

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-96A V2

WATER RIGHT NUMBER: 36-96A V2

| <u>Owner Type</u>      | <u>Name and Address</u>                                                   |
|------------------------|---------------------------------------------------------------------------|
| Directors Report Owner | OWEN SIMPSON<br>PO BOX 26<br>HAGERMAN, ID 83332<br>(208)837-6230          |
| Directors Report Owner | MICHAEL W SIMPSON<br>PO BOX 846<br>KETCHUM, ID 833400846<br>(208)726-2158 |
| Directors Report Owner | KELLY SIMPSON<br>PO BOX 846<br>KETCHUM, ID 83340<br>(208)726-2158         |
| Directors Report Owner | PATRICK SIMPSON<br>PO BOX 846<br>KETCHUM, ID 83340<br>(208)726-2158       |
| Current Owner          | KIRT L MARTIN<br>PO BOX 296<br>HAGERMAN, ID 83332<br>(208)837-6227        |

Priority Date: 06/26/1881

Basis: Decreed

Status: Active

| <u>Source</u>     | <u>Tributary</u> |
|-------------------|------------------|
| BILLINGSLEY CREEK | SNAKE RIVER      |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| STOCKWATER            | 1/01 to 12/31           | 0.020 CFS             |                      |
| IRRIGATION            | 2/15 to 11/30           | 0.100 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.100 CFS             |                      |

Location of Point(s) of Diversion

|                   |                 |                                 |
|-------------------|-----------------|---------------------------------|
| BILLINGSLEY CREEK | NW1/4SE1/4NE1/4 | Sec. 11, Twp 07S, Rge 13E, B.M. |
| GOODING County    |                 |                                 |

Place of Use

STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 07S | 13E | 2   |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |

IRRIGATION

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 36-96A V2

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 07S | 13E | 2   | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | 4.0    |

Total Acres: 4

Conditions of Approval:

1. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

1. Explanatory WATER IS DELIVERED THROUGH THE PADGETT DITCH.



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

December 7, 2001

KIRT L MARTIN  
17865 HWY 30  
HAGERMA ID 83332

RE: Decreed Water Right 36-96A

Dear Mr. Martin:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the water right(s) noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett  
Technical Records Specialist

enc.

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

**RECEIVED****JUL - 9 2001**

**Department of Water Resources**  
**Southern Region**

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

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

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 36-11056              |                              | -     |                       |                              |       |
| <del>36-96A</del>     | 36-96A                       | -     |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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

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

**OR**

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Estate of Josephine Simpson
- c/o Michael Simpson PO Box 846 Ketchum, ID
4. New Owner/Claimant(s) Kirt L. Martin
- Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
- New Mailing Address 17865 US Hwy 30
- City, State and ZIP Code Hagerman, ID 83332
- New Telephone Number ( ) 837-6227
5. Date you acquired the property 3-28-1999

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

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

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

7. Signature of New Owner(s) or Claimant(s) \_\_\_\_\_  
(include title if applicable)

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

**For Office Use Only**

Received by JS Date 7-9-01 Fee \$25.  
 Received by JS Date 7-9-01 Receipt No. 5034107  
 Processed by [Signature] Date 7/12/01 WR \_\_\_\_\_ Date \_\_\_\_\_

## WARRANTY DEED

For Value Received

**Michael W. Simpson, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY; Patrick E. Simpson, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY; and Kelly Jo Allison who acquired title as Kelly Jo Simpson, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY, AS TENANTS -IN-COMMON**

the grantor(s), do(es) hereby Grant, Bargain Sell, and Convey unto

## Kirt L. Martin, A SINGLE MAN

the grantee(s), whose current address is: **17865 US HWY 30, Hagerman, ID 83332**

the following described real estate, situated in **GOODING** County, Idaho, to-wit:

179812

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

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of Carding 1st  
43 min. past 3 o'clock p m. 30  
of March, 1999.  
By Ashita Sills

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

Dated: 03/23/99

Michael W. Simpson  
Michael W. Simpson

Patrick E. Simpson  
Patrick E. Simpson

Kelly Jo Allison By: Michael W. Simpson attny in fact  
Kelly Jo Allison By: Michael W. Simpson her attorney in fact

State of IDAHO }  
 } ss.  
County of GOODING }

On this 30<sup>th</sup> day of March, in the year 1999, before me, Deanna M. Keyes personally appeared **Michael W. Simpson and Patrick E. Simpson**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

~~WITNESS~~ my hand and official seal.

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



State of Idaho

} ss.  
}

County of Gooding

On this 30th day of March in the year 1999, before me, \_\_\_\_\_

Deanna M. Keyes, personally appeared \_\_\_\_\_

Michael W. Simpson known or identified to me to be the person

whose name is subscribed to the within instrument as the attorney in fact of Kelly Jo Allison

\_\_\_\_\_, and acknowledged to me that he/she subscribed the name of Kelly Jo Allison

\_\_\_\_\_, thereto as principal, and his/her own name as attorney in fact.

WITNESS my hand and official seal.

Deanna M. Keyes

Notary Public

Residing At: Wendell, Id.

Commission Expires: 3/22/02

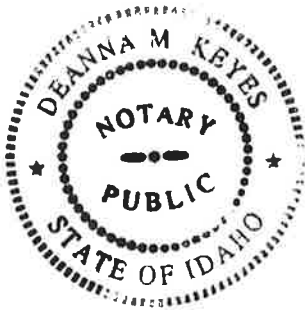


**EXHIBIT "A"**  
**G990042**

**RP07S13E021045**  
**RP07S13E020945**

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

Section 2: That part of Lots 2 and 3, described as follows:

BEGINNING at the North Quarter corner of Section 2;  
Thence South  $0^{\circ}24'56''$  East, 681.12 feet along the Westerly boundary of Lot 2  
to the TRUE POINT OF BEGINNING;  
Thence North  $89^{\circ}47'20''$  East, 759.40 feet parallel with the North boundary of  
Section 2, to a point on the Westerly right-of-way of a certain Highway known  
as U.S. Highway 30, Idaho Department of Highways, Project F-2361(18) as  
constructed in 1964;  
Thence South  $0^{\circ}15'50''$  East, 262.87 feet along said Westerly right-of-way;  
Thence South  $89^{\circ}47'20''$  West, 1,188.54 feet;  
Thence North  $58^{\circ}51'45''$  East, 500.00 feet to a point on the Westerly boundary  
of Lot 2;  
Thence North  $0^{\circ}24'56''$  West, 5.92 feet along said Westerly boundary of Lot 2  
to the TRUE POINT OF BEGINNING.

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: 39356  
Ident. Number A36-00096A  
Date Received 5002273 8-26-88  
Receipt Number 5002273

**COPY**  
**NOTICE OF CLAIM**  
**TO A**  
**WATER RIGHT**  
**ACQUIRED UNDER STATE LAW**  
**FOR YOUR FILES**  
**DO NOT RETURN**

**RECEIVED**

AUG 26 1988

Department of Water Resources  
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) OWEN SIMPSON Phone (208 ) 837-6230

Mailing Address 17865 U.S. Highway 30, Bliss, Idaho Zip 83314

2. Date of Priority (Only one (1) per claim) June 26, 1881

3. Source of water supply (a) Billingsley Creek via Padgett Ditch  
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 7 South Range 13 East Section 11,  
NW 1/4 of SE 1/4 of NE 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Gooding

Additional points of diversion if any: re-diverted from the Padgett Ditch in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 2,  
Township 7 South, Range 13 East of the Boise Meridian, Gooding Co.

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.

From the concrete diversion on the bank of  
Billingsley Creek, the water is transported to the property by an open ditch known as  
the Padgett Ditch. Once the water is on the subject property, the water is pressurized  
by use of a pump and motor and the property is irrigated by a sprinkler system.

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**OCT 12 1994**

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Mar. 15 to Nov. 15 amount 0.10 or \_\_\_\_\_

For Stockwater purposes from Jan. 1 to Dec. 31 amount 0.02 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.10 (cfs) and/or (b) 24 (acre feet)

8. Total consumptive use claimed is 18 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) There are 10 to 15 head of cattle on the property at times.

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 |        |
| 7 S | 13 E | 2   |        |       | S<br>6 |       |        |       |       |       |        |       |       |       |        |       |       |       | 6      |
|     |      |     |        |       |        |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |      |     |        |       |        |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |      |     |        |       |        |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |      |     |        |       |        |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |      |     |        |       |        |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |      |     |        |       |        |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 6 acres

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

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_

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

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

\_\_\_\_\_ or None ( X )

14. Remarks:

Last Name SIMPSON Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

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Scale: 2 inches equals 1 mile

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN

PLACE OF USE

SECTION 12

SECTION 11

PADGETT DITCH

POINT OF DIVERSION

SECTION 11

SECTION 12

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OCT 12 1994  
Copies: White-State, Yellow-Chamant

15. Basis of Claim (check one) ☐ Bel ☐ al Use ☐ Posted Notice ☐ L ☐ ise ☐ Permit ☒ Decree ☒ X

If applicable provide IDWR Water Right Number Part of 36-0096  
Court U.S. District Court Case Number 1602 Decree Date March 22, 1932  
Plaintiff vs Defendant New International Mortgage Bank vs Idaho Power Company

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 -0-

**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] Date 8-25-88  
Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am \_\_\_\_\_

Title

of \_\_\_\_\_, that I have signed the foregoing  
Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title Organization

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

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of Gooding ) SS.

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

SEAL

Notary Public [Signature]

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

Please Print Name

17. Notice of Appearance:

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

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name SIMPSON Ident. Number \_\_\_\_\_

Copies White-State Yellow-Claimant

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|            |            |            |            |            |            |            |            |             |             |
|------------|------------|------------|------------|------------|------------|------------|------------|-------------|-------------|
| 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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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)

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

\* \* \* \* \*

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

Case No. 39576

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

NOTICE OF APPEARANCE

19 Petitioner,

20 vs.

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

Respondents.

\* \* \* \* \*

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



Hepworth,  
Nungester,  
& Lezamiz

NOTICE OF APPEARANCE - 1

MICROFILMED  
OCT 12 1994

|    |                                         |             |
|----|-----------------------------------------|-------------|
| 1  | Users, Inc. and its individual members: |             |
| 2  | Anderson, Anita G.                      | A36-00050D  |
|    | Babington Lynn J. & Kathy               | A36-00003C  |
| 3  | Banbury Pipe Co., Inc.                  | A36-10906   |
|    | Banbury Pipe Co., Inc.                  | A36-02038   |
| 4  | Big Bend Irrigation & Mining Co.        | A36-00192   |
|    | 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   |
| 8  | Brooks, Allen L. & Andree               | A35-00060   |
|    | Brooks, Allen L. & Andree               | A36-07346   |
| 9  | Bybee, Gertrude B. Owsley               | A36-00042A  |
|    | Bybee, Gertrude B. Owsley               | A36-00041C  |
| 10 | Candy, Walter W. & Margaret             | A36-00135B  |
|    | Candy, Walter W. & Margaret             | A36-00134A  |
|    | Clouser, Doris H. & John F.             | A36-00090A  |
| 11 | Clouser, Doris H. & John F.             | A36-00089A  |
|    | Crandlemire, Roger C. & George C.       | A36-00113H  |
| 12 | Crandlemire, Roger C. & George C.       | A36-00112B  |
|    | Crandlemire, Roger C. & George C.       | A36-00111B  |
|    | Crandlemire, Roger C. & George C.       | A36-00113J  |
| 13 | Crandlemire, Roger C. & George C.       | A36-00110B  |
|    | Crandlemire, Roger C.                   | A36-00134C  |
| 14 | Crandlemire, Roger C.                   | A36-00135C  |
|    | Crandlemire, Roger C.                   | A36-10140   |
| 15 | Crandlemire, Roger C.                   | A36-10141   |
|    | DeVries, Abraham & Hermina              | A36-00055AF |
| 16 | Dice, Philip F. & Judith A.             | A36-00041A  |
|    | Dice, Philip F. & Judith A.             | A36-10405   |
|    | Erwin, Frank C. & Peggy                 | A36-00092   |
| 17 | Fleming, Michael J. & Paul F.           | A36-00064B  |
|    | Flint, William E. and Vera C.           | A36-00110A  |
| 18 | Flint, William E. and Vera C.           | A36-00111A  |
|    | Flint, William E. and Vera C.           | A36-00112A  |
| 19 | Flint, William E. and Vera C.           | A36-10168   |
|    | Fuell, Keith L. & Jolene                | A36-00086C  |
| 20 | Gardner, Barbara & Robert B.            | A36-00003B  |
|    | Gardner, Barbara                        | A36-00003J  |
| 21 | Gisler, Harry R.                        | A36-00021B  |
|    | Gisler, Bradley                         | A36-00077C  |
|    | Glauner, Frank L. & Joan                | A36-00039E  |
| 22 | Grigg, Mattie P. & Golden T.            | A36-10283B  |
|    | Gustafson Family Trust/Gustafson        | A36-00033F  |
| 23 | Ivan J. & Lucille co-trustees           |             |
|    | Hagerman Gun Club                       | A36-00100   |



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



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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   |
|   | Woolley, Max J. & Blanche       | A36-00039M  |
| 8 | Ya-Ta-Hay Investments, Inc.     | A36-10283A  |
|   | Ya-Ta-Hay Investments, Inc.     | A36-07875   |
| 9 | Zink, Basil Lester & Myrle Hyde | A36-00103F  |

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

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

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

17  
 18 CERTIFICATE OF MAILING

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



Hepworth,  
 Nungester,  
 & Lezamiz

1 February, 1993, to:

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

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

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

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

21   
22 Patrick D. Brown



Hepworth,  
Nungester,  
& Lezamiz



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

| Claimant's Name                                                 | Recommendation No.<br>(no "A" prefix) |
|-----------------------------------------------------------------|---------------------------------------|
| Bybee, Gertrude B. Owsley                                       | 36-00042A<br>36-00041C                |
| Candy, Walter W. & Margaret                                     | 36-00135B                             |
| Crandlemire, Roger C.                                           | 36-00134C<br>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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| Claimant's Name<br>as listed on<br>Notice of Appearance | As Claimed/<br>As Recommended                                  | Claim No. or<br>Claimant's Name in<br>IDWR's Records                                                 |
|---------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Mueller, Manfred                                        | A36-00034D/36-00035J                                           | Muller (name spelling is<br>different in IDWR records)                                               |
| Strange, Wm. (Penelope Turner-<br>remainder man)        | A36-00006/36-00006<br>A36-00007/36-00007<br>A36-00008/36-00008 | Strange, Wm. & Louise<br>(Louise is included as a<br>claimant, Penelope Turner<br>is not in records) |
| Veenendaal, Dick J.                                     | A36-00108A/36-00108A<br>A36-00039C/36-00039C                   | Veenendaal, Dick J. &<br>Sigrid E. (Sigrid E. is<br>included as a claimant)                          |
| Wiens, M. J., Jr.                                       | A36-80317                                                      | A36-08317/36-08317<br>(no. was transposed on<br>notice)                                              |
| Wiens, M. J., Jr.                                       | A36-00098/36-15384                                             | 36-15384<br>(claim was combined with<br>no. 36-00141 into no. 36-<br>15384)                          |
| Wiens, M. J., Jr.                                       | A36-00141/36-15384                                             | 36-15384<br>(claim was combined with<br>no. 36-00098 into no. 36-<br>15384)                          |

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

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

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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<br>as listed on<br>Notice of Appearance             | As Claimed/<br>As Recommended                                                        | Claim No. or<br>Claimant's Name in<br>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<br>(claim was split--"B" suffix)                  |
| Brooks, Allen L. & Andree                                           | A35-00060                                                                            | A36-00060/36-00060<br>(Basin 36 instead of Basin 35)                   |
| Crandlemire, Roger C. & George C.                                   | A36-00113J/36-00113J                                                                 | Crandlemire, Roger C.<br>(George C. not listed as claimant)            |
| Gisler, Harry R.                                                    | A36-00021B/36-00021B                                                                 | A36-00021/36-00021<br>(claim was renumbered)                           |
| Glauner, Frank L. & Joan                                            | A36-00039E/36-00039E                                                                 | Jean instead of Joan                                                   |
| Gustafson Family.<br>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.<br>(Huguette M. not listed as claimant)                |
| Joint Hagerman School Dist.<br>233                                  | A36-15463/36-15463                                                                   | Original claim & IDWR records show school dist. as #3.                 |
| Jones, John W., Jr.                                                 | A36-00068/36-00068<br>A36-00069/36-00069<br>A36-07071/36-07071<br>A36-00070/36-00070 | Jones, John W. Jr. & Deloris D. (Deloris D. is included as a claimant) |

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OCT 12 1994

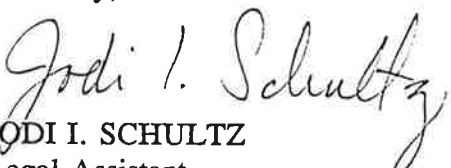
Mr. Patrick D. Brown  
March 1, 1993  
Page 4

| Claimant's Name             | Claim No.<br>as listed on<br>Notice of Appearance | Discrepancy Between<br>Notice of Appearance<br>and IDWR Records                                                            |
|-----------------------------|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| Ya-Ta-Hay Investments, Inc. | A36-07875/36-07875                                | No record of this claim no.,<br>nor any other claim no. for<br>claimant other than A36-<br>10283A/36-10283A (as<br>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: **A36-00096A**  
Date Received: 9/19/1988  
Receipt No: S002273  
Received By: \_\_\_\_\_

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

1. Name: ESTATE OF JOSEPHINE SIMPSON 208-726-2158  
Address: C/O MICHAEL SIMPSON  
PO BOX 846  
KETCHUM ID 83340

2. Date of Priority: JUN 26, 1881

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

4. Point of Diversion:

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

5. Description of diverting works:  
CONCRETE DIVERSION STRUCTURE, PADGETT DITCH, PUMP AND SPRINKLERS.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.100  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.020  |      |        |

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

8. Total consumptive use is 18.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
STOCKWATER, 15 RANGE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|--------|-----|-----|-------|-------|
| 07S      | 13E   | 2       | SW     | NE  |     | IRR   | 6.0   |
|          |       |         | SW     | NE  |     | STOCK |       |

MICROFILMED  
JAN 21 1993

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 6.0   |
|          |       |         |            |     | Total Acres   | 6.0   |

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:  
NONE

14. Remarks:

15. Basis of Claim: DECREED

Case Number: 1602

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BA  
Decree Plaintiff

IDAHO POWER COMPANY  
vs Decree Defendant

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

MICROFILMED  
JAN 21 1993



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

# RECEIVED

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

DEC 11 1992

Department of Water Resources

Southern Region Office

DATE OF CLOSING: 12-9-92

LEGAL DESCRIPTION OF PROPERTY: Township 7 South Range 13 East, B.M.  
 Section 2, SW 1/4 of SW 1/4 of N.E. 1/4, Govt. Lot \_\_\_\_\_, BM.  
 Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite Gooding, Co.  
 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: 36-00096A, 36-00123E, 36-11056
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Owen Simpson  
17865 U.S. Highway 30, Bliss, Id. (Box 26 Hagerman, Id.)
- ☐ New Owner/Claimant (Purchaser): Josephine Simpson Estate, c/o Michael Simpson
- ☐ New Mailing Address: P.O. Box 846  
Ketchum, Id. 83340
- ☐ New Telephone Number: (208) 726-2158
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no  
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:  
The estate is yet unsettled. I will update when it is finalized.
- ☐ Attach proof of ownership, describe proof attached: See Attached Cert. of Death, Letters of Testamentary  
 (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) Michael Simpson P.R. Date 12-9-92  
Josephine Simpson Estate Date \_\_\_\_\_
- ☐ 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: 12/15/92 By: dc

Further Action Needed:

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: \_\_\_\_\_ By: \_\_\_\_\_

Claim Numbers of Split, if any:

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

MICROFILMED  
 JAN 21 1993

SD-0601-2 Last Name: SIMPSON

STATE

| S   | First     | O   | Water      | Priority   |             | Total     | Use       |
|-----|-----------|-----|------------|------------|-------------|-----------|-----------|
| E   | Name      | W   | Right No.  | Date       | Source      | Diversion | Code Desc |
| L   |           | N   |            |            |             |           |           |
| --- | ---       | --- | ---        | ---        | ---         | ---       | ---       |
| --- | SIMPSON   |     |            |            |             |           |           |
| --- | OWEN      | C   | A36-00096A | 06/26/1881 | BILLINGSLEY | 0.100     | 01 IRR    |
| --- |           |     |            |            |             |           | 04 STOCK  |
| --- | OWEN      | O   | 36-00075   | 06/26/1881 | SPRING NO.  | 0.300     | 01 IRR    |
| --- |           |     |            |            |             |           | 43 DOMEST |
| --- | OWEN      | C   | A36-11056  | 06/01/1978 | GROUNDWATER | 0.040     | 43 DOMEST |
| --- | OWEN      | C   | 36-11056   | 06/01/1978 | GROUNDWATER | 0.040     | 43 DOMEST |
| --- | OWEN      | C   | A36-00123E | 04/01/1886 | SPRING ALON | 0.400     | 01 IRR    |
| --- |           |     |            |            |             |           | 43 DOMEST |
| --- |           |     |            |            |             |           | 04 STOCK  |
| --- | OWEN      | O   | A36-00071A | 06/26/1881 | BILLINGSLEY | 0.560     | 01 IRR    |
| --- |           |     |            |            |             |           | 04 STOCK  |
| --- | OWEN      | C   | 36-00123E  | 04/01/1886 | SPRING      | 0.120     | 01 IRR    |
| --- | OWEN      | O   | A36-00075  | 06/26/1881 | SPRING NO.  | 0.300     | 01 IRR    |
| --- |           |     |            |            |             |           | 43 DOMEST |
| --- | JOSEPHINE | O   | A36-00075  | 06/26/1881 | SPRING NO.  | 0.300     | 01 IRR    |

(Enter=Continue)

(GOLD7=This Query)

(Menu \_\_\_\_\_)

SD-0601-2 Last Name: SIMPSON

STATE

| S   | First     | O   | Water     | Priority   |             | Total     | Use       |
|-----|-----------|-----|-----------|------------|-------------|-----------|-----------|
| E   | Name      | W   | Right No. | Date       | Source      | Diversion | Code Desc |
| L   |           | N   |           |            |             |           |           |
| --- | ---       | --- | ---       | ---        | ---         | ---       | ---       |
| --- | SIMPSON   |     |           |            |             |           |           |
| --- | JOSEPHINE | O   | A36-00075 | 06/26/1881 |             | 0.300     | 43 DOMEST |
| --- | OWEN      | C   | 36-00096A | 06/26/1881 | BILLINGSLEY | 0.100     | 01 IRR    |
| --- |           |     |           |            |             |           | 04 STOCK  |
| --- | OWEN      | O   | 36-00071A | 06/26/1881 | BILLINGSLEY | 0.440     | 01 IRR    |

(Enter=Continue)

(GOLD7=This Query)

(Menu \_\_\_\_\_)

MICROFILMED  
 JAN 21 1993

DISTRICT COURT  
GOODING CO. IDAHO  
FILED

RECEIVED

DEC 11 1992

Rand L. Peebles, Esq.  
LAWSON, PEEBLES, BALLARD & EDSON  
319 Walnut Avenue  
Post Office Box 297  
Ketchum, Idaho 83340  
Telephone (208) 726-5657

91 JUN 11 A9:51

Department of Water Resources  
Southern Region Office

Attorneys for Petitioner.

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

In the Matter of the Estate of )  
JOSEPHINE SIMPSON, )  
Deceased. )

Case No. 21706  
LETTERS TESTAMENTARY

The Will of JOSEPHINE SIMPSON, having been admitted to informal probate, JACK SIMPSON and MICHAEL SIMPSON are hereby appointed Co-Personal Representatives of the above-entitled estate

WITNESS: Thomas R. Cushman, Magistrate of the District Court, County of Gooding, State of Idaho, with the seal of the Court affixed the 11th day of June, 1991.

DATED this 11th day of June, 1991.

THOMAS R. CUSHMAN

THOMAS R. CUSHMAN  
Magistrate Judge

STATE OF IDAHO }  
COUNTY OF GOODING }

I hereby certify that the foregoing is a true copy of the original instrument on file in my office.

Dated 6-11 1991

DOROTHY L. SCHANNEN  
District Court Clerk

Dorothy Schannen  
Deputy Clerk

MICROFILMED  
JAN 21 1993

LAWSON & PEEBLES

ATTORNEYS AT LAW  
319 WALNUT AVENUE  
POST OFFICE BOX 297  
KETCHUM, IDAHO 83340  
(208) 726-1700  
FAX (208) 726-9743

STATE OF IDAHO  
DEPARTMENT OF HEALTH AND WELFARE



COOPERATIVE CENTER FOR  
HEALTH STATISTICS - VITAL  
STATISTICS

450 W. STATE ST.  
BOISE, IDAHO 83720

DEC 11 1992

CERTIFICATE OF DEATH

Department of Water Resources  
Southern Region Office

STATE FILE NUMBER: 89-04107

DATE FILED: AUGUST 07, 1989

DECEDENT: OWEN OTTO SIMPSON

DATE OF DEATH: JULY 27, 1989

PLACE OF DEATH: TWIN FALLS, IDAHO

DATE OF BIRTH: DEC. 11, 1900

PLACE OF BIRTH: MISSOURI

AGE: 88 YEARS SEX: MALE

VETERAN? NO

MARITAL STATUS: MARRIED

SURVIVING SPOUSE: JOSEPHINE SAXE

SOCIAL SECURITY NUMBER: [REDACTED] RESIDENCE: HAGERMAN, ID

FATHER: JOHN SIMPSON  
FATHER'S BIRTHPLACE: UNKNOWN  
MOTHER (MAIDEN): SUSIE  
MOTHER'S BIRTHPLACE: UNKNOWN

MORTUARY: HOVE-ROBERTSON FUNERAL CHAPEL  
MORTICIAN: ED ROBERTSON

JEROME, IDAHO  
DISPOSITION: CREMATION

CERTIFYING PHYSICIAN: RANDALL J. SKEEM, MD

AUTOPSY: NO

1. CAUSE OF DEATH, UNDERLYING CAUSE LAST:

INTERVAL

CARDIOGENIC SHOCK  
EXTENSION OF RECENT INFERIOR MI  
ASHD

30 MINUTES  
APPROX 1 HRS  
10 YEARS

2. OTHER CONDITIONS CONTRIBUTING TO DEATH BUT UNRELATED TO ABOVE CAUSES:

DIABETIC KETOACIDOSIS, UPPER GI BLEED

DATE ISSUED: AUGUST 08, 1989

This is to certify that this is a true and correct reproduction or abstract of the official record  
filed with the Idaho Department of Health & Welfare, Boise, Idaho.

*See Biggs, R.N.*

DEE BIGGS, R.N. State Registrar

DO NOT ACCEPT UNLESS ON SECURITY PAPER WITH EMBOSSED SEAL OF IDAHO  
DEPT. OF HEALTH & WELFARE CLEARLY AFFIXED.  
Section 39-273, Idaho Code

HWH0139

DEPARTMENT OF HEALTH AND WELFARE





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

18-Dec-1992 13:54

JOSEPHINE SIMPSON ESTATE  
C/O MICHAEL SIMPSON  
PO BOX 846  
KETCHUM ID 83340

RE: Ownership Change for Director's Recommendation for Right  
No.(s) 36-00096A - 36-00123E - 36-11056 - OWEN SIMPSON

Dear Claimant(s):

Pursuant to the notification that you presently own the property in which the above-referenced Director's Recommendation, is appurtenant, the Department's record(s) has been changed as you requested. Enclosed is a copy of the computer record of the Director's Recommendation noting the change in owner(s). Please note that the Director's Report for Basin 36 has been filed with the court. If there are other elements of the recommendation which you disagree, you will need to file an objection with the court.

Please review the record(s) and should you have any questions, please feel free to call this office.

Sincerely,

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

Judy Givens  
Adjudication Secretary

/jg

Enclosure(S)

MICROFILMED  
JAN 21 1993

C7

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: A36-00096A  
Date Received: 9/19/1988  
Receipt No: S002273  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: OWEN SIMPSON 208-837-6230  
Address: BOX 26  
HAGERMAN, ID 83332

2. Date of Priority: JUN 26, 1881

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

4. Point of Diversion:

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

5. Description of diverting works:  
CONCRETE DIVERSION STRUCTURE, PADGETT DITCH, PUMP AND SPRINKLERS.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.100  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.020  |      |        |

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

8. Total consumptive use is 18.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/15 CATTLE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use   | Acres |
|----------|-------|---------|--------|--------|-----|-------|-------|
| 07S      | 13E   | 2       | SW     | NE     |     | IRR   | 6.0   |
|          |       |         | SW     | NE     |     | STOCK |       |

Section Acres 6.0

A36-00096A

Page 1

Date: 02/07/89

MICROFILMED  
JAN 21 1993

10. Place of Use: Continued

Total Acres 6.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:  
NONE

14. Remarks:

15. Basis of Claim: DECREED

Case Number: 1602

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN  
Decree Plaintiff

vs

IDAHO POWER COMPANY  
Decree Defendant

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): \_\_\_\_\_ 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 \_\_\_\_\_

Old (D) Number -

+ - - - - - - - - Address - - - - - - - - - - - - - - - +

State- ID Zip- 83332

+ - - - Status - - - - +

+ - - - - - - - Tributary - - - - - +  
SNAKE RIVER

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

0.020

0.100

( 47 ) GO

(47) GOODING

(47 ) GOODING

Total Acres: 6.0

+ - - Other Rights for Same Use - NONE

No Remarks found.

**A3600096**

No Conditions of Approval found.

MICROFILMED  
JAN 21 1993

|                       |   |            |                       |   |            |                         |   |       |
|-----------------------|---|------------|-----------------------|---|------------|-------------------------|---|-------|
| Court Report Filing   | - | 00/00/0000 | Field Inspection Made | - | 00/00/0000 | Civil Case Number       | - | 39576 |
| Objection Filed Date  | - | 00/00/0000 | Field Inspection Flag | - |            | Old Case Number         | - | 1602  |
| Response Filed Date   | - | 00/00/0000 | Verified Date         | - | 00/00/0000 | Old Judicial District   | - |       |
| Claim Received Date   | - | 09/19/1988 | Last Amended Date     | - | 00/00/0000 | Temporary Right         | - | P     |
| Claims Tape Error Flg | - |            | Receipt Number        | - | S002273    | Water District          | - |       |
| Fee Exempt Flag       | - |            | POU Ownership Flag    | - | Y          | Federal/State Indicator | - | S     |
|                       |   |            | Name Connector        | - |            | Presumption Flag        | - |       |

MICROFILMED  
JAN 21 1993

TRANSMITTAL COVER SHEET

TO: DANA HOFSTETTER

TOTAL PAGES SENT: 2

(including cover sheet)

DOCUMENT DESCRIPTION:

SPLIT REVIEW OF

36-10283 & 36-00021

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES

1341 FILLMORE ST, STE 200

TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

~~CHARGES: One (1) free copy  
per request, cover sheet not  
counted. Two (2) or more  
copies per request will cost  
\$0.25 per page (\$0.50  
minimum)~~

Please consider this document as a billing statement.

The charge for your fax copies is: \_\_\_\_\_

Please remit to the above address.

SENDER: Steve Clelland

COMMENTS: \_\_\_\_\_

ECM  
STANDARD  
OK  
02  
00:00:33  
9120838880400-540044  
05/02 10:19

MODE  
RESULT  
PAGE(S)  
DURATION  
FAX NO./NAME  
DATE, TIME

TIME : 05/02/2000 10:19  
NAME : IDWR SOUTHERN REGION  
FAX : 2087363037  
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT

A36-00096A

SPLIT REVIEW:

IDWR  
"R"

Orig.  
Decree

36-00021 B

renumbered -00021

4.82 cfs

14.4 cfs

( "A" portion was Renumbered  
to 36-00077 C )

36-10283 A (94,95,96)

1.30 cfs

7.5

36-10283 B

0.30 cfs

36-00094 A (WARD)

0.08 cfs

36-00096 A (SIMPSON)

0.10 cfs

5/2/00  
SCC

These rates reflect the current  
flow rates listed in IDWR database.  
Actual SRBA rates as decreed may  
award different flow rates.

FAX TO: DANA HOFSTETTER

388-8400

## COMMUNICATION DOCUMENTATION

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

NAME:

RE:

KIRT MARTIN

# CAMEIN

## REVIEW OF CLAIM

He purchased the land and water right 36-00096A. We found the right is for 4 acres and he would like to irrigate the rest of his property, another 5 acres. I described the various options that might be considered 1) file on wastewater or just use it as it comes, 2) file a new permit that will be on a moratorium hold, or 3) purchase water and transfer it over to the land. We did discuss the gray areas of a wastewater use and he finally asked for a form to file a permit. I provided him with an Application for Permit and instructions. (I forgot to mention the need to file the change of ownership for the right.) I gave him a copy of the Special Master's recommendation and informed him the right has been partially decreed.

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

DATE: NOV-14-1997

PAGE: A-1

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00096A

NAME AND ADDRESS: ESTATE OF JOSEPHINE SIMPSON  
E/O MICHAEL SIMPSON  
PO BOX 846  
KETCHUM ID 83340

OWEN SIMPSON  
PO BOX 26  
HABERMAN ID 83332

MICHAEL SIMPSON  
PATRICK SIMPSON  
KELLY SIMPSON  
PO BOX 846  
KETCHUM ID 83340

VERIFIED BY RG 11-14-97

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.1 CFS

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

PRIORITY DATE: 06/26/1881

POINT OF DIVERSION: T07S R13E S11 NWSENE Within GOODING County

## PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE    | PERIOD OF USE             | QUANTITY               |
|----------------|-------------------|---------------------------|------------------------|
|                | <u>IRRIGATION</u> | <u>Irrigation Season</u>  | <u>0.1</u> <u>CFS</u>  |
|                | <u>STOCKWATER</u> | <u>01-01</u> <u>12-31</u> | <u>0.02</u> <u>CFS</u> |

PLACE OF USE: IRRIGATION Within GOODING County  
T07S R13E S02 SWNE 4  
4 ACRES TOTAL  
0 ACRES TOTAL

STOCKWATER Within GOODING County  
T07S R13E S02 SWNE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR

AJ5856NP

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

DATE: NOV-14-1997

PAGE: A-2

36-00096A (CONT.)

STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL  
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

WATER IS DELIVERED THROUGH THE PADGETT DITCH.

OCT 22 1997  
DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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

In Re SRBA

Case No. 39576

) SUBCASE(S) 36-00096 A  
)  
) SPECIAL MASTER'S REPORT  
)

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

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

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

DATED: October 22, 1997

*[Signature]*  
Special Master  
Snake River Basin Adjudication

FILED

JAN 02 1998

Department of Resources  
Southern on

OCT 22 1997

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

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

In Re SRBA

Case No. 39576

SUBCASE(S): 36-00096 A

NOTICE OF ISSUANCE and SERVICE

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

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

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

Representative of IDWR:

John Marshall

Michael Simpson  
Claimant/Attorney

\_\_\_\_\_  
Claimant/Attorney

Representative of U.S. Dept. of Justice

\_\_\_\_\_

\_\_\_\_\_  
Party/Attorney

\_\_\_\_\_  
Party/Attorney

DATED October 22, 1997

[Signature]  
Deputy Clerk

RECEIVED

JAN 02 1998

Department of Water Resources  
Southern Region

OCT 22 1997

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

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

In Re SRBA

Subcase(s) 36-00096A

STANDARD FORM 5

Case 39576

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

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

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

Date: 10/22/97

[Signature]  
IDWR Concurrence

Michael Simpson  
Claimant

\_\_\_\_\_  
Claimant/Attorney

\_\_\_\_\_  
Claimant/Attorney

\_\_\_\_\_  
Objector

\_\_\_\_\_  
Objector/Attorney

\_\_\_\_\_  
Objector/Attorney

AJ5808NP  
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT

10/17/97 09:36:25  
Page 1

Water Right Number - 36-00096A

Prefix Translation: WATER RIGHT

Old (D) Number -

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

~~\*\*\* A - ATTORNEY \*\*\*~~  
~~BROWN~~

~~PATRICK D~~

~~1 - HEPPORTH WINGESTER LEZAMIZ~~  
~~2 - 133 CHOSHONE ST N~~  
~~3 - PO BOX 399~~  
~~City - TWIN FALLS~~  
~~Phone - 208-734-7510~~

~~State - ID Zip - 833030309~~

\*\*\* C - CURRENT OWNER \*\*\*  
SIMPSON

~~ESTATE OF JOSEPHINE~~

Michael  
Patrick  
Kelly  
OWNER

~~1 - C/O MICHAEL SIMPSON~~  
~~2 - PO BOX 846~~  
~~3 -~~  
~~City - KETCHUM~~  
~~Phone - 208-726-2158~~

State- ID Zip- 83340

\*\*\* D - DIR RPT OWNER \*\*\*  
SIMPSON

~~1 - PO BOX 26~~  
~~2 -~~  
~~3 -~~  
~~City - HAGERMAN~~  
~~Phone - 208-837-6230~~

~~State - ID Zip - 83332~~

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
06/26/1881 ~~ERROR IN REGION~~ ~~DISALLOWED~~

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +  
BILLINGSLEY CREEK SNAKE RIVER

+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County Diversion Name

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

| Code            | Description | Period From      | Period To        | Water Use               | Diversion Rate | Diversion Volume |
|-----------------|-------------|------------------|------------------|-------------------------|----------------|------------------|
| 01 - IRRIGATION |             | <del>04/01</del> | <del>10/31</del> | 10/31 Irrigation Season | 0.100          |                  |
| 04 - STOCKWATER |             | 01/01            | 12/31            |                         | 0.020          |                  |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - ~~Total Consumptive Use~~ - + + - KW Usage - +  
0.100 ~~18.0~~

| Twn | Rng | Sec | Tract | Lot | Acres              | Code | Description | County       |
|-----|-----|-----|-------|-----|--------------------|------|-------------|--------------|
| 07S | 13E | 2   | SW NE |     | <del>6.0</del> 4.0 | 01   | IRRIGATION  | (47) GOODING |
| 07S | 13E | 2   | SW NE |     |                    | 04   | STOCKWATER  | (47) GOODING |

Total Acres: ~~6.0~~ 4.0

+ - - Diversion Means - CONCRETE DIVERSION STRUCTURE, PADGETT DITCH, PUMP AND SPRINKLERS.

+ - - ~~Non-Irrigation Use~~ - STOCKWATER, 15 RANGE

Remarks: water delivered via Padgett ditch

RECOMMENDATION

OCT 22 1997

*J. H. Hansen*  
SPECIAL MASTER

CLAIM NUMBERS 36-20096ADATE 10/6/97

TRANSFER NUMBER \_\_\_\_\_

OBJECTION FILED \_\_\_\_\_

AGENT DJTOTAL ACRES FROM RECOMMENDATION 11GEOGRAPHIC INFO SYSTEM 11

| RIGHT<br>NO |     |     |     | NE |    |      |    | NW |    |    |    | SW |    |    |    | SE |    |    |      |
|-------------|-----|-----|-----|----|----|------|----|----|----|----|----|----|----|----|----|----|----|----|------|
|             | TNS | RNG | SEC | NE | NW | SW   | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE   |
| RECOM       | 75  | 135 | 2   |    |    | 6    |    |    |    |    |    |    |    |    |    |    |    |    | 6    |
| GIS         |     |     |     |    |    | 5.97 |    |    |    |    |    |    |    |    |    |    |    |    | 5.97 |
|             |     |     |     |    |    | 1.02 |    |    |    |    |    |    |    |    |    |    |    |    |      |
| RECOM       |     |     |     |    |    |      |    |    |    |    |    |    |    |    |    |    |    |    |      |
| GIS         |     |     |     |    |    |      |    |    |    |    |    |    |    |    |    |    |    |    |      |
| RECOM       |     |     |     |    |    |      |    |    |    |    |    |    |    |    |    |    |    |    |      |
| GIS         |     |     |     |    |    |      |    |    |    |    |    |    |    |    |    |    |    |    |      |
| RECOM       |     |     |     |    |    |      |    |    |    |    |    |    |    |    |    |    |    |    |      |
| GIS         |     |     |     |    |    |      |    |    |    |    |    |    |    |    |    |    |    |    |      |

UPDATED

POLYGON #

UPDATED

POLYGON CREATED ON 604 (✓)

B36-DBPOU.DBF

ATTRIBUTES OF B36-POU.SHP ( )

B36-DBPOD.DBF

ATTRIBUTES OF B36-POD.SHP

(465) 10/14

POU overlaps recommendation for 36-10283  
Ya-Ta-Hay

10/22/97 su : Right is recommended as 4.0 acres  
with 0.10 cfs.

Resolved POU w/ Michael Simpson.

P/U CONFLICT yes ( ) no ( )

P/D CONFLICT yes ( ) no ( )

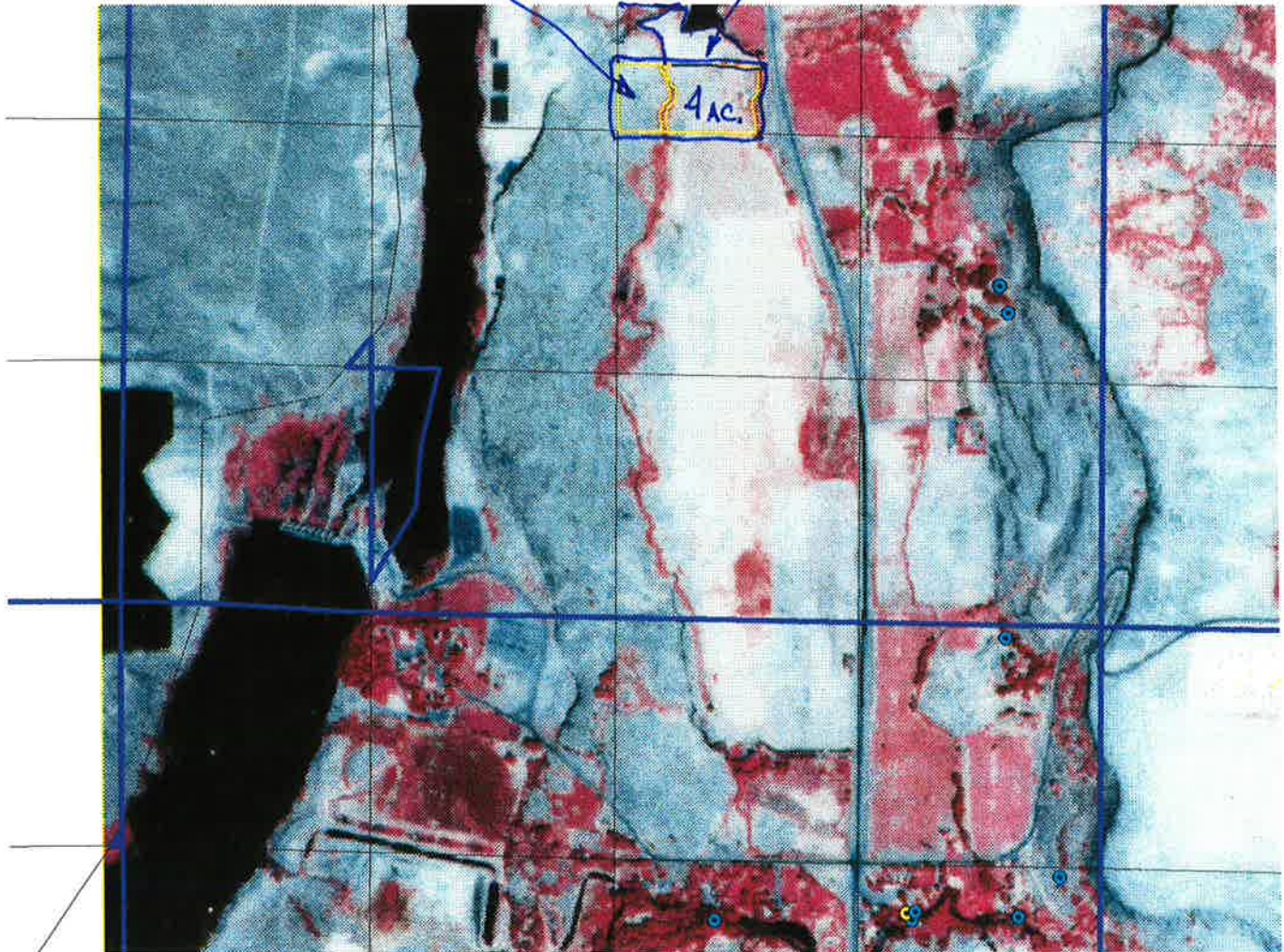
READY FOR DECREE yes (X) no ( )

SENT FOR DECREE yes (X) no ( )

IDAHO DEPARTMENT OF WATER RESOURCES

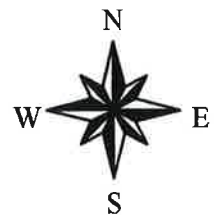
*Correct POU  
per Michael Simpson*  
**36-00096A  
SIMPSON**

*Basin 37 right*



660 0 660 1320 Feet

**TNS 7S, RNG 13E, SEC 2 SWNE**



⊙ RECOMMENDED POINT OF DIVERSION

 RECOMMENDED PLACE OF USE

 SECTION LINES &/OR TRACT LINES

 QUARTER/QUARTER LINES

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

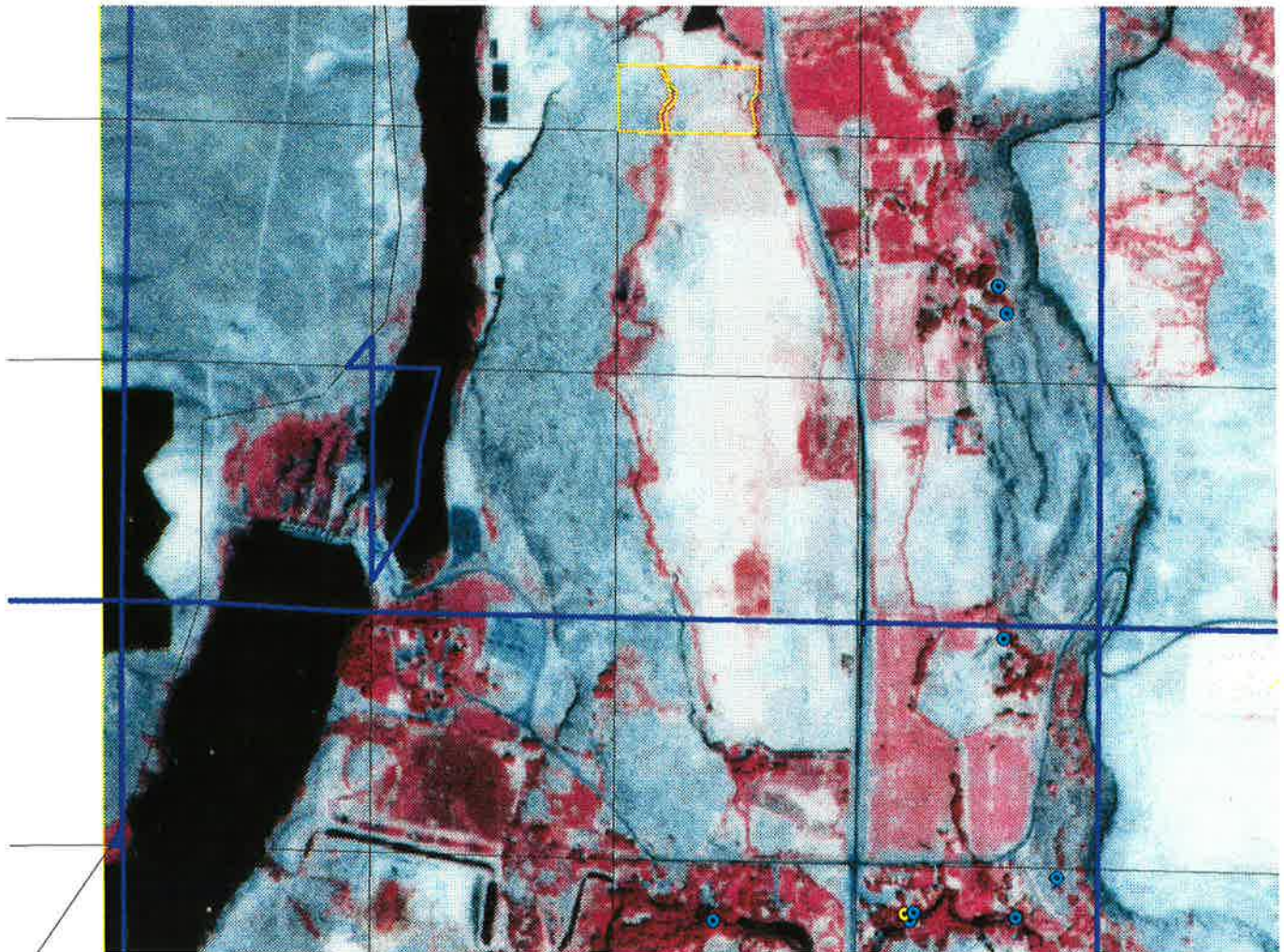
# **SUBCASE NO. 36-00096A**

|                           | <b>CLAIM (9/19/88)</b>                                                               | <b>AMENDED CLAIM</b> | <b>RECOMMENDATION</b> | <b>OBJECTION</b>                                                                                                   |
|---------------------------|--------------------------------------------------------------------------------------|----------------------|-----------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>NAME</b>               | Estate of Josephine Simpson c/o Michael Simpson<br>P.O. Box 846<br>Ketchum, ID 83340 | N/A                  | Disallowed            | XX Michael Simpson<br>Personal Representative<br>of Josephine Simpson<br>Est.<br>P.O. Box 846<br>Ketchum, ID 83340 |
| <b>BASIS OF CLAIM</b>     | Decree                                                                               |                      |                       |                                                                                                                    |
| <b>SOURCE</b>             | Billingsley Creek                                                                    |                      |                       |                                                                                                                    |
| <b>QUANTITY</b>           | 0.100 cfs                                                                            |                      |                       |                                                                                                                    |
| <b>PRIORITY DATE</b>      | 6/26/1881                                                                            |                      |                       |                                                                                                                    |
| <b>PURPOSE OF USE</b>     | Irrigation/Stockwater                                                                |                      |                       |                                                                                                                    |
| <b>PERIOD OF USE</b>      | Irr.: 3/15 - 11/15<br>S.W.: 1/1 - 12/31                                              |                      |                       |                                                                                                                    |
| <b>POINT OF DIVERSION</b> | T07S R13E S11                                                                        |                      |                       |                                                                                                                    |
| <b>PLACE OF USE</b>       | T07S R13E S2<br>6.0 acres                                                            |                      |                       |                                                                                                                    |
|                           |                                                                                      |                      |                       |                                                                                                                    |
|                           |                                                                                      |                      |                       |                                                                                                                    |

**Notes:** This right was recommended disallowed (due to evidence of nonuse). Claimant objected that this right had not been recommended & indicated he wanted the Director's Report changed to reflect the right as claimed. Quantity should be as decreed. Claimant/objector did not specifically object to each individual item except name & address.

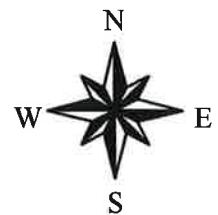
IDAHO DEPARTMENT OF WATER RESOURCES

**36-00096A**  
**SIMPSON**



660 0 660 1320 Feet

**TNS 7S, RNG 13E, SEC 2 SWNE**



⊙ 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

IDAHO DEPARTMENT OF WATER RESOURCES

36-00096A  
SIMPSON

*Consult County  
Plat Maps to  
Resolve  
Property line*

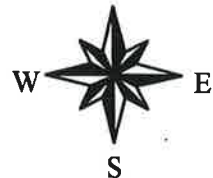


660 0 660 1320 Feet

TNS 7S, RNG 13E, SEC 2 SWNE

*Revised 10/17/97 sm*

*2 acres to YA-TA-HAY (36-10283A)  
in SWNE*



⊙ 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

**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. 36-00096A -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: MICHAEL SIMPSON  
Address: ESTATE OF JOSEPHINE SIMPSON  
PO BOX 846  
KETCHUM ID 83340

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

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
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:
- (A) ALL MATTERS RAISED IN THE CLAIMANT'S ANSWER, AFFIRMATIVE DEFENSES AND PRAYER FOR RELIEF.  
(B) SIGNATURE OF ATTORNEY.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1, and all allegations regarding this item, IDWR responds as follows: No notice of change of ownership has been filed with IDWR by the owner of the right as required by Idaho Code Sec. 42-1409(7). IDWR therefore lacks sufficient information to form a belief as

to the truth of the matter asserted. Upon the filing of a notice of change of ownership, IDWR will correct the name and address of the owner of this water right accordingly. The claimant may also need to file a Standard Form 3 with the SRBA Court.

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 due to evidence of nonuse; information received subsequent to the filing of the director's report indicates the necessity of further investigation. In the event that further investigation indicates an error in the director's report, IDWR will revise its recommendation as appropriate.

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". The objection was not signed by the claimants' attorney as required by Section 3.b. of SRBA Administrative Order 1, Rules of Procedure, and by I.R.C.P. 11(a)(1). If not promptly signed, the objection should be stricken pursuant to I.R.C.P. 11(a)(1).

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:

(Over)

No. of  
Pages

Notice of Claim No. A36-00096A

4

IDWR's Response to Answer, Affirmative Defenses and Prayer  
for Relief of Claimant

4

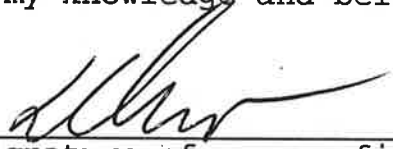
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

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

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

  
\_\_\_\_\_  
Signature of person filing response

By:

  
\_\_\_\_\_  
(Attorney signing in  
representative capacity)

Subscribed and sworn to before me this 10<sup>th</sup> day of September, 1993.

  
\_\_\_\_\_  
Notary Public for Idaho

Residing at: \_\_\_\_\_

My Commission expires \_\_\_\_\_

Danni Smith, Notary Public  
Residing at Boise, Idaho  
My Commission Expires December 5, 1994

(Over)

APPROPRIATE

**CERTIFICATE OF MAILING**

I hereby certify that on the 10<sup>th</sup> 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

Name: OWEN SIMPSON  
Address: PO BOX 26  
HAGERMAN ID 83332

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: 39356  
Ident. Number A36-00094A  
Date Received 5002273 8-26-88  
Receipt Number 5002273

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 26 1988

Department of Water Resources  
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) OWEN SIMPSON Phone (208 ) 837-6230

Mailing Address 17865 U.S. Highway 30, Bliss, Idaho Zip 83314

2. Date of Priority (Only one (1) per claim) June 26, 1881

3. Source of water supply (a) Billingsley Creek via Padgett Ditch  
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 7 South Range 13 East Section 11,  
NW 1/4 of SE 1/4 of NE 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Gooding

Additional points of diversion if any: re-diverted from the Padgett Ditch in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 2,  
Township 7 South, Range 13 East of the Boise Meridian, Gooding Co.

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. From the concrete diversion on the bank of  
Billingsley Creek, the water is transported to the property by an open ditch known as  
the Padgett Ditch. Once the water is on the subject property, the water is pressurized  
by use of a pump and motor and the property is irrigated by a sprinkler system.

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OCT 12 1994

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purpose

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Mar. 15 to Nov. 15 amount 0.10 or \_\_\_\_\_  
 For Stockwater purposes from Jan. 1 to Dec. 31 amount 0.02 or \_\_\_\_\_  
 For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
 For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.10 (cfs) and/or (b) 24 (acre feet)

8. Total consumptive use claimed is 18 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) There are 10 to 15 head of cattle on the property at times.

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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 |        |
| 7 S | 13 E | 2   |        |       | S<br>6 |       |        |       |       |       |        |       |       |       |        |       |       |       | 6      |
|     |      |     |        |       |        |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |      |     |        |       |        |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |      |     |        |       |        |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |      |     |        |       |        |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |      |     |        |       |        |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |      |     |        |       |        |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 6 acres

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

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

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

14. Remarks:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Last Name SIMPSON Ident No. \_\_\_\_\_

Copies: White -State Yellow-Claimant  
 OCT 12 1994

MICROFILMED

Scale: 2 inches equals 1 mile

## TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN

PLACE OF USE

SECTION 12 SECTION 11

PADGETT DITCH

POINT OF DIVERSION

SECTION 11 SECTION 12

Ident No.

*Copies: White-State, Yellow-Claimant*

- + - - + - - +  
 | | | | | | | |  
 MICROFILMED  
 JAN 21 1994  
 OCT 12 1994  
 State Exemption Claimant

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ Licens \_\_\_\_\_ Permit \_\_\_\_\_  
Decree X

If applicable provide IDWR Water Right Number Part of 36-0096  
Court U.S. District Court Case Number 1602 Decree Date March 22, 1932  
Plaintiff vs Defendant New International Mortgage Bank vs Idaho Power Company

16. Signature (s)

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

Number of attachments -0-

**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] Date 8-25-88  
\_\_\_\_\_  
Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am \_\_\_\_\_

\_\_\_\_\_  
Title  
of \_\_\_\_\_, that I have signed the foregoing  
Organization  
document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title Organization  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of Gooding ) SS.

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

SEAL

Notary Public [Signature]

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

Please Print Name

17. Notice of Appearance:

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

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name SIMPSON Ident. Number \_\_\_\_\_

MICROFILMED  
OCT 21 1993  
Copies White-State Yellow-Claimant

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

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

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

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

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

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

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

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

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

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

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

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

**RECEIPT**  
**For Monies Paid**  
**to the**  
**IDAHO DEPARTMENT OF WATER RESOURCES**

36-00096A

**Receipt No:**

5015349

**Date:**

**Time:**

2/ 2/1993  
11:33:02

**Received  
From:**

JENSEN, ET AL.

**Type of Payment**

**Program Acct Class**

**Amount**

COPIES/GISLER \$8.00; JENSEN \$9.80

64100

229 21 1760

17.80

COPIES/SIMPSON \$16.00; DEVRIES \$8.00

64100

229 21 1760

~~24.00~~

COPIES/YA-TA-HAY \$8.00; JOHNSON \$8.00

64100

229 21 1760

16.00

**Total**

CHECK

SIX

\$57.80

Region: SOUTHERN

Signature: Janie Robertson

*The combined  
total of these  
checks will pay  
for the 6  
statements  
enclosed.*

*Thanks  
JHR*

**MICROFILMED**  
**OCT 12 1994**



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

25-Jan-1993

MICHAEL SIMPSON  
PO BOX 846  
KETCHUM ID 83340

RE: Copy of SRBA File(s): 36-00096A, 36-00123E

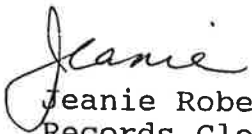
Dear Mr. Simpson:

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:

\$8.17

Sincerely,

  
Jeanie Robertson  
Records Clerk

Encl:

MICROFILMED  
OCT 12 1994



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

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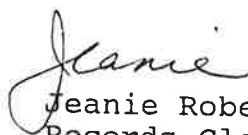
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Jeanie Robertson  
Records Clerk

Encl:

MICROFILMED  
OCT 12 1994

RECEIVED

JAN 19 1993

Department of Water Resources  
Southern Region Office

1-13-93  
(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 A36-0096A.

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.

NOTE: Please send the requested information Sincerely,  
to: Jensen Real Estate  
P. O. Box #201  
Hagerman, Idaho 83332

Michael Simpson (PR)  
(Name) Josephine Simpson Estate  
P. O. Box #846  
(Address)  
Ketchum, Idaho 83340  
(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

MICROFILMED  
OCT 12 1994

RECEIVED

APR 30 1993

Department of Water Resources  
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

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

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

Case No. A36-00096A  
(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, )

36-00096A -0001/  
93-04-0090

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: Michael Simpson

Address: Personal Representative of Josephine Simpson Est  
P.O. Box 846, Ketchum, ID 83340

Briefly describe your interest in this water right:

Decreed water right pursuant to New  
International Mortgage Bank v. Idaho Power  
Co. dated 3/22/32 with a priority date of  
June 26, 1881

2. Owner of the water right:

Name: Michael Simpson

Address: Personal Representative of Josephine Simpson Est  
P.O. Box 846, Ketchum, Idaho 83340

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
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  - 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.
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9. ☐ Place of Use: I object to:
  - a. ☐ the legal description of the place of use; or
  - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ Consumptive Use: I object to the annual volume of consumptive use.
11. ☐ Remarks: I object to the "remarks" listed with the water right.

(Over)

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

**REASONS SUPPORTING EACH BOX CHECKED**

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

See page 7

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**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: 6/26/1881; Purpose of use: irrigation & stock water  
water; Period of use: 01/01 to 12/31; Maximum quantity: as decreed;  
Consumptive use: to be changed to reflect maximum quantity; Point  
of diversion, source & place of use as claimed. Acreage - 6;

Name & address: see Paragraph 2, page 2

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 Sun Falls

Michael W. Simpson

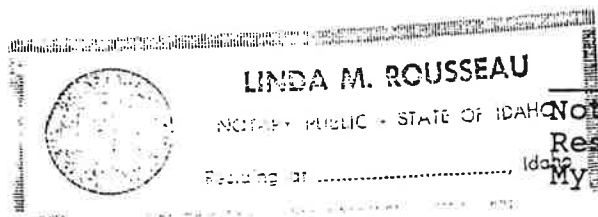
\_\_\_\_\_, being first duly  
(Name of person filing objection)  
sworn, upon oath, deposes and says:

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

Michael W. Simpson P.R. Josephine Simpson  
Signature of person filing objection ESTATE

By: \_\_\_\_\_  
(Attorney signing in  
representative capacity)

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



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

(Over)

### INSTRUCTIONS FOR MAILING

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

### CERTIFICATE OF MAILING

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

1. Original to:

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

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

Owner name: Michael Simpson  
Owner's address: P.R. of Josephine Simpson Estate  
P.O. Box 846, Ketchum, ID 83340

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 1 - See Paragraph 2, page 2 for correct name and/or address.

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.

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 )  
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from the Snake River Basin )  
Water System )  
\_\_\_\_\_ )

Case No. A36-00096A  
(You must insert the  
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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 )  
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the use of water from the Snake )  
River Basin Water System, )

Respondents. )  
\_\_\_\_\_ )

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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

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- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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See page 7

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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See Hagerman Water Right Owners, Inc.'s

Compendium "A"

**VERIFICATION (Must be Completed)**

State of Idaho

County of Juniper Falls

Michael W. Simpson

(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.

Michael W. Simpson

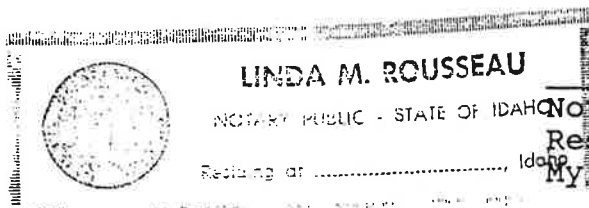
Signature of person filing objection

P.R. Josephine Simpson  
Estate

By: \_\_\_\_\_

(Attorney signing in representative capacity)

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



Linda M. Rousseau  
Notary Public for Idaho  
Residing at: Juniper Falls  
My Commission Expires: 9-11-93

(Over)

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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

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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.

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

**8. FIRE FIGHTING PURPOSES (DRP-I at page 11)**

The objectors admit that subparagraph a. and subparagraph b. are generally accurate statements of present law, but deny the averments are in any way relevant to defining the objectors' right.

**9. CONSUMPTIVE USE (DRP-I at page 12)**

The objectors lack sufficient knowledge or information upon which to form a belief as to the truth of any matter averred and, therefore, deny the same.

**GENERAL PROVISION 10 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE (DRP-I at page 12)**

The objectors deny that "General Provision 10" applies to all water rights in Basin 36 shown with domestic use as a purpose of use as the statements are so broad and attenuated from any matter relevant to the objectors' water rights, that the objectors are unable to fairly understand what would be explicitly admitted or denied and, therefore, deny the same.

**10. DOMESTIC USE (DRP-I at page 12)**

The objectors deny that the definition of "domestic use" contained in paragraphs a., b., and c. is consistent or in conformity with the definition of such term for purposes of the Idaho Constitution, or statutory definition contained in I.C. Section 42-111 as now, or as heretofore in effect at relevant times. The objectors further deny that the limitations set forth therein exist, are in force, or apply or serve in any way to limit objectors' rights.

GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE. (DRP-I at page 13)

The objectors deny that "General Provision 11" applies to all water rights in Basin 36 shown with stock water use as a purpose of use as the statements are so broad and attenuated from any matter relevant to the objectors' water right, that the objectors are unable to fairly understand what would be admitted or denied and, therefore, deny the same.

11. STOCK WATER USE (DRP-I at page 13)

The objectors deny the averments herein as beyond the scope and applicability of the definition as provided by Idaho law as now, or as heretofore in effect at relevant times. The objectors further deny that the limitations set forth therein limit the objectors' right or are relevant to the right.

GENERAL PROVISIONS 12 - 16 APPLY TO ALL WATER RIGHTS IN BASIN 36 SHOWN WITH IRRIGATION AS A PURPOSE OF USE (DRP-I at page 13)

The objectors deny that "General Provisions 12 - 16" apply to all water rights in Basin 36 shown with irrigation as a purpose of use as the statements are so broad and attenuated from any matter relevant to the objectors' water right that the objectors are unable to fairly understand what would be admitted or denied.

12. IRRIGATION USE. (DRP-I at pages 13 - 14)

The objectors deny all averments based upon the objectors' lack of sufficient knowledge or information upon which to form a belief as to the truth of the averments and because

prevent the objectors from fairly knowing what would be admitted or denied; because the standard utilized ("as determined by the director") is ambiguous, subjective and indefinite so as to prevent objectors from knowing what would be admitted or denied; and because it is both expressly and implicitly in excess of the power and authority conferred upon the State of Idaho, the Director or the Department by the Constitutions of the United States and State of Idaho, pertinent provisions of the Idaho Code or valid applicable regulations, if any, adopted by the Department in conformity with law. Therefore, the objectors deny the same.

**13. DIVERSION VOLUME FOR IRRIGATION.** (DRP-I at page 14)

The objectors admit that Figure 1 generally depicts certain lands in Basin 36; however, the objectors deny all other averments including that the amounts set forth are the maximum annual volume of water reasonably required at the field headgate for irrigation, either within Basin 36 in general, or upon objectors' real property in particular. The objectors additionally deny that the maximum annual volumes per acre set forth is that which is "reasonably required for irrigation unless a higher annual diversion volume is reasonably required due to conveyance losses, method of irrigation or field conditions;" because the standard utilized ("as determined by the director") is ambiguous, subjective and indefinite so as to prevent objectors from knowing what would be admitted or denied; and because it is both expressly and implicitly in excess of the power and authority conferred upon the State of Idaho, the Director or the Department

by the Constitutions of the United States and State of Idaho, pertinent provisions of the Idaho Code or valid applicable regulations, if any, adopted by the Department in conformity with law. Therefore, the objectors deny the same.

**14. CONSUMPTIVE USE FOR IRRIGATION.** (DRP-I at page 14 and 15)

The objectors admit that the recommended water rights contained within the Director's Report show only the irrigation use listed unless otherwise indicated in "Remarks." The objectors deny all other averments contained within this section, including the amount of maximum annual volume of consumptive use per acre in the northern and southern portions of the basin, all of which is beyond the scope of any power or authority vested in the Director or the Department, and contrary to fact; historical use; established, vested, decreed, licensed or permitted rights.

**15. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION.** (DRP-I at page 15)

The specific averments have no relationship to or basis in fact relating to the individual needs or rights of the objectors, and accordingly, objectors deny this section in its entirety. In addition, no statutory or regulatory authority exists conferring upon the Director, or the Department, the power to limit use and ownership of objectors' private property rights as alleged.

16. **DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE.** (DRP-I at page 15 - 16)

The objectors deny the averments contained in this section in its entirety.

17. **INSTRUCTIONS FOR USE OF LIST OF RECOMMENDED WATER RIGHTS.** (DRP-I at page A-i, A-ii and A-iii)

The objectors admit that each water right in the list of recommended water rights includes a description including right number, name and address, source, maximum quantity, consumptive use, priority date, point of diversion, purpose of use, period of use, place of use, basis of right and others. The objectors lack sufficient knowledge or information upon which to form a belief as to the truth of any matter averred in said descriptions other than that the descriptions allegedly include the Director's or Department's version of the facts as they relate to the matters identified. Objectors deny the accuracy of the substantive allegations or information set forth with regard to the objectors' right.

18. **IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW.** (DRP-I, pages A-1 - B-25)

The objectors lack sufficient knowledge or information upon which to form a belief as to the truth of any matter averred in said recommended water rights other than those specific admissions contained in Questions 1 - 12 of the attached individual objection, and therefore deny the same.

**DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36)**

**(DIRECTOR'S REPORT PART II)**

**I.**

Objectors do not understand the allegations, averments or contents of Part II of the Director's Report for Reporting Area 3 (Basin 36) to pertain or relate to objectors or their claims, and do not believe any response is required. To the extent a response is required, objectors deny the same in its entirety.

**DIRECTOR'S REPORT FOR REPORTING AREA 3 (BASIN 36)**

**(DIRECTOR'S REPORT PART III)**

**I.**

No report denominated as Part III of the Director's Report for Reporting Area 3 (Basin 36) has been filed, and accordingly objectors are unable to admit, deny or otherwise response to the same. Objectors do not understand that the contemplated subject matter of such Part III will relate or pertain to objectors or their claims, and no response is required in any case. To the extent any response is required, objectors deny the same in its entirety.

**VIII.**

**AFFIRMATIVE DEFENSES**

Pursuant to I.R.C.P. 8(c), objectors herewith state the following matters of affirmative defense or avoidance:

**AFFIRMATIVE DEFENSE NO. 1**

The objectors' water right is an incorporeal form of real property (as defined by Idaho Code Sections 7-703, 73-114, 55-101,

and like statutes) protected by Section 14, Article 1, of the Idaho Constitution, and the Fifth Amendment to the United States Constitution, and allege that the actions of the Director in recommending, limiting and/or regulating said rights is an unconstitutional infringement upon and a taking of private property, without just compensation and violation thereof.

**AFFIRMATIVE DEFENSE NO. 2**

The adjudication authorization legislation, I.C. Section 42-1401, et seq., on its face and as applied by the Director and the Department constitutes an improper delegation of constitutional power and authority conferred upon the executive, legislative and/or judicial branches of government and as such violate the provisions governing separation of powers set forth in Article 2, Section 1, Idaho Constitution.

**AFFIRMATIVE DEFENSE NO. 3**

The procedure set forth in the adjudication authorization legislation, statutes, I.C. Section 42-1401, et seq., and any rules, regulations, procedures, policies or standards promulgated by the Director and/or the Department, if any, are vague and so lacking in reasonable specificity so as to render them impossible of reasonable comprehension, or consistent and meaningful application.

**AFFIRMATIVE DEFENSE NO. 4** -----

The procedures, rules, regulations, policies or standards, if any, adopted, implemented and applied by the Department and/or the Director violate the equal protection and due

process clauses of the Fourteenth Amendment, United States Constitution, and Article 1, Sections 2 and 13, Idaho Constitution.

AFFIRMATIVE DEFENSE NO. 5

The adjudication authorization legislation, Idaho Code Section 42-1401, et seq., and the actions of the Director and Department in recommending, limiting and/or regulating the objectors' water right constitutes a violation of 42 U.S.C. Section 1983.

AFFIRMATIVE DEFENSE NO. 6

The water right owned by the objectors is the subject of valid existing decrees issued by the Director and Department, which decrees are binding upon the State of Idaho, the Department and the Director. As a result, the State of Idaho, the Department and the Director are precluded by the doctrines of res judicata, collateral estoppel, judicial estoppel and the like from relitigating or questioning the validity, existence or priority of such right, and/or from taking any position in the Director's Report, or otherwise, which is inconsistent with such decrees.

AFFIRMATIVE DEFENSE NO. 7

The Director's recommendations are contrary to decreed rights, historical use and extent licenses and permits issued by the Department. There has been no forfeiture nor abandonment of the objectors' water rights, nor have the objectors' water rights been prescriptively or adversely possessed, nor have such decrees been vacated or such licenses and permits revoked.

AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

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

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

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

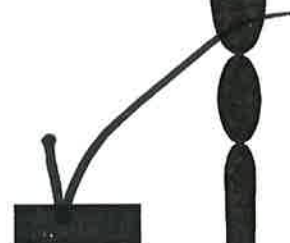
5. For such further relief to which the Court finds objectors justly entitled.

(WATER\21530ANS)

**NOTICE OF ERROR**

**RESPONSE**

**CORRECTED R PROOF**



**MICROFILMED**  
**JAN 21 1993**

MICHAEL SIMPSON  
P. O. BOX #846  
KETCHUM, IDAHO 83340



MICROFILM  
OCT 12

RECEIVED

JAN 19 1993

Department of Water Resources  
Southern Region Office

IDAHO DEPARTMENT OF WATER RESOURCES  
SOUTHERN REGION  
222 SHOSHONE STREET EAST  
TWIN FALLS, IDAHO 83301

# NOTICE OF ERROR FORM

AUG-24-1992

RECEIVED

NOV 30 1992

Department of Water Resources

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: *36-00096A*
2. Name: *Owen Simpson (deceased) Mike Simpson*  
Address: *P.O. Box 846*  
*Ketchum, Id. 83340*  
Weekday Telephone Number: *726-2158*

JAN 21 1993

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**TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE**

**LOCATIONS OF PROPOSED GENERAL PROVISIONS OF THE DIRECTOR'S REPORT** (in addition to IDWR offices listed in this notice) 1. SRBA Regional Repository in Lewiston, Idaho (Idaho Dept. of Health & Welfare, Division of Environment, 1118 F St.)

MINIDOKA CITY HALL, CENTER & CHERRY, MINIDOKA, IDAHO  
WENDELL POST OFFICE, 32 NORTH SHOSHONE, WENDELL, IDAHO  
HAGERMAN POST OFFICE, 444 NORTH STATE, HAGERMAN, IDAHO  
JEROME ASCS, 700 SOUTH LINCOLN, JEROME, IDAHO  
RUPERT ASCS, 100 SOUTH 200 WEST, RUPERT, IDAHO  
ARCO ASCS, 125 SOUTH WATER, ARCO, IDAHO  
GOODING ASCS, 130 FOURTH AVENUE WEST, GOODING, IDAHO

JAN 21 1993

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(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:

All

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

I want all rights claimed to be Reinstated & allowed

5. Describe why you disagree with the proposed recommendation:

The subject property has been irrigated within the last 4 years & cattle on the property in same period - not abandoned.

6. Date: 11-24-92

SIGNATURE Michael Simpson, PR, Owen Simpson Estate

line printed with your proposed recommendation.

#### WHAT WILL IDWR DO WITH YOUR NOTICE OF ERROR?

IDWR will review your notice of error, and will contact you to try to resolve the disagreement.

If IDWR agrees with your notice of error, IDWR will notify you of the changes that will be made to the recommendation of your claim. If IDWR does not agree with your notice of error, IDWR will provide you with an explanation of the reasons for its recommendation. IDWR may request further information in support of your claim.

IDWR staff will be available to meet with claimants regarding notices of error in the area where the claims are located. The dates and locations where IDWR staff will be available will be announced in local media.

At that time, if you wish to meet with an IDWR staff member, then please call the **Adjudication Hotline, toll-free at 1-800-451-4129**, to arrange an appointment.

Even if you have already talked with IDWR staff, this procedure is one last chance to resolve potential disputes as to the recommendation of your claim before the Director's Report is filed with the court.

#### WHAT HAPPENS NEXT?

After IDWR has reviewed and tried to resolve all the notices of error for the area in which your claim is located, IDWR will prepare a Director's Report for your area. Your claim will be included in the report with any changes resulting from your notice of error. The Director's Report will then be filed with the court. A copy of your claim as it appears in the Director's Report will be mailed to you at the time the report is filed.

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[ ] Water Right Number (s): 36-00096A

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NOV 30 1992

Department of Water Resources

[ ] Old Mailing Address: Box 26  
Hagerman, Id 83332

[ ] New Mailing Address: P.O. Box 846  
Ketchum, Id.

New Telephone Number: (208) 726-2158

[ ] Signature of Claimant: Michael Simpson

Date: 11-24-92

*\* Owen Simpson is deceased*

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

RECEIVED

DEC 02 1992

Department of Water Resources  
Southern Region Office

SEND TO YOUR NEAREST  
REGION OFFICE:

Western Region Office  
2735 Airport Way  
Boise, ID 83705  
(208) 334-2190

Southern Region Office  
222 Shoshone St. East  
Twin Falls ID 83301  
(208) 734-3578

State Office  
1301 N. Orchard St.  
Boise, ID 83720  
(208) 327-7900

Eastern Region Office  
150 Shoup Ave. #15  
Idaho Falls ID 83402  
(208) 525-7161

Northern Region Office  
1910 Northwest Blvd. #210  
Coeur d'Alene ID 83814  
(208) 756-4639

RECEIVED  
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

04-Dec-1992 08:32

Owen Simpson, Estate  
%Michael Simpson  
PO Box 846  
Ketchum, ID 83340

RE: Late Notice of Error & Change of Ownership  
SRBA Claim A37-11884  
SRBA Director's Recommendations: 36-00096A, 36-00123E & 36-11056

Dear Mr. Simpson:

Our office is in receipt of the "Change in Address" form and the "Notice of Error" form you recently submitted for 36-00096A.

In light of Owen's death I have sorted all Snake River Basin Adjudication records and found that the four records identified above are in the name of an "Owen Simpson". The one in basin 37 (A37-11884) which is in the Big Wood River drainage has not yet been reviewed but the three in basin 36 (36-00096A, 36-00123E & 36-11056) which is in the area north of the Snake River but south of basin 37 and includes the Hagerman area has been reviewed and recommendations filed with the SRBA court.

To correct the ownership record of these rights I have enclosed "Notice of Change of Water Right Ownership" forms for your use. Please complete this form and return it to our office. Please note that if all rights go to one individual or entity only one form needs to be completed; just list all right numbers. Also, please attach copies of deeds if the estate is settled or a copy of a death certificate if the rights are to be held in an unsettled estate.

With regards to the "Notice of Error" form for 36-00096A; the deadline for filing the NOE was September 24, 1992 so it is too late for the Department to repond since the Director's Report for Basin 36 has been filed with the SRBA court. The only way left now for you to get the recommendation changed before it gets decreed by the court is for you file an objection with the court. **The Deadline for filing this objection is May 1, 1993.** Please find enclosed a copy of "SRBA Administrative Order" regarding filing of objections on standard forms

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JAN 21 1993

PAGE 2  
04-Dec-1992

and also please find enclosed the standard "Objection" form. If you need help in filing the objection I suggest you seek legal council.

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

Sincerely,



Allen D. Merritt, P.E.  
Water Rights Supervisor

Encl:

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JAN 21 1993

**R PROOF**



**CVR**



**MAPS**



**PHOTOS**



**MISC**



**MICROFILMED**

**JAN 21 19**

Water Right Number - 36-00096A      Prefix Translation:      WATER RIGHT      Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
SIMPSON      ESTATE OF JOSEPHINE      1 - C/O MICHAEL SIMPSON  
2 - PO BOX 846  
3 -  
City- KETCHUM      State- ID Zip- 83340  
Phone - 208-726-2158

\*\*\* D - DIR RPT OWNER \*\*\*  
SIMPSON      OWEN      1 - PO BOX 26  
2 -  
3 -  
City- HAGERMAN      State- ID Zip- 83332  
Phone - 208-837-6230

+ - - Priority Date - - +      + - - Region - - - +      + - - Stage - - - +      + - - Status - - - - +  
06/26/1881      ERROR IN REGION      I - DISALLOWED

+ - - - - Source - - - - - +      + - - - - Tributary - - - - - +  
BILLINGSLEY CREEK      SNAKE RIVER

+ - - - - Point of Diversion - - - - - +  
Twn      Rng      Sec      Tract      Lot      RFlg      County  
07S      13E      11      NW SE NE      (47)      GOODING

+ - - - - Water Use - - - - - +  
Code      Description      Period From      Period To      Diversion Rate      Diversion Volume  
01 - IRRIGATION      04/01      10/31      0.100  
04 - STOCKWATER      01/01      12/31      0.020

+ - Total Div. Rate - +      + - Total Div. Volume - +      + - Total Consumptive Use - +      + - KW Usage - +  
0.100      18.0

+ - - - - Place of Use - - - - - +  
Twn      Rng      Sec      Tract      Lot      Acres      Code      Description      County  
07S      13E      2      SW NE      6.0      01      IRRIGATION      (47)      GOODING  
07S      13E      2      SW NE      04      STOCKWATER      (47)      GOODING

Total Acres:      6.0

+ - - Diversion Means - CONCRETE DIVERSION STRUCTURE, PADGETT DITCH, PUMP AND SPRINKLERS.

+ - - Non-Irrigation Use - STOCKWATER, 15 RANGE

+ - - Other Rights for Same Use - NONE

MICROFILMED  
JAN 21 1993

Water right number - 36-00096A

Prefix Translation: WATER RIGHT

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

+ - - - - - Old Water Right Numbers - - - - - +  
3600096

+ - - - - - 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 - +  
NEW INTERNATIONAL MORTGAGE BANK      IDAHO POWER COMPANY      03/22/1932

+ - - - - - Comments - - - - - +  
No Comments Found

+ - - Audit Fields - - +  
12/31/92 GIVENS

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

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 11/02/1992 | Field Inspection Made | - 07/24/1990 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | - 1602  |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 00/00/0000 | Old Judicial District   | -       |
| Claim Received Date  | - 09/19/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S002273    | Water District          | - 36A   |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | -            | Presumption Flag        | -       |
|                      |              |                       |              | Notice of Error Flag    | -       |

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Water Right Number - R36-00096A Prefix Translation: RESEARCH Old (D) Number -  
+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
SIMPSON

OWEN

1 - PO BOX 26  
2 -  
3 -  
City- HAGERMAN  
Phone - 208-837-6230

State- ID Zip- 83332

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
06/26/1881 ERROR IN REGION I - DISALLOWED

+ - - - - Source - - - - + + - - - Tributary - - - - +  
BILLINGSLEY CREEK SNAKE RIVER

+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County  
07S 13E 11 NW SE NE (47) GOODING

| Code |   | Description | Period From | Period To | Diversion Rate | Diversion Volume |
|------|---|-------------|-------------|-----------|----------------|------------------|
| 01   | - | IRRIGATION  | 04/01       | 10/31     | 0.100          |                  |
| 04   | - | STOCKWATER  | 01/01       | 12/31     | 0.020          |                  |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
0.100 18.0

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use Code | Description | County       |
|-----|-----|-----|-------|-----|-------|-------------------|-------------|--------------|
| 07S | 13E | 2   | SW NE |     | 6.0   | 01                | IRRIGATION  | (47) GOODING |
| 07S | 13E | 2   | SW NE |     |       | 04                | STOCKWATER  | (47) GOODING |

Total Acres: 6.0

+ - - Diversion Means - CONCRETE DIVERSION STRUCTURE, PADGETT DITCH, PUMP AND SPRINKLERS.

+ - - Non-Irrigation Use - STOCKWATER, 15 RANGE

+ - - Other Rights for Same Use - NONE

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

+ - - - - Old Water Right Numbers - - - - - +  
3600096

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JAN 21 1993

Water right number - R36-00096A

Prefix Translation: RESEARCH

+ - - - - 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 - - - +  
NEW INTERNATIONAL MORTGAGE BANK

+ - - - - Decree Defendant - - - +  
IDAHO POWER COMPANY

+ - Decree Date - +  
03/22/1932

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

Date: 03/08/1991 User Id: BEDKE Subject: SCC-STAFF REVIEW  
Date: 08/04/1992 User Id: CHRISTEN Subject: BASIS FOR DISALLOWAL  
NO IRRIGATION FOUND IN POU INDICATED BY THE CLAIM FROM THIS SOURCE.

+ - - Audit Fields - - +

08/04/92 CHRISTEN

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

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 07/24/1990 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | - 1602  |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 08/04/1992 | Old Judicial District   | -       |
| Claim Received Date  | - 09/19/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S002273    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | -            | Presumption Flag        | -       |
|                      |              |                       |              | Notice of Error Flag    | -       |

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JAN 21 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

17:03:44  
06/29/90

PAGE: 12  
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00096A

| WR ELEMENT                | FIELD EXAM<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | VERIFIED BY<br>CODE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|-------------------|-------------------------------------------------|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             | N                 |                                                 |                            | DISALLOW               |                     | EC<br>2-6-92                     | OB                                   |                               |
| POINT OF DIV              | Y N               |                                                 |                            |                        | 1,2,4,5             |                                  |                                      |                               |
| SOURCE                    | N                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| PLACE OF USE              | Y Y               |                                                 |                            |                        |                     |                                  |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME | Y N               |                                                 |                            |                        |                     |                                  |                                      |                               |
| CONSUMPTIVE USE           | -                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| PURPOSES                  | Y N               |                                                 |                            |                        |                     |                                  |                                      |                               |
| PERIOD OF USE             | Y N               |                                                 |                            |                        |                     |                                  |                                      |                               |
| BASIS OF CLAIM            | Y N               |                                                 |                            |                        |                     |                                  |                                      |                               |
| REMARKS                   |                   |                                                 |                            |                        |                     |                                  |                                      |                               |

"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.

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JAN 21 1993

2w 7/18/90

\* DISALLOW

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

17:03:44  
06/29/90

PAGE: 1  
GENERAL INFORMATION

CLAIM NUMBER: A36-00096A

LAST: SIMPSON  
ADDRESS: P.O. BOX 26  
CITY: HAGERMAN  
PHONE NUMBER: 208-837-6230

FIRST: OWEN  
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE  
N

FIELD  
EXAMINER

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:

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JAN 21 1993

A. AJ CLAIM: # A36-00096A PRIORITY DATE: 06-26-1881 STAGE: D  
B. WR RECORD: # 36-00096 PRIORITY DATE: 06-26-1881 STAGE: D

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

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

REMARKS:

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JAN 21 1993

=====

RECOMMENDED PRIORITY DATE:  
06-26-1881

REVIEWED BY lh

DATE 7/18/90

=====

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT      | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY    |
|------------|------|------|------|-----|-----|-----|-----|---------|
| A36-00096A | 07S  | 13E  | 11   | NW  | SE  | NE  |     | GOODING |

OTHER AJ CLAIMS WITH SAME AJ POD

| A PREFIX   | R PREFIX |
|------------|----------|
| A36-04115  | NONE     |
| A36-04261  |          |
| A36-00113B |          |
| A36-10283  |          |
| A36-10316  |          |
| A36-10588  |          |
| A36-00039J |          |
| A36-00113F |          |
| A36-00113G |          |

WR RECORDS IN SAME 40 ACRE TRACT

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  
36-00090  
36-00091  
36-00094  
36-00095  
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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36-07834  
36-07840  
36-07853  
36-07875  
36-07957  
36-08058  
36-08319  
36-08335

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT    | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY    |
|----------|------|------|------|-----|-----|-----|-----|---------|
| 36-00096 | 07S  | 13E  | 11   |     | SE  | NE  |     | GOODING |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT  
A PREFIX R PREFIX

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

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

A36-00108H  
A36-04008  
A36-04115  
A36-04261  
A36-00113B  
A36-10316  
A36-10588  
A36-00039J  
A36-00113F  
A36-00113G  
A36-10559  
A36-00048B  
A36-00048C  
A36-10223  
A36-00103A  
A36-00003B  
A36-00003C  
A36-00003E  
A36-00003F  
A36-00003J  
A36-00039G

MICROFILMED  
JAN 21 1993

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

|                                  | DATABASE | FIELD EXAMINER |
|----------------------------------|----------|----------------|
| DUE TO POD DISCREPANCY? (Y/N)    | Y        | <u>N</u>       |
| DUE TO SOURCE DISCREPANCY? (Y/N) | N        | <u>N</u>       |

REMARKS:

NO DIVERSION FOUND FROM PADGETT DITCH

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP.      | RGE.       | SEC.      | 1/4       | 1/4       | 1/4       | LOT      | COUNTY    |
|-----------|------------|-----------|-----------|-----------|-----------|----------|-----------|
| <u>7S</u> | <u>13E</u> | <u>11</u> | <u>NW</u> | <u>SE</u> | <u>NE</u> | <u>—</u> | <u>47</u> |

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY: lw

DATE: 7/17/90

VIA PADGETT DITCH

as claimed  
Padgett ditch serves lands on  
West side of Hwy 30

A. ROOT WATER RIGHT NUMBERS: A36-00096A

B. POU LISTING

| TWP         | RNG | SEC | 1/4 | 1/4 | LOT | NAME           | AJ<br>#/ACRES    | WR<br>#/ACRES | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-------------|-----|-----|-----|-----|-----|----------------|------------------|---------------|-----------------|----------------|------------------|
| 07S         | 13E | 2   | SW  | NE  |     | SIMPSON , OWEN | A36-00096A / 6.0 | - /           | <del>Ø</del>    | <del>Ø</del>   |                  |
|             |     |     |     |     |     | SIMPSON , OWEN | A36-11056 /      | - /           |                 |                |                  |
| 07S         | 13E | 2   | SW  | NE  |     | SIMPSON , OWEN | A36-00096A /     | - /           |                 |                |                  |
|             |     |     |     |     |     | SIMPSON , OWEN | A36-11056 /      | - /           |                 |                |                  |
| TOTAL ACRES |     |     |     |     |     |                | A36-00096A       | 6.00          |                 |                |                  |

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE  
Y

FIELD  
EXAMINER  
N

PRESUMPTION FLAG:

REMARKS:

*confirm 6 acres No IRRIGATION Found.*

RECOMMENDATIONS:

TOTAL ACRES: Ø

REVIEWED BY: Sen

DATE: 8-4-92

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JAN 21 1993

A. AJ CLAIMED USES:

| PURPOSES                            | MONTH/DAY           | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| A36-00096A IRRIGATION               | FROM 03-15 TO 11-15 | .100 CFS           |
| A36-00096A STOCKWATER               | FROM 01-01 TO 12-31 | .020 CFS           |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |                     | .100 CFS           |

B. WR RECORDED USES:

| PURPOSES                            | MONTH/DAY | DIVERSION QUANTITY |
|-------------------------------------|-----------|--------------------|
| 36-00096 IRRIGATION                 | FROM TO   | 5.700 CFS          |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |           | 5.700 CFS          |

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(/) N(X)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(X) N(/)

Explain in remarks, below.

REMARKS:

No uses found.

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JAN 21 1992

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

AJ TOTAL CLAIMED DIVERSION RATE: 0.100 CFS  
WR ROOT RIGHT TOTAL DIVERSION RATE: 5.700 CFS

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

FLOW MEASUREMENT REQUIRED?

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

B. FLOW MEASUREMENT

MEASUREMENT METHOD \_\_\_\_\_, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

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

| CLAIM NO.  | PURPOSES   | NAME           | MONTH/DAY           | RATE     | VOLUME |
|------------|------------|----------------|---------------------|----------|--------|
| A36-00096A | STOCKWATER | SIMPSON , OWEN | FROM 01-01 TO 12-31 | .020 CFS |        |
| A36-11056  | DOMESTIC   | SIMPSON , OWEN | FROM 01-01 TO 12-31 | .040 CFS |        |

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JAN 21 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

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

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 18.0 AF/A

ACRES            x CONSUMPTIVE VOL. AF/A FOR AREA            =

TOTAL CONSUMPTIVE USE            AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES            x DIVERSION VOL. AF/A FOR AREA            =

TOTAL DIVERSION VOLUME            AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(    ) N(    )

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

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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

DATABASE EXAMINER

DATABASE EXAMINER

DATABASE EXAMINER

DISALLOW

TOTAL FOR THIS RIGHT

REVIEWED BY:

See

DATE:

3-6-91

Remarks:

POA

COA:

POA

MICROFILMED

JAN 21 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

|                              | ACCEPTED<br>AS CLAIMED                  | NEEDS<br>REVIEW |
|------------------------------|-----------------------------------------|-----------------|
| OWNERSHIP _____              | ( <input checked="" type="checkbox"/> ) | ( )             |
| FORFEIT/ABANDON _____        | ( )                                     | ( )             |
| ADDITIONAL DIV. AMOUNT _____ | ( )                                     | ( )             |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00096

| TOTAL DIVERSION RATE OF WR SPLITS | DATABASE | EXAMINER | CFS |
|-----------------------------------|----------|----------|-----|
|                                   | 5.700    |          |     |

SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| A36-00096            | A36-00096A               | 0.100             | -                         |                  | 36-00096            | 5.700             |
| TOTAL CFS            |                          | 0.100             |                           |                  |                     | 5.700             |

DIVERSION RATE REVIEW

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

| DATABASE | FIELD<br>EXAMINER |
|----------|-------------------|
| N        | <u>W</u>          |

REMARKS:

AUTHENTICATION:

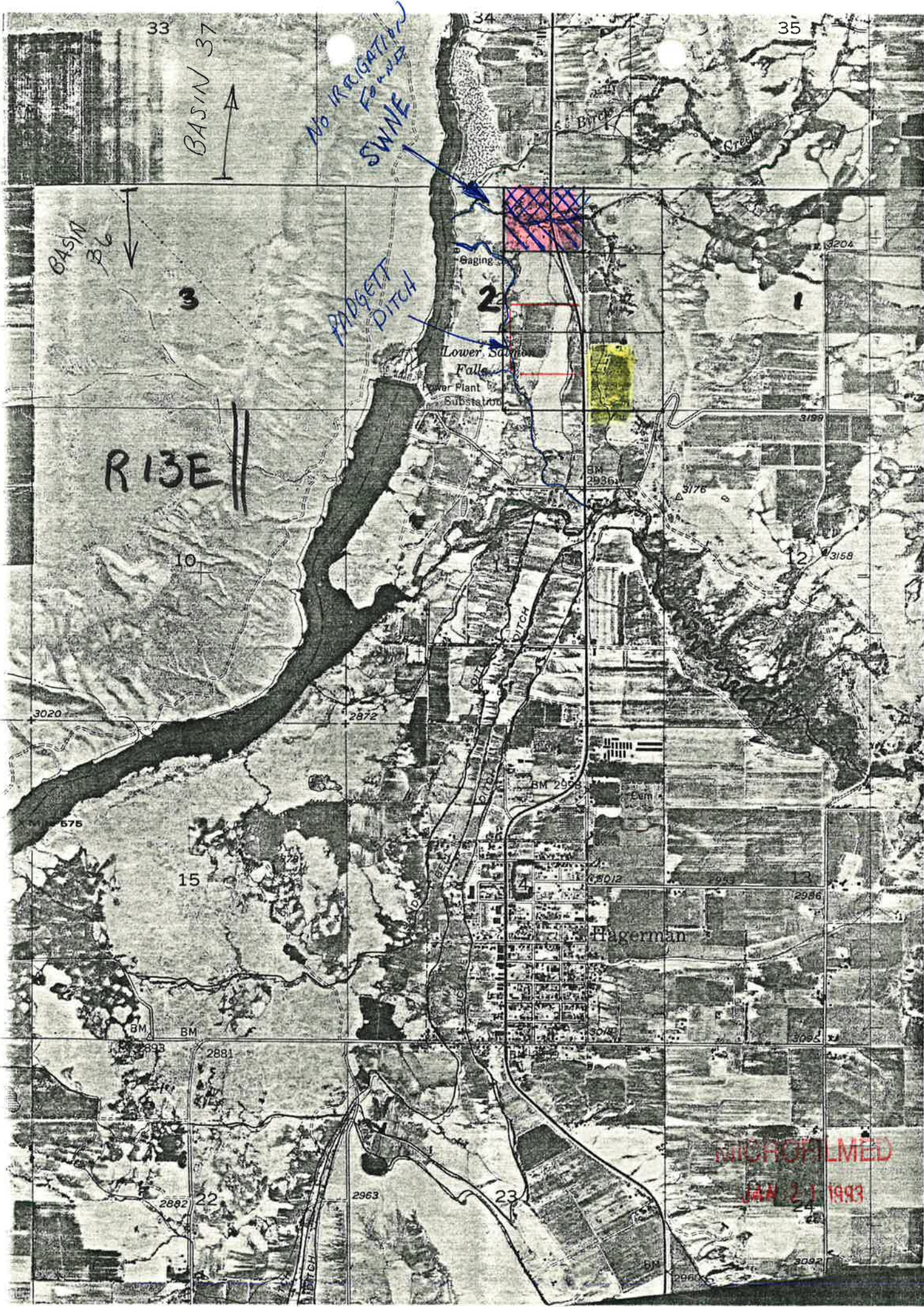
SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF FIELD EXAMINER: \_\_\_\_\_

TITLE: \_\_\_\_\_

MICROFILMED  
JAN 7 1997



T  
T  
7  
8

**SENDER:** Complete items 1 and 2 when additional services are requested, and complete items 3 and 4.

Put your address in "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge)

|                                                                                                                                                                                                                                                                         |                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| 3. Article Addressed to:<br>OWEN SIMPSON<br>PO BOX 26<br>HAGERMAN ID 83332                                                                                                                                                                                              | 4. Article Number<br>258793                                                               |
| Type of Service:<br><input type="checkbox"/> Registered <input type="checkbox"/> Insured<br><input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD<br><input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise |                                                                                           |
| Always obtain signature of addressee or agent and DATE DELIVERED.                                                                                                                                                                                                       |                                                                                           |
| 5. Signature — Addressee<br>X                                                                                                                                                                                                                                           | 8. Addressee's Address (ONLY if requested and fee paid)<br><br>MICROFILMED<br>JAN 21 1993 |
| 6. Signature — Agent<br>X                                                                                                                                                                                                                                               |                                                                                           |
| 7. Date of Delivery                                                                                                                                                                                                                                                     |                                                                                           |

PS Form 3811, Apr. 1989

\*U.S.G.P.O. 1989-238-815

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DOMESTIC RETURN RECEIPT

Mike Simpson  
Box 846  
Ketchum, Id. 83340

Id. Dept. of Water Resources  
Statehouse Mail  
Boise, Id. 83720-9000  
MICROFILMED  
JAN 21 1993

