

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

Date Received

Receipt Number

A36-00103C
12/21/90
5012918

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) MARK E. BOLDUC Phone (208) 837-6631
Mailing Address P. O. Box #117, Hagerman, Idaho Zip 83332
2. Date of Priority (Only one (1) per claim) September 10, 1884
3. Source of water supply (a) Buckeye Ditch
which is tributary to (b) Billingsley Creek
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: _____
- 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. Water is diverted from the Buckeye Ditch by
headgate to irrigate 1 1/4 acres.

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JAN 23 1991
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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 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 6 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7 S	13 E	14					2												2

Total number of acres irrigated 2 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 BOLDUC Ident No. _____

Copies: White - State, Yellow - Claimant

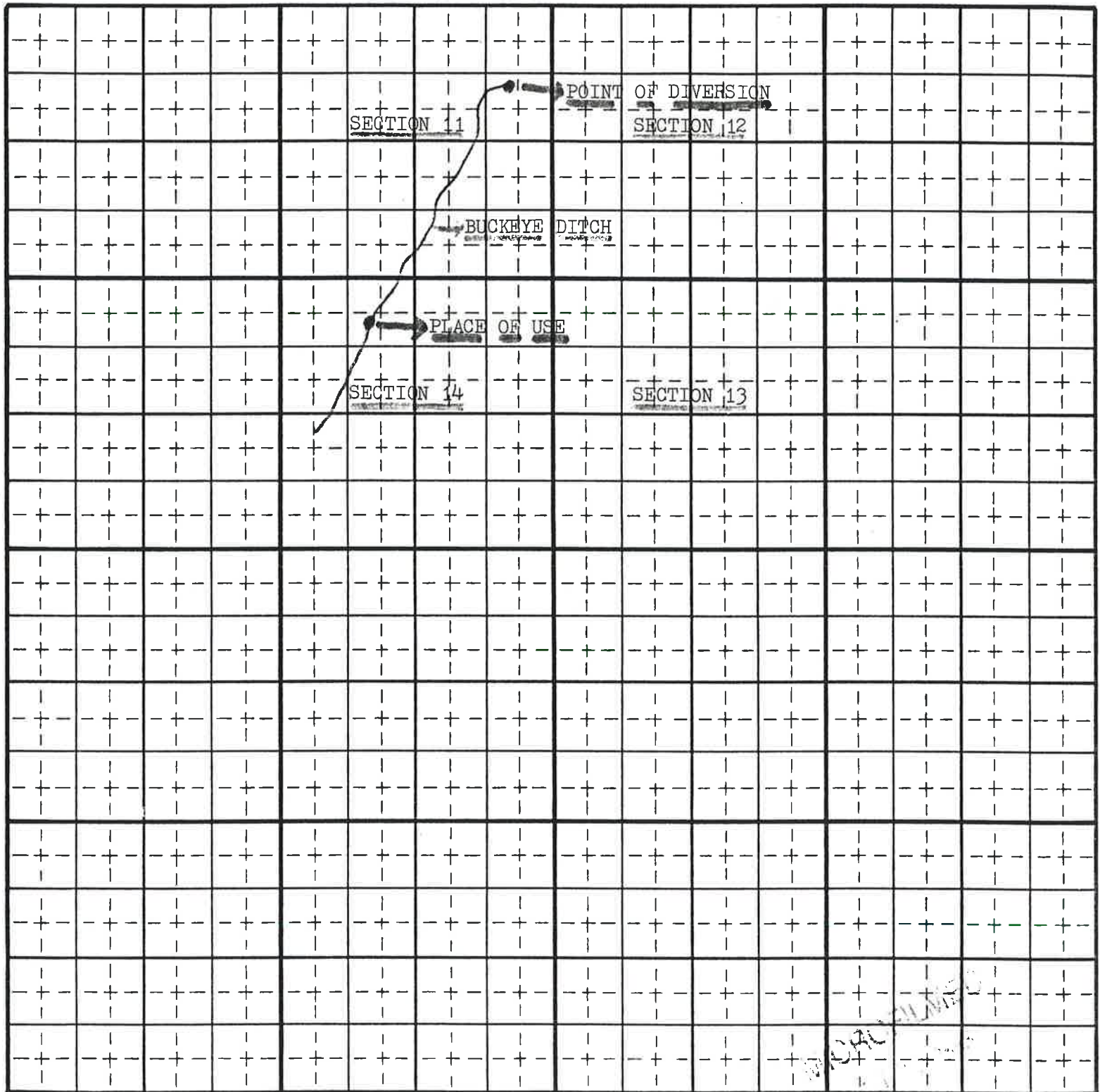
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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN



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Last Name BOLDUC

Ident No. _____

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

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

If applicable provide IDWR Water Right Number Part of 36-0103

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 one

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 12-19-90

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 19th day of December 19 90

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 BOLDUC Ident. Number _____

MICROFILMED
JAN 1993
MICROFILMED
007 12 1894
Copies White-State Yellow-Claimant

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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FEB 10 1993

Department of Water Resources

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

* * * * *

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

Case No. 39576

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

NOTICE OF APPEARANCE

Petitioner,

VS.

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

Respondents.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

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



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 1

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OCT 12 1994

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



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



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NOTICE OF APPEARANCE - 3

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OCT 12 1994

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

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

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

14
 15 By 
 16 PATRICK D. BROWN
 Attorneys for Respondents

17
 18 CERTIFICATE OF MAILING

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



Hepworth,
 Nungester,
 & Lezamiz

1 February, 1993, to:

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

4 Clive Strong
5 Chief Natural Resources Division
6 Office of Attorney General
Statehouse
Room 210
Boise, Idaho 83720

7 David Shaw
8 Adjudications Bureau Chief
9 Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

10 United States Department of Justice
11 Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83734

12
13 
14 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

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

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

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

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

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

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 OCT 12 1994

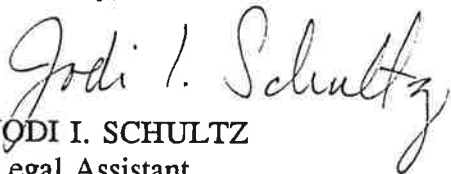
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

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

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

Sincerely,



JODI I. SCHULTZ

Legal Assistant

Idaho Department of Water Resources

cc: IDWR Southern Region

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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: A36-00103C

Date Received: 8/30/1988

Receipt No: 5012918

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARK E. BOLDUC 208-837-6631
Address: P.O. BOX 117
HAGERMAN, ID 83332

2. Date of Priority: SEP 10, 1884

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:
VIA BUCKEYE DITCH

6. Water is used for the following purposes:

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

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 8.00 A.F.A.

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

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	13E	14	NE	NW		IRR	2.0
Section Acres							2.0

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JAN 25 1993

10. Place of Use: Continued

Total Acres 2.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS A PART OF WATER RIGHT 36-00103.

THERE IS A DISCREPANCY IN THE P/U AS COMPARED TO WR 36-00103.
RVW. - 12-21-90

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

IDAHO POWER CO
Decree Defendant

vs

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 25 1993

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIVED

MAY 01 1998

Department of Water Resources
Southern Region

RECEIVED

MAR 20 1998

Department of Water Resources

1998 MAR 18 PM 4:32

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 36-00103C

Case No. 39576

SPECIAL MASTER'S REPORT

Findings of Fact

Mark E. Bolduc filed a *Notice of Claim to a Water Right* on December 21, 1990, claiming .04 cfs from the Buckeye Ditch for irrigation of two acres based on a decree with a priority date of September 10, 1884. On November 2, 1992, the Director of the Idaho Department of Water Resources filed his *Director's Report for Reporting Area 3 (Basin 36)* recommending ½ acre.

The claimant filed an *Objection* on April 29, 1993, objecting to name and address, quantity, period of year, place of use, consumptive use, remarks and other. The Director's *Response to Objection*, filed September 1, 1993, proposed no change to the recommendation.

On January 21, 1994, IDWR filed a *Notice of Completed Administrative Proceedings* with Ernest and Dorothy McKinnon, Box 22, Hagerman, Idaho 83332, as the claimants/purchasers. On December 23, 1997, the claimants and IDWR filed a *Standard Form 5*.

Conclusions of Law

Ernest and Dorothy McKinnon are entitled to a partial decree adjudicating a water right under claim 36-00103C as described in the *Standard Form 5* and the *Special Master's Recommendation for Partial Decree for Water Right 36-00103C*.

DATED March 18, 1998.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-00103C

1998 MAR 18 PM 4:32
DISTRICT COURT OF SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME & ADDRESS: ERNEST L MC KINNON
DOROTHY E MC KINNON
PO BOX 22
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 09/10/1884

POINT OF DIVERSION: T07S R13E S11 SESENE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.04 CFS

PLACE OF USE:	IRRIGATION	Within GOODING County
	T07S R13E S14	NENW 0.5
	0.5 ACRES TOTAL	

RULE 54(b) CERTIFICATE

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

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RECOMMENDATION
MAR 18 1998
[Signature]
SPECIAL MASTER

1998 MAR 18 PM 4:32

DISTRICT T-SRBA
TWIN FALLS, 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

)
)
)
)
)
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 36-00103C

On March 18, 1998, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

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

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

DATED March 18, 1998.


DEBBIE LASH
Deputy Clerk

NOTICE OF ISSUANCE

PAGE 1
03/18/98

1998 MAR 18 PM 4:32

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-00103C

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 18, 1998, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO
Represented by:
CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

F.M. HOFF
#4 SILVERADO LANE
HAGERMAN, ID 83332

CERTIFICATE OF MAILING

PAGE 1
03/18/98

CLAIM NUMBERS 36-00103C

DATE _____

TRANSFER NUMBER _____

OBJECTION FILED _____

AGENT _____

TOTAL ACRES FROM RECOMMENDATION _____

GEOGRAPHIC INFO SYSTEM _____

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	7S	13E	14					.5											
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF _____

POLYGON CREATED ON 604 () _____

B36-DBPOD.DBF _____

ATTRIBUTES OF B36-POU.SHP () _____

ATTRIBUTES OF B36-POD.SHP () _____

Delivered thru Buckeye

P/U CONFLICT yes () no ()

P/D CONFLICT yes () no ()

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

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

In Re SRBA

Subcase No.: 36-00103C

Case No. 39576

STANDARD FORM 5

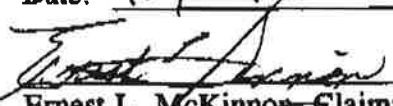
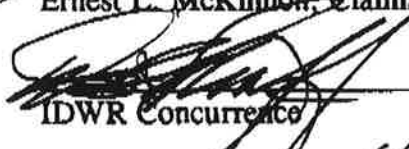
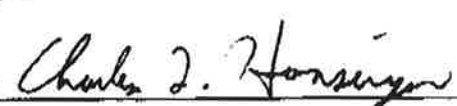
STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one 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 to 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 elements 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: 12/15/97


Ernest L. McKinnon, Claimant
IDWR ConcurrenceApproved as to form: 
Attorney for IDWR

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on 12/17, 1997, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

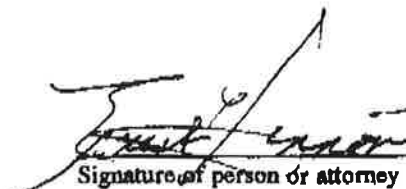
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0010

Charles L. Honsinger
Idaho Dept of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

Ernest L. McKinnon
P. O. Box 22
Hagerman, ID 83332



Signature of person or attorney mailing the form

AJS856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: DEC-15-1997
PAGE: A-1-----
RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00103C

NAME AND ADDRESS: MARK E BOKDUE
PO BOX 117
HAGERMAN ID 83332ERNEST L MC KINNON
DOROTHY E MC KINNON
PO BOX 22
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 09/10/1884

POINT OF DIVERSION: T07S R13E S11 SESENE Within GOODING County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		<u>Irrigation Season</u>	0.04 CFS
		03/15 11/15	

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S14 NEW 0.5
0.5 ACRES TOTAL

CONSUMPTIVE USE: 115 AFY

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

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH/
A DIVERSION RATE OF 0.04 CFS AT THE FIELD HEADGATE IS
RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

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

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
A DIVERSION RATE OF 0.04 CFS AT THE FIELD HEADGATE IS
RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.

SF5 - 36-00103C



C. J. H.

6/9/94

COMMUNICATION DOCUMENTATION

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

IDWR Employee/Agent JEANIE M ROBERTSON

DATE November 7, 1996 11:29am CUSTOMER **CLIFF JENSEN**

36-00103C

SUBJECT: OWNERSHIP???
phone call (X) walk-in (.)

Asked whose name this claim was listed under? We show Mark Bolduc. He said it has changed hands three times since then, from Bolduc to Hoff to Warr to McKinnon. Said he would get copies of the deeds together and send them to us so we could update our records...

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

January 22, 1997

Doug Jones
IDWR Southern Region
1341 Fillmore, Suite 200
Twin Falls, ID 83301

RECEIVED

JAN 24 1997

Department of Water Resources
Southern Region

Re: Subcase 36-00103C

Dear Doug:

The SRBA Court received a Notice of Completed Administrative Proceeding (NCAP) for the above water right from your office. The NCAP lists claimant/seller as Mark Bolduc and the claimant/purchaser as the McKinnons. However, our records show the claimant as F.M. Hoff. I located the file and there was a Standard Form 3 filed January 21, 1994 which substitutes F.M. Hoff for Mark Bolduc (I have enclosed a copy for your reference).

I have voided the file-stamp on the NCAP, and I am returning it to you. Thanks Doug, and if you have any questions, please do not hesitate to call.

Sincerely,

Tiffany M. Hudak
Deputy Clerk of the Court
Snake River Basin Adjudication

251
RECEIVED

JAN 24 1997

Department of Water Resources
Southern Region

JAN 21 11:09
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 the General Adjudication of Rights
to the Use of Water From the Snake River
Basin Water System.

Case No. 39576

STANDARD FORM 3

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

STANDARD FORM FOR NOTICE
OF CHANGE IN ADDRESS

OR

Petitioner,

CONSENT TO SUBSTITUTION OF
PARTY

vs.

The United States; the State of Idaho; and
all Claimants to the Use of Water From
the Snake River Basin Water System,

Respondents.

INSTRUCTIONS FOR USE

This form must be used to provide notice of change in address or to substitute a party whose water right recommendation is in a director's report which has been filed with the court. The filing of Standard Form 3 cannot result in a contested matter. A hearing will not be scheduled.

This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4A, which may be consulted for further information.

Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) where a water right recommendation is not before the court.

As used in this form, the term "prior claimant/seller" means any person who, pursuant to I.C. § 42-1409(2), (3) and (6), filed a notice of claim asserting the right to the use of water or on whose behalf the right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of a "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The *Substitution* shall be filed by the new claimant/purchaser.

Check either the *Change in Address* or *Consent to Substitution of Party* box and fill in the requested information. A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here.

Follow the instructions on the form or the court will not accept it for filing. The Verification and the Certificate of Mailing must be completed.

The standard form may be obtained from the Idaho Department of Water Resources and the court. You must provide a copy of this form to each party, or to their legal counsel, in any subcase in which you are a party.

☐ CHANGE IN ADDRESS

My name is _____

I am the claimant of _____
(Insert each water right number)

I have filed an objection/response to the following water right(s) _____

(Insert each water right number)

My new mailing address is _____

My phone number is: Work _____ Home _____

☒ **CONSENT TO SUBSTITUTION OF PARTY**

My name is Mark E. Bolduc

My address is P. O. Box #117
Hagerman, Idaho 83332

My phone number is: Work 837-6199 Home 837-6631

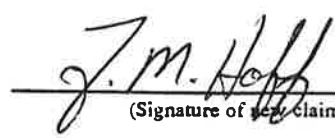
The name and address of the party who I wish to be substituted for are:

F. M. Hoff
#4 Silverado Lane, Hagerman, Idaho 83332

I am the new claimant/purchaser of #A36-00103C *and*
(Insert each water right number)

I am submitting proof of acquisition of the interest of the prior claimant/seller, *which is required by the court* to support my *Substitution*. Proof must contain a legal description of the property, including the water right numbers conveyed. You must describe the documents you are submitting.


(Signature of prior claimant/seller)


(Signature of new claimant/purchaser)

☐ **ATTORNEY OF RECORD COMPLETING FORM**

My name is _____

I am the attorney of record for _____
(Identify party/claimant)

My address and phone number are _____

VERIFICATION

(Must be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of IDAHO

County of _____

F. M. Hoff, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10); and that I have read this form, know its contents and that the statements are true to the best of my knowledge and belief.

F. M. Hoff
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on 20th day of January, 1994.
(Insert Date)

Jean C Craig
Notary Public for State of ID.
Residing at: 332 Center St. W. Kimberly
My Commission expires: 3-4-98

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on _____, 199____, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. A *Change of Address* must be served on each party, or their attorney, in each subcase in which you are a party at the following address(es):

3. A *Consent to Substitution of Party* must be served on the prior claimant/seller or their attorney at the following address:

4. A *Consent to Substitution of Party* must be served on each party, or their attorney, in each subcase in which the prior claimant/seller is a party at the following address(es):

4. One copy to:

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

5. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

(Signature of person or attorney mailing the form)

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-2-1992
PAGE: A-62

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: BILLINGSLEY CREEK			TRIBUTARY: SNAKE RIVER			
36-00103B	KAYE M MOORE PO BOX 242 HAGERMAN ID 83332	09/10/1884	IRRIGATION	03-15 11-15	.04	CFS DECREEED
					TOTAL QUANTITY:	.04 CFS
					CONSUMPTIVE USE:	1.5 AFY
POINT OF DIVERSION: T07S R13E S11 SESENE						
PLACE OF USE: IRRIGATION						
T07S R13E S14 SENW 0.5						
0.5 ACRES TOTAL						
REMARKS: WATER IS DELIVERED THROUGH THE BUCKEYE DITCH. A DIVERSION RATE OF 0.04 CFS AT THE FIELD HEADGATE IS RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE. PROPERTY IS ALSO KNOWN AS A PORTION OF BLOCK A-84, HAGERMAN TOWNSITE.						
36-00103C	MARK E BOLDUC PO BOX 117 HAGERMAN ID 83332	09/10/1884	IRRIGATION	03-15 11-15	.04	CFS DECREEED
					TOTAL QUANTITY:	.04 CFS
					CONSUMPTIVE USE:	1.5 AFY
POINT OF DIVERSION: T07S R13E S11 SESENE						
PLACE OF USE: IRRIGATION						
T07S R13E S14 NENW 0.5						
0.5 ACRES TOTAL						
REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A. WATER IS DELIVERED THROUGH THE BUCKEYE DITCH. A DIVERSION RATE OF 0.04 CFS AT THE FIELD HEADGATE IS RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.						

SEP 3 1993

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

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

Case No. 36-00103C -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)

2. Person who filed objection:

Name: MARK E & CHRISTINA J BOLDUC
Address: PO BOX 117
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
3. ☒ Quantity: I respond to the objection concerning:
- 3a. ☒ The total quantity of water used in cubic feet per second.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I respond to the objection concerning:
- 9a. ☒ The legal description of the place of use.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.

14. |X| Other: I respond to the objection concerning:

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

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 the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402); (3) the recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used. IDWR further responds that it recommended the amount claimed.

In response to Statement of the Objection item 8, and all allegations of the objection regarding that item, IDWR responds as follows: (1) The decree asserted by the claimant does not contain a period of use decreed for this water right. (2) Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. (3) IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. (4) The irrigation season of use cannot exceed the period in which water may be beneficially used. (5) The period of the year during which this water right may be used is

(Over)

consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. (6) Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report. (7) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (8) The eventual decree by the SRBA Court of the irrigation season of use will not constitute a taking because the right is limited to the period in which water may be beneficially used. IDWR further responds that the season of use sought by the objection is longer than the season of use stated on the notice of claim. By now seeking a longer season of use than claimed, the claimant improperly seeks to use to objection process to amend the notice of claim. The claimant must obtain leave of court to amend a claim after the director's report is filed, just as a party must obtain leave of court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection 9 and 9.a, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the place of use of the right.

In response to Statement of the Objection item 10 and all allegations of the objection regarding that item, IDWR responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2) Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. (3) Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use claimed and recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided by Idaho Code Sec. 42-1401A(2). (5) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because

it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, IDWR responds that it has authority pursuant to Idaho Code Sec. 42-1411(2)(j) to include in its recommendations of water rights acquired under state law and recommended in the director's report "such other matters as are necessary to define the right." The remark or remarks objected to are necessary to adequately describe and define this water right.

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

(Over)

No. of
Pages

Notice of Claim No. A36-00103C

4

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

4

VERIFICATION (Must be Completed)

State of IDAHO

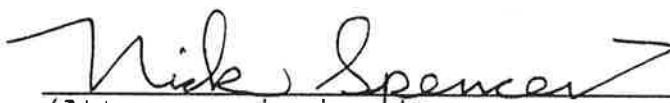
County of ADA

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.



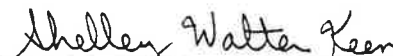
Signature of person filing response

By: 

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 1st day of September,
1993.





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

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of SEPTEMBER, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

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

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

See No. 3

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: HEPWORTH NUNGESTER & LEZAMIZ
Address: PATRICK D BROWN
& PENELOPE PARKER
PO BOX 389
TWIN FALLS ID 83303

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734


Signature of Respondent or attorney
mailing on Respondent's behalf

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

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

CIVIL CASE NUMBER: 39356

Ident. Number A36-00103CDate Received 12/21/90Receipt Number 5012918

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) MARK E. BOLDUC Phone (208) 837-6631Mailing Address P. O. Box #117, Hagerman, Idaho Zip 833322. Date of Priority (Only one (1) per claim) September 10, 18843. Source of water supply (a) Buckeye Ditch
which is tributary to (b) Billingsley Creek4. 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: _____

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. Water is diverted from the Buckeye Ditch by
headgate to irrigate 1 1/4 acres.

MICROFILMED
JAN 25 1993

6. Water is claimed for the following uses:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Mar. 15 to Nov. 15 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 6 acre feet per annum.

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

10. Description of place of use:

- 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	14				2													2

Total number of acres irrigated 2 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 BOLDUC Ident No. _____

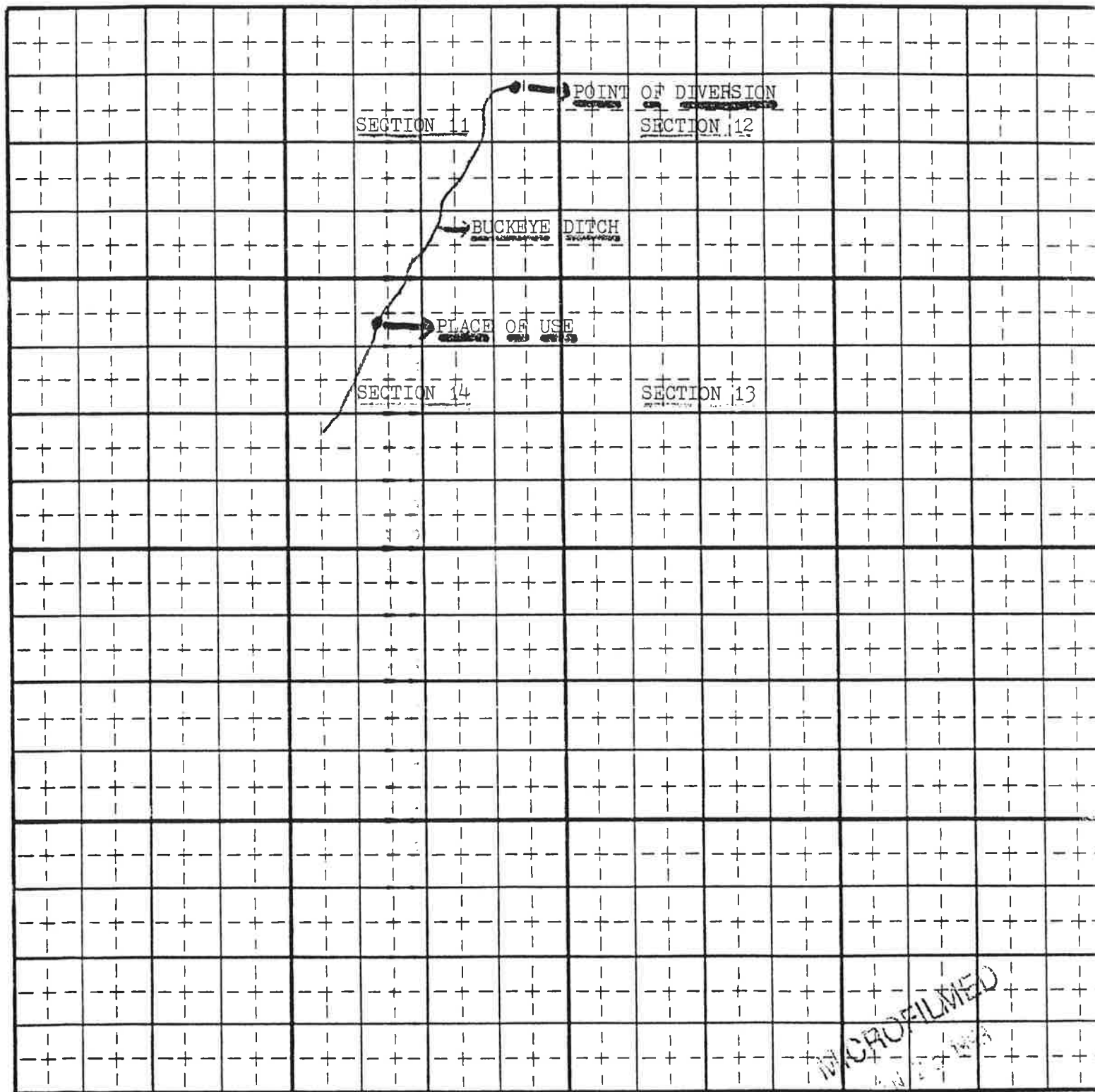
Copies: White -State, Yellow-Claimant

MICROFILMED
JAN 25 1993

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

Scale: 2 inches equals 1 mile

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN



Last Name BOLDUC Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Be Special Use Decree X Posted Notice Permit
If applicable provide IDWR Water Right Number Part of 36-0103
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 not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments one

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 12-19-90

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 19th day of December 19 90

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 BOLDUC Ident. Number _____

MICROFILMED
JAN 25 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.

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

In Re SRBA

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

SUB CASE NO. 36-00103C

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

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

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

Mark E Bolduc
PO Box 117
Hagerman ID 83332

Phone: 837-6631

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

Ernest L McKinnon
Dorothy E McKinnon
PO Box 22
Hagerman ID 83332

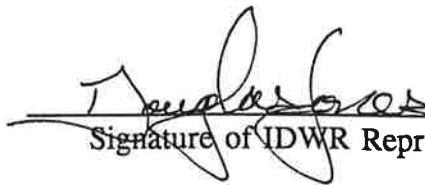
Phone: 837-6631

The Claimant has filed Objections or Responses to the following water rights: 36-00039F and 36-00103C

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

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

DATED: 1/16/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 1-16, 1996, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. One Copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Patrick D Brown
Hepworth Lezamiz & Hohnhorst
PO Box 389
Twin Falls ID 83303

3. One Copy to:

Claimant/Purchaser for Substitution of Party or attorney of record:
Ernest L and Dorothy E McKinnon
PO Box 22
Hagerman ID 83332

4. One Copy to:

Each party in the subcase or attorney of record:

5. One Copy to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

AJ5856NP

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

DATE: JAN-16-1997

PAGE: A-1

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK

TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00103C

NAME & ADDRESS: ERNEST L MC KINNON
DOROTHY E MC KINNON
PO BOX 22
HAGERMAN ID 83332

JAN 16 PM 1:22
DISTRICT COURT-SENECA
TWIN FALLS CO., IDAHO
FILED

SOURCE: BILLINGSLEY CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 09/10/1884

POINT OF DIVERSION: T07S R13E S11

SESENE

Within GOODING County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
0.04 CFS

PLACE OF USE: IRRIGATION

Within GOODING County

T07S R13E S14
0.5 ACRES TOTAL

NENW 0.5

CONSUMPTIVE USE: 1.5 AFY

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

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
A DIVERSION RATE OF 0.04 CFS AT THE FIELD HEADGATE IS
RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

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



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

January 16, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ERNEST L MCKINNON
DOROTHY E MCKINNON
PO BOX 22
HAGERMAN ID 83332

RE: SRBA Claim(s) 36-00193C

Dear Claimant:

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

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

Sincerely,

A handwritten signature in cursive script that reads "Trish Fawcett". The signature is written in dark ink and is positioned below the word "Sincerely,".

Trish Fawcett
Technical Records Specialist

/tf

cc: Patrick Brown for Mark Bolduc

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

Water Right Number - 36-00103C

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** A - ATTORNEY ***
BROWN

PATRICK D

1 - HEPWORTH NUNGESTER LEZAMIZ
2 - 133 SHOSHONE ST N
3 - PO BOX 389
City- TWIN FALLS State- ID Zip- 833030389
Phone - 208-734-7510

*** C - CURRENT OWNER ***
MC KINNON

ERNEST L

1 - PO BOX 22
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6270

MC KINNON

DOROTHY E

1 - PO BOX 22
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6270

*** D - DIR RPT OWNER ***
BOLDUC

MARK E

1 - PO BOX 117
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6631

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
09/10/1884 ERROR IN REGION D - DECREED

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

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

+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.040 1.5

+ - - - - - - - - - - - - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 13E 14 NE NW 0.5 01 IRRIGATION (47) GOODING

Total Acres: 0.5

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

Page 2

Prefix Translation: WATER RIGHT

[illegible]

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

[illegible]

+ Adjudication Rights Dates and Flags Area +

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 11/02/1992 | Field Inspection Made | - 01/23/1991 | Civil Case Number | - 39576 |
| Objection Filed Date | - 04/29/1993 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 09/01/1993 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 12/21/1990 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S012918 | Water District | - 36A |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - OR | Presumption Flag | - |
| | | | | Notice of Error Flag | - |



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: Oct. 31, 1996

LEGAL DESCRIPTION OF PROPERTY: Township 7 South, Range 13 East, B.M. NOV 25 1996
 Section 14, 1/4 of NE 1/4 of NW 1/4, Govt. Lot N/A, B.M.
 Lot N/A, Block, N/A, Subdivision/Townsite N/A
 If you have additional legal descriptions, please attach separate sheet.

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

☒ Water Right Number(s)
 Assigned by IDWR: #A36-00103C

☒ Name and Address of Former Owner/Claimant(s)(Seller):
Mark E. Bolduc
P. O. Box #117

☒ New Owner/Claimant (Purchaser):
Hagerman, Idaho 83332
Ernest L. McKinnon or Dorothy E. McKinnon

☒ New Mailing Address:
P. O. Box #22
Hagerman, Idaho 83332

☒ New Telephone Number: (208) 837 - 6270

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

☒ Attach proof of ownership, describe proof attached: Copy of the recorded Warranty Deed from Bolduc to Hoff.
Copy of the recorded Warranty Deed from Hoff to Warr.
Copy of the recorded Conservator's Deed from Warr to McKinnon.

(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): Dorothy E. McKinnon Date 11-22-96

☐ Signature of Former Owner/Claimant(s): _____ 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: _____ By: _____

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



WARRANTY DEED

For Value Received

Mark E. Bolduc and Christina J. Bolduc, husband and wife
hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

F.M. Hoff and Monica Hoff, husband and wife,
hereinafter referred to as Grantee, whose current address is

#4 Silverado Lane, Nagerman, Idaho 83332

the following described premises, to-wit:

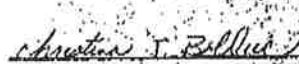
SEE ATTACHED EXHIBIT A, attached hereto and made a part hereof.

TOGETHER with 2 shares of Buckeye Ditch water.

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

Dated: 5-17-93


Mark E. Bolduc


Christina J. Bolduc

STATE OF IDAHO

COUNTY OF Gooding

On this 17th day of May, in the year 1993, before me, a Notary Public in and for said State, personally appeared Mark E. Bolduc, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.




Notary Public for Idaho
Residing at Gooding, Idaho
Commission Expires: 10/16/98

First American Title Company of Idaho



EXHIBIT A

Part of the Southeast Quarter of the Northwest Quarter of Section 14, Township 7 South, Range 13, East of the Boise Meridian, Gooding County, Idaho, also being part of A-81 and A-82 of Hagerman Outlots adjacent to the town of Hagerman, according to the plat thereof, recorded in the Office of the County Recorder of said County, described as follows:

BEGINNING at the North quarter corner of said Section 14;
Thence South 0°04'37" West 1926.38 feet along the centerline of said Section 14 and the centerline of State Street of said Townsite to it's intersection with the centerline of Valley Road;
Thence North 89°55'23" West 494.29 feet along the centerline of Valley Road to the center of the Buckeye Ditch;
Thence North 16°39'20" East 217.89 feet along the center of Buckeye Ditch;
Thence North 18°47'48" East 208.83 feet along the center of said Buckeye Ditch to the TRUE POINT OF BEGINNING;
Thence North 81°15'23" West 232.24 feet to the center of the Bell Ditch;
Thence North 18°14'37" East 183.81 feet to the Northerly boundary of said Lot A-82;
Thence South 89°29'41" East 242.71 feet along the Northerly boundaries of said Lots A-82 and A-81 to the center of said Buckeye Ditch;
Thence South 18°47'48" West 219.44 feet along the center of said Buckeye Ditch to the TRUE POINT OF BEGINNING.

TOGETHER WITH an easement for the purpose of ingress, egress and utilities over a 40.00 foot wide strip of land described as follows:

BEGINNING at the North quarter corner of said Section 14;
Thence South 0°04'37" West 1926.38 feet along the centerline of said Section 14 and the centerline of State Street of said Townsite to it's intersection with the centerline of Valley Street;
Thence North 89°55'23" West 494.29 feet along the centerline of Valley Street to the center of the Buckeye Ditch;
Thence North 16°39'20" East 26.08 feet along the center of the Buckeye Ditch to the Southerly boundary of said Lot A-82;
Thence North 89°55'23" West 244.43 feet along said Southerly boundary to the center of the Bell Ditch and the TRUE POINT OF BEGINNING;
Thence North 18°14'37" East 434.43 feet along the center of said Bell Ditch;
Thence South 81°15'23" East 40.56 feet;
Thence South 18°14'37" West 428.00 feet to the Southerly boundary of said Lot A-82;
Thence North 89°55'23" West 42.10 feet along said Southerly boundary to the TRUE POINT OF BEGINNING.

CONTINUED.

EXHIBIT A CONTINUED

ALSO TOGETHER WITH an easement for the purpose of ingress and egress to maintain a waterline described as follows:

BEGINNING at the North quarter corner of said Section 14;
Thence South 0°04'37" West 1926.38 feet along the centerline
of said Section 14 and the centerline of State Street of
said Townsite to it's intersection with the centerline
of Valley Road;
Thence North 89°55'23" West 494.29 feet along the centerline
of Valley Road to the center of Buckeye Ditch
Thence North 16°39'20" East 26.08 feet along the center of
Buckeye Ditch to the Southerly boundary of said Lot A-
82 and the TRUE POINT OF BEGINNING;
Thence North 16°39'20" East 187.81 feet along the centerline
of said Buckeye Ditch;
Thence North 18°47'48" East 208.83 feet along the centerline
of said Buckeye Ditch;
Thence North 81°15'23" West 32.50 feet;
Thence South 18°47'48" West 203.76 feet;
Thence South 16°39'20" West 197.93 feet to the South boundary
of Lot A-82;
Thence South 89°55'23" East 33.39 feet along the South
boundary of Lot A-82 to the TRUE POINT OF BEGINNING.

END OF EXHIBIT A

152717

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request FIRST AMERICAN TITLE

24 min. past 3 o'clock p.m. this 18th

of May 1993 9:00

JOHN A. MYERS Recorder

By Cashin Sells Deputy



WARRANTY DEED

For Value Received

F.M. Hoff and Monica Hoff, husband and wife,
 hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto
 Arlene J. Warr, Conservator of the Estate of Tamara Warr,
 hereinafter referred to as Grantee, whose current address is
 P.O. Box 268, Hagerman, ID 83332

the following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

156498

STATE OF IDAHO COUNTY OF GOODING

Filed to record at the request of FIRST AMERICAN TITLE

18 min. past 4 o'clock P. M. this 11
 of April 1994

JOHN A. MYERS Recorder

By C. White Deputy

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

Dated: April 11, 1994.

F.M. Hoff

Monica Hoff

STATE OF IDAHO

COUNTY OF Gooding

On this 8th day of April, in the year 1994, before me, a Notary Public
 in and for said State, personally appeared F.M. Hoff and Monica Hoff, known or
 identified to me to be the persons whose names are subscribed to the within
 instrument, and acknowledged to me that they executed the same.

Aileen M. Selts
 Notary Public for Idaho
 Residing at Gooding, Idaho
 Commission Expires: 10-16-98



First American Title Company of Idaho

EXHIBIT A

Part of the Southeast Quarter of the Northwest Quarter of Section 14, Township 7 South, Range 13, East of the Boise Meridian, Gooding County, Idaho, also being part of A-81 and A-82 of Hagerman Outlots adjacent to the town of Hagerman, according to the plat thereof, recorded in the Office of the County Recorder of said County, described as follows:

BEGINNING at the North Quarter corner of said Section 14;
Thence South 0°04'37" West 1926.38 feet along the centerline of said Section 14 and the centerline of State Street of said Townsite to it's intersection with the centerline of Valley Road;
Thence North 89°55'23" West 494.29 feet along the centerline of Valley Road to the center of the Buckeye Ditch;
Thence North 16°39'20" East 213.89 feet along the center of Buckeye Ditch;
Thence North 18°47'48" East 208.83 feet along the center of said Buckeye Ditch to the TRUE POINT OF BEGINNING;
Thence North 81°15'23" West 233.24 feet to the center of the Bell Ditch;
Thence North 18°14'37" East 183.81 feet to the Northerly boundary of said Lot A-83;
Thence South 89°29'41" East 242.71 feet along the Northerly boundaries of said Lots A-82 and A-81 to the center of said Buckeye Ditch;
Thence South 18°47'48" West 219.44 feet along the center of said Buckeye Ditch to the TRUE POINT OF BEGINNING.

TOGETHER WITH an easement for the purpose of ingress, egress and utilities over a 40.00 feet wide strip of land described as follows:

BEGINNING at the North Quarter corner of said Section 14;
Thence South 0°04'37" West 1926.38 feet along the centerline of said Section 14 and the centerline of State Street of said Townsite to it's intersection with the centerline of Valley Street;
Thence North 89°55'23" West 494.29 feet along the centerline of Valley Street to the center of the Buckeye Ditch;
Thence North 16°39'20" East 26.08 feet along the center of the Buckeye Ditch to the Southerly boundary of said Lot A-82;
Thence North 89°55'23" West 244.43 feet along said Southerly boundary to the center of the Bell Ditch and the TRUE POINT OF BEGINNING;
Thence North 18°14'37" East 434.43 feet along the center of said Bell Ditch;
Thence South 81°15'23" East 40.56 feet;
Thence South 18°14'37" West 428.00 feet to the Southerly boundary of said Lot A-82;
Thence North 89°55'23" West 42.10 feet along said Southerly boundary to the TRUE POINT OF BEGINNING.

CONTINUED

EXHIBIT A CONTINUED

ALSO TOGETHER WITH an easement for the purpose of ingress and egress to maintain a waterline described as follows:

BEGINNING at the North Quarter corner of said Section 14;
Thence South 0°04'37" West 1926.38 feet along the centerline of said Section 14 and the centerline of State Street of said Townsite to it's intersection with the centerline of Valley Road;
Thence North 89°55'23" West 494.29 feet along the centerline of Valley Road to the center of Buckeye Ditch;
Thence North 16°39'20" East 26.08 feet along the center of Buckeye Ditch to the Southerly boundary of said Lot A-82 and the TRUE POINT OF BEGINNING;
Thence North 16°39'20" East 187.81 feet along the centerline of said Buckeye Ditch;
Thence North 18°47'48" East 208.83 feet along the centerline of said Buckeye Ditch;
Thence North 81°15'23" West 32.50 feet;
Thence South 18°47'48" West 203.76 feet;
Thence South 16°39'20" West 197.93 feet to the South boundary of Lot A-82;
Thence South 89°55'23" East 33.39 feet along the South boundary of Lot A-82 to the TRUE POINT OF BEGINNING.

CONSERVATOR'S DEED

THIS DEED, made by Arlene Warr, as Conservator of the Estate of Tamara Warr, An Incapacitated Person, Grantor, to Ernest L. McKinnon and Dorothy E. McKinnon, Husband and Wife, Grantees, whose address is 4 Silverado Lane, Hagerman, ID 83332, or P.O. Box 22, Hagerman, Idaho 83332. *afw*

WHEREAS, Grantor is the qualified conservator of said protected person pursuant to a conservatorship filed as case number 88-526, in Twin Falls County, Idaho;

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantees the following described real property in ^{GOODING} ~~Twin Falls~~ County, Idaho:

SEE ATTACHED EXHIBIT "A".

with all appurtenances.

EXECUTED this 31st day of October, 1996.

Arlene J. Warr
Conservator for Tamara Warr,
An Incapacitated Person

167464

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN TITLE

11 min. past 4 o'clock P.m. this 1st
of November, 19 96 1200

By Penny Watson Deputy

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

On the 31st day of October, 1996, before me,
a notary public in and for said State, personally appeared
ARLENE WARR, known to me to be the person whose name is
subscribed to the within instrument, as Conservator for
Tamara Warr, an incapacitated person, and acknowledged to me
that she executed the same as such conservator.



Susan M. Bolton
Notary Public for Idaho
Residence: Boonville, ID
Commission expires: 10-16-98



Page 1 of 2
G-004172
RPO7S13E142896A

**AMENDED
EXHIBIT "A"**

Part of the Southeast Quarter of the Northwest Quarter of Section 14, Township 7 South, Range 13, East of the Boise Meridian, Gooding County, Idaho, also being part of A-81 and A-82 of Hagerman Outlots adjacent to the town of Hagerman, according to the plat thereof, recorded in the Office of the County Recorder of said County, described as follows:

BEGINNING at the North Quarter corner of said Section 14;
Thence South 0°04'37" West 1926.38 feet along the centerline of said Section 14 and the centerline of State Street of said Townsite to it's intersection with the centerline of Valley Road;
Thence North 89°55'23" West 494.29 feet along the centerline of Valley Road to the center of the Buckeye Ditch;
Thence North 16°39'20" East 213.89 feet along the center of Buckeye Ditch;
Thence North 18°47'48" East 208.83 feet along the center of said Buckeye Ditch to the TRUE POINT OF BEGINNING;
Thence North 81°15'23" West 232.24 feet to the center of the Bell Ditch;
Thence North 18°14'37" East 183.81 feet to the Northerly boundary of said Lot A-82;
Thence South 89°29'41" East 242.71 feet along the Northerly boundaries of said Lots A-82 and A-81 to the center of said Buckeye Ditch;
Thence South 18°47'48" West 219.44 feet along the center of said Buckeye Ditch to the TRUE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO an easement for the purpose of ingress, egress and utilities over a 40.00 feet wide strip of land described as follows:

BEGINNING at the North Quarter corner of said Section 14;
Thence South 0°04'37" West 1926.38 feet along the centerline of said Section 14 and the centerline of State Street of said Townsite to it's intersection with the centerline of Valley Street;
Thence North 89°55'23" West 494.29 feet along the centerline of Valley Street to the center of the Buckeye Ditch;
Thence North 16°39'20" East 26.08 feet along the center of the Buckeye Ditch to the Southerly boundary of said Lot A-82;
Thence North 89°55'23" West 244.43 feet along said Southerly boundary to the center of the Bell Ditch and the TRUE POINT OF BEGINNING;
Thence North 18°14'37" East 434.43 feet along the center of said Bell Ditch;
Thence South 81°15'23" East 40.56 feet;
Thence South 18°14'37" West 428.00 feet to the Southerly boundary of said Lot A-82;
Thence North 89°55'23" West 42.10 feet along said Southerly boundary to the TRUE POINT OF BEGINNING.

Continued



Exhibit "A" Continued

Page 2 of 2
G-004172
RP07S13E142896A

ALSO TOGETHER WITH an easement for the purpose of ingress and egress to maintain a waterline described as follows:

BEGINNING at the North Quarter corner of said Section 14;
Thence South $0^{\circ}04'37''$ West 1926.38 feet along the centerline of said Section 14 and the centerline of State Street of said Townsite to it's intersection with the centerline of Valley Road;
Thence North $89^{\circ}55'23''$ West 494.29 feet along the centerline of Valley Road to the center of Buckeye Ditch;
Thence North $16^{\circ}39'20''$ East 26.08 feet along the center of Buckeye Ditch to the Southerly boundary of said Lot A-82 and the TRUE POINT OF BEGINNING;
Thence North $16^{\circ}39'20''$ East 187.81 feet along the centerline of said Buckeye Ditch;
Thence North $18^{\circ}47'48''$ East 208.83 feet along the centerline of said Buckeye Ditch;
Thence North $81^{\circ}15'23''$ West 32.50 feet;
Thence South $18^{\circ}47'48''$ West 203.76 feet;
Thence South $16^{\circ}39'20''$ West 197.93 feet to the South boundary of Lot A-82;
Thence South $89^{\circ}55'23''$ East 33.39 feet along the South boundary of Lot A-82 to the TRUE POINT OF BEGINNING.

November 27, 1996

Memo To File: 36-00103C

Re: Ownership Change Bolduc/Hoff/Warr/McKinnon

From: Trish Fawcett

When verifying the legal description on the warranty deeds with the legal description on the claim, I found the quarter-quarter description on the warranty deed stated SENW while the claim stated NENW. I discussed this with Steve C. since he was the field examiner. He pulled the orthophotoquad map of that area and re-verified that the property is located in the NENW **not** the SENW. I will make the ownership change and notify the current owner of the discrepancy on Steve's advice.

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. 36-00103C -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)

2. Person who filed objection:

Name: MARK E & CHRISTINA J BOLDUC
Address: PO BOX 117
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. |☒| Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
3. |☒| Quantity: I respond to the objection concerning:
- 3a. |☒| The total quantity of water used in cubic feet per second.
8. |☒| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. |☒| Place of Use: I respond to the objection concerning:
- 9a. |☒| The legal description of the place of use.
10. |☒| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. |☒| Remarks: I respond to the objection concerning the "remarks" listed with the water right.

14. |X| Other: I respond to the objection concerning:

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

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 the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402); (3) the recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used. IDWR further responds that it recommended the amount claimed.

In response to Statement of the Objection item 8, and all allegations of the objection regarding that item, IDWR responds as follows: (1) The decree asserted by the claimant does not contain a period of use decreed for this water right. (2) Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. (3) IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. (4) The irrigation season of use cannot exceed the period in which water may be beneficially used. (5) The period of the year during which this water right may be used is

(Over)

MICROFILMED
OCT 12 1994

consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. (6) Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report. (7) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (8) The eventual decree by the SRBA Court of the irrigation season of use will not constitute a taking because the right is limited to the period in which water may be beneficially used. IDWR further responds that the season of use sought by the objection is longer than the season of use stated on the notice of claim. By now seeking a longer season of use than claimed, the claimant improperly seeks to use to objection process to amend the notice of claim. The claimant must obtain leave of court to amend a claim after the director's report is filed, just as a party must obtain leave of court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection 9 and 9.a, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the place of use of the right.

In response to Statement of the Objection item 10 and all allegations of the objection regarding that item, IDWR responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2) Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. (3) Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use claimed and recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided by Idaho Code Sec. 42-1401A(2). (5) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because

it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, IDWR responds that it has authority pursuant to Idaho Code Sec. 42-1411(2)(j) to include in its recommendations of water rights acquired under state law and recommended in the director's report "such other matters as are necessary to define the right." The remark or remarks objected to are necessary to adequately describe and define this water right.

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

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

CHANGES TO THE DIRECTOR'S REPORT

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

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

(Over)

ENCLOSURE

No. of
Pages

Notice of Claim No. A36-00103C

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.



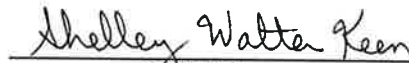
Signature of person filing response

By:


(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 1st day of September, 1993.




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

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of SEPTEMBER, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

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

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

See No. 3

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: HEPWORTH NUNGESTER & LEZAMIZ
Address: PATRICK D BROWN
& PENELOPE PARKER
PO BOX 389
TWIN FALLS ID 83303

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734


Signature of Respondent or attorney
mailing on Respondent's behalf

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

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

CIVIL CASE NUMBER: 39356
Ident. Number A36-00103C
Date Received 12/21/90
Receipt Number 5012918

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) MARK E. BOLDUC Phone (208) 837-6631
Mailing Address P. O. Box #117, Hagerman, Idaho Zip 83332
2. Date of Priority (Only one (1) per claim) September 10, 1884
3. Source of water supply (a) Buckeye Ditch
which is tributary to (b) Billingsley Creek
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: _____
- 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. Water is diverted from the Buckeye Ditch by
headgate to irrigate 1 1/4 acres.

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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 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 6 acre feet per annum.

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

10. Description of place of use:

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

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

| TWP | RNG | SEC | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | Totals |
|-----|------|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
| | | | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | NE1/4 | NW1/4 | SW1/4 | SE1/4 | |
| 7 S | 13 E | 14 | | | | | 2 | | | | | | | | | | | | 2 |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated 2 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 BOLDUC Ident No. _____

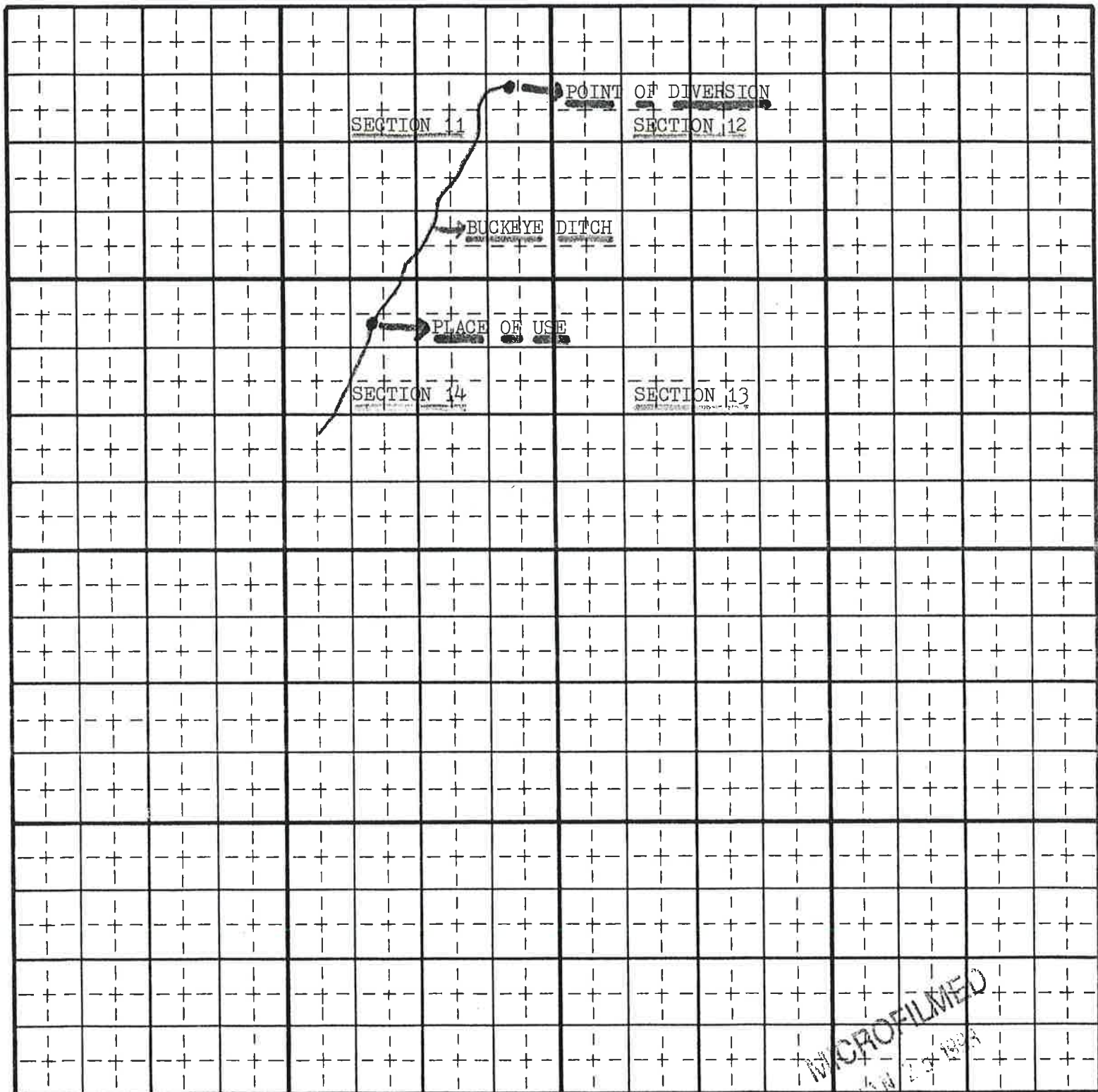
Copies: White - State, Yellow - Claimant

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

Scale: 2 inches equals 1 mile

TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN



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Last Name BOLDUC

Ident No. _____

Copies: White-State, Yellow-Claimant

SEP 12 1994

15. Basis of Claim (check one) Beneficiary ☐ Use ☐ Posted Notice ☐ License ☐ Permit ☐
Decree ☒

If applicable provide IDWR Water Right Number Part of 36-0103
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 one

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

Signature of Claimant (s) *Max E. Bolduc* Date 12-19-90

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 19th day of December 19 90

SEAL

Notary Public *Christopher Jensen*

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 BOLDUC Ident. Number _____

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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.



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

15-Jan-1993

MARK BOLDUC
PO BOX 117
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00103C

Dear Mr. Bolduc:

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:

\$4.24

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

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RECEIVED

JAN 13 1993

Department of Water Resources
Southern Region Office

January 12, 1993
(Date)

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in
my file as it relates to water right number A36-00103C.

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

Please bill me for the copy charge.

Sincerely,


(Name)

P. O. Box #117
(Address)

HAGERMAN, IDAHO 83332
(City, State, Zip Code)

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

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OCT 12 1994

MARK BOLDUC
P. O. BOX #117
HAGERMAN, IDAHO 83332



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JAN 13 1993

Department of Water Resources
Southern Region Office

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

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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. A36-00103C
(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,

36-00103C -0001/
93-04-0095

Respondents.

INSTRUCTIONS

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

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

(Over)

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Mark E. Bolduc & Christina J. Bolduc

Address: P. O. Box 117

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Decreed right, pursuant to 3/22/1932 decree

New International Mortgage Bank v. Idaho Power

Company with a priority date of 9/10/1884

2. Owner of the water right:

Name: Mark E. Bolduc & Christina J. Bolduc

Address: P. O. Box 117

Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

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

Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

See page 7

CHANGES TO THE DIRECTOR'S REPORT

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

Name & address: see paragraph 2, page 2; period of use: 1/1 to
to 12/31; place of use: 1 acre; maximum quantity & consumptive
use: conform to decreed amount; remarks: strike comments after
"water delivered from Buckeye Ditch."

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

☒

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

See Hagerman Water Right Owners, Inc.'s

Compendium "A"

VERIFICATION (Must be Completed)

State of Idaho

County of ~~Twin Falls~~ Gooding

Christina J. Bolduc

Mark E. Bolduc

, 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.

Christina J. Bolduc
Signature of person filing objection

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

Subscribed and sworn to before me this 16th day of April,
1993.

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

(Over)

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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 23 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: Mark E. Bolduc & Christina J. Bolduc

Owner's address: P. O. Box 117

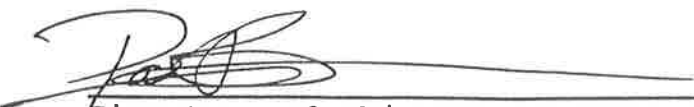
Hagerman, Idaho 83332

3. One copy to:

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

4. One copy to:

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


Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

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

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

Box 8 - IDWR recommends a period of use less than decreed and/or beneficially used. A reduction in water right would constitute a taking.

Box 9 - Director's Report fails to accurately state the place of use.

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.

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

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OCT 12 1994

(WATER\21530ANS)

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.

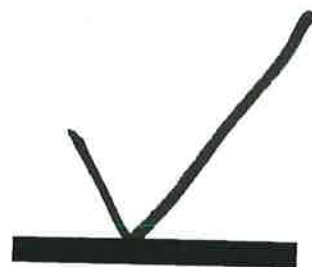
R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILM

JAN 25 19

Water Right Number - R36-00103C Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***
BOLDUC MARK E 1 - PO BOX 117
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-6631

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
09/10/1884 ERROR IN REGION D - DECREED

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

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

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.040 1.5

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 14 NE NW 0.5 01 IRRIGATION (47) GOODING

Total Acres: 0.5

+ - - Diversion Means - VIA BUCKEYE DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
A DIVERSION RATE OF 0.04 CFS AT THE FIELD HEADGATE IS
RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.

+ - - - - Old Water Right Numbers - - - - - +
3600103

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JAN 25 1993

Water right number - R36-00103C

Prefix Translation: RESEARCH

+ - - - - Conditions of Approval - - - - - +
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

+ - - - Decree Plaintiff - - - +
NEW INTERNATIONAL MORTGAGE BANK

+ - - - Decree Defendant - - - +
IDAHO POWER CO

+ - Decree Date - +
03/22/1932

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

+ - - Audit Fields - - +
08/06/92 WORSTELL

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

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 01/23/1991 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 08/06/1992 | Old Judicial District | - |
| Claim Received Date | - 12/21/1990 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S012918 | Water District | - 36A |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

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JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:27:41
12/28/90

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00103C

| WR ELEMENT | FIELD EXAM
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | VERIFIED BY
CODE | COMPLETED
REVIEW
WHOM/DATE | COMPLETED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|---------------------------|-------------------|---|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE | | Call to Cliff Jensen
2-7-91 scc | 1-23-91
scc | N | | HHT
8/5/92 | DB | JAN 23 1993 |
| POINT OF DIV | Y | 2-26-91 scc | | Y | 1,5 | | | |
| SOURCE | | | | N | | | | |
| PLACE OF USE | Y | | | Y | 1,5 | | | |
| DIV. AMOUNT
CFS/VOLUME | Y | | | Y | 6. STDS. | | | |
| CONSUMPTIVE USE | - | | | Y | | | | |
| PURPOSES | | | | N | | | | |
| PERIOD OF USE | Y | | | N | | | | |
| BASIS OF CLAIM | Y | | | N | | | | |
| REMARKS | Y | | | | | | | |

"VERIFIED BY" CODES

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:27:41
12/28/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00103C

LAST: BOLDUC
ADDRESS: P.O. BOX 117
CITY: HAGERMAN
PHONE NUMBER: 208-837-6631

FIRST: MARK E.
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: THIS CLAIM IS A PART OF WATER RIGHT 36-00103.
THERE IS A DISCREPANCY IN THE P/U AS COMPARED TO WR 36-00103.
RVW. - 12-21-90

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

See phone Conversation Memo w/ Cliff Jensen

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JAN 25 1993

A. AJ CLAIM: # A36-00103C PRIORITY DATE: 09-10-1884 STAGE: D

B. WR RECORD: # 36-00103 PRIORITY DATE: 09-10-1884 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER

X

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

REMARKS:

*this WR was not originally decreed here on this land. Claimant must
show ownership of the water right & evidence of the date use began.
Phone call to Cliff Jensen requesting information. (2-7-91 sc)*
Proof received 2-26-91. accept as claimed. (sc)

=====

RECOMMENDED PRIORITY DATE:
09-10-1884

REVIEWED BY

sc

DATE

3-5-91

=====

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JAN 2 1993*

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|------------|------|------|------|-----|-----|-----|-----|---------|
| A36-00103C | 07S | 13E | 11 | NW | SE | NE | | GOODING |

OTHER AJ CLAIMS WITH SAME AJ POD

| A PREFIX | R PREFIX |
|------------|------------|
| A36-04115 | R36-00113F |
| A36-04261 | R36-00087 |
| A36-00113B | R36-00034F |
| A36-10283B | R36-00024 |
| A36-10316 | R36-00034B |
| A36-10588 | R36-00067 |
| A36-00039J | R36-00034E |
| A36-00096A | |
| A36-00113F | |
| A36-00113G | |
| A36-10283 | |
| A36-10283A | |

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
36-00096
36-00108
36-00112A
36-00112B
36-00113B
36-00113C
36-00113D
36-00125
36-04008
36-04115
36-04261
36-07271
36-07658
36-07739

MICROFILMED
JAN 25 1993

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

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|----------|------|------|------|-----|-----|-----|-----|---------|
| 36-00103 | 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 | R36-00076A |
| 36-00005 | A36-00087 | R36-00089B |
| 36-00019 | A36-07658 | R36-00090A |
| 36-00021 | A36-10409 | R36-00090B |
| 36-00024 | A36-00051D | R36-04008 |
| 36-00025 | A36-10119 | R36-00089A |
| 36-00026 | A36-10120 | R36-00090C |
| 36-00027 | A36-10751 | R36-00090D |
| 36-00034 | A36-10752 | R36-00113F |
| 36-00035A | A36-10755 | R36-00087 |
| 36-00035B | A36-10061 | R36-00034F |
| 36-00039A | A36-00103B | R36-00024 |
| 36-00039B | A36-00108A | R36-00034B |
| 36-00040 | A36-00003G | R36-00067 |
| 36-00051 | A36-00027 | R36-00034E |
| 36-00052 | A36-00039C | R36-00034D |
| 36-00064 | A36-00090E | R36-00039C |
| 36-00065 | A36-00051B | R36-00108G |
| 36-00067 | A36-00076A | R36-00108H |
| 36-00071 | A36-00089B | |
| 36-00076 | A36-00089D | |
| 36-00077 | A36-10283A | |
| 36-00082 | A36-10283B | |
| 36-00083 | A36-10283 | |
| 36-00085 | A36-10312 | |
| 36-00087 | A36-00090A | |
| 36-00088 | A36-00003D | |
| 36-00089 | A36-00090B | |
| 36-00090 | A36-00090C | |
| 36-00091 | A36-00090D | |
| 36-00094 | A36-00090F | |
| 36-00095 | A36-00108F | |
| 36-00096 | A36-00125A | |
| 36-00108 | A36-00026 | |
| 36-00112A | A36-00051C | |
| 36-00112B | A36-00071A | |
| 36-00113B | A36-00089A | |
| 36-00113C | A36-00108C | |

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JAN 25 1993

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

A36-00108D
A36-00108E
A36-00108H
A36-04008
A36-04115
A36-04261
A36-00113B
A36-10316
A36-10588
A36-00039J
A36-00096A
A36-00113F
A36-00113G
A36-10559
A36-00048B
A36-00048C
A36-10223
A36-00103A
A36-00003B
A36-00003C
A36-00003E
A36-00003F
A36-00039G

MICROFILMED
JAN 25 1993

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER
N

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC. 1/4 1/4 1/4 LOT COUNTY

SE SE NE
← change claim

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY: StC DATE: 2-7-91

Via Buckeye Ditch

MICROFILMED
JAN 25 1993

A. ROOT WATER RIGHT NUMBERS: A36-00103A
A36-00103B

A36-10316

A36-00103C

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-------------|-----|-----|-----|-----|-----|---------------------------------|------------------|---------------|-----------------|----------------|------------------|
| 07S | 13E | 14 | NE | NW | | BOLDUC , MARK E. | A36-00103C / 2.0 | - / | 32.0 | 0.5 | 0.5 |
| | | | NE | NW | | HEATON , GEORGE C. | A36-10316 / 1.0 | - / | | | |
| | | | NE | NW | | BECKSTEAD , FRED A. | A36-04025 / | - / | | | |
| | | | NE | NW | | ANDERTON , PAUL J. | A36-10223 / 1.0 | - / | | | |
| | | | NE | NW | | HAGERMAN WATER USERS ASSOCIATIA | A36-00057 / 8.0 | - / | | | |
| | | | NE | NW | | COATES , FAYE | A36-00067 / 26.9 | 36-00067 / | | | |
| | | | NE | NW | | BECKSTEAD , FRED A. | R36-00065 / 7.5 | 36-00065 / | | | |
| | | | NE | NW | | BECKSTEAD , FRED A. | R36-00066 / 11.9 | 36-00066 / | | | |
| | | | NE | NW | | BECKSTEAD , FRED A. | R36-00067 / 26.9 | - / | | | |
| | | | NE | NW | | BECKSTEAD , FRED A. | R36-04025 / | - / | | | |
| | | | NE | NW | | BECKSTEAD , FRED A. | A36-00065 / 26.9 | - / | | | |
| | | | NE | NW | | BECKSTEAD , FRED A. | A36-00066 / 26.9 | - / | | | |
| | | | NE | NW | | BARLOGI , AGNES | | 36-00145 / | | | |
| TOTAL ACRES | | | | | | | A36-00103C | 2.00 | 32.00 | | 0.5 |

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
N

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JAN 25 1993

PRESUMPTION FLAG:

REMARKS:

See map

MICROFILMED
JAN 25 1993

RECOMMENDATIONS:

TOTAL ACRES:

~~1.05~~ 0.50

REVIEWED BY:

SCC

DATE:

2-7-91

A. AJ CLAIMED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| A36-00103C IRRIGATION | FROM 03-15 TO 11-15 | .040 CFS |
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | .040 CFS 8.00 AF/A |

B. WR RECORDED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|-------------------------------------|-----------|--------------------|
| 36-00103 IRRIGATION | FROM TO | 1.000 CFS |
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | 1.000 CFS |

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

| | DATABASE | FIELD EXAMINER |
|--|----------|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N) | N | <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?

RECOMMEND TO WR STANDARDS OR OTHER?

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

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

Explain in remarks, below.

REMARKS:

MICROFILMED
JAN 25 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 0.040 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.000 CFS

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

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

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

Y

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JAN 25 1993

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~~

Domestic WATER

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|-------------------|--------------------------------|-----------|----------------|-----------|----------------|
| A36-00103C | BILLINGSLEY CREEK | BOLDUC , MARK E. | 0.040 | 0.020 | 8.00 | 4.00 |
| A36-10316 | BILLINGSLEY CREEK | HEATON , GEORGE C. | 0.020 | 0.020 | | |
| A36-00057 | SPRINGS | HAGERMAN WATER USERS ASSOCIATI | 36.200 | 0.073 | | |
| A36-00067 | BILLINGSLEY CREEK | COATES , FAYE | 0.500 | 0.014 | | |
| R36-00065 | BILLINGSLEY CREEK | BECKSTEAD , FRED A. | 0.600 | 0.080 | 30.00 | 4.00 |
| R36-00066 | BILLINGSLEY CREEK | BECKSTEAD , FRED A. | 0.410 | 0.020 | 81.60 | 4.00 |
| R36-00067 | BILLINGSLEY CREEK | BECKSTEAD , FRED A. | 0.140 | 0.005 | 28.00 | 1.04 |
| A36-00065 | BILLINGSLEY CREEK | BECKSTEAD , FRED A. | 0.700 | 0.019 | | |
| A36-00066 | BILLINGSLEY CREEK | BECKSTEAD , FRED A. | 1.400 | 0.039 | | |

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

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|-----------|------------|--------------------------------|---------------------|----------|--------|
| A36-04025 | DOMESTIC | BECKSTEAD , FRED A. | FROM 01-01 TO 12-31 | .200 CFS | |
| A36-04025 | STOCKWATER | BECKSTEAD , FRED A. | FROM 01-01 TO 12-31 | .200 CFS | |
| A36-00057 | STOCKWATER | HAGERMAN WATER USERS ASSOCIATI | FROM 01-01 TO 12-31 | .300 CFS | |
| R36-04025 | DOMESTIC | BECKSTEAD , FRED A. | FROM 01-01 TO 12-31 | .040 CFS | |
| R36-04025 | STOCKWATER | BECKSTEAD , FRED A. | FROM 01-01 TO 12-31 | .020 CFS | |

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE 0.03
ACRES 0.5 x 0.02 CFS/ACRE = 0.015 CFS
(Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 6.0 AF/A
ACRES 0.5 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =
TOTAL CONSUMPTIVE USE 1.5 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 8.00 AF/A
ACRES 0.5 x DIVERSION VOL. AF/A FOR AREA 4 =
TOTAL DIVERSION VOLUME 2.0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

1b. CALCULATIONS

See Irrigation Analysis
Sheet for basis of recommendation

— Rec. Div rate 0.04
claimed Rate 0.04

Recommended as claimed w/
no allowance for conveyance
loss.

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JAN 25 1993

RECOMMENDATIONS:

| REC.
PURPOSES | REC. PERIOD | | REC. DIV | | REC. DIV | | REC. CONS. | |
|----------------------|-------------|-------|------------------|----------------------|-----------------|-----------------|----------------|----------------|
| | FROM | TO | RATE | CFS | VOL. | AF/A | USE | |
| IRRIGATION | 03-15 | 11-15 | ~~0.040~~ | ~~0.02~~ 0.04 | ~~3.0~~ | ~~3.0~~ | ~~6.0~~ | ~~6.0~~ |
| TOTAL FOR THIS RIGHT | | | ~~0.040~~ | 0.04 | ~~3.00~~ | ~~3.00~~ | ~~6.0~~ | ~~6.0~~ |

REVIEWED BY: SCC DATE: 2-7-91

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JAN 25 1991

WR proportional Rate $\frac{1.0 \text{ cfs}}{40 \text{ Ac.}} = 0.025$
(allow standard rate)

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED

()
()
~~(X)~~

NEEDS
REVIEW

~~(X)~~
~~(X)~~
~~(X)~~

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00103

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.000

EXAMINER _____

CFS

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| A36-00103 | A36-00103A | 0.060 | - | | 36-00103 | 1.000 |
| A36-00103 | A36-00103B | 0.040 | - | | 36-00103 | 1.000 |
| A36-00103 | A36-10316 | 0.020 | - | | 36-00103 | 1.000 |
| A36-00103 | A36-00103C | 0.040 | - | | 36-00103 | 1.000 |
| TOTAL CFS | | 0.160 | | | | 1.000 |

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER N

REMARKS:

*See attached sheet
A36-00103 for Split Review*

AUTHENTICATION:

SIGNATURE: *Steve O'Connell*

DATE: 2-7-91

NAME OF FIELD EXAMINER: _____

TITLE: _____

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JAN 25 1993

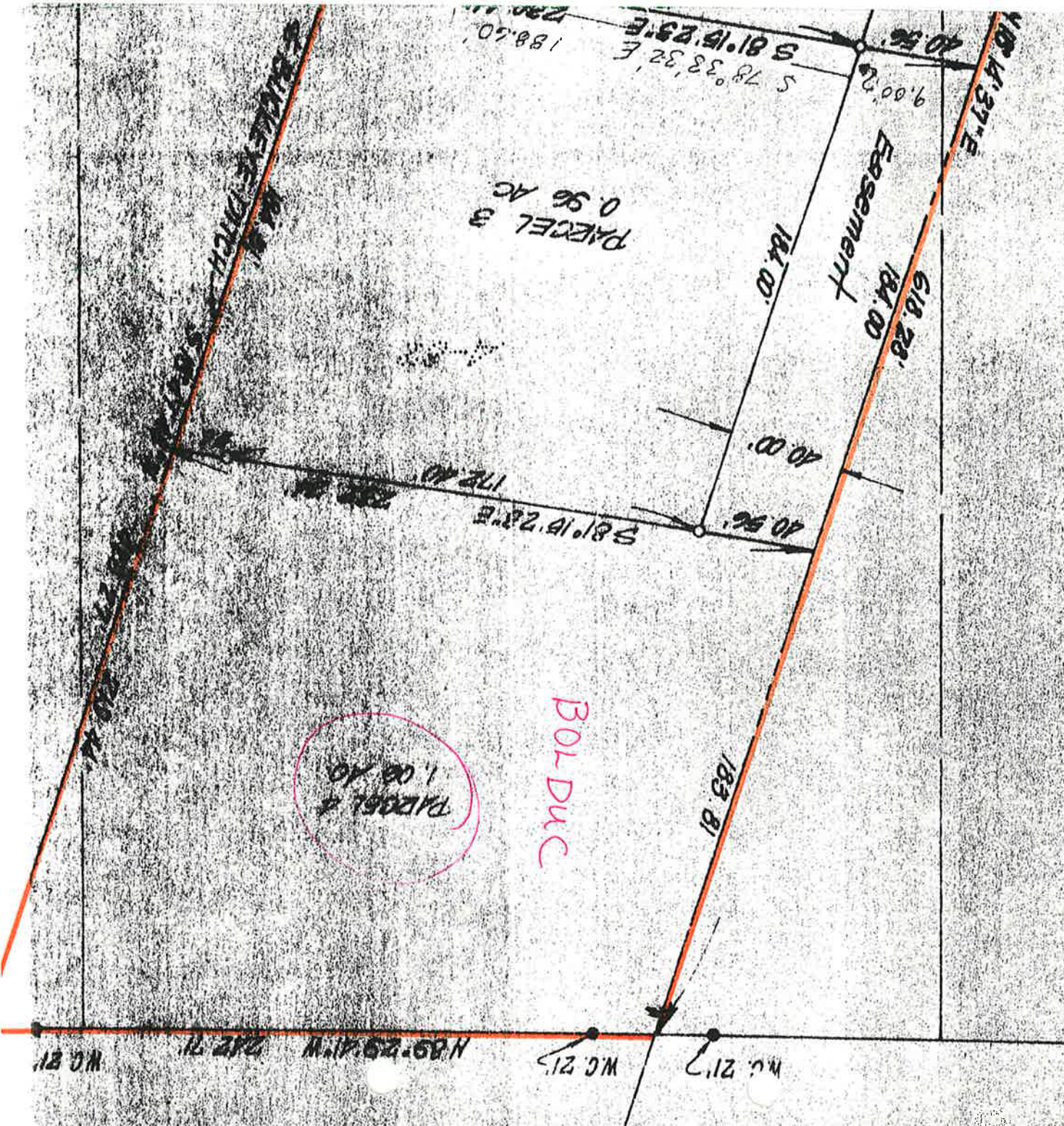
AGENT HHJ
INITIALS
DATE 8/5/92

[illegible]

Add Water District: 36A

JAN 25 1993

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JAN 25 1993



Scale 1" =

Owens & Kippay
Eng'rs.

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Southern Region Office

Lot corners are marked by stakes 2"x2" 12" driven 12" into ground, and block are marked by stakes 3"x3" 15" long driven 12" into ground. Stone monuments at intersection of street centers as shown on plat contain at least 500 cu.in. and are at least 6" below surface of ground.



16-102

Seven H. L. 4.8
Sheep
Company

Spring

April 1, 1892

Martin Curran Tunnel and
Curran Ditch

(Said Martin Curran Tunnel is located at the head of Billingsley Creek.)

The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, W $\frac{1}{2}$ of the SE $\frac{1}{4}$, E $\frac{1}{2}$ of the SW $\frac{1}{4}$ all in Sec. 31,
Twp. 7 S. R. 14 E. B. M.

103

Skinner,
Charles
and Iva
E. Skinner

1 Billingsley Creek Sept. 10, 1884 Buckeye Ditch;

Outlots A32, A33, and A34 of Hagerman Townsite, according to the Plat thereof on
file in the office of the Recorder of Gooding County, Idaho.

104

Stroud
Florence

4 Len Lewis Spring Sept. 1, 1889 Brailleford-Owens Ditch;

105

Owens

1 Spring March 8, 1902 Weatherby Springs;

SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M. less a 12
foot in width right of way on the north side of the SW $\frac{1}{4}$ of said Sec. 25; and less
that certain piece and parcel of land described as follows:Beginning at a point on the east line of the SW $\frac{1}{4}$ of said Sec. 25, 1590 feet north
of the southeast corner of the SW $\frac{1}{4}$ of said Section 25; thence running north 34
degrees west 462 feet; thence North 20 degrees west 685 feet to within 15 feet of
the North boundary of said SW $\frac{1}{4}$ of said Section 25; thence 69 degrees 18 minutes
east 500 feet, thence south 1035 feet to the place of beginning.

106

Terry,
John D.,
and Sarah
R. Terry2 Billingsley Creek April 1, 1880 Barlogi Ditch;
1 Billingsley Creek April 30, 1887 Terry Ditch;(Said Terry Ditch diverts on the north side of Billingsley Creek at a point
immediately below the diversion point of said Barlogi Ditch.)NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 11, Twp. 7 S. R. 13 E. B. M.

108

Thompson,
T. E., and
Mabel
Thompson

5.4 Billingsley Creek Sept. 10, 1884 Buckeye Ditch;

W $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 11, Twp. 7 South R. 13 E. B. M.

109

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Southern Region OfficeMICROFILMED
JAN 25 1993

the said Hagerman Townsite and the South Half of Outlot 36 of Hagerman Townsite

WARRANTY DEED

Value Received Charles H. Skinner and Iva Skinner, husband and wife,

Whereafter called the Grantor, hereby grants, bargains, sells and conveys unto
May

Donald C. Hickok and Gloria/Hickok

Whereafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

Part of A-81, A-82, A-83, and A-84 adjacent to the town of Hagerman according to the plat thereof on file in the office of the county recorder described as follows:

Beginning at the South East corner of A-82;
thence West along the South line of A-82, A-83, 530.6 feet;
thence North parallel with the West line of A-83, 230.0 feet;
thence West 182.5 feet to the West line of A-84;
thence Northeasterly along the West line of A-84 to the North East corner;
thence East along the North line of A-83 - A-82 and A-81, 657.3 feet to the center line of the Buckeye Ditch;
thence S 19° 27' West, along center line of the Buckeye Ditch, 430.0 feet to a point 180 feet North of the South line of A-82;
thence East 416.0 feet more or less to the East line of A-81;
thence South 30 feet;
thence West 308.4 feet to the East line of A-82;
thence South along the East line of A-82, 150 feet to the point of beginning.

Subject to existing easements thereon.

Together with all water, water rights, and ditches appurtenant thereto - together with 46 shares of water as decreed September 10, 1884 out of Billingsley Creek and distributed by Buckeye Ditch.

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Department of Water Resources

Southern Region Office

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the Grantee, his heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: February 19, 1972.

Charles H. Skinner

Iva Skinner

Instrument No.

STATE OF IDAHO COUNTY OF Gooding
On this 19th day of February 1972,
before me, a notary public in and for said State, personally appeared Charles H. Skinner and Iva Skinner, husband and wife,

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of SECURITY FILE CO. at 4 minutes past 4 o'clock P.m. this 13 day of March 19, 72 in my office, and duly recorded in Book of Deeds at page

Vivian M. Burda

Ex-Officio Recorder

By

Fees \$

Mail to:

known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public
Idaho.

Gooding

069479

MICROFILMED

C39734

STATE OF IDAHO, COUNTY OF GOODING, ss.

Filed for record a Security Title Co

of March 3rd at this 30 day
of March 1972

INDEXED

Direct ☒
Indirect ☒

WILLIAM M. BURDEN, Recorder

By Alon Scott, Deputy

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FEB 26 1991

Department of Water Resources
Southern Region Office

1984 3 2 884

DEVELOPMENT



BOLDUC

3-12-91

A36-00103C

Headgate Diversion.

Delivers only to BOLDUC POU.

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APR 12 1991

WARRANTY DEED

For Value Received

Beaudine L. Donaldson, Personal Representative of the Estate
of Gloria May Hickok, Gooding, Idaho 83330

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

BRUCE R. BOTHWELL and MARY L. BOTHWELL, Husband and wife,
Hagerman, Idaho 83332

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho,
to-wit:

Real property situate in the County of Gooding, State of Idaho
more particularly described on Exhibit A, attached hereto and
by this reference made a part hereof.

STATE OF IDAHO
COUNTY OF GOODING, SS
RECORDED AT REQUEST
of
Land Title and Abstract Co.
65 MAR 6 PM 4 15
JARCANE
FEE \$4.00
DEP. 40

113397

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and
to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said
Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incum-
brances except as above described and that Grantor will warrant and defend the same from all lawful
claims whatsoever.

Dated: this 9th day of April, 1980.

Beaudine L. Donaldson *PR*

Instrument No.

STATE OF IDAHO, COUNTY OF Gooding

On this 8th day of April, 1980,
before me, a notary public in and for said State, per-
sonally appeared

Beaudine L. Donaldson, Personal
Representative of the Estate of
Gloria May Hickok

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged
to me that she executed the same.

Edith A. Donaldson
Notary Public
Gooding, Idaho

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FEB 26 1981

Department of Water Resources
Southern Region Office

Exhibit "A"

Township 7 South, Range 13 East of the Boise Meridian

Section 14: Part of the SE $\frac{1}{4}$, also being Part of A-81, A-82 and A-83 adjacent to the town of Hagerman, according to the plat thereof on file in the office of the County Recorder of Gooding County, Idaho, described as follows:

Beginning at the North quarter corner of said

Section 14;

thence S 0° 04' 37" W, 1926.38 feet along the centerline of said Section 14 and the centerline of State Street of said Township to it's intersection with the centerline of Valley Street;

thence N 89° 55' 23" W, 494.29 feet along the centerline of Valley Street to the center of the Buckeye Ditch;

thence N 16° 39' 20" E, 26.08 feet along the center of the Buckeye Ditch to the Southerly boundary of said Lot A-82 and the True Point of Beginning;

thence N 89° 55' 23" W, 244.43 feet along said Southerly boundary to the center of the Bell Ditch;

thence N 18° 14' 37" E, 618.24 feet to the Northerly boundary of said Lot A-82;

thence S 89° 29' 41" E, 242.71 feet along the Northerly boundaries of said Lots A-82 and A-81 to the center of the Buckeye Ditch;

thence S 18° 47' 48" W, 428.27 feet along the center of said Buckeye Ditch;

thence S 16° 39' 20" W, 187.81 feet along the center of said Buckeye Ditch to the True Point of Beginning.

IN THE COUNTY OF GOODING, STATE OF IDAHO

Together with 8 shares of stock of Buckeye Water.

RECEIVED

FEB 26 1991

Department of Water Resources
Southern Region Office

headgate
to delivery ditches

DECREED RIGHT SPLIT ANALYSIS

PARENT RIGHT NO. 36-00103 TOTAL DIVERSION RATE 1.0 PREPARATION DATE 8/5/92 HHT

| CLAIM
PORTION | CLAIMED
RATE | RECOMMENDED
RATE | IS CLAIMED
RATE EXCEEDED
BY ANALYSIS | CONVEYANCE
LOSS | DOES DIV RATE +
CALC. C.L. EXCEED
CLAIMED RATE | TOTAL
RECOMMENDED
DIV. RATE |
|------------------|-------------------|---------------------|--|--------------------|--|-----------------------------------|
| A | <u>disallowed</u> | | <u>—</u> | <u>—</u> | <u>—</u> | <u>—</u> |
| B | <u>0.04</u> | <u>0.04</u> | <u>X</u> | <u>NA (0.01)</u> | <u>—</u> | <u>0.04</u> |
| <u>C</u> | <u>0.04</u> | <u>0.04</u> | <u>X</u> | <u>NA (0.01)</u> | <u>—</u> | <u>0.04</u> |
| D | <u>disallowed</u> | | <u>—</u> | <u>—</u> | <u>—</u> | <u>—</u> |
| E | <u>0.18</u> | <u>0.06</u> | <u>N</u> | <u>0.01</u> | <u>—</u> | <u>0.07</u> |
| F | <u>0.02</u> | <u>0.02</u> | <u>X</u> | <u>0.01 NA</u> | <u>—</u> | <u>0.02</u> |
| | | | | | | |
| | | | | | | |
| | | | | | | |
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| | | | | | | |
| | | | | | | |
| | | | | | | |

MICROFILMED
JAN 25 1993

See 8-3-92

CONVEYANCE LOSS - WORSTELL

| REACH | LENGTH
(FT) | AVE
WIDTH
(FT) | SEEPAGE
(FT/DAY) | WORSTELL
LOSS
(CFS) | DELIVERY
(CFS) | DELIVERY
LEFT
(CFS) | LOSS
FACTOR | DELIVERY
LOSS
(CFS) | FLOW
(CFS) |
|--------|----------------|----------------------|---------------------|---------------------------|-------------------|---------------------------|----------------|---------------------------|---------------|
| 1 | 800 | 10.0 | 2.00 | 0.20 | 0.06 | 18.83 | 0.0107 | 0.00 | 26.81 |
| 2 | 600 | 10.0 | 2.00 | 0.15 | 1.02 | 18.77 | 0.0081 | 0.02 | 26.55 |
| 3 | 1400 | 10.0 | 2.00 | 0.35 | 0.24 | 17.75 | 0.0199 | 0.01 | 25.38 |
| 4 | 800 | 10.0 | 2.00 | 0.20 | 0.44 | 17.51 | 0.0115 | 0.02 | 24.79 |
| 5 | 1100 | 10.0 | 2.00 | 0.28 | 0.17 | 17.07 | 0.0163 | 0.01 | 24.14 |
| 6 | 1200 | 10.0 | 2.00 | 0.30 | 0.10 | 16.90 | 0.0179 | 0.01 | 23.70 |
| 7 | 300 | 10.0 | 2.00 | 0.08 | 1.22 | 16.80 | 0.0045 | 0.11 | 23.29 |
| 8 | 1000 | 10.0 | 2.00 | 0.25 | 0.16 | 15.58 | 0.0162 | 0.02 | 22.00 |
| 9 | 500 | 10.0 | 2.00 | 0.13 | 0.50 | 15.42 | 0.0082 | 0.06 | 21.58 |
| 10 | 2200 | 10.0 | 2.00 | 0.56 | 4.13 | 14.92 | 0.0373 | 0.62 | 20.96 |
| 11 | 5500 | 10.0 | 2.00 | 1.39 | 0.20 | 10.79 | 0.1288 | 0.06 | 16.27 |
| 12 | 1700 | 10.0 | 2.00 | 0.43 | 0.09 | 10.59 | 0.0406 | 0.03 | 14.68 |
| 13 | 3900 | 10.0 | 2.00 | 0.99 | 0.34 | 10.50 | 0.0938 | 0.14 | 14.16 |
| 14 | 600 | 10.0 | 2.00 | 0.15 | 0.27 | 10.16 | 0.0149 | 0.12 | 12.84 |
| 15 | 1500 | 10.0 | 2.00 | 0.38 | 0.62 | 9.89 | 0.0383 | 0.29 | 12.42 |
| 16 | 1600 | 10.0 | 2.00 | 0.40 | 1.00 | 9.27 | 0.0436 | 0.51 | 11.42 |
| 17 | 600 | 10.0 | 2.00 | 0.15 | 0.30 | 8.27 | 0.0183 | 0.16 | 10.01 |
| 18 | 300 | 10.0 | 2.00 | 0.08 | 3.25 | 7.97 | 0.0095 | 1.75 | 9.56 |
| 19 | 3000 | 10.0 | 2.00 | 0.76 | 0.24 | 4.72 | 0.1606 | 0.17 | 6.24 |
| 20 | 3000 | 10.0 | 2.00 | 0.76 | 4.48 | 4.48 | 0.1692 | 3.89 | 5.24 |
| TOTALS | 31600 | | | 7.98 | 18.83 | | | 7.98 | |

BUCKEYE DITCH

3.75 @ 0.01 ea.

A36-00103C
0.01

No allowance added
due to analysis exceeded
claimed rate HHS

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

MICROFILMED
JAN 25 1993

IRRIGATION ANALYSIS WORKSHEET

CLAIM NO. A36-00103C
 DATE 7-23-92
 AGENT SCC

CLAIMANT/SYSTEM DESCRIPTION BOLDUC @ Buckeye Ditch
 IRRIGATION SYSTEM ----- FLOOD LAWN
 ANALYSIS METHOD ----- BORDER FURROW
 TYPE OF CROP ----- PASTURE
 MAXIMUM PROFILE DEPTH ----- 36 INCHES
 INTAKE FAMILY ----- 2

SOIL TYPE EPC ----- SYSTEM TOTAL
 ACRES PER TYPE 0.5 ----- 0.5 ACRES
 SOIL PROFILE WHC 3.805 -----
 DESIGN IRR $\frac{1}{2}$ WHC 1.65 -----

CROP REQUIREMENT:

REPORT AREA & FIGURE NO. ----- Bliss 10-8

DAILY CROP REQUIREMENT:

6.44 (MM/DAY) / 25.4 (FACTOR IN MM/IN) ----- 0.25 IN/DAY

ACTUAL ROTATION PRACTICED ----- 7 DAYS

DRY DAY ROTATION 6 IRR DAY ROTATION 1

THEORETICAL ROTATION:

1.65 DESIGN IRR / 0.25 CROP REQ = 6.6 DAYS

DESCRIPTION OF FIELD:

AVERAGE LENGTH RUN ----- 120

TOTAL WIDTH OF FIELD ----- 180

CHECK 120 L * 180 W / 43,560 = .495 ACRES

% SLOPE ----- ~~1%~~ 1%

BORDER WIDTH -----

180 WIDTH OF FIELD / 7 DAYS OF ROTATION (26)

~~FURROW / CORRUGATION WIDTH~~ ----- N/A

SET TIME ----- 8

(9) @ 8 hr etc)

MICROFILMED

JAN 2 1993

GRADED BORDER EVALUATION

Job name: BOLDUC
By: SCC

Location: A36-00103C BUCKEYE
Date: Jul 24, 1992

Roughness coefficient (n)= 0.250 Intake family (If)=2.00
Slope (S)= 0.0100 ft/ft Border width (W)= 9 ft
Net application (Fn)= 1.65 inches Border length (L)= 120 ft
Inflow time (Ti)= 8 hours, 0 minutes

| Flow per
Border
(cfs) | Unit
Flow
(cfs/ft) | Gross
Application
(in) | Deep
Percolation
(in) | Runoff
(in) | Application
Efficiency
(percent) | Notes |
|-----------------------------|--------------------------|---|-----------------------------|----------------|--|-------|
| 0.02 | | Gross depth is less than required gross application depth | | | | |
| 0.03 | | Gross depth is less than required gross application depth | | | | |
| 0.04 | | Gross depth is less than required gross application depth | | | | |
| 0.05 | | Gross depth is less than required gross application depth | | | | |
| 0.06 | 0.007 | 19.20 | 14.65 | 2.90 | 8.6 | |
| 0.07 | 0.008 | 22.40 | 14.65 | 6.10 | 7.4 | |
| 0.08 | 0.009 | 25.60 | 14.65 | 9.30 | 6.4 | |
| 0.09 | 0.010 | 28.80 | 14.65 | 12.50 | 5.7 | |
| 0.10 | 0.011 | 32.00 | 14.65 | 15.70 | 5.2 | |

* allow as claimed 0.04 cfs

MICROFILMED
JAN 25 1993

A36-00103C

CONVERSATION MEMORANDUM

4:15 pm

NAME OF PARTY
EMPLOYEE:

Cliff Jensen

STEVE CLELAND

DATE 2-7-91

FILE A36-10316

A36-00103C

A36-00065A

RE:

I called Mr. Jensen & discussed the locations of some of these smaller properties. Then I ask about methods of diversion of the water for A36-10316. In the past it has been by a pipe in the Bank. WR claim A36-00065A still uses this diversion method.

We discussed the unrecorded transfer of the decree 36-00103. I explained I needed some tracking evidence for A36-10316 + A36-00103C. We discussed what might work & who to contact. Mr. Jensen will provide more information at later date.

MICROFILMED

JAN 25 1993