINDINGS OF FACT

1. The owners of water rights 36-00090F and 36-00094A are John Ward and Ruth Rush.
2. The place of use for water rights 36-00090F and 36-00094A is described as follows: Township 7S, Range 13E, Section 11, SENE.
3. The point of diversion for water right 36-00090F is located in the NESENE of Section 11, Township 7S, Range 13E.
4. The source for this water right 34-00090F is a spring tributary to Billingsley Creek.

5. The point of diversion for water right 36-00094A is located in the SWSENE of Section 11, Township 7S, Range 13E.

6. The source for water right 36-00094A is Billingsley Creek.

7. The purpose of use for both water rights is irrigation. Both of these water rights are commingled into one sprinkler irrigation system. The irrigation system is used to irrigate 3.5 acres of pasture land which includes various fruit trees. The pictures submitted with the Affidavit of John Ward clearly indicate the diversion facilities, the irrigations system, and the irrigated pasture and fruits trees.

8. The amount of water claimed for each of these rights is 0.02 cfs. per acre. This amount is the presumptive quantity recommended under I.C. § 42-220. Furthermore, the claimants assert that this is the amount that has been historically used under these water rights. Finally, the rights were decreed in *New International Mortgage Bank v. Idaho Power Company*, in Equity No. 1602 (S.D. Idaho, Mar. 22, 1932) (*International Mortgage Decree*). That case was a private adjudication. A prior decree entered in a private adjudication "evidences a legal right to the use of water." *In Re SRBA Case No. 39576 (24 Hagerman Subcase)*, 130 Idaho 736, 746, 947 P.2d. 409 (1997). For all these reasons, the amount of water historically used by these water rights is 0.02 cfs. per acre. For 3.5 acres, the quantity that should be decreed for these water rights is 0.07 cfs.

9. Because the rights are used in combination, the water rights should be decreed with a combined use statement indicating that the total amount that can be used by both water rights, used individually or in combination, is 0.07 cfs.

10. The priority for these water rights is June 26, 1881, as evidenced by the *International Mortgage Decree*

11. As to season of use, IDWR has informed the court that it intends to recommended February 15 through November 30 as the season of use in the Hagerman Valley in a forthcoming Director's Report. All parties, including the claimants, will be able to object to that recommendation when the Director's Report is filed. Until that time, the court will recommend February 15 through November 30 for the irrigation use in these water rights, with the understanding that the season of use for the irrigation claims are not final.

III. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that these water rights be decreed with the elements as set forth in the *Partial Decrees Pursuant to I.R.C.P. 54(b) for Water Right 36-00090F and 36-00094A*.

DATED: February __, 1999.



FRITZ X. HAEMMERLE, Special Master
Snake River Basin Adjudication

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

In Re SRBA)

Case No. 39576)

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

Water Right 36-00094A

1999 FEB 23 PM 4:15
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: JOHN P. WARD
RUTH E RUSH
955-B JUSTICE GRADE
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.07 CFS

USE OF THIS RIGHT WITH RIGHT 34-00090F IS LIMITED TO A
COMBINED DIVERSION RATE OF 0.07 CFS.

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S11 SWSENE Within Gooding County

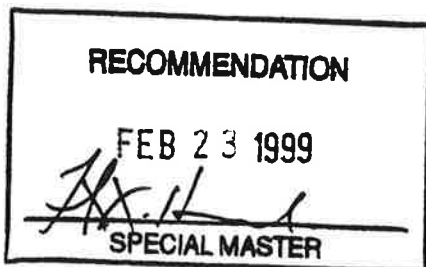
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	0.07 CFS

PLACE OF USE: Irrigation Within Gooding County
T07S R13E S11 SENE 3.5
3.5 Acres Total

RULE 54(b) CERTIFICATE

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

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



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

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 36-00090F

1999 FEB 23 PM 4:15
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: JOHN P. WARD
RUTH E RUSH
955-B JUSTICE GRADE
HAGERMAN, ID 83332

SOURCE: SPRING TRIBUTARY: BILLINGSLEY CR.

QUANTITY: 0.02 CFS

USE OF THIS RIGHT WITH RIGHT 34-00094A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.07 CFS.

PRIORITY DATE: 06/01/1927

POINT OF DIVERSION: T07S R13E S11 NESENE Within Gooding County

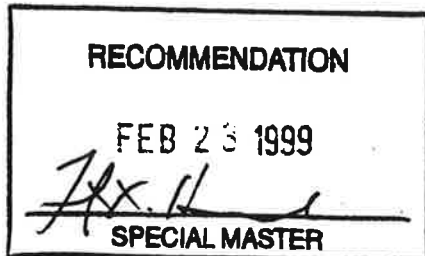
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	0.07 CFS

PLACE OF USE: Irrigation Within Gooding County
T07S R13E S11 SENE 3.5
3.5 Acres Total

RULE 54(b) CERTIFICATE

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

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



1999 FEB 23 PM 4:15
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-00090F
36-00094A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on February 23, 1999, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

CERTIFICATE OF MAILING

PAGE 1
02/23/99

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. see below

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

IDWR Employee/Agent Steve Clelland

12/21/98 2:45 PM

NAME:

MATT HOWARD

CALLIN

RE:

QUESTIONS ON CLAIMS

We discussed the uses of the Martin-Shokal claims... I told him it has been a long time since I have reviewed the details. I offered to look up the conveyance loss numbers if I have the claim and call him back.

We discussed the claims 36-00090F and -00094. I told him they should have not been allowed based on my exam but the court never allowed IDWR to submit any proof. I still believe the claims are proposed in error.

AJ0749NP
No. R36-00090F

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

DATE: 12/22/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RUTH E RUSH	06/01/1927	IRRIGATION	03-15 11-15	0.07 CFS	
C	JOHN P WARD					
	955-B JUSTICE GRADE			TOTAL DIVERSION:	0.07 CFS	
	HAGERMAN ID 83332					
	(208) 837-6385					

Water Source: SPRING Tributary to: BILLINGSLEY CREEK Stage: DECREED

Point(s) of Diversion: T07S R13E S11 NESENE GOODING County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
07S	13E	11	:					03	:							:	3.5	
																	TOTAL ACRES	3.5

POU County: GOODING

Other Rights: 36-00094A

Remarks: POU1 USE OF THIS RIGHT WITH RIGHT NO. 36-00094A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 3.5 ACRES IN A SINGLE
IRRIGATION SEASON.

Dates: Exam Made Date: Verified Date: 12/22/1997 Objection Filed Date:

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

Comments: Date: 09/05/1991 User-ID: SMITH Subject: COPIED FROM REMARKS
PORTION OF 36-0090 DECREE. PROPERTY WILL BE DEVELOPED IN
FUTURE AND DIVIDED INTO PARCELS. CURRENTLY WATER USED FOR
GREENERY._IRRIG .5 ACRE.

Date: 04/01/1992 User-ID: ROBERTSO Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 3/30/92 ORIGINAL OWNER PAR-6 PARTNER
SHIP, NEW OWNER JOHN P WARD AND/OR RUTH E RUSH. COPY OF WARRANTY
DEED SUBMITTED WITH FORM. A36-00090F ALSO CHANGED ON THIS DATE.

AJ0749NP
No. R36-00090F

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

DATE: 12/22/97
PAGE: 2

=====

Comments: Date: 04/01/1992 User-ID: ROBERTSO Subject: OWNERSHIP CHANGE
REVIEW COMPLETED.

Date: 09/21/1992 User-ID: MERRITT Subject: NOTICE OF ERROR FILED BY RUSH & WARD

Date: 10/16/1992 User-ID: CHRISTEN Subject: RESPONSE TO NOE
A FIELD EXAM FOUND NO SIGNS OF IRRIGAION FOR THE CLAIMED USE.
NO CHANGES RECOMMENDED AS NO NEW EVIDENCE SUBMITTED. KKC 10-16-92

Date: 02/19/1993 User-ID: SCHULTZ Subject: ADDED NEW ATTORNEY
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ
2/10/93.
CLAIM VERIFIED 10/16/92. DID NOT REVERIFY CLAIM.

Date: 12/22/1997 User-ID: SCLELLAN Subject: TRIAL UPDATE REFORMAT
TRIAL HELD 12/19/97 AWARDED .07 CFS AND 3.5 ACRES, LIMITED WITH
36-00094A TO 3.5 ACRES.

Audit: 12/22/97 SCLELLAN

- 90 F - 94 F

12/19/97 ser

- Right may be based on - 0089
- Separate uses & amounts
Should not overlap in Use
- IDWR tries to delay trial
to get notice of Amendment.

94 } 7.5 cfs
95 }
96 } $\approx 175 \text{ Ac}$

SRBA Ruling:

(based on Testimony of Waco)

$= 0.09 \text{ cfs/Ac}$

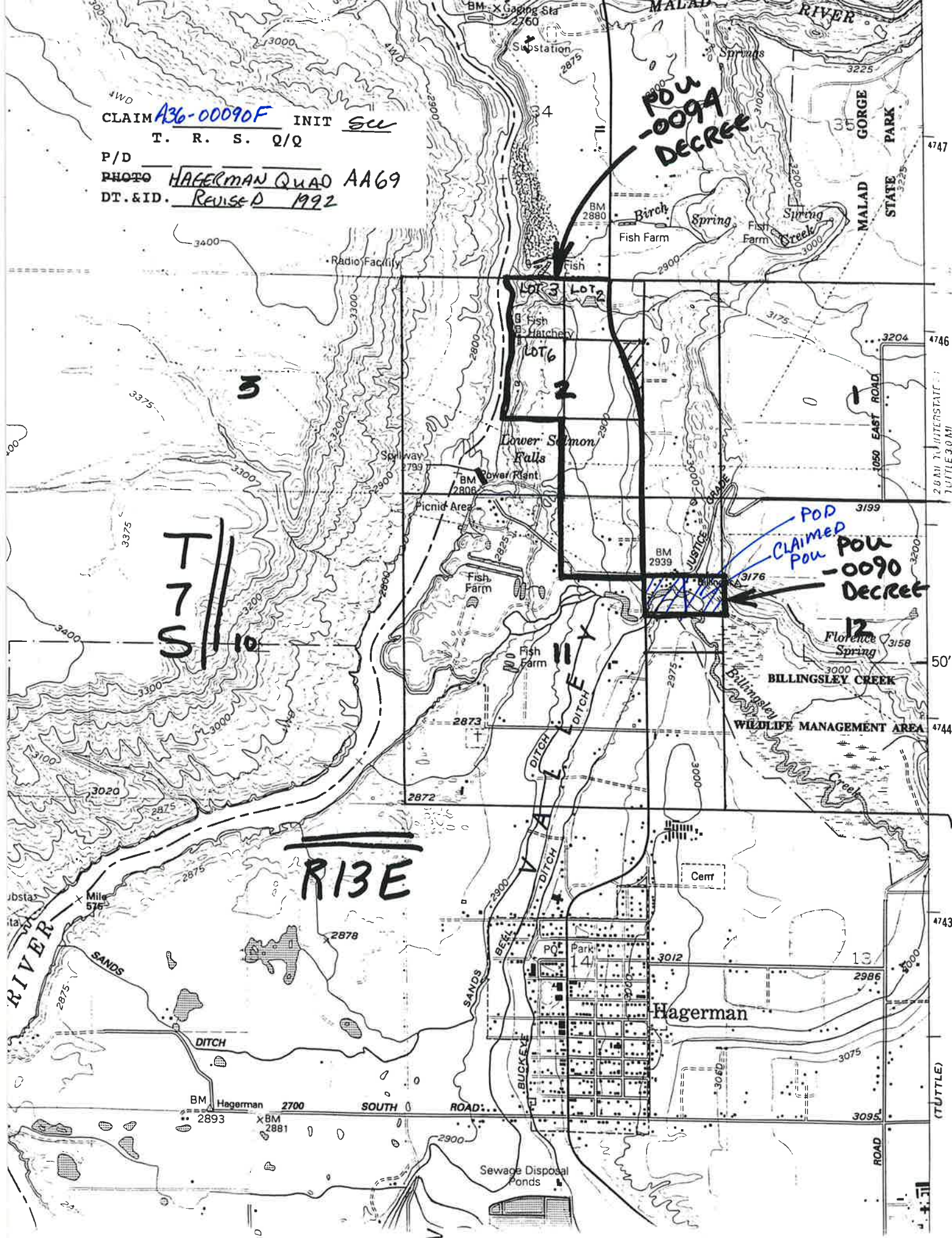
ACRES: $3\frac{1}{2} \text{ Ac.}$

~~.14~~ $\frac{.07}{.07}$ cfs 90F } combined use
~~.14~~ $\frac{.07}{.07}$ cfs 94F } limit ~~.14 cfs~~ $3\frac{1}{2} \text{ AC}$

(1 month to object
limit to Amendment)

CLAIM A36-00090F INIT su
T. R. S. Q/Q

P/D
PHOTO HAGERMAN QUAD AA69
DT. & ID. REVISED 1992



NAME	AMOUNT OF WATER IN SECOND FEET AND SOURCE	PRIORITY OF APPROPRIATION	DIVERSION POINT
6-0087 POPE, ELI-	.5 Billingsley Creek	June 26, 1881	John Bell Ditch
0090 JAH, AND	.5 Spring	June 1, 1927	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.)

$N\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 11, Twp. 7 S. R. 13 E. B. M.

0091 PREWETT,
M. M.,
AND
MARGARET
PREWETT

.8 Billingsley Creek Sept. 10, 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 outlot 65, thence due west to a point in the center of the Stotz 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 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 Block 48; 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 51; Lots 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16 of Block 62 of the Village of Hagerman according to the Plat of Hagerman Townsite, in the office of the Recorder of Gooding County, Idaho.

823 RAWLINGS,
WALTER
AND MRS.
WALTER RAW-
LINGS

.6 Spring

April 1, 1901 Florence Livestock Spring

A certain parcel of land, described in meters and bounds as follows: Beginning at the southwest corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ 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 acres more or less.

A certain parcel of land, described in meters and bounds as follows:

CLAIM

INIT

SC

T. R. S. Q/Q

P/D

PHOTO HAGERMAN QUAD AA69

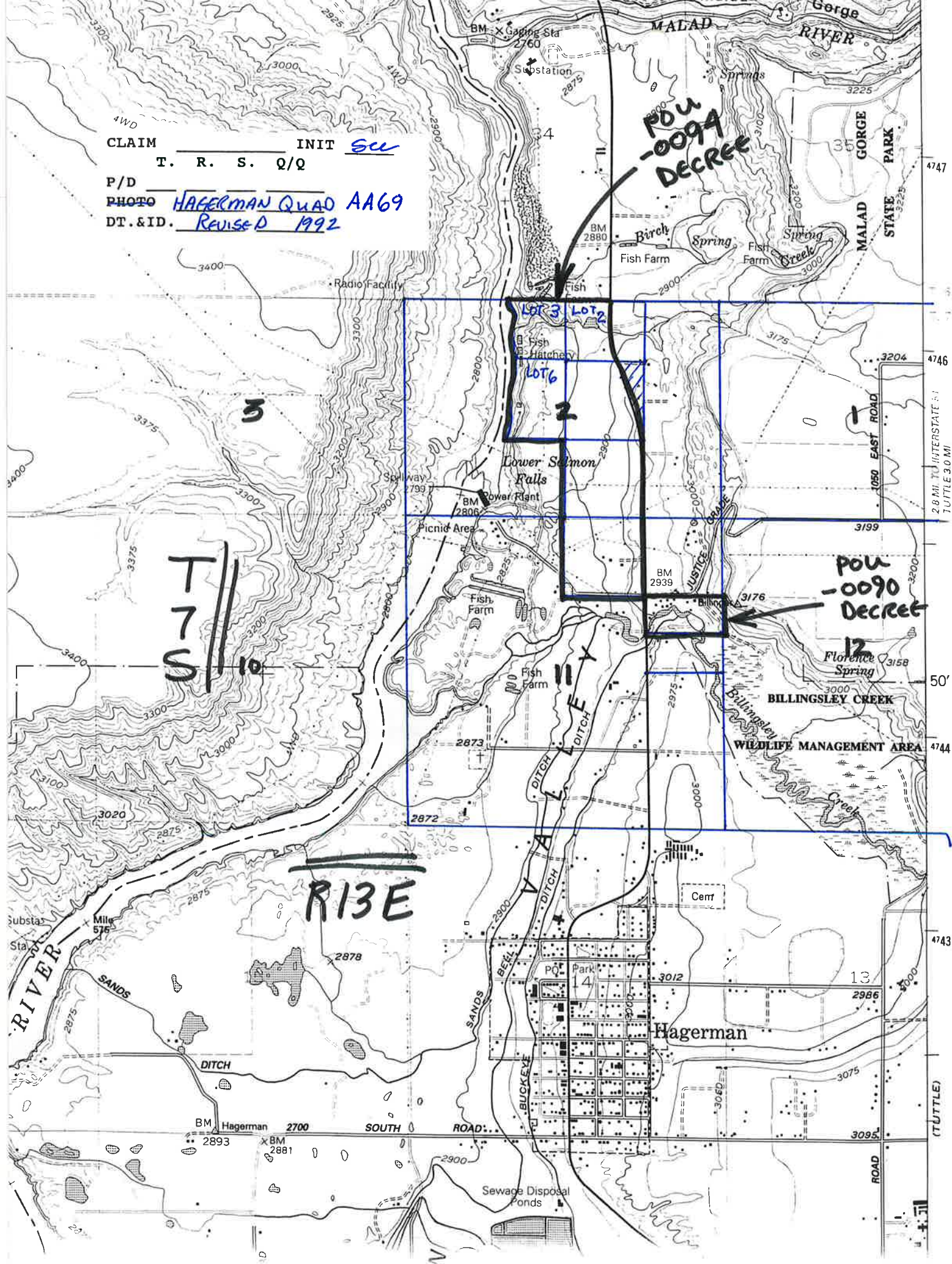
DT.&ID. REVISED 1992

**POU
-0099
DECREE**

**POU
-0090
DECREE**

**T
7
S**

R13E



IDAHO DEPARTMENT OF WATER RESOURCES

36-00094A & 36-00090F



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



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

November 20, 1997

Hepworth, Lezamiz & Hohnhorst
P.O. Box 389
Twin Falls, ID 83303-0389

ATTN: PATRICK D. BROWN

RE: Subcase Nos. 36-00090F & 36-00094A

Dear Pat:

Pursuant to the Court's order of October 22, 1997, enclosed please find color copies of the photographs on file with IDWR relative to the above-referenced subcases.

Sincerely,

Becky Harvey
Becky Harvey
Paralegal

/bh
Enclosures

SUBCASE NO. 36-00090F

	CLAIM (8/25/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	John Ward &/or Ruth Rush	N/A	Disallowed	See notes
BASIS OF CLAIM	Decree			
SOURCE	Spring			
QUANTITY	0.080 cfs			
PRIORITY DATE	6/1/1927			
PURPOSE OF USE	Domestic			
PERIOD OF USE	1/1 - 12/31			
POINT OF DIVERSION	T07S R13E S11			
PLACE OF USE	T07S R13E S11			

Note: This right was recommended disallowed (forfeited/abandoned--IDWR found no evidence of diversion or beneficial use). Claimant objected that this right had not been recommended & indicated he wanted the Director's Report changed to reflect the right as claimed. Claimant/objector claimed domestic but included lawn & pasture. In objection, he added a year-round irrigation use along with domestic use & that the quantity should be as decreed. Claimant/objector did not specifically object to each individual item. This right is a portion of decree 36-0090.

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

OCT 12 1994

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

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

Case No. 36-00090F -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)

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OCT 12 1994

2. Person who filed objection:

Name: JOHN P WARD
Address: RUTH E RUSH
955 B JUSTICE GRADE
RT 1 BOX 378
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

12. ☒ Water Right Recommendation: I respond to the objection concerning:

12b. ☒ This water right not being recommended.

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 Objection items 12 and 12b., and all allegations of the objection regarding these items, IDWR responds as follows: IDWR recommended the claim for disallowal because it found no evidence of diversion or beneficial use of water and no history of diversion or use for domestic purposes. It therefore determined that the right had been abandoned or forfeited for nonuse as provided for by Idaho Code Sec. 42-222.

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

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

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

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

	No. of Pages
Notice of Claim No. A36-00090F	5
IDWR's Response to Answer, Affirmative Defenses, and Prayer for Relief of Claimant	4

(Over)

MICROFILMED

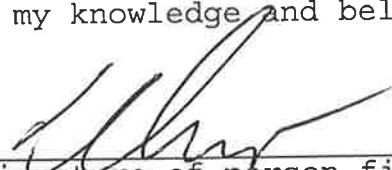
VERIFICATION (Must be Completed)

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

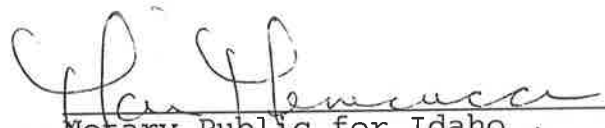
By:



(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: 6/25/1999

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: A36-00090F
Date Received: 8/25/1988
Receipt No: S001743
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PAR-6 PARTNERSHIP 208-788-3450
Address: BOX 1360
HAILEY, ID 83333

2. Date of Priority: JUN 01, 1927

3. Source: SPRING Trib. to: BILLINGSLEY CR.

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:
NATURAL, FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/LAWN, PASTURE

10. Place of Use:

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

11. Place of use in counties: GOODING

A36-00090F

Page 1

Date: 08/25/88

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MICROFILMED
JAN 21 1993
OCT 12 1994

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:
PORTION OF 36-0090 DECREE. PROPERTY WILL BE DEVELOPED IN
FUTURE AND DIVIDED INTO PARCELS. CURRENTLY WATER USED FOR
GREENERY.

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

Decree Plaintiff

vs

Decree Defendant

(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.

OCT 12 1994

Paul Stalman

FOR ORIGINAL



C-35
(5190)

12.4

591
(5930)

C-197

B-14

50
(4900)

C-50
(4900)

3.1

H
2.7

4.5

6.3

106.25

C-252
(4740)

C-60
(6010)

B-108
(6028)

J-B
4.9
C-62
(6110)

9.2

C-262
(6100)

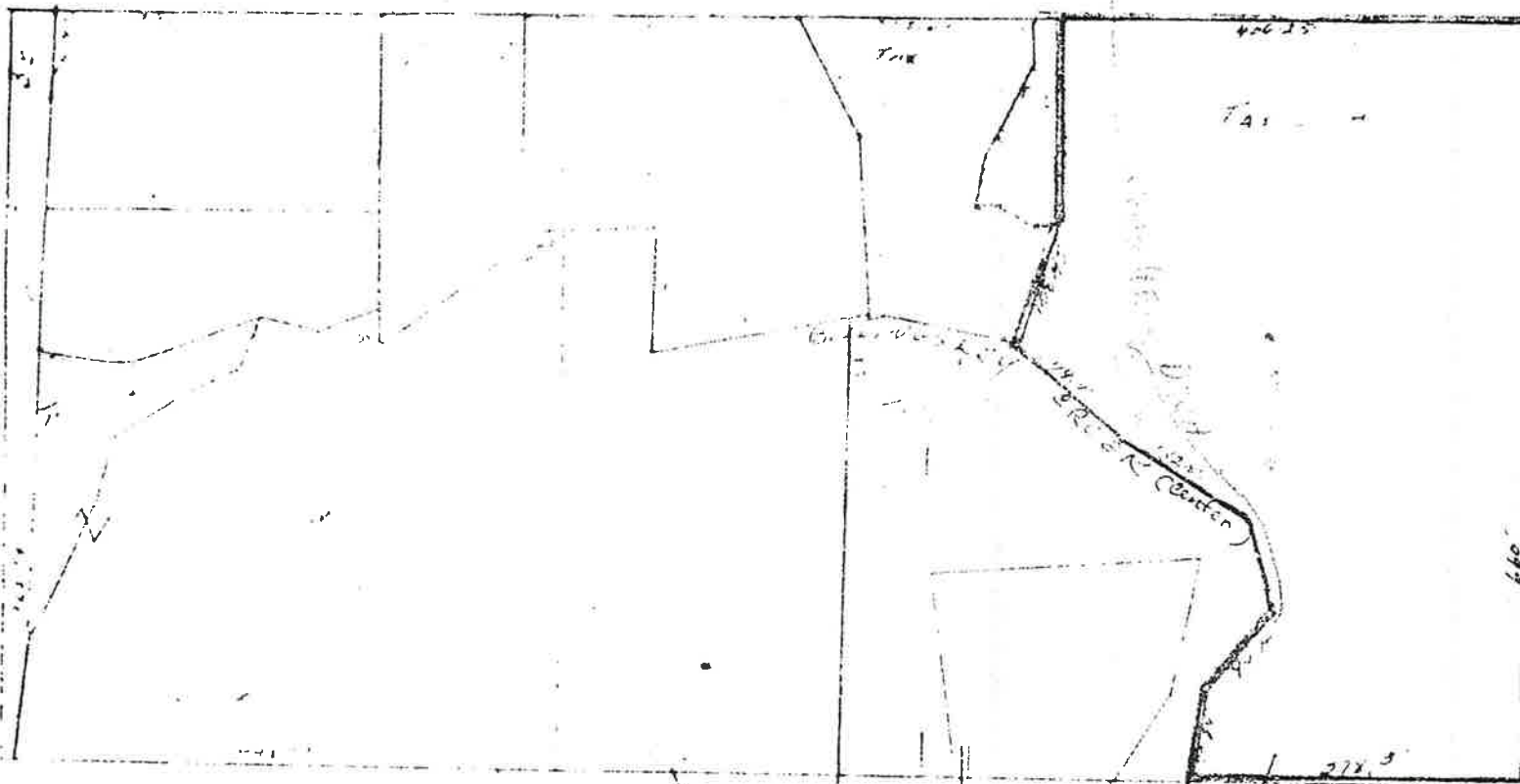
B
13.0

3.8 Water
10.8 Vegetation
31.1 Total

7.2
(350)

C-71
(6030)

POOR ORIGINAL



5 ACRES (approx)

Located on Billingsley Creek in Hagerman, Idaho. Affords a pleasant view of creek as well as surrounding valley. Land is located in Billy terrain & abounds with natural landscaping opportunities. One of the rare chances to own a small acreage with privacy & protection only offered by a few unique properties adjacent to the canyon walls as well as fish & game land.

Price: \$81,000.00 Cash or terms to be arranged

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OCT 12 1994

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

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

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

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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.

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No:

6015321

RECEIVED

JAN 27 1993

Department of Water Resources
Southern Region Office

Date:

Time:

1/27/1993

11:20:44

Received
From:

WARD JOHN P.

Type of Payment

Program Acct Class

Amount

FEE FOR COPY OF ADJUDICATION CLAIM

64100

229 21 1760

7.77

Total

\$7.77

CHECK

295

Region: SOUTHERN

Signature:

R. Foster

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OCT 12 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

21-Jan-1993

JOHN WARD
RT 1 BOX 378
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00090F, 36-00094A

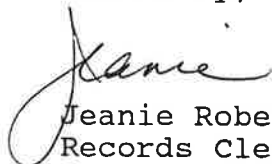
Dear Mr. Ward:

Please find enclosed the copies of documents you recently requested contained in the above referenced SRBA file(s) as of this date. Please note that copies of orthophoto quad maps or NAPP photography or aerial slides which may have been used in the review of your claim(s) have not been included since they are not easily reproduced. These items are however available for your review at our office. Please also note that in some situations some water rights may have other associated files which contain privileged information between IDWR staff and our legal council which has not been copied.

Please remit the following for the cost of the copies and postage:

\$7.77

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

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OCT 12 1994

RECEIVED

JAN 19 1993

Department of Water Resources
Southern Region Office

January 15, 1993
(Date)

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in
my file as it relates to water right number 36-00090F & 36-00094A.

Please advise me of any documents in my file which you are not
releasing to me and why they are not being released.

Please bill me for the copy charge.

Sincerely,

John P. Ward
(Name)

MR JOHN P WARD
955B JUSTICE GRADE RR 1 BOX 378
HAGERMAN ID 83332

955B Justice Grade RR1
(Address) Box 378

Hagerman ID 83332
(City, State, Zip Code)

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

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OCT 12 1994

RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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

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

Case No. A36-00090F

(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,)

36-00090F -0001/
93-04-0087

Respondents.

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

OBJECTION - 1

MICROFILMED

OCT 12 1994

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: John P. Ward & Ruth E. Rush

Address: 955-B Justice Grade, Route 1, Box 378
Hagerman, ID 83332

Briefly describe your interest in this water right:

Decreed water right pursuant to New

International Mortgage Bank v. Idaho Power

Company dated 3/22/32 with a priority date
of June 1, 1927

2. Owner of the water right:

Name: John P. Ward and Ruth E. Rush

Address: 955-B Justice Grade, Route #1, Box 378
Hagerman, ID 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)

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

REASONS SUPPORTING EACH BOX CHECKED

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

See page 7

CHANGES TO THE DIRECTOR'S REPORT

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

Priority date: 6/1/27; purpose of use: irrigation & domestic;

period of use: 1/1 to 12/31; maximum quantity: as decreed; con-

sumptive use to be changed to reflect maximum quantity; point of

diversion, source & place of use: as claimed

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

☒

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

See Hagerman Water Right Owners, Inc.'s

Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of Gooding

John P. Ward

(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.

John P. Ward
Signature of person filing objection

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

Subscribed and sworn to before me this 20th day of April, 1993.

[Signature]
Notary Public for Idaho
Residing at: HAGERMAN, Idaho
My Commission Expires: 5-10-97

(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Owner name: John P. Ward and Ruth E. Rush
Owner's address: 955-B Justice Grade, Route 1, Box 378
Hagerman, ID 83332

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

Box 12 - IDWR recommends a disallowance of a claim that has been decreed and/or beneficially used.

CHANGES TO DIRECTOR'S REPORT, page 4

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

Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

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

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

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

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

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

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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.

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AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

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

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

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

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

(WATER\21530ANS)

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



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JAN 21 1993

NOTICE OF ERROR FORM

AUG-24-1992

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

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

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

1. Water right number: 36-00090F

RECEIVED

2. Name: John P. Ward
Ruth E. Rush

SEP 2 1992

Address: 955-B Justice Grade
Rt. 1, Box 378
HAGERMAN, ID. 83332

Department of Water Resources
Southern Region Office

Weekday Telephone Number:

837-6385

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

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

*Total disallowance of a Decreed Water Right.
This would leave the 5-acre property without
any water.*

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

Continue the Water Right as per attached copy.

5. Describe why you disagree with the proposed recommendation:

*This Water Right has not been abandoned and is
currently being used to water pasture and fruit
trees. It was decreed in 1932.*

6. Date: *9/21/92*

SIGNATURE

[Signature]
Guth E. Gush

NOTICE OF ERROR FORM

AUG-24-1992

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

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

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

1. Water right number: *A36-00090F*

2. Name: *Ruth E. Rush*
John P. Ward

Address: *955-B Justice Grade*
RE-1, Box 378
HAGERMAN, Id. 83332

Weekday Telephone Number:

837-6385

RECEIVED

SEP 21 1992

Department of Water Resources
Southern Region Office

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

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

Total desallowance of a decreed water right leaving the 5-acres without water.

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

Continue Water Right as decreed on attached copy.

5. Describe why you disagree with the proposed recommendation:

This Water Right has not been abandoned and is currently being used to water pasture and fruit trees. This Water Right was decreed in 1932.

6. Date: *9/21/72*

SIGNATURE

Ruth E. Rusby
John F. Mars



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

16-Oct-1992

JOHN P WARD
955-B JUSTICE GRADE
RT 1 BOX 378
HAGERMAN ID 83332

RE: RESPONSE TO NOTICE OF ERROR FOR CLAIM 36-00090F

Dear Mr Ward

This claim has been disallowed based on the non-use of the water right as described by the claim. Based upon currently available information I am unable to reinstate your claim.

If you still do not agree with the proposed IDWR recommendations to the court, you may file an objection with the court after you receive the final recommendation of your water right. The objection process will be explained when you receive your final recommendation of your water right.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

MICROFILMED

JAN 21 1993

R PROOF



CVR



MAPS



PHOTOS



MISC





NO IRRIGATION
FOUND.



PAR-6 PARTNERSHIP

A36-00090F

A36-00094A

PHOTOS BY STEVE CLELLAND
1-17-92

MICROFILMED
JAN 1993

PAR-G PARTNERSHIP

A36-00090 F

A36-00094 A



NO IRRIGATION FOUND.

PHOTOS BY STEVE CLELAND 1-17-92

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Water Right Number - R36-00090F Prefix Translation: RESEARCH

Old (D) Number -

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

+ - First Name - - +

+ - - - - Address - - - - -

*** C - CURRENT OWNER ***
WARD

JOHN P.

1 - 955-B JUSTICE GRADE
2 - RT 1 BOX 378
3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-6385

RUSH

RUTH E.

1 - 955-B JUSTICE GRADE
2 - RT 1 BOX 378
3 -

City- HAGERMAN

State- ID Zip- 83332

Phone - 208-837-6385

*** O - ORIGINAL OWNER ***
PAR-6 PARTNERSHIP

1 - PO BOX 1360

2 -

3 -

City- HAILEY

State- ID Zip- 83333

Phone - 208-788-3450

+ - - Priority Date - - +
06/01/1927+ - - Region - - - +
ERROR IN REGION

+ - - Stage - - - +

+ - - Status - - - +
I - DISALLOWED+ - - Source - - - - - +
SPRING+ - - Tributary - - - - - +
BILLINGSLEY CR.

+ - - 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	0.080	

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Consumptive Use - +	+ - KW Usage - +
0.080		0.0	

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

Total Acres:

+ - - Diversion Means - NATURAL, FLOOD IRRIG.

+ - - Non-Irrigation Use - DOMESTIC LAWN, PASTURE

+ - - Other Rights for Same Use - SEE REMARKS

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JAN 21 1993

Water right number - R36-00090F

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - - +
FORFEITED/ABANDONED.

+ - - - - Old Water Right Numbers - - - - - +
3600090

+ - - - - Conditions of Approval - - - - - +
P04 - FORFEITED/ABANDONED: This is included for a claim based on a
- decree or license that is PROPOSED to be disallowed on the basis
- that the water right no longer exists because forfeiture of the
- right by nonuse was confirmed and a defense to forfeiture was not
- confirmed, or because abandonment of the right was confirmed.

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

+ - - - - Comments - - - - - +
Date: 09/05/1991 User Id: SMITH Subject: COPIED FROM REMARKS
PORTION OF 36-0090 DECREE. PROPERTY WILL BE DEVELOPED IN FUTURE AND DIVIDED INTO PARCELS. CURRENTLY WATER USED FOR
GREENERY. IRRIG .5 ACRE.
Date: 04/01/1992 User Id: ROBERTSO Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 3/30/92 ORIGINAL OWNER PAR-6 PARTNER SHIP, NEW OWNER JOHN P WARD AND/OR RUTH E RUSH. COPY OF WARRANTY
DEED SUBMITTED WITH FORM. A36-00090F ALSO CHANGED ON THIS DATE. REVIEW COMPLETED.

+ - - Audit Fields - - +
04/16/92 MERRITT

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/25/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 04/16/1992	Old Judicial District	-
Claim Received Date	- 08/25/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001743	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

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JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:13
08/24/90

PAGE: 10
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00090F

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 SEE/HMT	DBALLOW	1,4,5		RB	
POINT OF DIV								
SOURCE								
PLACE OF USE								
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

"VERIFIED BY" CODES

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

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

MICROFILMED
JAN 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:13
08/24/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00090F

LAST: PAR-6 PARTNERSHIP
ADDRESS: BOX 1360
CITY: HAILEY
PHONE NUMBER: 208-788-3450

FIRST:

STATE: ID ZIP: 83333

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: PORTION OF 36-0090 DECREE. PROPERTY WILL BE DEVELOPED IN
FUTURE AND DIVIDED INTO PARCELS. CURRENTLY WATER USED FOR
GREENERY. IRRIG .5 ACRE.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

See A36-00094A (also Disallowed) for explanation for Disallowed.

A. AJ CLAIM: # A36-00090F PRIORITY DATE: 06-01-1927 STAGE: D

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

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:

REVIEWED BY _____ DATE _____

=====

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JAN 21 1983

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00090F	07S	13E	11	NE	SE	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX

A36-00051D NONE

A36-10119

A36-10120

A36-10751

A36-10752

A36-10755

A36-10061

A36-00103B

A36-00108A

A36-00003G

A36-00027

A36-00039C

A36-00090E

A36-00051B

A36-00076A

A36-00089B

A36-00089D

A36-10283

A36-10312

A36-00090A

A36-00003D

A36-00090B

A36-00090C

A36-00090D

A36-00108F

A36-00125A

A36-00026

A36-00051C

A36-00071A

A36-00089A

A36-00108C

A36-00108D

A36-00108E

A36-00108H

A36-04008

36-00003
36-00005
36-00019
36-00021
36-00024
36-00025
36-00026
36-00027
36-00034
36-00035A
36-00035B
36-00039A
36-00039B
36-00040
36-00051
36-00052
36-00064
36-00065
36-00067
36-00071
36-00076
36-00077
36-00082
36-00083
36-00085
36-00087
36-00088
36-00089
36-00091
36-00094
36-00095
36-00096
36-00103
36-00108
36-00112A
36-00112B
36-00113B
36-00113C
36-00113D
36-00125
36-04008
36-04115
36-04261
36-07271
36-07658
36-07739

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JAN 21 1993

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

SOURCE: SPRING

TRIB: BILLINGSLEY CR.

REMARKS:

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
07S	13E	11	NE	SE	NE		GOODING

SOURCE:

TRIB:

REVIEWED BY: _____ DATE: _____

=====

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JAN 21 1993

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

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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		PAR-6 PARTNERSHIP	A36-00090F /	-	/		
TOTAL ACRES						A36-00090F					

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.080 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
Y

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

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: SEE REMARKS

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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JAN 21 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00090F DOMESTIC	FROM 01-01 TO 12-31	.080 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.080 CFS

PRESUMPTION FLAG:

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

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JAN 21 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
DOMESTIC	01-01 12-31	0.080	0.0	0.0
TOTAL FOR THIS RIGHT		0.080		0.0

REVIEWED BY: See

DATE: 12-18-90

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JAN 21 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

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

AUTHENTICATION:

SIGNATURE:

Steve [Signature]

DATE:

12-18-90

NAME OF FIELD EXAMINER:

TITLE:

MICROFILMED

JAN 21 1993

11/22/90 00:14:19
PAGE 2

+ - DECREE DATE - +
00/00/0000

Deny ~~not~~ water not used at location

VERIFIED
FEB - 1991

WARD
JUSTICE GRADE
BOX 378
RMAN, ID. 83332-6433

RECEIVED

JAN 19 1993

Department of Water Resources
Southern Region Office



MICROFILMED
OCT 12

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

0N11000 (27)



JOHN WARD
8658 JUSTICE GRADE
R.R. 1 BOX 378
HAGERMAN, ID. 83332-6433



MICROFILMED
OCT 12

RECEIVED