

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: **A36-00108B**
Date Received: 6/20/1988
Receipt No: S000464
Received By: su

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JUDY L BONNING 208-837-4578
Address: PO BOX 360
HAGERMAN ID 83332-0360

AND/OR

Name: WALTER J BONNING II 208-837-4578
Address: PO BOX 360
HAGERMAN ID 83332-0360

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	Lot	County
07S	13E	11	SE	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	04/01	11/01	1.000		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK, 25 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	14	SW	NW		IRR	12.5
			SW	NW		STOCK	

Section Acres 12.5

Total Acres 12.5

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

CHANGE OF OWNERSHIP PROCESSED 1/24/97 SCC.
AMENDMENT AS GRANTED BY SRBA COURT 12/17/97 SCC.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s):

Walter J. Bonney

Date: 12/17/97

Date: _____

State of Idaho)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 17th day

of December 19 97

Steve Call

Notary Public

Seal

Residing at Twin Falls ID

My Commission Expires 12/2/2000

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: **A36-00108B**
Date Received: 6/20/1988
Receipt No: S000464
Received By: _____

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

1. Name: WALTER J BONNING II 208-837-4578
Address: PO BOX 360
HAGERMAN ID 83332-0360
AND/OR
Name: JUDY L BONNING 208-837-4578
Address: PO BOX 360
HAGERMAN ID 83332-0360

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	Lot	County
07S	13E	11	SE	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	04/01	11/01	1.000		

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

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	14	SW	NW		IRR	20.0

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 _____

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
					Total Acres	20.0

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:
CHANGE OF OWNERSHIP PROCESSED 1/24/97 SCC.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 31, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

PATRICK D BROWN
HEPWORTH LEZAMIZ & HOHNHORST
PO BOX 389
TWIN FALLS ID 83303-0389

RE: SRBA Claim(s) 36-00108B BLASTOCK/BONNING

Dear Mr. Brown:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

COPY

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

1997 JUN 31 PM 3:30
DISTRICT COURT - 5th J.D.
TWIN FALLS CO., IDAHO
FILED

In Re SRBA

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

SUB CASE NO. 36-00108B

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):

Alma E Blastock
Rt 1 Box 442
Hagerman ID 83332

Phone: 837-4758

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

Walter J Bonning II
Judy L Bonning
PO Box 360
Hagerman ID 83332

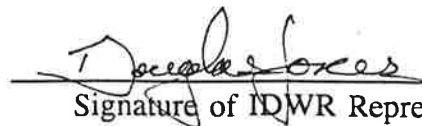
Phone: 837-4578

The Claimant has filed Objections or Responses to the following water rights: 36-00108B

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: 1/31/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 1-31, 1998, 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 83303-0389
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Patrick D Brown
Hepworth Lezamiz & Hohnhorst
PO Box 389
Twin Falls ID 83303-0389
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-28-1997

PAGE: A-1

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK

TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-001088

NAME & ADDRESS: JUDY L BONNING
WALTER J BONNING II
PO BOX 360
HAGERMAN ID 83332-0360

SOURCE: BILLINGSLEY CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.31 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
0.31 CFS

PLACE OF USE: IRRIGATION

Within GOODING County

T07S R13E S14
11.0 ACRES TOTAL

SWNW 11.0

CONSUMPTIVE USE: 38.5 AFY

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.

1997 JAN 31 PM 3:30

DISTRICT COURT-SEDA
TWIN FALLS CO, IDAHO
FILED



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

MAY 31 1996

Department of Water Resources
Southern Region

DATE OF CLOSING: 09/14/94

LEGAL DESCRIPTION OF PROPERTY: Township 7 South Range 13 East
Section 14, 1/4 of 1/4 of 1/4, Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet. SEE DEED ATTACHED.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☒ Water Right Number(s) Assigned by IDWR: 36-00108B
- ☒ Name and Address of Former Owner/Claimant(s)(Seller): Alma E. Blastock
Route No. 1, Box 442
Hagerman, ID 83332
- ☒ New Owner/Claimant (Purchaser): Walter J. Bonning, II & Judy L. Bonning
- ☒ New Mailing Address: P. O. Box 360
Hagerman, ID 83332-0360
- ☒ New Telephone Number: (208) 837 - 4578
- ☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☒ Attach proof of ownership, describe proof attached: WARRANTY DEED

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

- ☒ Signature of New Owner/Claimant(s): Walter J. Bonning II Date 5/30/96
Judy L. Bonning Date 5/30/96
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 1-27-97 By: SEC

Further Action Needed:

NCAP sent to Court

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

FILE
TO
ORIGINAL
FILE

ATTN: 221

WARRANTY DEED

For Value Received Alma E. Blastock, a widow, and Trustee for
the Flory Trust

the grantor , do hereby grant, bargain, sell and convey unto Walter J. Bonning II
and Judy L. Bonning

the grantee , whose current address is ... Box 360, Pagerman, Idaho 83332-0360

the following described premises, in ... County Idaho, to-wit:

Township 7 South Range 13 East of the Boise Meridian of Gooding
County, Idaho, Section 14, Containing ... of Outlot A-86,
Pagerman Outlots (194), including all use rights thereto.

Reserving a Lifetime Estate for the Grantor.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee ,
heirs and assigns forever. And the Grantor do hereby covenant to and
with the said Grantee , that he the owner in fee simple of said premises; that they are free from all
encumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated:

September 14, 1994

Alma E. Blastock

STATE OF IDAHO, COUNTY OF Gooding
On this 14th day of September, 1994,
before me, a notary public in and for said State, personally
appeared

Alma E. Blastock

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

John A. Myers

Notary Public

Residing at Wendell, Idaho
Comm. Expires June 30, 2000

STATE OF IDAHO, COUNTY OF Gooding
I hereby certify that this instrument was filed for record at the request
of Walter Bonning

at 40 minutes past 4 o'clock P.m.,
this 14 day of Sept
19 94, in my office, and duly recorded in Book
of Deeds at page

JOHN A. MYERS

Ex-Officio Recorder

By Helen K. Piatt

Deputy.

Fees \$ 3.00
Mail to:



First American Title Company of Idaho

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00108B
Date Received: 6/20/1988
Receipt No: S000464
Received By: SCC

COPY

FOR YOUR FILES
DO NOT RETURN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALMA BLASTOCK 208-837-4758
Address: RT 1 BOX 442
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	Lot	County
07S	13E	11	SE	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	04/01	11/01	1.000		

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

8. Total consumptive use is 180.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	14	SW	NW		IRR	20.0

Section Acres 20.0

Total Acres 20.0

A36-00108B

Page 1

Date: 06/20/88

MICROFILMED
OCT 12 1994

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:
NA

14. Remarks:
SPLIT WR# 36-0108 DECREED TO ED THOMPSON.

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

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Gina Blastoek Date: June 20, 1988

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 20th day

of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding, Id
My Commission Expires 10-16-92

10/11
15/14

A36-00108B

T743

MICROFILMED
OCT 12 1994

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

TOTAL RECORDS IN SELECTION FILE: 116

MICROFILMED
OCT 12 1994

RECEIVED
FEB 10 1993
Department of Water Resources

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

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

* * * * *

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

Case No. 39576

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

NOTICE OF APPEARANCE

19 Petitioner,)

20 vs.)

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

Respondents.)

* * * * *

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



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 1

MICROFILMED
OCT 12 1994

1 Users, Inc. and its individual members:

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



Hepworth,
Nungester,
& Lezamiz

MICROFILMED

OCT 12 1994

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



Hepworth,
Nungester,
& Lezamiz

MICROFILMED
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
	Wiens, M.J., Jr.	A36-07229
4	Wiens, M.J., Jr.	A36-07081
	Wiens, M.J., Jr.	A36-80317
5	Wiens, M.J., Jr.	A36-00098
	Wiens, M.J., Jr.	A36-00097
6	Wiens, M.J., Jr.	A36-02002
	Wiens, M.J., Jr.	A36-00101
7	Wiens, M.J., Jr.	A36-00141
	Wiens, M.J., Jr.	A36-10520
	Woolley, Max J. & Blanche	A36-00039M
8	Ya-Ta-Hay Investments, Inc.	A36-10283A
	Ya-Ta-Hay Investments, Inc.	A36-07875
9	Zink, Basil Lester & Myrle Hyde	A36-00103F

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

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

14
 15 By 
 16 PATRICK D. BROWN
 Attorneys for Respondents

17
 18 CERTIFICATE OF MAILING

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



Hepworth,
 Nungester,
 & Lezamiz

NOTICE OF APPEARANCE - 4

MICROFILMED

OCT 12 1994

1 February, 1993, to:

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

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

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

10 United States Department of Justice
Environment and Natural Resources Division
11 550 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

MICROFILMED

OCT 12 1994

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

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

MICROFILMED
 OCT 12 1994

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

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

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

MICROFILMED
 OCT 12 1994

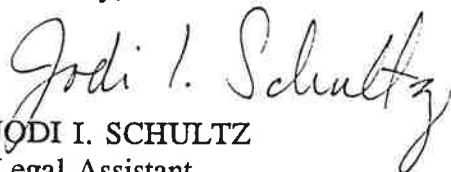
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

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

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

Sincerely,



JODI I. SCHULTZ

Legal Assistant

Idaho Department of Water Resources

cc: IDWR Southern Region

MICROFILMED

OCT 12 1994

RECEIVED

AUG 31 1998

Department of Water Resources
Southern Region

RECEIVED

AUG 26 1998

Department of Water Resources

36-00108B-S-INT H
DJ

1998 AUG 24 PM 01:43
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

) NOTICE SETTING SUBCASE
) FOR SCHEDULING CONFERENCE
)
) SUBCASE NOS: SEE ATTACHED EXHIBIT A

The Scheduling Conference for this subcase will be
held as follows:

MONDAY, SEPTEMBER 21, 1998 at 10:00 AM
SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties and their attorneys, if any, shall attend the
Scheduling Conference and shall be prepared to discuss the
following matters:

1. Claimant representation and alignment of the parties;
2. Identification of the issues;
3. Admissions of facts and documents;
4. Amendment of pleadings, if required;
5. Discovery and discovery cut-off dates;
6. Expert witnesses, if planned;
7. Pre-trial conference dates;
8. Motions;
9. Settlement/alternative dispute resolution; and
10. Firm trial date.

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

(continued)

The date for the scheduling conference will not be changed unless a Stipulation to Reset is received by the court fourteen (14) days before the date of the scheduling conference. Parties who wish to change the date of the scheduling conference must do the following:

1. Contact the clerk of the SRBA Court and obtain alternative dates and times (208-736-3011).
2. Contact each party to the subcase(s) or their attorney, if any, and reach an agreement on the alternative date(s) and time(s) provided by the clerk.
3. Prepare a Stipulation to Reset the hearing. The hearing must be reset on one of the dates and times provided by the clerk. The stipulation must specify the date(s) and time(s) agreed to and must contain a statement that you have contacted each party or their attorney and that all have agreed on the alternative date(s) and time(s). The court will send a notice resetting the hearing.
4. If the parties cannot agree on one of the alternative dates and times provided by the clerk, the party wishing to change the date and time must file an Expedited Motion to Reset with the court at least 21 days prior to the scheduled hearing.

Dated: AUGUST 24, 1998

/S/ DEBBIE LASH
Deputy Clerk
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING SUBCASE FOR SCHEDULING CONFERENCE was mailed on AUGUST 24, 1998, with sufficient first-class postage to the following:

IDAHO DEPT OF FISH & GAME

Represented by:
AMPE, PETER J
DEPUTY ATTORNEY GENERAL
PO BOX 44449
BOISE, ID 83711-4449
Phone: 208-334-2400

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

NORTH SNAKE GROUND WATER DIST

Represented by:
DANA L. HOFSTETTER
BEEMAN & HOFSTETTER
608 WEST FRANKLIN STREET
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

CRANNEY BROS

CRANNEY BROS.

DOUG GRANT

KEVIN MICHAELSON

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701
Phone: 208-342-6571

NORTH SNAKE GROUND WATER DIST

Represented by:
JOSEPHINE P. BEEMAN
BEEMAN & HOFSTETTER
608 WEST FRANKLIN STREET
PO BOX 1427
BOISE, ID 83701-1427
Phone: 208-388-8900

BANBURY PIPE CO., INC.

BIG SPRINGS WATER USERS ASSN
BIG SPRINGS WATER USERS ASSOC.

BOB PORTER

BOB PORTER, FRED SURBAUGH,

C-CAN CORPORATION

C-CAN PARTNERS

JOHN W. & DELORIS D. JONES

JOHN W. JR. JONES

JOINT HAGERMAN SCHOOL DIST 233

JOINT HAGERMAN SCHOOL DIST.

PAUL E. WATKINS

PAUL WATKINS

WILLIAM E. NORRIS

WILLIAM STRANGE

Represented by:

PATRICK D. BROWN

812 SHOSHONE ST. EAST

TWIN FALLS, ID 83303

Phone: 208-735-8812

A & B IRRIGATION DISTRICT

Represented by:

ROGER D LING

PO BOX 396

RUPERT, ID 83350

Phone: 208-436-4717

DALE E. BOYER

BOYER, ELAINE M.

PO BOX 232

HAGERMAN, ID 83332

Phone: 208-352-1152

JOHN W. JR. JONES

JONES, DELORIS

PO BOX 265

HAGERMAN, ID 83332

WALTER II & JUDY BONNING

PO BOX 360

HAGERMAN, ID 83332

Phone: 208-837-4578

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

(Notice Setting Scheduling Conference)

(Certificate of mailing continued)

ALMA BLASTOCK
ROUTE 1, BOX 442
HAGERMAN, ID 83332

Exhibit A

Subcase Nos:

36-00006
36-00007
36-00008
36-00022
36-00023
36-00047
36-00068
36-00069
36-00070
36-00079
36-00099
36-00100
36-00106
36-00108B
36-02038
36-08099
36-15463

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00108B

NAME AND ADDRESS: JUDY L BONNING
WALTER J BONNING II
PO BOX 360
HAGERMAN ID 83332-0360

ALMA BLANKSTOCK
RT 1 BOX 442
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.55 CFS
0.55 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.

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

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>	0.55 CFS
		03/13 11/13	0.55 CFS
	<u>STOCKWATER</u>	01-01 12-31	0.02 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S14 SWNW 11
11 ACRES TOTAL

STOCKWATER Within GOODING County
T07S R13E S14 SWNW

CONSUMPTIVE USE: 3310 AFY

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR

C.2.7.
90
WJB

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: DEC-17-1997
PAGE: A-2

36-00108B (CONT.)

STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
A DIVERSION RATE OF 0.30 CFS AT THE FIELD HEADGATE IS
RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.
0.07 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.

C.2.H.

See
WFB

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

In Re SRBA

Subcase(s) 36-00108B

Case 39576

STANDARD FORM RECEIVED

JAN 02 1998

Department of Water Resources

Southern Region

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

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

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

Date: 12/17/97

Charles L. Horsinger Stu Cell

IDWR Concurrence

Walter J. Bonner
Claimant

Walter J. Bonner
Objector

Claimant/Attorney

Objector/Attorney

Claimant/Attorney

Objector/Attorney

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00108B

NAME AND ADDRESS: JUDY L BONNING
WALTER J BONNING II
PO BOX 360
HAGERMAN ID 83332-0360

AKMA BLASTORK
RT 1 BOX 442
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.55 CFS
0.131 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.

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

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>	0.55 CFS
	03/13 11/13	0.131 CFS
<u>STOCKWATER</u>	<u>01-01 12-31</u>	0.02 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S14 SWNW 11
11 ACRES TOTAL

STOCKWATER Within GOODING County
T07S R13E S14 SWNW

CONSUMPTIVE USE: 3310 AFS

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR

C.27.
90
14/13

36-00108B (CONT.)

STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH/
A DIVERSION RATE OF 0.50 CFS AT THE FIELD HEADGATE IS
RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE/
0.01 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT/

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.

C.2.7.
See
WB

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

In Re SRBA

Subcase(s) 36-00108B

Case 39576

STANDARD FORM 5

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

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

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

Date: 12/17/97

Charles Z. Honsinger Stu Cell

IDWR Concurrence

Walter J. Bonner
Claimant

Walter J. Bonner
Objector

Claimant/Attorney

Objector/Attorney

Claimant/Attorney

Objector/Attorney

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 36-00108B

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 Frank Hitchcock

December 16, 1997 3:52pm

NAME:
MRS JUDY BONNING

RE:
36-00108B

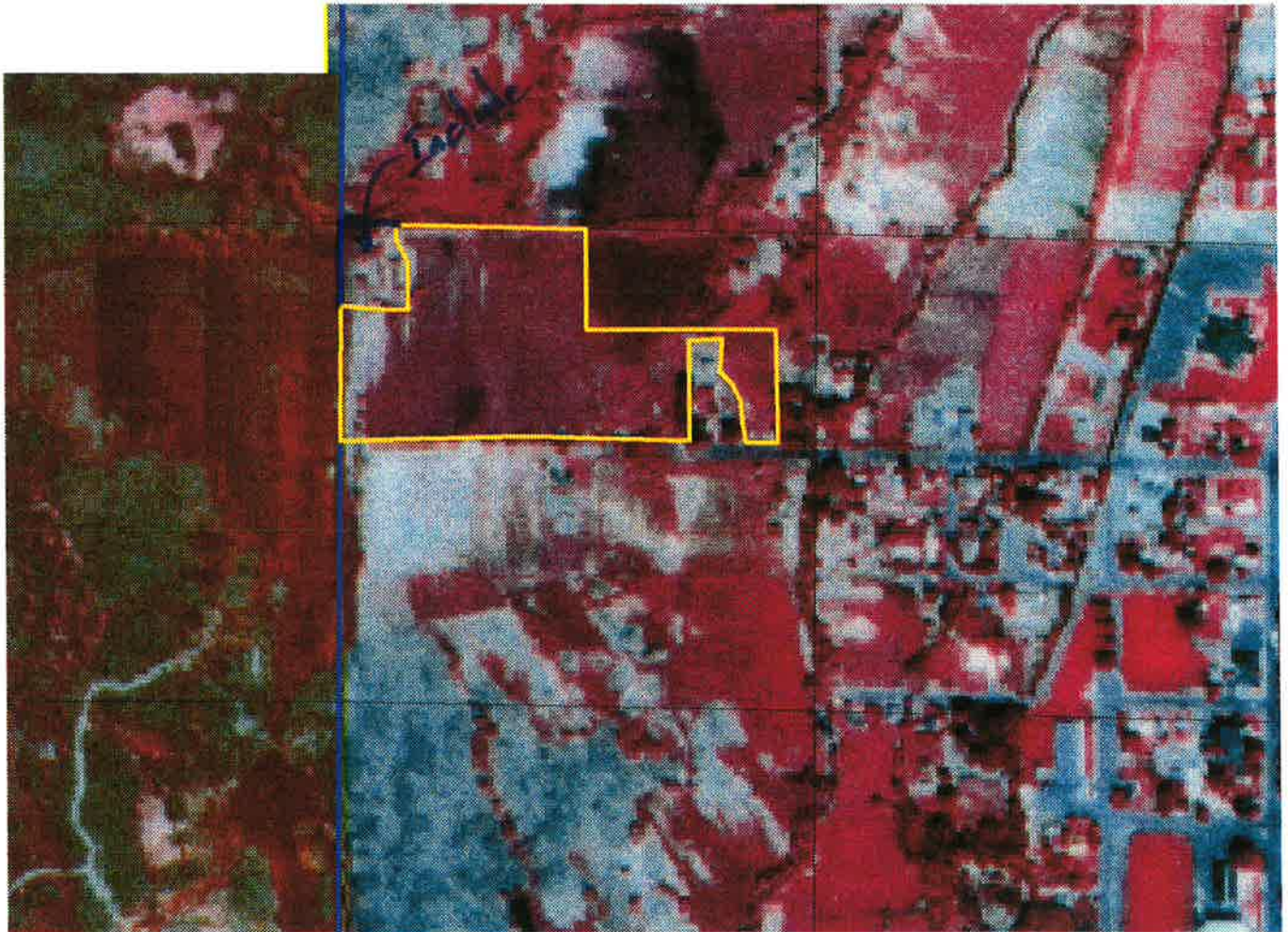
TF AT 3:20-TCW-WANTED TO KNOW THE DIVERSION RATE OF THEIR USAGE AS THEY HAVE AN COURT DATE 12-17-1997.

I LOOKED UP THE NUMBER AND CALLED HER BACK TO READ FROM THE PROFILE REPORT. I RECITED THE DIVERSION AMOUNT AND THE NUMBER OF ACRES TO HER.

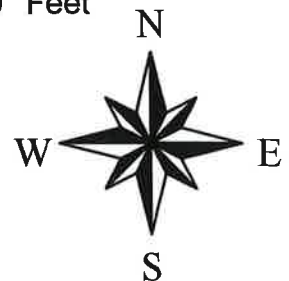
SHE ASKED ME TO FAX THE PROFILE TO HER AT 208-352-4328 WHICH I DID AT 3:35 PM. COY OF THE PROFILE AND FAX COVER SHEET TO DRJ WHO IS THOUGHT TO HAVE THE CLAIM FILE. PAPERWORK TO HIS MAIL SLOT ON THE FRONT DESK DUE TO HIS OFFICE BEING CLOSED.

IDAHO DEPARTMENT OF WATER RESOURCES

36-00108B



TNS 7S, RNG 13E,
SEC 14, SWNW



⊙ Recommended Point of Diversion

 Recommended Place of use

 Section lines

 Quarter/Quarter Lines

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

CLAIM NUMBERS A36-00108 BDATE 10/1/97AGENT SW

TRANSFER NUMBER _____

OBJECTION FILED yesTOTAL ACRES FROM RECOMMENDATION 11GEOGRAPHIC INFO SYSTEM 11

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	<u>7s</u>	<u>13E</u>	<u>14</u>							<u>11</u>									<u>11</u>
GIS										<u>11</u>									<u>11</u>
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF _____

B36-DBPOD.DBF _____

POLYGON CREATED ON 604 (506) 10/1/97 SWATTRIBUTES OF B36-POU.SHP (506) 10/1/97 SWATTRIBUTES OF B36-POD.SHP (454) BuckeyeP/U CONFLICT yes () no (X)P/D CONFLICT yes () no (X)READY FOR DECREE yes (X) no ()

SENT FOR DECREE yes () no ()

HAGERMAN

Surface Irrigation Diversion Rate Analysis Sheet

WR#'s 36-000108B

SOIL	SOIL AC.	% ROW	ROW AC.	FIR ROW	CFS ROW	% FOR.	FOR. AC.	FIR FOR.	CFS FOR.
EAB	7.89			0.046		100	7.89	0.030	0.237
394	2.62			0.054		100	2.62	0.045	0.118
KOB	0.78			0.037		100	0.78	0.027	0.021
TOTALS	11.29						11.29		0.376

REC.
FIR

0.42 *

CFS

=

SUM

0.376

CFS

X

12.5

REC. AC.

11.29

GIS AC.

DATE 10/20/97

INIT. JP

*ADD CONVEYANCE LOSS (IF APPLICABLE) FOR
TOTAL IRRIGATION DIVERSION REQUIREMENT

DIVERSION CAPACITY OR LIC./DEC. AMOUNT MAY LIMIT

<i>Pou_id</i>	<i>Claim</i>	<i>Acres_d</i>	<i>Soil_type</i>	<i>Mad_row</i>	<i>Mad_for</i>	<i>Fit_rot</i>	<i>Fit_for</i>
506	R3600108B	7.89	FAB	0.91	1.71	0.046	0.030
506	R3600108B	2.62	394	0.75	0.94	0.054	0.045
506	R3600108B	0.78	KOB	1.23	1.99	0.037	0.027

30-00108B

TOTAL 11.29 AC

SUBCASE NO. 36-00108B

	CLAIM (6/20/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Alma Blastock*	N/A	Alma Blastock	Alma Blastock
BASIS OF CLAIM	Decree		Decree	
SOURCE	Billingsley Creek		Billingsley Creek	
QUANTITY	1.0 cfs		.51 cfs	XX - requests amount decreed and/or beneficially used
PRIORITY DATE	9/10/1884		9/10/1884	
PURPOSE OF USE	Irrigation		Irrigation	XX - requests irrigation and stockwater MSJ requests irrigation, stockwater, wildlife, recreation, aesthetics and "diversion system maintenance"
PERIOD OF USE	4/1 - 11/1		3/15 - 11/15	XX - requests year round MSJ requests Irrigation Season for irrigation and year round for other uses
POINT OF DIVERSION	T07S R13E S11		T07S R13E S11	
PLACE OF USE	T07S R13E S14 20.0 acres		T07S R13E S14 11.0 acres	MSJ requests 14 acres
remarks	"Split water right #36-00108 decreed to Ed Thompson."		"Water is delivered through the Buckeye Ditch. A diversion rate of 0.50 cfs at the field headgate is recommended for the place of use described above. 0.01 cfs of this right is limited to use for conveyance losses in delivery of this right."	XX - requests that all remarks after Buckeye Ditch sentence be deleted. MSJ requests that all remarks be deleted.

* NCAP filed 1/31/97 - Blastock to Walter & Judy Bonning

Objection states that this right was decreed in the *Buckeye Ranch Company v. Thompson* decree dated 12/1/1919 and *New International Mortgage Bank v. Idaho Power Co.*

This water right was re-formatted on 1/28/1997. The quantity was changed to 0.31 cfs; 11.0 acres; and remarks deleted after Buckeye Ditch.

12/17/97 See

agreed to SF5 : 0.55 cfs, 11 Acres, 0.02 Stock use

TABLE MP

**IDAHO DEPARTMENT OF WATER RESOURCES
SURFACE IRRIGATION ANALYSIS WORKSHEET**

WATER RIGHT NOS.

36-0010813

The following information is submitted to the Idaho Department of Water Resources to allow it to form an opinion regarding the amount of water needed to irrigate my fields using a surface water irrigation system.

My fields were historically irrigated using a surface water system: ☒ Yes ☐ No

My typical cropping pattern, based upon the percentage of my total acreage, is as follows:

FORAGE/GRAIN/OTHER (hay, pasture, grain, mint)

100 %

ROW CROPS (beans, potatoes, sugar beets, corn)

 %

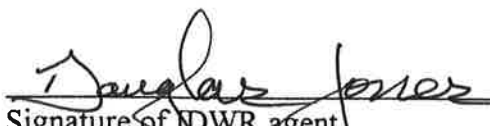
My total acreage is 12.5 acres.


Signature of Claimant

10/20/97
Date

Signature of Claimant

Date


Signature of IDWR agent

10/20/97
Date

SUBCASE NO. 36-00108B

	CLAIM (6/20/88)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	Alma Blastock*	N/A	Alma Blastock	Alma Blastock
BASIS OF CLAIM	Decree		Decree	
SOURCE	Billingsley Creek		Billingsley Creek	
QUANTITY	1.0 cfs		.51 cfs	XX - requests amount decreed and/or beneficially used
PRIORITY DATE	9/10/1884		9/10/1884	
PURPOSE OF USE	Irrigation	<i>stockwater</i>	Irrigation	XX - requests irrigation and stockwater MSJ requests irrigation, stockwater, wildlife, recreation, aesthetics and "diversion system maintenance"
PERIOD OF USE	4/1 - 11/1		3/15 - 11/15	XX - requests year round MSJ requests Irrigation Season for irrigation and year round for other uses
POINT OF DIVERSION	T07S R13E S11		T07S R13E S11	
PLACE OF USE	T07S R13E S14 20.0 acres		T07S R13E S14 11.0 acres	MSJ requests 14 acres
remarks	"Split water right #36-00108 decreed to Ed Thompson."		"Water is delivered through the Buckeye Ditch. A diversion rate of 0.50 cfs at the field headgate is recommended for the place of use described above. 0.01 cfs of this right is limited to use for conveyance losses in delivery of this right."	XX - requests that all remarks after Buckeye Ditch sentence be deleted. MSJ requests that all remarks be deleted.

* NCAP filed 1/31/97 - Blastock to Walter & Judy Bonning

Objection states that this right was decreed in the *Buckeye Ranch Company v. Thompson* decree dated 12/1/1919 and *New International Mortgage Bank v. Idaho Power Co.*

This water right was re-formatted on 1/28/1997. The quantity was changed to 0.31 cfs; 11.0 acres; and remarks deleted after Buckeye Ditch.

WR	AJ NAME	AJ CFS	AJ ACRES	R CFS	R ACRES	BLANK CFS	BLANK ACRES	SPLIT
36-00108 Y	<SPLIT>	—	—	—	—	(WR) 5.4	(WR) EST. 108	A-J
A	<SPLIT>	<0.30>	<5.0>	<SPLIT> ~~0.30~~	<SPLIT> ~~5.0~~	<0.30>	<5.0>	P/G
B	BLASTOCK	1.00	20.0	(BONNING) 0.51	(BONNING) 11.0	0.51	11.0	
C	MYERS	0.30	5.0	—	—	0.07	2.0	
D	BLANDFORD	0.14	2.0	—	—	0.14	2.0	
E	<SPLIT>	<4.5>	<89.0>	<SPLIT>	<SPLIT>	<3.28>	<59.0>	KL
F	ZINK	—	—	RENUMBERED				
G Y	TUSSEY	0.02	1.0	—	—	0.02	1.0	
H	JONES	0.12	3.0	—	—	0.12	3.0	
I	NOT USED	—	—	—	—	—	—	—
J	EASTERDAY (A36-04115)	0.50	10.0	—	—	0.50	8.0	
K	<SPLIT>	<3.04>	<84.0>	<3.11 SPLIT>	<56.0 SPLIT>	—	—	MN
L	GRIDLEY	1.46	5.0	0.17	3.0	—	—	
M	<SPLIT>	<2.98>	<81.2>	<2.98 SPLIT>	<53.2 SPLIT>	—	—	S-W
N	BROOKS	0.09	2.8	0.16	2.8	—	—	
O	NOT USED	—	—	—	—	—	—	—
P	VEENENDAAL	0.10	1.7	0.10	1.7	—	—	
Q	PETTER	0.20	3.3	0.20	3.3	—	—	
R	SUTTERLIN	0.02	1.0	0.02	1.0	—	—	
S	BOTHWELL	2.76	69.7	2.37	42.4	—	—	
T	BROOKS	0.02	1.60	0.09	1.6	—	—	
U	BEANE	0.12	6.0	0.35	6.2	—	—	
V	BEANE	0.06	2.9	0.11	2.0	—	—	
W	METZGER	0.02	1.0	0.06	1.0	—	—	
		6.93 cfs	136.0 AC.	4.12 cfs	73.0 AC.	0.85 cfs	16.0 AC.	=

SPLIT REVIEW: 36-00108

By: STEVE CLELL AND

1/14/97

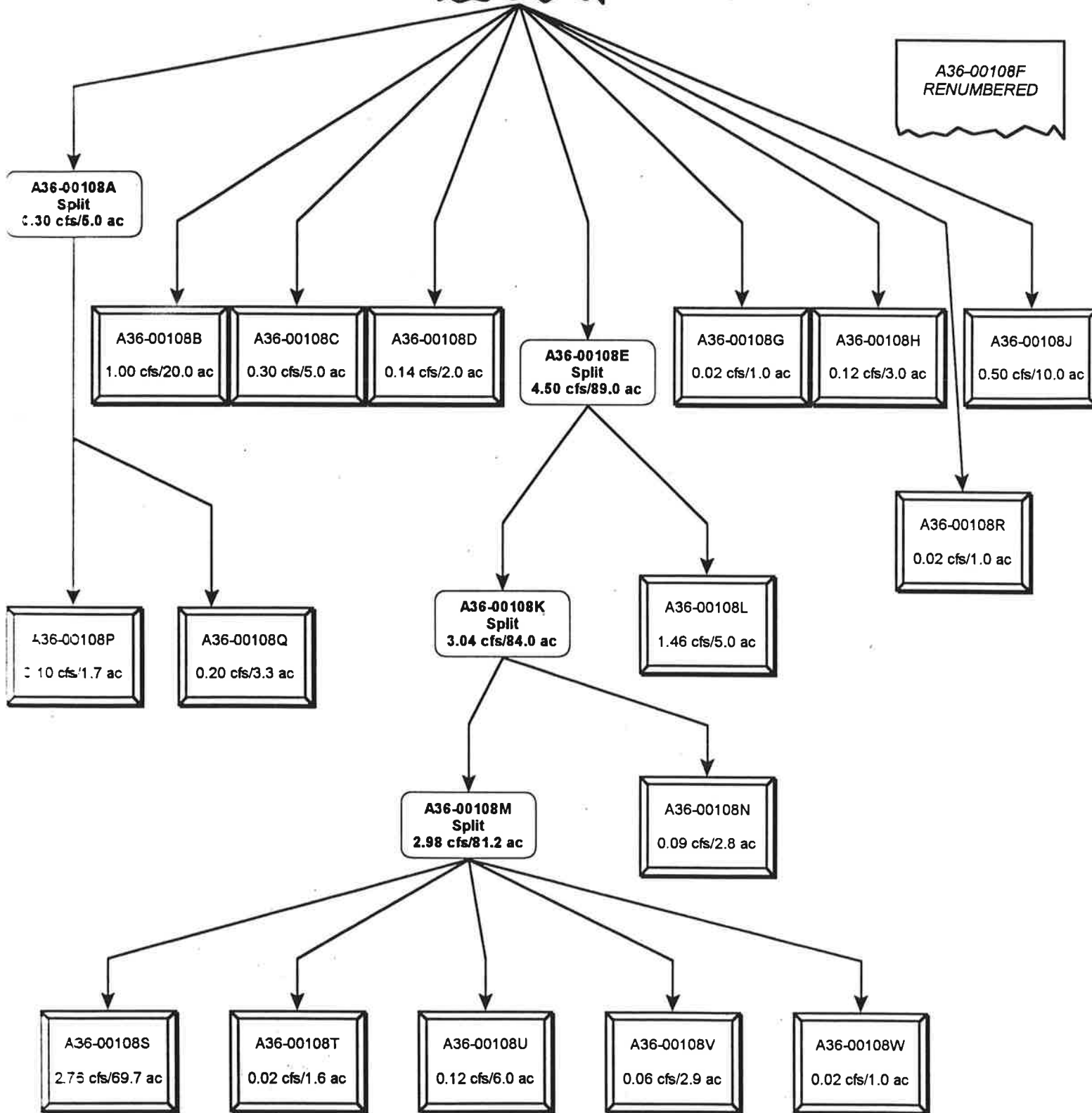
TOTAL AC. = 89.0

TOTAL CFS = 4.97 cfs

Analysis is based on
SRBA Claim Amounts
By: SCC 1/16/96

**SPLIT TREE FOR
A36-00108
5.4 CFS/108 AC**

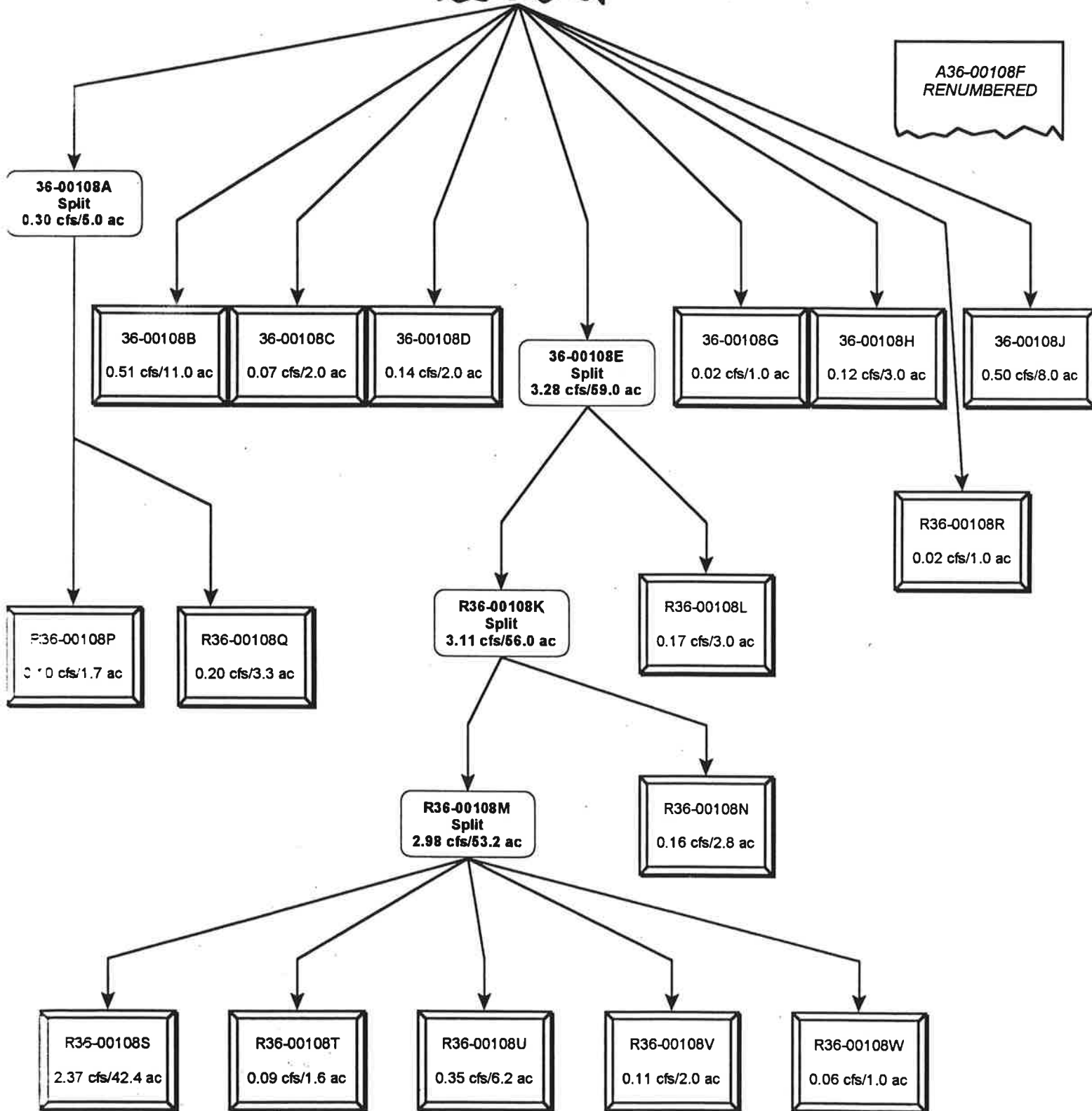
**A36-00108F
RENUMBERED**



Analysis is based on
Recommended Amounts
By: SCC 1/17/96

**SPLIT TREE FOR
36-00108
5.4 CFS/108 AC**

**A36-00108F
RENUMBERED**



Water Right Number - R36-001088

Prefix Translation: RESEARCH

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

Phone - 208-734-7510

State- ID Zip- 833030389

*** C - CURRENT OWNER ***

BONNING

JUDY L

1 - PO BOX 360

2 -

3 -

City- HAGERMAN

Phone - 208-837-4578

State- ID Zip- 833320360

BONNING II

WALTER J

1 - PO BOX 360

2 -

3 -

City- HAGERMAN

Phone - 208-837-4578

State- ID Zip- 833320360

*** O - ORIGINAL OWNER ***

BLASTOCK

ALMA

1 - RT 1 BOX 442

2 -

3 -

City- HAGERMAN

Phone - 208-837-4758

State- ID Zip- 83332

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

+ - - Status - - - +

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

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

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	0.310	

Total Div. Rate - +	Total Div. Volume - +	Total Consumptive Use - +	KW Usage - +
0.310		38.5	

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	13E	14	SW NW		11.0	01 IRRIGATION		(47) GOODING
Total Acres:						11.0		

Water right number - R36-001088

Prefix translation: RESEARCH

+ - - Diversion Means - VIA BUCKEYE DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

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

EXP WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.

+ - - - - - Old Water Right Numbers - - - - - +
3600108+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

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

Date: 09/23/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A.

CLAIM VERIFIED 8/6/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/18/1992 User Id: CHRISTEN Subject: RESPONSE TO NOE
ACRE RECOMMENDATION BASED UPON ASCS FIGURES. RECOMMENDED RATE
THIS TIME. KKC 10-18-92.

AND VOLS BASED UPON HUBBLE ANALYSIS. NO CHANGES RECOMMENDED AT

Date: 02/19/1993 User Id: SCHULTZ Subject: ADDED NEW ATTORNEY
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGSTER LEZAMIZ
CLAIM VERIFIED 10/18/92--DID NOT REVERIFY CLAIM.

2/10/93.

Date: 06/30/1996 User Id: DTUTHILL Subject: COPIED FROM REMARKS
A DIVERSION RATE OF 0.50 CFS AT THE FIELD HEADGATE IS
0.01 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCERECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.
LOSSES IN DELIVERY OF THIS RIGHT.Date: 01/24/1997 User Id: SCLELLAN Subject: CHANGE OF OWNERSHIP
COMPLETED THE PROCESSING OF THE CHANGES REQUESTED BY BONNING BY

FORM 42-1409(7).

+ - - Audit Fields - - +
01/24/97 SCLELLAN

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

Court Report Filing - 00/00/0000
Objection Filed Date - 00/00/0000
Response Filed Date - 00/00/0000
Claim Received Date - 06/20/1988Field Inspection Made - 00/00/0000
Field Inspection Flag -
Verified Date - 00/00/0000
Last Amended Date - 00/00/0000
Receipt Number - S000464
POU Ownership Flag - Y
Name Connector - AND/ORCivil Case Number - 39576
Old Case Number -
Old Judicial District -
Temporary Right - P
Water District - 36A
Federal/State Indicator - S
Presumption Flag -
Notice of Error Flag - B

MEMORANDUM

TO: Claim Files, see below
FROM: Douglas Jones, Water Rights Supervisor, Adjudication Bureau
DATE: July 12, 1996
RE: "706" reports submitted to court

In response to an order from the court, resulting from the Motions for Summary Judgement filed on the subcases, IDWR has prepared the following documents:

- 1) DIRECTOR'S SUPPLEMENTAL REPORT
- 2) REPORT REGARDING QUANTIFICATION OF SMALL DOMESTIC AND STOCKWATER USES
- 3) REPORT REGARDING CONSUMPTIVE USE IN THE HAGERMAN AREA
- 4) REPORT REGARDING EVALUATION OF IRRIGATION DIVERSION RATES
- 5) HAZEN, W; GIBSON, G; NEIBLING, H; CROP WATER REQUIREMENTS IN THE HAGERMAN VALLEY; IN A REPORT TO HAGERMAN WATER RIGHT OWNERS ASSOCIATION
- 6) GUIDELINES FOR THE EVALUATION OF IRRIGATION DIVERSION RATES ("HUBBLE REPORT") IN A REPORT TO IDWR
- 7) EVALUATION WORKBOOK FOR IRRIGATION DIVERSION RATES
- 8) AFFIDAVITS FROM:
 - a. David B. Shaw
 - b. Steve Clelland: As to investigation of claims in the Hagerman area
 - c. Helen Harrington-Thornton: Regarding investigation of claims in the Hagerman area
 - d. Marci Sterling
 - e. Jeff Peppersack
 - f. David R. Tuthill, Jr
 - g. Carter Fritschle: Regarding planimeter measurements of claims 36-00064B and 36-00079
- 9) REPORTS REGARDING ... (each specific claim, 24 in all)

Submittals 1-8 can be referenced in the file cabinet section titled "SPECIAL REPORTS" which follows the irrigation claims within Basin 36. The reports regarding specific rights can found in the file jacket for that right.

CLAIMS

36-00003A	36-00003C	36-00003E	36-00003F	36-100034B
36-00035J	36-00039C	36-00039E	36-00039J	36-00039N
36-00047	36-00061	36-00062	36-00063	36-00064B
36-00079	36-00085A	36-00086C	36-00092	36-00103F
36-00106	36-00108B	36-10283B	36-10409	

MICROFILMED

DEC 03 1996

JUL -1 PM 3:16
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00108B

In Re SRBA
Twin Falls County Civil Case No. 39576
Sub-Case No. 36-00108B

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David B. Shaw, Adjudication Bureau Chief
David R. Tuthill Jr., Acting Adjudication Bureau Chief

July 1, 1996

COPY

MICROFILMED
DEC 03 1996

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00108B

The Director of the Idaho Department of Water Resources (IDWR) submits this report regarding claim to water right no. 36-00108B in response to the request of Special Master Haemmerle, pursuant to Idaho Code §42-1412(4) and the court's Order Re: Contested Claims for Amounts Claimed in Excess of .02 CFS. This report was prepared under the supervision of Karl J. Dreher, Director, David B. Shaw, Adjudication Bureau Chief, and David R. Tuthill Jr., Acting Adjudication Bureau Chief for IDWR. The following persons assisted in the preparation of the following portions of this report:

David B. Shaw, Adjudication Bureau Chief, reviewed and verified this Report Regarding Claim to Water Right No. 36-00108B. The Affidavit of David B. Shaw describes Mr. Shaw's education and work experience, and is incorporated by reference herein. Mr. Shaw also reviewed IDWR's Report Regarding Evaluation of Irrigation Diversion Rates, described below.

Jeff Peppersack, Adjudication Engineer, prepared and verified IDWR's Report Regarding Evaluation of Irrigation Diversion Rates, which is incorporated by reference herein. The Affidavit of Jeff Peppersack describes Mr. Peppersack's education and work experience, and is incorporated by reference herein. Mr. Peppersack also reviewed IDWR's Report Regarding Consumptive Use for Irrigation in the Hagerman Area, described below.

David R. Tuthill Jr., Acting Adjudication Bureau Chief, prepared IDWR's Report Regarding Consumptive Use for Irrigation in the Hagerman Area, which is incorporated by reference herein. Mr. Tuthill also reviewed this Report Regarding Claim To Water Right No. 36-00108B. The Affidavit of David R. Tuthill Jr. describes Mr. Tuthill's education and work experience, and is incorporated by reference herein.

Marci S. Sterling, Adjudication Engineer, prepared and verified Appendix B, which describes the application of IDWR's methodology for evaluation of irrigation diversion rates to claim no. A36-00108B. Appendix B is attached hereto and incorporated by reference herein. The Affidavit of Marci S. Sterling describes Ms. Sterling's education and work experience, and is incorporated by reference herein.

Steven C. Clelland, Senior Water Resource Agent, investigated and prepared the preliminary recommendation for claim no. 36-00108B, and prepared Appendix C, which is attached hereto and incorporated herein by reference. The Affidavit of Steven C. Clelland describes Mr. Clelland's education and work experience, and is incorporated by reference herein. The affidavit also includes a general description of his investigation of claims in the Hagerman area. The Affidavit of Steven C. Clelland

Regarding Claim No. 36-00108B describes Mr. Clelland's investigation of the quantity and place of use of this water right; it is attached hereto and incorporated by reference herein.

Helen L. Harrington-Thornton, formerly Senior Water Resource Agent and currently Hydrogeologist, participated in the field examination for claim no. 36-00108B. The Affidavit of Helen L. Harrington-Thornton describes Ms. Thornton's education and work experience, and is incorporated by reference herein. The Affidavit of Helen L. Harrington-Thornton Regarding Claim No. 36-00108B describes her investigation of the quantity and place of use of this water right, and is attached hereto and incorporated by reference herein.

I. INVESTIGATION AND RECOMMENDATION OF CLAIMS GENERALLY

IDWR's general methodology for the investigation and recommendation of claims is described in Appendix A, which is incorporated herein by reference.

II. WATER RIGHT NO. 36-00108B

A. Basis of Claim

Claim no. 36-00108B was filed with IDWR by Alma Blackstock June 20, 1988.¹ The claim is to a portion of a right decreed to T.E. and Mabel Thompson in the *New International Mortgage* decree, entered in 1932.² The water right decreed to the Thompsons is numbered in IDWR's files as water right no. 36-00108. This right was decreed, along with numerous others, for "irrigation, domestic, power and other purposes thereon." Portions of right no. 36-00108 were claimed by and recommended to various claimants and are further described below.

B. Name and Address of Claimant

The name and address of the claimant set forth in the claimant's motion for summary judgment is different than recommended in the director's report. No notice of change in ownership has been filed with IDWR, and to IDWR's knowledge no Standard Form 3 has been filed with IDWR. The deed attached to the claimant's

¹ The original notice of claim is currently located in the files of the SRBA District Court, attached to IDWR's response to the claimant's objection.

² *New International Mortgage Bank v. Idaho Power Co., et al.*, Equity No. 1602 (D.S.Id. 1932), at pp. 3-4.

motion for summary judgment indicates that ownership of the claim has been transferred to Walter J. Bonning II and Judy L. Bonning, as stated in the motion for summary judgment.

C. Source of Water

The source of water set forth in the claimant's motion for summary judgment is Billingsley Creek. The source of water is described in the director's report as Billingsley Creek tributary to Snake River.

The director's report includes the body of water to which the source of the right is tributary for each water right in the director's report, except for rights to ground water. IDWR adopted this standard for the description of the source of water rights because there are so many instances, sometimes in the same administrative basin, where different surface water sources bear the same name.³

D. Date of Priority

The priority date set forth in the claimant's motion for summary judgment is the same as recommended in the director's report.

E. Point of Diversion

The point of diversion set forth in the claimant's motion for summary judgment is the same as recommended in the director's report.

F. Purpose of Use

The purposes of use stated on the notice of claim and recommended in the director's report is irrigation. The objection seeks to add stockwater. The claimant's motion for summary judgment now seeks to add wildlife, recreation, aesthetics, and "diversion system maintenance" in addition to stockwater.⁴

³ IDWR relied upon the following in reaching its conclusion: Idaho Code §42-1411(2) (which provides that the director shall determine the source of the right to the extent the director deems appropriate and proper to define and administer water rights acquired under state law).

⁴ The filing fees for claims other than small domestic and stockwater claims consists of a \$50.00 flat fee, plus a variable fee of \$1.00 per acre for any claimed irrigation use, plus a per cfs variable fee for other claimed purposes of use. The filing fee paid for this claim was limited to the purposes of use claimed in the notice of claim. Filing fees are set forth in Idaho Code §42-1414 and IDWR's Adjudication Rules, IDAPA 37.03.01 *et seq.*

The description of the purposes of use of this right in the decree is ambiguous in that it describes the purposes of use for the Thompson right and others in the same list collectively as "irrigation, domestic, power and other purposes," rather than specifically identifying each purpose of use for each right.⁵ IDWR's investigation confirmed the use of water for irrigation, as further described below in the sections addressing quantity and place of use. Neither the claimant nor IDWR's investigation has yielded information that would confirm the beneficial use of water for the other purposes not listed in the claim, either pursuant to the right as originally appropriated or as currently used.⁶ Such information is necessary not only to confirm the use but to quantify the amount of water beneficially used for that purpose.

G. Quantity of Water Used

The notice of claim states a quantity of 1.0 cfs for irrigation. The quantity recommended in the director's report is 0.51 cfs for irrigation. The objection does not state the quantity claimed. The claimant's motion for summary judgment states a quantity of 1.0 cfs.

1. Splits of Water Right No. 36-00108

As noted above, various portions of right no. 36-00108 were claimed by and recommended to various claimants. The splits are listed below. The first column shows the quantity claimed; the second column shows the quantity recommended in the director's report. 36-00108B is the only portion that is contested.

⁵ IDWR relied upon the following in reaching its conclusion: *Morgan v. Udy*, 58 Idaho 670, 79 P.2d 295 (1938) (a water right decree that omitted the description of the point of diversion necessarily determined the point of diversion but was ambiguous as to its location).

⁶ IDWR relies upon the following in reaching this conclusion: Idaho Code §42-1427 (which allows an ambiguity in a prior decree or license to be resolved based on current beneficial use); the statement of the Presiding Judge that this section "cannot change or exceed the previously decreed or recorded element of the decreed or licensed right" nor "be used to claim an expansion of use beyond the beneficial use existing at the time the right was originally memorialized in a decree or license," Revised Memorandum Decision and Order on Basin-Wide Issue 4, dated May 17, 1995, at page 9; and the statement of the Presiding Judge that, "the purpose of use is defined by the intentional application of water to an intended beneficial use of water," Memorandum Decision and Order Re: Basin-Wide Issue 5, dated April 26, 1996, at page 8.

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00108B

<u>Right no.</u>	<u>Claim</u>	<u>Report</u>
36-00108A	0.30	0.30
36-00108B*	1.0	0.51
36-00108C	0.30	0.07
36-00108D	0.14	0.14
36-00108E	4.50	3.28
36-00108G	0.02	0.02
36-00108H	0.12	0.12
36-00108J	0.50	0.50
Total	6.88	4.94

The quantity decreed for right no. 36-00108 in the *New International Mortgage* decree is 5.4 cfs. The total quantity of water claimed in all claims based on the decree is 6.88 cfs, which exceeds the decreed amount of the water right by 1.44 cfs. IDWR recommended a total of 4.94 cfs. If claim number 34-00108B were decreed at 1 cfs, the total pursuant to all claims to portions of right no. 36-00108 would be 5.43 cfs, which would exceed the decreed amount of right no. 36-00108 by 0.03 cfs.

The decreed place of use of this right contains 107.56 acres. Using the decreed rate of diversion and the decreed place of use, the per acre rate of diversion is approximately 0.046 cfs per acre. The claimant's lands as described in the deed attached to the motion for summary judgment contain 12.45 acres. Applying the decreed duty of water, the claimant's proportionate share of right no. 36-00108 is 0.57 cfs. The claimant's lands as described in the deed, however, are outside the decreed place of use for water right no. 36-00108.⁷ IDWR does not have information indicating whether or how any portion of right no. 36-00108 came to be appurtenant to the claimant's lands. IDWR did not previously request this information from the claimants of the portions of right no. 36-00108 because the total amount IDWR found to be beneficially used under all the claimed portions of right no. 36-00108 did not exceed the decreed 5.4 cfs.⁸

⁷ IDWR relied on the following in reaching its conclusion: *Koon v. Empey*, 40 Idaho 6, 231 P. 1097 (1924) (a conveyance of land conveys the appurtenant right absent express provision to the contrary); *Crow v. Carlson*, 107 Idaho 461, 690 P.2d 916 (1984) (division of tract of land to which water is appurtenant works a division of the water right in the same proportion as the land is divided, absent express provision to the contrary.)

⁸ IDWR does not require all claimants to submit information showing a "chain of title" demonstrating ownership of all or part of a previously decreed or licensed right in its investigation of the claims. Generally, IDWR requires information as to ownership as part of the investigation of claims only where there are competing claims to the same water right.

2. Quantity for irrigation

As noted above, the director's report recommended a quantity of 0.51 cfs for irrigation. This includes 0.50 cfs (approximately 0.045 cfs per acre) for the on-farm diversion requirement (the amount of water needed at the place of use), and 0.01 cfs for conveyance losses (an additional amount of water needed at the point of diversion to deliver the amount needed at the place of use). IDWR has conducted further analysis of the quantity for irrigation due to further information IDWR received subsequent to its original analysis. Based on this further analysis, IDWR recommends a quantity of 0.31 cfs for irrigation. This includes 0.30 cfs for the on-farm diversion requirement (0.027 cfs per acre) and 0.01 cfs for conveyance losses.

IDWR's methodology for investigating and recommending claims to water for irrigation in excess of 0.02 cfs per acre is described in IDWR's Report Regarding Evaluation of Irrigation Diversion Rates.⁹ The application of that methodology to this claim is described in Appendix B. Neither the claimant nor IDWR's investigation has yielded information which would confirm beneficial use of a greater quantity for irrigation.

As described in Appendix B, the application of IDWR's methodology for evaluation of irrigation diversion rates resulted in the recommendation of an additional 0.01 cfs for conveyance losses. IDWR determined the total conveyance losses for the ditch, and allocated that total among the various rights to water from the same ditch. Further information as to the other rights delivered through the ditch is described in subsection 4 below.

3. Quantity for other purposes

As to the quantity for other purposes of use stated in the claimant's motion for summary judgment, neither the claimant nor IDWR's investigation has yielded information that would confirm the beneficial use of water for other purposes, as noted in section F above. Therefore, IDWR does not have information that would confirm the quantity used for the other purposes.

⁹ IDWR relied upon the following in reaching its conclusions: Idaho Code §42-220 (which provides that no license or decree will be issued confirming a right to more than 0.02 cfs per acre for irrigation unless it can be shown that a greater amount is necessary) and Idaho Code §42-1402 (which limits the amount of water allotted by a decree to the amount of water beneficially used).

4. Other rights delivered through same ditch

As noted in Appendix B, IDWR determined the total conveyance losses for the ditch through which this right is diverted, and allocated that total among the various rights to water delivered through the same ditch. For this reason, IDWR previously proposed that contested water rights in the Hagerman area be grouped by ditch for scheduling purposes to facilitate resolution of quantity issues for those rights. Water right 36-00108 is delivered through the Buckeye ditch. Appendix C is a schematic which shows the water rights delivered through the Buckeye ditch, and which includes a variety of information as to the water rights listed.

H. Period of Year Water is Used for Each Purpose of Use

The notice of claim states of period of use of 04/01 to 11/01 for irrigation. The director's report recommends a period of use of 3/15 to 11/15 for irrigation. The claimant's objection states a period of use of 1/1 to 12/31. The claimant's motion for summary judgment states the period of use as "the irrigation season." The *New International Mortgage* decree does not state a period of use for irrigation.

The recommended season of use is consistent with season of use standards for irrigation developed by IDWR for various climatic regions throughout the state, which are based on a 75% chance of a 24 degree Fahrenheit frost. In addition, the director's report included general provision 12b, which allowed use of water for irrigation outside the season of use stated in the description of the individual right subject to certain conditions. In the Memorandum Decision and Order Re: Basin-Wide Issue 5, the Presiding Judge concluded that general provision 12 is not necessary and would not be decreed. This decision further provided that "all decrees for irrigation in the SRBA shall set the period of use as the "irrigation season." Order, pp. 15-16. The district court denied a subsequent motion for permission to appeal the decision. Pending any further proceedings on the decision, any further statement of the basis for IDWR's recommendation as to the season of use for irrigation appears to be unnecessary.

As to the season of use for other purposes of use stated in the claimant's motion for summary judgment, neither the claimant nor IDWR's investigation has yielded information that would confirm the beneficial use of water for other purposes, as noted in section F above. Therefore, IDWR does not have information that would confirm the season of use for the other purposes.

I. Legal Description of the Place of Use

The legal description of the place of use in both the notice of claim and IDWR's report is the SWNW, S14, T07S R14E. The notice of claim states the number of irrigated acres as 20; the director's report recommends 11. The objection does not contest the place of use. The claimant's motion for summary judgment lists 14 acres. However, the claimant's motion for summary judgment states the legal description as the SESENE S11. This quarter-quarter-quarter section only contains 10 acres, and corresponds to the recommended point of diversion. The legal description therefore appears to be a typographical error, and should instead list the SWNW.

IDWR Senior Water Resource Agents Steve Clelland and Helen Thornton confirmed the irrigation of no more than 11 acres by personal observation. The 11 irrigated acres are at the western and lower end of the property. As to the higher, eastern end of the property, the land was not irrigated at the time of the field exam and contained buildings, equipment, storage areas, and contained no lawn or garden. The examination of the place of use for this claim is described in the Affidavit of Steven C. Clelland Regarding Claim No. 36-00108B and the Affidavit of Helen L. Harrington-Thornton Regarding Claim No. 36 -00108B.

- As to the legal description of the place of use for other purposes of use stated in the claimant's motion for summary judgment, neither the claimant nor IDWR's investigation has yielded information that would confirm the beneficial use of water for other purposes, as noted in section F above. Therefore, IDWR does not have information that would confirm the place of use for the other purposes.

J. Annual Volume of Consumptive Use

The notice of claim states an annual volume of consumptive use of 180 AFY, or 9.0 AFY per acre. The annual volume of consumptive use recommended in the director's report is 33 AFY, or 3 AFY per acre. The claimant's objection contests the recommended consumptive use, but does not state an amount. The claimant's motion for summary judgment states an amount of 63 AFY, or 4.5 AFY per acre. The Affidavit of Charles E. Brockway, submitted by the claimant in support of the motion for summary judgment, states "that 3.75 acre feet per acre per annum is the amount of consumptive use that is reasonable [in the Hagerman area] based upon a yield of ten tones per acre." Applying this standard, the total annual consumptive use volume would be 52.5 AFY for the 14 acres listed in the claimant's motion for summary judgment, or 41.25 AFY for the 11 recommended acres.

IDWR developed standards for annual volume of consumptive use for the various climatic areas throughout the state. The standard for the area in which the claimant's place of use is located is 3.0 AFY. IDWR's recommendation is based on this standard. The development of IDWR's standards for annual volume of consumptive use is described in IDWR's Report Regarding Evaluation of Irrigation Diversion Rates. IDWR has conducted further analysis of the annual volume of consumptive use based on further information IDWR received subsequent to its original analysis. The further analysis is described in IDWR's Report Regarding Consumptive use for Irrigation in the Hagerman Area. Based on this further analysis, IDWR recommends an annual volume of consumptive use of 3.5 AFY per acre, for a total of 38.5 AFY for the recommended 11 acres.

K. Conditions on the Exercise of the Right and Other Necessary Matters

The recommendation of this right in the director's report includes the following remarks:

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
A DIVERSION RATE OF 0.50 CFS AT THE FIELD HEADGATE IS
RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.
0.01 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN
DELIVERY OF THIS RIGHT.

The claimant's objection seeks deletion of the last two remarks. The claimant's motion for summary judgment seeks deletion of all three remarks.

In response to the request of the Presiding Judge, the director filed an Amended Director's Report for Reporting Area 3 (Basin 36), which substantially reduced the number of general provisions in the director's report. Attachment 2 to the amended report explains the changes made to the general provisions, and further explains changes to the list of recommended rights necessitated by the changes to the general provisions. The amended report deleted General Provision 16, which set forth certain provisions as to conveyance losses. The conveyance loss remark in the description of the individual right was a corollary to the general provision. As a result, the remark in the description of this right as to conveyance losses is no longer necessary. (Deletion of the remark does not change IDWR's recommendation as to the quantity for this right.)

In response to the request of the Presiding Judge, IDWR submitted IDWR's Report for September 19, 1995 Status Conference. In this report, IDWR indicated that it had reviewed its use of remarks in the description of the individual water right,

REPORT REGARDING CLAIM TO WATER RIGHT NO. 36-00108B

both to address concerns identified by the court, and to separate explanatory material from material the Director recommends be included in the decree of water rights pursuant to the 1994 amendments to the adjudication statute.¹⁰ The two remaining remarks are explanatory material.

¹⁰ See Idaho Code §42-1411 (which addresses the form and content of director's reports).

State of Idaho)
) ss.
County of Ada)

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

That I am the Adjudication Bureau Chief for IDWR, that I have read the foregoing report, know its contents, and that the statements contained therein are true to the best of my knowledge and belief.



David B. Shaw

Subscribed and sworn to before me this 15th day of July, 1996.



Notary Public for Idaho

Residing at: Base 3D

My commission expires: 5-16-2007

Certificate of Service

I certify that on the 15th day of July, 1996, I hand-delivered copies of the foregoing document, including all attachments, to the following:

Patrick D. Brown
133 Shoshone St North
Twin Falls, ID 83303



Person mailing document(s)

APPENDIX A

A. INVESTIGATION AND RECOMMENDATION OF CLAIMS GENERALLY

To promote the accuracy and consistency of water right decrees, and to minimize the burden on the court and the claimants in a water right adjudication, the state has made the specialized expertise of IDWR available through IDWR's investigation and reporting function.¹

The resources the state has made available for this function, however, are limited. IDWR has the duty to conduct a reasonable investigation within the spending authority granted by legislative appropriation. Those resources are not sufficient for IDWR to exhaustively investigate each and every potentially relevant fact regarding each and every claim and to make a conclusive determination of the water right. Rather, IDWR reviews the claim and the information already available to IDWR, and conducts such further investigation as is reasonable to determine whether there is sufficient information to support recommendation of the water right to be decreed.

To make the most efficient use of the available resources, IDWR must make determinations as to what is a reasonable level of investigation for various classes of claims prior to making a recommendation to the court regarding any particular claim. IDWR has employed two primary mechanisms to identify a reasonable level of investigation. First, the statutes set criteria and IDWR has developed standards for various types of uses, requiring less information to support a claim to water within those standards and more information to support a claim outside those standards. Second, IDWR has adopted a "tier" approach, identifying classes of claims which for various reasons merit further investigation.

Generally, with claims based on beneficial use², IDWR conducts a "licensing type" field exam, which includes confirmation of the source, point(s) of diversion, purpose(s) of use, place(s) of use, and an examination of the water delivery system and the quantity of water beneficially used. IDWR also contacts the claimant to obtain information supporting the priority date claimed. This level of examination is conducted because there has been no prior administrative or judicial

¹ Idaho Code §§ 42-1410 and 42-1411.

² Water rights based on beneficial use are sometimes referred to as constitutional rights or grandfather rights.

confirmation of the existence and extent of a water right based on beneficial use.³

Generally, for water rights that have been previously confirmed by license or decree, IDWR begins its examination by comparing the claim to information already available to IDWR. Other information includes, for example, IDWR's decree files; license, permit and transfer files; remotely sensed data, including Landsat imagery of irrigated acres and aerial photography; watermaster reports; applicable laws and IDWR's interpretation of those laws in light of the water resource policies of the state; etc. If there are discrepancies between the claim and information already available to IDWR, IDWR conducts further investigation to resolve the discrepancy, which generally includes a field exam and/or contacting the claimant for further information. Thus, where there has been a prior judicial or administrative confirmation of the existence and extent of a water right, IDWR uses information already available to IDWR to limit its review to issues identified by its discrepancy analysis.

Finally, IDWR uses both the court-ordered notice of error process⁴ and the statutory objection process to identify claims which merit further review. If this further review yields new information that supports a different description of the water right, then IDWR will revise its recommendation (in the case of a notice of error) or submit a supplemental director's report or offer a standard form 5 (in the case of an objection), consistent with the new information.⁵

Further information as to IDWR's standards and procedures for the investigation and recommendation is set forth in IDWR's Claim Investigation Manual, Field Examiner's Handbook, Administrative Memorandums, and

³ IDWR conducts a more summary investigation of beneficial use claims limited to domestic and/or stockwater use up to 0.24 cfs.

⁴ The notice of error process, as originally conceived and implemented, was limited to disagreements between the claimant and IDWR as to fairly straight-forward "errors", such as clerical errors or other readily verifiable matters. Based on its experience in the test basins, IDWR has subsequently recommended that the notice of error process be expanded to address any type of perceived error, as well as to address disagreements between claimants.

⁵ This "tiered" approach to determining a reasonable level of investigation is embodied in the statutory framework for water right adjudications. See §42-1410 (which provides for the discretion of the director in determining the level of IDWR's investigation, and allows but does not require the agency to conduct hearings), and §42-1412 (which authorizes IDWR to submit supplemental reports, and authorizes the court or the parties to request further investigation by IDWR in contested subcases). The tiered approach embodied in the statutory framework promotes efficiency and minimizes the burden on the court and the claimants by providing a report/objection process to identify disputed matters, and reserving the highest level of investigation for disputed matters.

B. METHODOLOGY TO DETERMINE IRRIGATED ACREAGE

The area of irrigated acreage can be determined by information obtained from scaled and non-scaled photographs of the place of use supplied by one of several U.S. government agencies. The use of aerial photography by the U.S. government dates back to 1937, when the U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service (ASCS, now known as the Farm Service Agency, or FSA) began photographing selected counties of the United States on a repetitive basis. This coverage continues today and aerial photos are used by the ASCS (FSA) to figure acreage planted on farms for purposes of managing farm programs. Photos used by IDWR typically include: ASCS photos and 35 mm color slides⁷; NAPP photos⁸; ortho-photoquads⁹; and U2

⁶ These documents set forth general standards and procedures and do not address all possible exceptions to the general standards and procedures. In addition, as a result of its experience in the test basins, statutory changes, judicial decisions, etc., IDWR has identified refinements and revisions to its standards and procedures for the investigation and recommendation of claims that have not yet been included in these documents.

⁷ Both the photos and slides are high oblique and vertical aerial photography. The ASCS photos are scaled and have selected features, such as roads, section lines, ditches, and field acreage superimposed on them by the ASCS. The color slides are simply color slides frequently taken with hand-held 35mm equipment. IDWR staff typically obtain copies (which are not scaled) of maps for lands claimed as the place of use during the investigation of the claims, either from the claimant or from the local ASCS office. Color slides may also be checked-out from the local ASCS office as needed; IDWR sometimes obtains the color slides as they are discarded by the local ASCS office.

⁸ NAPP (National Aerial Photography Program) photos are all color-infrared aerial photography. IDWR obtained coverage for most of the Snake River Basin, including all of the test basins; the photos are primarily from flights during 1987 and 1988, though some are from 1986 or 1989. The date of the flight is shown on the photo. NAPP photography is available from the U.S. Geological Survey Earth Resources Observation Systems (EROS) data center in Sioux Falls, South Dakota.

⁹ The full name for an ortho-photoquad is "orthographic photograph quadrangle." These are black and white photoimages prepared from aerial photographs that have been rectified to eliminate image displacement due to terrain relief that cover a systematically subdivided area of latitude and longitude. IDWR obtained coverage for most of the Snake River Basin, including all the test basins; the photos are primarily from flights during the 1970's. The date of the flight is shown on the quad sheet. Most of the orthophotos were obtained from the U.S. Geological Survey National Cartographic Information Center (NCIC) in Menlo Park, California. In some areas, maps were not available from U.S.G.S. but were available from other agencies, such as the United States Department of Agriculture, Forest Service.

aerial photos¹⁰.

A photographic "scale," like a map scale, is an expression that states that one unit of distance on a photograph represents a specific number of units of actual ground distance.

$$S = \text{Photo scale} = \frac{\text{Photo distance}}{\text{Ground distance}} = \frac{d}{D}$$

The scale may be expressed as unit equivalents, representative fractions, or ratios. For example, if 1 mm on a photo represents 25 m on the ground, the scale of the photo can be expressed as 1 mm = 25 m (unit equivalents), or 1/25,000 (representative fraction), or 1:25,000 (ratio).

The photo(s) used by IDWR personnel have varying scales. The ASCS photographs have map features drawn in by the ASCS. These photos are stated to be "not to scale," but do include the field acreage as determined by ASCS written on the places of use. NAPP photography is at a nominal scale of 1:40,000; U2 aerial photography is at a nominal scale of 1:120,000; and ortho-photoquads have a scale of 1:24,000.

To determine the area used, IDWR staff employed various transparent overlays, known as grid templates. These templates are available at most blueprint supply stores. One type consists of lines forming rectangles or squares of known area in the same scale that is utilized in the scaled photograph. The grid is placed over a scaled photograph and the area of a ground unit is estimated by counting grid units that fall within the unit to be measured.

Another commonly used grid is the dot grid, which is composed of uniformly spaced dots on a transparent overlay. The grid is placed over the photograph and the dots falling within the region to be measured are counted. The value assigned to each dot is dependent on the scale of the photograph. First, the number of acres per centimeter (or other measuring unit) is computed. This figure is then divided by the number of dots per measuring unit on the grid to obtain the acreage represented by each dot. For instance, a square 3.4 cm on each side containing 640 dots will cover 160 acres on a photo with a nominal

¹⁰ These photos are color-infrared aerial photography obtained by the National Aeronautics and Space Administration (NASA) Airborne Instrumentation Research Project, and available from EROS. IDWR obtained coverage of most of the southern portion of the Snake River Basin, most of which was flown in 1977. In addition, because the State of Idaho was part of an ongoing project with NASA to photograph selected areas, photography from various areas in various years is also available. The date of the flight is shown on the photo.

scale of 1:24000; 640 dots divided by 160 acres equals 4 dots to the acre, thus 1 dot equals 0.25 acres.

Because of its simplicity, the grid system is a practical method to determine the size of irrigated areas; it nonetheless requires some training and experience to be used effectively.

For non-scaled photos, such as the ASCS 35 mm photos, IDWR did not directly make acreage determinations. Instead, these photos were used to confirm whether the place of use and amount of irrigated acreage had changed for that year according to common landmarks visible in the photographs.

APPENDIX B

EVALUATION OF IRRIGATION DIVERSION RATE

WATER RIGHT NUMBER: 36-00108B

INTRODUCTION

This water right was recommended in the Director's Report with a diversion rate of 0.51 cfs. A portion of that total amount was recognized as the on-farm diversion requirement, and the remaining amount as conveyance loss. Based on IDWR's methodology to evaluate irrigation diversion rates, the quantity required on-farm was recommended as 0.50 cfs, or approximately 0.045 cfs per acre for 11.0 acres, with an additional 0.01 cfs for conveyance loss. The total, 0.51 cfs, is equivalent to a total per acre rate of diversion of approximately 0.046 cfs per acre.

Because IDWR has received new information and has refined the methodology since the time of the original analysis of irrigation diversion requirement, a revised analysis has been completed. The revised analysis is based upon information already contained in the claim file and the new information detailed in this report. An expanded explanation of the methodology used is contained in the report entitled Report Regarding Evaluation of Irrigation Diversion Rates, dated July, 1996. Hereinafter, that report will be referred to as IDWR's Methodology Report.

Several factors must be considered when determining the necessity of an irrigation diversion rate greater than 0.02 cfs per acre. Those factors are crop types, irrigated acres, types of irrigation systems used, evapotranspiration estimates, field application efficiencies, and conveyance loss. These items are discussed in the following paragraphs, along with the results of the analysis.

IRRIGATED ACRES/CROPS

The property described on the claim as the place of use was found to have 11 acres of irrigated land. The 11 irrigated acres are planted in pasture. As shown in Figure 1 of the Attachments, the land in question consists of two fields: an 8.5 acre rectangular field on the west side of the property (Field 1) and a 2.5 acre rectangular field directly to the east of Field 1 (Field 2).

Field 1 is irrigated using corrugations.¹ Field 2 is irrigated by wild flooding method. In general, IDWR does not consider irrigation by wild flooding method to be an acceptable irrigation practice. For cases such as those, analysis of systems is based on the use of furrow irrigation (corrugations) as a standard to determine the necessity of a diversion rate greater than 0.02 cfs per acre. Therefore, the entire place of use was analyzed as if corrugations were used throughout.

EVAPOTRANSPIRATION

Evapotranspiration is the amount of water evaporated from the soil plus the amount used by a crop during crop growth. IDWR's estimate used for evapotranspiration (ET) for the Hagerman area has been refined since the original analysis of required diversion rate was completed. Originally, the monthly consumptive irrigation requirements for the Bliss weather station were used, based on consumptive irrigation data estimated by Allen and Brockway². IDWR has since obtained information allowing adjustments to the values that more accurately represent conditions in the Hagerman area. This process is outlined in the section of IDWR's Methodology Report titled EVAPOTRANSPIRATION (CROP CONSUMPTIVE USE) and the resulting ET values are summarized in Table 1 of the Attachments.

The ET values used in calculations for pasture are shown under the column titled PAST in the table. For each month of the irrigation season, the values in the row titled 80PCT ET are used. This represents the 80th percentile value for ET. The reasoning behind the use of these particular ET numbers is further explained in the EVAPOTRANSPIRATION section of IDWR's Methodology Report.

FIELD APPLICATION EFFICIENCY

In order to calculate the field application efficiency, several elements must first be considered. Among these elements are the slope, approximate furrow lengths, furrow spacings, and set time for each field. Additionally, the soil information described below is necessary.

Soil Information

Some data unique to each soil type are required for the analysis, including the management allowed deficit (MAD) and intake family. The MAD is based on the maximum soil moisture deficit which will not cause the crop to exceed its stress point. Intake family is a classification of soils with similar water intake rate characteristics.

¹Information as to crop types and irrigation method was verbally provided by Mr. Butch Bonning to IDWR Senior Agent Steve Clelland on July 17, 1992. The claimant, Alma Blastock, had recommended that Mr. Clelland speak to him concerning the irrigation practices on her land.

²Allen, R.G. and C.E. Brockway, Appendix E (unpublished)

The Natural Resources Conservation Service (NRCS), formerly Soil Conservation Service (SCS), compiles soil surveys describing the various soil types within the state and the locations where those soils may be found. The procedure used to determine the value of MAD and intake family using SCS data is described in the sections of IDWR's Methodology Report titled NET IRRIGATION APPLICATION and IRRIGATION APPLICATION SYSTEMS. In order to use the correct values for MAD and intake family, it is necessary to determine the worst-case significant soil for each field if more than one soil type is present in that field.

There are two different soil types on the property described as the place of use for this water right: Fathom Loamy Fine Sand (FAB) and Starbuck-Lava Flows Complex (394). Field 1 consists of soil types FAB and 394. Soil type FAB, however, accounts for more than 90% of the soil found in this field. Field 2 consists entirely of soil type FAB. Thus, FAB was used for purposes of this analysis for both Field 1 and Field 2. Figure 1 shows the layout of the soil types as they relate to the location of the fields described by this claim.

The MAD values for pasture were found in Table 2 of the Attachments for soil type FAB. That table was created using a spreadsheet developed by IDWR to simplify calculations to determine MAD and intake family. The MAD for soil type FAB was calculated to be 1.71 inches.

There are two procedures described in the section of IDWR's Methodology Report entitled IRRIGATION APPLICATION SYSTEMS for determining intake family. The alternative procedure is considered a refinement for some soil conditions and is used where available. The furrow intake family for FAB was found by both procedures to be 0.70. This intake family is also shown in Table 2.

Field Slope

Field slopes were determined based on USGS topographic maps. An estimate of the average slope from top end to bottom end of furrows was calculated for each field. To calculate these slopes, it was necessary to make a determination as to the direction of furrows. Those determinations were based on the available aerial photography³ and information in the claim file, where available. The field slope of

³Photos used are all color-infrared aerial photography. They were obtained through projects coordinated by the federal government, including the National Aerial Photography Program (NAPP) and the National Aeronautics and Space Administration (NASA) Airborne Instrumentation Research Project.

NAPP photos used are: Photo No. 439-43, dated 8/1/1988; Photo No. 419-59, dated 6/25/1987; and Photo No. 419-61, dated 6/25/1987.

NASA photos used are: Photo No. 6134, Flight No. 75-131, FSR 706, dated 6/8/1975; Photo No. 2471, Flight No. 77-134, FSR 1049, dated 10/8/1977; Photo No. 3472, Flight No. 80-152, FSR 1462, dated 9/17/1980; and Photo No. 2314, Flight No. 83-095, FSR 1760, dated 6/7/1983.

Field 1 was estimated to be 0.5 percent and the slope of Field 2 was estimated at 1.0 percent.

Furrow Lengths

The furrow lengths were determined using the same topographic maps and aerial photos. Field 1 and Field 2 both appear to have rectangular shapes, so an average length was used for those fields. Those lengths were 650 feet and 300 feet, respectively.

Use of cross-ditches or gated pipe to reduce the furrow length is an alternative irrigation practice which will improve the efficiencies of fields with high intake rate soils if set times and inflow rates are adjusted appropriately. This alternative is not considered reasonable if it would result in furrow lengths less than 300 feet. A length of 300 feet is considered by IDWR to be a minimum practical length for farm cultivation practices.

Furrow Spacing/Set Times

When the system efficiencies were calculated, 30 inch furrow spacings were used. In addition, 8 hour, 12 hour, and 24 hour set times were analyzed and compared.⁴ Although the actual practice for these fields is to use 24 hour set times, 8 hour and 12 hour set times were also examined to determine whether those changes would significantly increase the overall efficiency of the system. Eight hour and 12 hour set times are considered acceptable irrigation practices which can be used during the peak water use period to improve application efficiencies.

Results

Field application efficiencies are estimated using a computer program developed by SCS for use with furrow irrigation and provided with the Hubble Report⁵. Efficiencies less than 15 percent or greater than 70 percent are outside the practical limits of the program. In cases where efficiency is estimated to be greater than 70 percent, an efficiency of 70 percent is used. In addition, the program does not recognize erosive flows or furrow carrying capacities. The limiting erosive flow is dependent on the slope of a particular field and must be calculated for each field. In this case, the limiting erosive flow for Field 1 would be 80 gpm and the limiting erosive flow for Field 2 would be 40 gpm. The practical carrying capacity limit of corrugations is 10 gpm. The term identified in the program as design application is equivalent to the MAD, as determined above. Refer to the section FIELD

⁴Mr. Bonning reported the use of 28-30 inch furrow spacings and 24 hour set times in his 1992 conversation with Steve Clelland.

⁵The Hubble Report is a common name given to a pair of reports developed for IDWR in July, 1990 by Hubble Engineering, Inc. and Associated Earth Sciences, Inc. entitled "Guidelines for the Evaluation of Irrigation Diversion Rates" and "Evaluation Workbook for Irrigation Diversion Rates".

APPLICATION EFFICIENCY in IDWR's Methodology Report for more information regarding the methodology used in determining field application efficiency.

For Field 1, efficiency estimates were made for full furrow lengths of 650 feet and also for 325 foot lengths, to determine which of those alternatives produced a more reasonable efficiency. In addition, set times of 8, 12 and 24 hours, with appropriate inflow rates, were all considered. Eight hour set times using appropriate inflow rates resulted in better efficiencies than 12 or 24 hour set times, regardless of whether 650 foot or 325 foot lengths were used. The optimum field application efficiency estimated for 8 hour set times was 52 percent with 325 foot furrow lengths. A value of 52 percent was used. The results of these calculations are shown in Table 3 of the Attachments, which is computer output generated by the SCS program.

The furrows for Field 2 are less than 600 feet in length. Splitting this field for analysis purposes would result in furrow lengths less than 300 feet. Therefore, the full furrow lengths were considered for this field. Set times of 8, 12 and 24 hours were considered, and an irrigation method using 8 hour set times provided a higher efficiency. The SCS program computed an efficiency of 56 percent for the 8 hour set time. Therefore, an efficiency of 56 percent was used. See Table 3 for results.

ON-FARM IRRIGATION DIVERSION REQUIREMENT

The on-farm irrigation diversion requirement is the amount of water needed on the farm itself to provide adequate water to the crop(s) being grown. The procedure used to determine that amount is described in detail in the section of IDWR's Methodology Report titled ON-FARM IRRIGATION REQUIREMENT. The results of that procedure are provided in Table 4 of the Attachments. Table 4 was created using a spreadsheet developed by IDWR which utilizes the information detailed above and calculates the irrigation diversion requirement. The resulting maximum diversion rate requirement for the entire 11 acres was determined to be 0.30 cfs, or 0.027 cfs per acre.

CONVEYANCE LOSS

When water is conveyed through an earthen delivery ditch, a certain portion of the total flow is lost through seepage into the ground. The method used to estimate seepage losses is referred to as the Worstall method, which is further explained in the CONVEYANCE LOSS section of IDWR's Methodology Report. The Worstall method relies on the characteristics of the soil, the ditch width, and the ditch length to estimate the actual seepage losses of the ditch. IDWR has developed a spreadsheet which calculates the total conveyance loss estimate on a ditch and prorates that loss among the reaches of the ditch based on the total amount of water removed from each reach of the ditch and the location of each reach.

In the original analysis of conveyance loss for the Buckeye Ditch, delivery locations were identified along the entire ditch. In some cases, more than one right is supplied from a single reach of the ditch. The total conveyance loss estimate for all water use from that reach of the ditch was calculated using the spreadsheet based upon the Worstell method. If there were found to be multiple users removing water from the same reach of the ditch, the conveyance loss estimate for that reach was divided equally among those users. This approach was used along the entire length of the Buckeye Ditch.

It would not be practical or meaningful for IDWR to re-evaluate the conveyance loss attributable to this right for two primary reasons. First, because the Worstell method does not depend on total flow in a ditch, but rather the top width of the water surface and the ditch length, the total conveyance loss estimate for the ditch would not change even if the determinations of individual water rights were to vary from IDWR's recommendations. The only change might be the allocation of the total conveyance loss among the individual water rights. However, not all of the water rights on the ditch are contested, and of those that are contested, not all are presently before the special master. In addition, no historical method for allocation of conveyance loss exists to use as a basis for distribution of conveyance losses for water rights along this ditch. For all these reasons, the recommended conveyance loss amount remains at 0.01 cfs.

IRRIGATION DIVERSION REQUIREMENT

The total irrigation diversion requirement is the sum of the on-farm irrigation diversion requirement and the conveyance loss. For this right, the total amount is 0.30 cfs + 0.01 cfs, or 0.31 cfs.

REFERENCES

- Allen, R.G., and C.E. Brockway, 1983, Estimating Consumptive Irrigation Requirements for Crops in Idaho, Idaho Water and Energy Resources Research Institute, University of Idaho, Appendix E (unpublished).
- Hubble Engineering, Inc. and Associated Earth Sciences, Inc., 1991, Guidelines for the Evaluation of Irrigation Diversion Rates, Idaho Department of Water Resources.
- Hubble Engineering, Inc. and Associated Earth Sciences, Inc., 1991, Evaluation Workbook for Irrigation Diversion Rates, Idaho Department of Water Resources.
- Idaho Department of Water Resources, 1996, Report Regarding Evaluation of Irrigation Diversion Rates, also referred to as IDWR's Methodology Report.
- National Aerial Photography Program, Color-infrared aerial photography, Flight dates June 25, 1987, August 1, 1988.
- Soil Conservation Service (now Natural Resources Conservation Service) - Gooding, Idaho office, 1992, Unpublished soil survey data.

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ATTACHMENTS

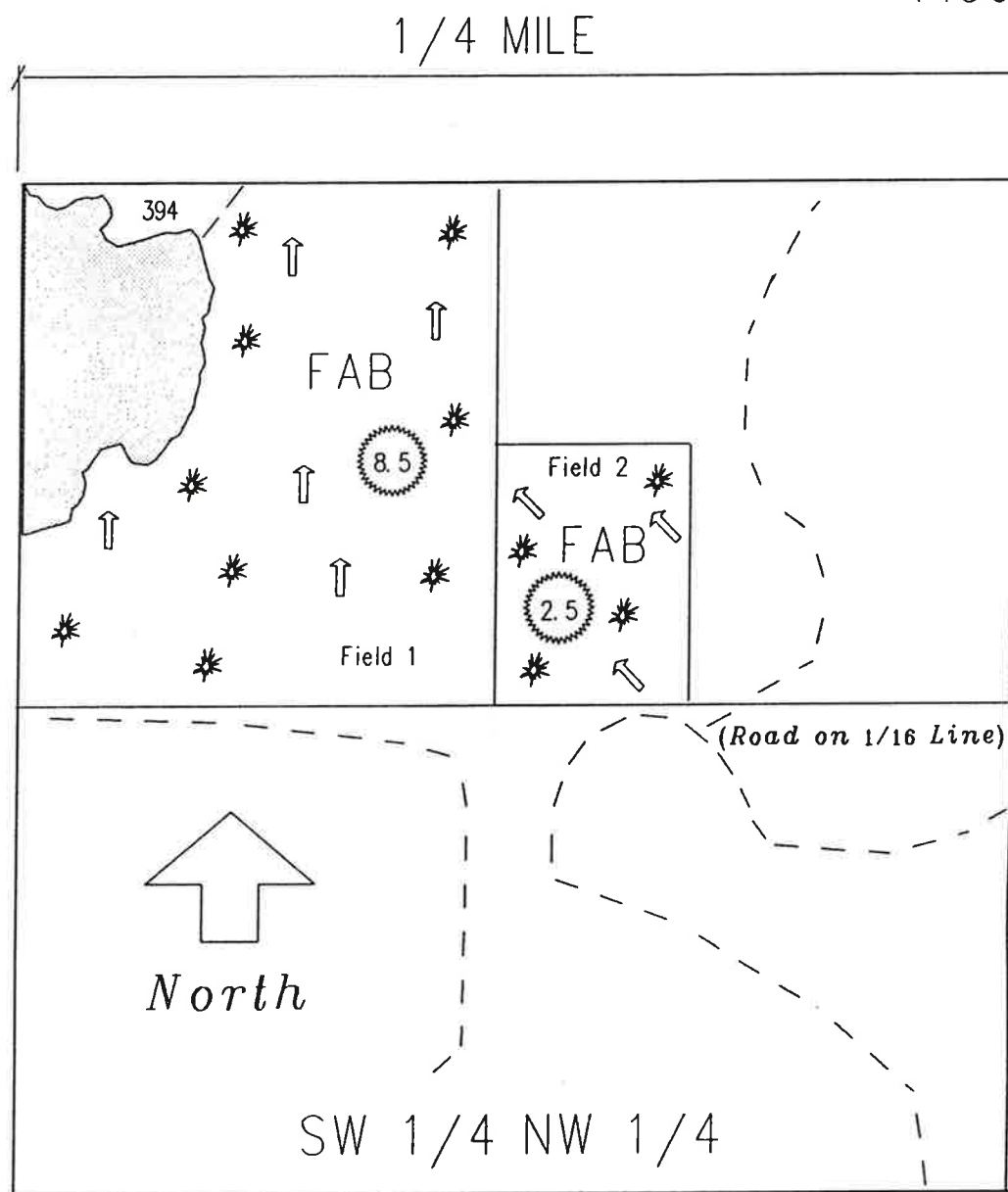
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T. 7 S., R. 13 E.
 Section 14
 Gooding County

FIGURE 1

Legend:

-  Furrow Direction
- FAB Soil Type
- - - Soil Type Division Line
- 1/4 1/4 Line
-  Irrigated Acres
-  Pasture
-  Not Included



Water Right No. 36-00108B

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IDWR QUAD AA-69

Table 1

80th Percentile values of monthly ET estimated for
the Hagerman Valley adjusted from the Bliss Station
(mm/day)

	MO	ETR	ALFH.	BEANS	F.CRN	SILGE	S.CRN	PEAS	POTAT	SBEET	SGRAN	WGRAN	PAST.	VEGES
AVE ET	4	5.28	3.30					1.60	1.58	1.58	1.65	4.82	3.27	
TMP ADJ	4	5.68	3.55					1.72	1.70	1.70	1.77	5.18	3.52	
ALT ADJ	4	5.75	3.59					1.74	1.72	1.72	1.80	5.25	3.56	
STDD ET	4	0.47	0.29					0.14	0.14	0.14	0.15	0.43	0.29	
ADJ STDD	4	0.80	0.49					0.24	0.24	0.24	0.26	0.73	0.49	
80PCT ET	4	6.42	4.01					1.94	1.92	1.92	2.01	5.86	3.97	
AVE ET	5	6.79	6.29	2.04	2.04	2.04	2.04	3.85	2.19	2.04	5.11	6.79	5.23	2.07
TMP ADJ	5	7.18	6.65	2.16	2.16	2.16	2.16	4.07	2.31	2.16	5.40	7.18	5.53	2.19
ALT ADJ	5	7.27	6.73	2.18	2.18	2.18	2.18	4.12	2.34	2.18	5.47	7.27	5.60	2.21
STDD ET	5	0.49	0.46	0.15	0.15	0.15	0.15	0.28	0.16	0.15	0.37	0.49	0.38	0.15
ADJ STDD	5	0.80	0.75	0.25	0.25	0.25	0.25	0.46	0.26	0.25	0.61	0.80	0.62	0.25
80PCT ET	5	7.94	7.37	2.39	2.39	2.39	2.39	4.51	2.56	2.39	5.98	7.94	6.12	2.42
AVE ET	6	8.41	7.32	3.26	3.66	3.66	3.53	6.82	5.77	3.91	8.39	8.41	6.47	4.40
TMP ADJ	6	8.82	7.68	3.42	3.84	3.84	3.70	7.15	6.05	4.10	8.80	8.82	6.79	4.62
ALT ADJ	6	8.93	7.77	3.46	3.89	3.89	3.75	7.24	6.13	4.15	8.91	8.93	6.87	4.67
STDD ET	6	0.47	0.41	0.18	0.21	0.21	0.20	0.38	0.32	0.22	0.47	0.47	0.36	0.25
ADJ STDD	6	1.27	1.11	0.49	0.57	0.57	0.54	1.03	0.86	0.59	1.27	1.27	0.97	0.68
80PCT ET	6	10.00	8.71	3.87	4.36	4.36	4.20	8.11	6.85	4.65	9.98	10.00	7.69	5.24
AVE ET	7	8.54	6.94	7.37	7.68	7.68	7.47	2.99	7.17	8.14	7.05	6.80	6.57	6.57
TMP ADJ	7	8.89	7.22	7.67	7.99	7.99	7.78	3.11	7.46	8.47	7.34	7.08	6.84	6.84
ALT ADJ	7	9.00	7.31	7.77	8.09	8.09	7.87	3.15	7.56	8.58	7.43	7.17	6.92	6.92
STDD ET	7	0.26	0.21	0.23	0.24	0.24	0.23	0.09	0.22	0.25	0.22	0.21	0.20	0.20
ADJ STDD	7	0.58	0.47	0.51	0.53	0.53	0.51	0.20	0.49	0.56	0.49	0.47	0.44	0.44
80PCT ET	7	9.49	7.71	8.20	8.54	8.54	8.30	3.32	7.97	9.05	7.84	7.56	7.30	7.30
AVE ET	8	7.18	5.41	4.97	6.63	6.63	6.38		5.57	7.06	1.47	1.32	5.53	5.72
TMP ADJ	8	7.50	5.65	5.19	6.92	6.92	6.66		5.82	7.37	1.53	1.38	5.77	5.97
ALT ADJ	8	7.59	5.72	5.25	7.01	7.01	6.74		5.89	7.46	1.55	1.40	5.84	6.05
STDD ET	8	0.33	0.25	0.23	0.30	0.30	0.29		0.26	0.32	0.07	0.06	0.25	0.26
ADJ STDD	8	0.70	0.53	0.49	0.64	0.64	0.62		0.55	0.68	0.15	0.13	0.53	0.55
80PCT ET	8	8.18	6.17	5.66	7.54	7.54	7.26		6.35	8.04	1.68	1.50	6.29	6.51
AVE ET	9	5.60	3.67	0.77	4.19	4.19			3.29	4.86			4.32	3.83
TMP ADJ	9	5.90	3.87	0.81	4.42	4.42			3.47	5.12			4.55	4.04
ALT ADJ	9	5.97	3.92	0.82	4.47	4.47			3.51	5.19			4.61	4.09
STDD ET	9	0.41	0.27	0.06	0.31	0.31			0.24	0.36			0.32	0.28
ADJ STDD	9	0.66	0.43	0.10	0.50	0.50			0.39	0.58			0.52	0.45
80PCT ET	9	6.53	4.28	0.90	4.89	4.89			3.84	5.67			5.04	4.47
AVE ET	10	3.73	1.26		1.04									
TMP ADJ	10	4.02	1.36		1.12					2.48			2.88	
ALT ADJ	10	4.07	1.37		1.13					2.67			3.10	
STDD ET	10	0.35	0.12		0.10					2.70			3.14	
ADJ STDD	10	0.47	0.16		0.14					0.24			0.27	
80PCT ET	10	4.46	1.51		1.25					0.32			0.36	
										2.98			3.45	

ET and standard deviation data (AVE ET and STDD ET) for Bliss weather station taken from Appendix E (unpublished) of Brockway, C.E., and R.G. Allen, 1983, Estimating Consumptive Irrigation Requirements for Crops in Idaho, Idaho Water and Energy Resources Research Institute.

Adjustments to standard deviation (ADJ STDD) based on Allen & Brockway Report, pp. 18, and Allen, R.G., and J.L. Wright, 1983, Variation Within Measured and Estimated Consumptive Use Requirements, Proceedings of the Irrigation and Drainage Specialty Conference of the American Society of Agricultural Engineers, Jackson Hole, Wyoming, July 20-22, 1983, pp. 1-12.

Temperature adjustment (TMP ADJ) based on temperature differences between Bliss and Hagerman and temperature sensitivity of ET estimates given in Brockway, C.E., G.S. Johnson, J.L. Wright, and A.L. Coiner, 1985, Remote Sensing for Irrigated Crop Water Use - Phase 1, Water Resources Research Institute, pp. 101-107.

Altitude adjustment (ALT ADJ) based on Doorenbos, J., and W.O. Pruitt, 1977, Crop Water Requirements, Food and Agriculture Organization of the United Nations, p. 59.

80th percentile ET values (80PCT ET) calculated based on Walpole, R.E., and R.H. Meyers, 1985, third edition, PROBABILITY AND STATISTICS FOR ENGINEERS AND SCIENTISTS, New York: Macmillan Publishing Company, pp. 132-144 and 574.

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Table 2

SOIL CHARACTERISTICS initials: JP

date: 11/20/92

Soil Type = FAB + FAC + FKE-1

LFS

Source of Soils Data = SCS - GOODING

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family	
lower	upper	lower	upper	lower	upper	lower	upper			flood	furrow
0	7	0.09	0.1	7.9	8.4	0.6	0.9	1	1.14	3	0.7
7	61	0.09	0.1					2	2.28		
								3	3.42		
								4	4.56	alternate	
								5	5.70	method	
										3	0.7

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (inches)
alfalfa (hay or seed)	5	0.5	2.85
corn (field or silage)	4	0.5	2.28
grain (winter or spring)	4	0.5	2.28
pasture (or grass hay)	3	0.5	1.71
other (enter below)			
beets	5	0.5	2.85
mint	3	0.5	1.71
beans	2	0.4	0.91
potatoes	3	0.35	1.20

For definition of terms, refer to the sections called NET IRRIGATION APPLICATION and IRRIGATION APPLICATION SYSTEMS of the IDWR report titled Report Regarding Evaluation of Irrigation Diversion Rates, dated July, 1996.

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Table 3

	INTAKE FAMILY	DESIGN APPLIC. Inches	FURROW SLOPE Ft/Ft	FURROW SPACING Feet	FURROW LENGTH Feet	INFLOW RATE Gpm	APPROXIMATE INFLOW TIME Hours	ADVANCE TIME Minutes	GROSS	NET	DEEP	IRRIGATION			
									IRRIGATION APPLICATION Inches	IRRIGATION APPLICATION Inches			RUNOFF Inches	PERC. In.	EFFICIENCY %
eld 1	0.70	1.71	.005	2.50	650	8.0	8	141.3	3.79	3.11	0.04	2.04	45.11		
	0.70	1.71	.005	2.50	650	7.5	12	159.1	5.33	4.44	0.25	3.37	32.08		
	0.70	1.71	.005	2.50	650	6.0	24	255.9	8.53	7.39	0.27	6.55	20.05		
	0.70	1.71	.005	2.50	325	3.5	8	91.1	3.32	2.93	0.04	1.57	51.56 *		
	0.70	1.71	.005	2.50	325	3.5	12	91.1	4.98	4.17	0.49	2.77	34.37		
	0.70	1.71	.005	2.50	325	3.0	24	127.9	8.53	7.02	1.13	5.69	20.05		
Field 2	0.70	1.71	.010	2.50	300	3.0	8	51.8	3.08	2.89	0.02	1.35	55.52 *		
	0.70	1.71	.010	2.50	300	3.0	12	51.8	4.62	4.01	0.45	2.46	37.01		
	0.70	1.71	.010	2.50	300	2.5	24	70.6	7.70	6.67	0.85	5.14	22.21		

Use of this program and input requirements are described in the FIELD APPLICATION EFFICIENCY section of the IDWR report titled Report Regarding Evaluation of Irrigation Diversion Rates, dated July, 1996.

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FIELD IRRIGATION REQUIREMENT

initials: MS Claimant = Blastock
 date: 06/30/96 Weather Station = Bliss/Hagerman

crop	acres	irrig. system	eff. (%)	Monthly ET (mm/day)								AVE IR season (mm/yr)	net irrig. app. (in)	ET ratio	irrig. freq. (days)	Gross Irrigation Application (peak period ET/eff. in mm/day)								season (mm/yr)
				mar	apr	may	jun	jul	aug	sep	oct					mar	apr	may	jun	jul	aug	sep	oct	
past	8.5	cor	52		3.97	6.12	7.69	7.3	6.29	5.04	3.45		1.71	1.12	5.0		8.55	13.18	16.56	15.72	13.55	10.86	7.43	
past	2.5	cor	56		3.97	6.12	7.69	7.3	6.29	5.04	3.45		1.71	1.12	5.0		7.94	12.24	15.38	14.60	12.58	10.08	6.90	

Summary 11

8.41 12.97 16.29 15.47 13.33 10.68 7.31

Peak Gross Irrigation Application (mm/day) = 16.29
 On-Farm Irrigation Requirement (cfs/acre) = 0.027
 Total On-Farm Irrigation Requirement (cfs) = 0.30
 Irrigation Diversion Volume (ft/yr) = 0.00
 Total Irrigation Diversion Volume (ac-ft/yr) = 0

State of Idaho)
) ss.
County of Ada)

Marci S. Sterling, being first duly sworn, upon oath, deposes and says:

That I am an Engineer for the Adjudication Bureau of IDWR, that I prepared the foregoing appendix, know its contents, and that the statements contained therein are true to the best of my knowledge and belief.

Marci S. Sterling
Marci S. Sterling

Subscribed and sworn to before me this 1st day of July, 1996.

A. Sherman
Notary Public for Idaho
Residing at: Boise ID
My commission expires: 11-14-1998

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BUCKEYE DITCH (lower)

3E- OBJ. Vargo- 9/10/1884
HUBBLE
(Brown, atty.)
claimed- irr.- 4.52 for 31 ac.
rec'd- irr.- 0.72 for 19 ac.
D.R. = 0.56
C.L. = 0.16

3E- OBJ. Vargo- 9/10/1884

HUBBLE
(Brown, atty.)
claimed- irr.- 0.20 for 10 ac.
rec'd- irr.- 0.20 for 5 ac.
D.R. = 0.20

3J- OBJ. Simcoe- 9/10/1884

(Brown, atty.)
claimed- irr.- 0.40 for 20 ac.
rec'd- irr.- 0.12 for 3 ac.
C.L. = 0.03

3J- OBJ. Simcoe- 9/10/1884

(Brown, atty.)
claimed- no record found
rec'd- irr.- 0.40 for 9 ac.
D.R. = 0.34
C.L. = 0.06

36- OBJ. Brown- 3/30/1884

HUBBLE
claimed- irr.- 2.40 for 40 ac.
stock- 0.05 (125 range)
rec'd- irr.- 1.05 for 40 ac.
stock- 0.05 summer
0.24 winter
C.L. = 0.19
D.R. = 0.86

4- no obj. (Peterson)- 3/30/1884

claimed- irr.- 2.40 for 34 ac.
rec'd- irr.- 0.87 for 34 ac.
C.L. = 0.19

C- OBJ. Babington- 9/10/1884

(Brown, atty.)
claimed- irr.- 0.30 for 10 ac.
rec'd- irr.- 0.30 for 10 ac.
C.L. = 0.10

OBJ. Simcoe- 9/10/1884

(Brown, atty.)
claimed- irr.- 0.30 for 40 ac.
rec'd- irr.- 0.30 for 40 ac.

35E- OBJ. Brown- 9/10/1884

AMNESTY
claimed- 3/8/1902
irr.- 0.24 for 8 ac.
rec'd- irr.- 0.10 for 3 ac.
C.L. = 0.04
(combined with 34E)
(8 ac. place of use)

35C- no obj. (Vargo)- 9/10/1884

claimed- 3/8/1902
irr.- 0.02 for 0.5 ac.
rec'd- dom.- 0.02

35C- no obj. (Hoffman)- 9/10/1884

claimed- 9/4/1884
dom.- 0.02
rec'd- dom.- 0.02

91A- no obj. (Ellison)- 9/10/1884

HUBBLE
claimed- irr.- 0.64 for 16 ac.
rec'd- irr.- 0.64 for 12 ac.
D.R. = 0.64

91B- no obj. (Fobes)- 9/10/1884

HUBBLE
claimed- irr.- 0.16 for 4 ac.
rec'd- irr.- 0.16 for 4 ac.
D.R. = 0.13
C.L. = 0.03

108M- Messersmith/Bothwell- 9/10/1884

HUBBLE
claimed- no records found
rec'd- irr.- 2.95 for 53.2
D.R. = 2.81
C.L. = 0.41

108N- Brooks- 9/10/1884

HUBBLE
claimed- irr.- 0.06 for 2.3
rec'd- irr.- 0.16 for 2.3
D.R. = 0.15
C.L. = 0.01

108L- Gridlev- 9/10/1884

HUBBLE
claimed- irr.- 1.46 for 5 ac.
rec'd- irr.- 0.17 for 3 ac.
D.R. = 0.16
C.L. = 0.01

35H- no obj. (Drage)- 9/10/1884

claimed- records not found
rec'd- irr.- 0.20 for 5 ac.
C.L. = 0.10

87- no obj. (Peterson)- 3/30/1884

HUBBLE
claimed- irr.- 2.40 for 31 ac.
rec'd- irr.- 2.40 for 31 ac.
D.R. = 1.55
C.L. = 0.35

35B- OBJ. Sturtevant- 9/10/1884

claimed- irr.- 0.60 for 13 ac.
rec'd- irr.- 0.30 for 13 ac.
C.L. = 0.04

3A- OBJ. Rea- 9/10/1884

(Brown, atty.)
claimed- irr.- 1.60 for 13 ac.
stock- 0.04 (19 range)
rec'd- irr.- 0.41 for 13 ac.
stock- 0.02 summer
0.17 winter
C.L. = 0.15

3K- no obj. (Gardner)- 9/10/1884

(Brown, atty.)
claimed- irr.- 0.71 for 10 ac.
rec'd- record not found

3L- no obj. (Babington)- 9/10/1884

(Brown, atty.)
claimed- irr.- 1.97 for 27.5 ac.
stock- 0.04
fish- 4.00
rec'd- record not found

3M- no obj. (Simcoe)- 9/10/1884

(Brown, atty.)
claimed- irr.- 1.32 for 18.5 ac.
rec'd- record not found

3B- OBJ. Kingston- 9/10/1884

(Brown)
claimed- irr.- 7.16 for 129 ac.
stock- 0.05 (200 range)
fish- 7.16
rec'd- irr.- 5.00 for 129 ac.
stock- 0.05 summer
1.80 winter
D.R. = 3.25
C.L. = 1.75

3D- no obj. (Harrison)- 9/10/1884

HUBBLE
claimed- irr.- 0.24 for 10 ac.
rec'd- irr.- 0.24 for 2 ac.
D.R. = 0.24

3H- OBJ. Buckeye Farms- 9/10/1884

(Rotholt, atty.)
claimed- irr.- 12.0 for 445
rec'd- irr.- 3.37 for 224
C.L. = 3.89
(combined with I)

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APPENDIX C

BUCKEYE DITCH (upper ditch)

54A- OBJ. - Shokall- 1/2/1891
 claimed- irr.- 1.54 for 37.8 ac.
 rec'd- irr.- 0.25 for 12 ac.
 C.L. = 0.01

7271B- go obj. (Martin/King)- 11/17/1972
 claimed- irr.- 0.60
 fish- 0.96
 rec'd- irr.- 0.60
 fish- 0.96

7271A- OBJ. - Shokall- 11/17/1972
 claimed- irr.- 2.23
 fish- 3.68
 rec'd- irr.- 2.23
 fish- 3.68

39K- go obj. (Easterday)- 1/2/1891
 claimed- irr.- 0.20 for 13 ac.
 stock- 0.02 (25 range)
 rec'd- irr.- 0.20 for 13 ac.
 stock- 0.02 (25 range)

85C- go obj. (Howard)- 9/10/1884
 HUBBLE
 claimed- irr.- 0.40 for 3.5 ac.
 rec'd- irr.- 0.34 for 3.5 ac.
 D.R. = 0.33
 C.L. = 0.01

125A- go obj. (Beutler)- 9/10/1884
 (Brown, atty)
 claimed- dom.- 0.12
 rec'd- dom.- 0.03

35B- OBJ. - Waite- 9/10/1884
 (Brown, atty)
 claimed- irr.- 0.04 for 1.1 ac.
 rec'd- irr.- 0.04 for 1.1 ac.
 C.L. = 0.01

35A- go obj. (Moore)- 9/10/1884
 HUBBLE
 claimed- irr.- 0.04 for 0.7 ac.
 rec'd- irr.- 0.04 for 0.5 ac.
 D.R. = 0.04

35A- OBJ. - Miller- 9/20/1884
 HUBBLE
 (Brown, atty)
 claimed- irr.- 0.20 for 4.3 ac.
 rec'd- irr.- 0.15 for 4.3 ac.
 D.R. = 0.14
 C.L. = 0.01

108P- go obj. (Veenendaal)- 9/10/1884
 HUBBLE
 (Brown, atty)
 claimed- 0.10 for 1.7 ac.
 stock- incidental
 rec'd- irr.- 0.10 for 1.7 ac.
 D.R. = 0.10

08Q- go obj. (Fetter)- 9/10/1884
 HUBBLE
 claimed- irr.- 0.20 for 3.3 ac.
 stock- 0.02 summer
 stock- 0.03 winter
 rec'd- irr.- 0.20 for 3.3 ac.
 stock- 0.02 summer
 stock- 0.03 winter
 D.R. = 0.20
 C.L. = 0.01

298- go obj. (Moore)- 9/10/1884
 (Brown, atty)
 claimed- irr.- 1.00 for 20 ac.
 rec'd- irr.- 0.51 for 11 ac.
 D.R. = 0.50
 C.L. = 0.01

49B- go obj. (Robinson)- 11/4/1885
 AMNESTY PRESUMPTION
 claimed- irr.- 0.18 for 2.0 ac.
 rec'd- irr.- 0.06 for 2.0 ac.

765B- go obj. (Kipp)- 11/16/1976
 (Brown, atty)
 claimed- dom.- 0.04 (1 home)
 rec'd- dom.- 0.04 (1 home)

82B- go obj. (McKenzie)- 1/2/1891
 HUBBLE
 claimed- irr.- 0.12 for 3 ac.
 rec'd- irr.- 0.12 for 3 ac.
 D.R. = 0.12

82C- go obj. (Martin)- 4/1/1910
 claim- (for 82) irr.- 2.0 for ?
 rec'd- irr.- 0.12 for 7 ac.

65 OBJ. - Beckstead/Castes- 9/10/1884
 HUBBLE
 (Brown, atty)
 claim- irr.- 0.70 for 35.4 ac.
 rec'd- irr.- 0.18 for 7.5 ac.
 C.L. = 0.01
 D.R. = 0.17

103C- OBJ. - Bolduc- 9/10/1884
 HUBBLE
 AMNESTY- 142-1425
 (Brown, atty)
 claimed- irr.- 0.04 for 2 ac.
 rec'd- irr.- 0.04 for 0.5 ac.
 D.R. = 0.04

103E- go obj. (Robinson)- 9/10/1884
 AMNESTY/PRESUMPTION
 claimed- (65)- irr.- 0.70 for 35.4
 rec'd- aesthetic 0.07 (stream & pond)
 C.L. = 0.01
 (claimed as 65; split)

103F- OBJ. - Zink- 9/10/1884
 (Brown, atty)
 claim- irr.- 0.40 for 3.5 ac.
 rec'd- irr.- 0.34 for 3.5 ac.
 D.R. = 0.33
 C.L. = 0.01

108D- go obj. (Blandford)- 9/10/1884
 HUBBLE
 claimed- irr.- 0.14 for 2 ac.
 rec'd- irr.- 0.14 for 2 ac.
 D.R. = 0.14

108G- go obj. (Tusser)- 9/10/1884
 claimed- irr.- 0.02 for 1 ac.
 rec'd- irr.- 0.02 for 1 ac.

15463- OBJ. - Hagerman School Dist.- 10/12/1954
 (Brown, atty.)
 claimed- irr.- 0.20 for 4.0 ac.
 rec'd- irr.- 0.14 for 4.5 ac.

108J- go obj. (Easterday)- 9/10/1884
 Amnesty/Presumption
 claim- record not found
 rec'd- irr.- 0.50 for 8 ac.
 stock- 0.02 summer (15 range)
 0.08 winter

108H- go obj. (Jones)- 9/10/1884
 HUBBLE
 claimed- irr.- 0.12 for 3 ac.
 stock- 0.02 (10 range)
 rec'd- irr.- 0.12 for 3 ac.
 stock- 0.02 summer
 stock- 0.03 winter
 D.R. = 0.12
 C.L. = 0.01 winter

108C- go obj. (Myers)- 9/10/1884
 claimed- irr.- 0.30 for 5 ac.
 stock- 0.02
 rec'd- irr.- 0.07 for 2 ac.
 stock- 0.02 summer
 stock- 0.03 winter
 C.L. = 0.01

112A- OBJ. - Flat- 1/2/1891
 HUBBLE
 (Brown, atty)
 claimed- irr.- 0.30 for 1
 rec'd- irr.- 0.31 for 1
 D.R. = 0.31

112B- OBJ. - Crandall- 1/2/1891
 HUBBLE
 (Brown, atty)
 claimed- irr.- 1.20 for 4
 stock- incidental
 rec'd- irr.- 0.43 for 1
 D.R. = 0.43

39E- OBJ. - Glauber- 1/2/1891
 (Brown, atty)
 claimed- irr.- 0.04 for 1
 rec'd- irr.- 0.03 for 1

39F- OBJ. - Bolduc- 1/2/1891
 (Brown, atty)
 claimed- irr.- 0.12 for 1
 rec'd- irr.- 0.03 for 1

39G- go obj. (McFadden)- 1/2/1891
 claimed- irr.- 0.10 for 1
 stock- 0.02 (6 range)
 rec'd- irr.- 0.04 for 1
 stock- 0.02 (6 range)

39H- go obj. (Roeser)- 1/2/1891
 claimed- irr.- 0.28 for 1
 rec'd- dom.- 0.04 (1 range)

39J- OBJ. - Potter- 1/2/1891
 (Brown, atty)
 claimed- irr.- 0.08 for 1
 stock- 0.02 (2 range)
 aesthetic 0.20 (3 ponds)
 rec'd- dom.- 0.04 (1 range)

39L- go obj. (Evans)- 1/2/1891
 claim- irr.- 0.12 for 1
 rec'd- irr.- 0.03 for 1

39M- OBJ. - Woolley- 1/2/1891
 (Brown)
 claimed- stock- 0.02 (1 range)
 irr.- 0.04 for 1
 aesthetic 0.12 (open stream)
 rec'd- dom.- 0.04 (1 range)

39N- OBJ. - Korbis- 1/2/1891
 (Brown, atty)
 claimed- irr.- 0.04 for 1
 stock- 0.02 (2 range)
 aesthetic 0.12 (open stream)
 rec'd- dom.- 0.04 (1 range)

39P- OBJ. - Bothwell- 1/2/1891
 (Brown, atty)
 claim- irr.- 0.04 for 1
 stock- 0.02 (2 range)
 aesthetic 0.14 (open stream)
 rec'd- dom.- 0.04 (1 range)

39B- go obj. (Beck)- 1/2/1891
 claimed- irr.- 0.12 for 1
 rec'd- irr.- 0.03 for 1

39C- OBJ. - Veenendaal- 1/2/1891
 (Brown, atty)
 claim- irr.- 0.23 for 1
 rec'd- irr.- 0.06 for 1

39D- OBJ. - Walmsley- 1/2/1891
 (Brown, atty)
 claimed- irr.- 0.26 for 1
 stock- 0.01 (2 range)
 rec'd- irr.- 0.06 for 1
 stock- 0.01 (2 range)

ALAN G. LANCE
Attorney General
State of Idaho

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

BRENT KING
CHARLES L. HONSINGER
Deputy Attorneys General
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Telephone: (208)327-5458
Fax: (208)327-5400

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. 36-00108B
	)	
Case No. 39576	)	AFFIDAVIT OF STEVE CLELLAND
	)	REGARDING CLAIM NO. 36-00108B
	)	

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

I, STEVE CLELLAND, being first duly sworn on oath, depose and state as follows:

1. I am a Senior Water Resource Agent with the Idaho Department of Water Resources (IDWR).
2. My work address is Idaho Department of Water Resources (IDWR), Southern Regional Office, 222 Shoshone St. East, Twin Falls, ID 83301-6105. I reside in Twin

Falls, Idaho.

3. My educational background and work history both outside and within IDWR are detailed in my Affidavit of Steve Clelland as to the Investigation of Claims in the Hagerman Area.

4. As part of my duties as a senior water agent, I investigated the acreage claimed as irrigated pursuant to claim no. 36-00108B. The pertinent details of that investigation are as follows:

A On July 26, 1990, IDWR water agent Helen Thornton and I conducted a field examination for the purpose of determining the irrigated acreage claimed pursuant to claim no. 36-00108B.

B. During that field examination, I observed that within the claimant's property boundary there were three parcels. The two westernmost and lower parcels were irrigated. However, I observed that the easternmost and upper parcel was not irrigated and that no system existed to deliver water to that parcel. This easternmost parcel contained buildings, equipment, storage areas, and rocky areas and did not contain a lawn or garden.

C. I observed that the ASCS map from 1977 showed the two westernmost and lower parcels as irrigated. That ASCS map showed the total irrigated acreage of those two parcels to be 10.2 acres.

D. I observed that the ASCS map from 1987 showed the two westernmost and lower parcels as irrigated. That ASCS map showed the total irrigated acreage of those two parcels to be 9.5 acres.

- E. I observed that both the ASCS map from 1977 and the ASCS map from 1987 did show a portion of the easternmost, upper parcel as irrigated. However, as stated above, during the field examination I had observed that this easternmost parcel was not irrigated and had not been irrigated for some time.
- F. Using an orthophoto quad from 1974 and the grid system described in Appendix A to IDWR's Report Regarding Claim to Water Right No. 36-00108B, I estimated the acreage of the two irrigated westernmost and lower parcels to be 11 acres.
5. As part of my duties as a senior water agent, I investigated the quantity of water delivered pursuant to claim no. 36-00108B. The pertinent details of that investigation are as follows:
- A. On July 17, 1992, I contacted the claimant, Ms. Alma Blastock to discuss irrigation methods and types of crops grown on the claimed place of use. During that conversation, she indicated that Mr. Walter "Butch" Bonning irrigated her property and suggested that I contact him.
- B. On July 21, 1992 I spoke with Mr. Bonning. He indicated that the lower westernmost parcel of the three earlier described was irrigated by corrugations. He indicated that the upper middle parcel of those three was irrigated by flood.
- C. During that conversation, Mr. Bonning also indicated that both irrigated tracts were planted with pasture.

DATED this 1st day of July, 1996.


STEVE CLELLAND

SUBSCRIBED AND SWORN to before me this 1st day of July, 1996.


Notary Public for the State of Idaho
Residing at: 775 S. 10th Boise
My commission expires: 12-5-2000

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

BRENT KING
CHARLES L. HONSINGER
Deputy Attorneys General
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
Telephone: (208)327-5458
Fax: (208)327-5400

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. 36-00108B
	)	
Case No. 39576	)	AFFIDAVIT OF HELEN THORNTON
	)	REGARDING CLAIM NO. 36-00108B
	)	
STATE OF IDAHO	)	
	) ss.	
County of Ada	)	

I, HELEN THORNTON, being first duly sworn on oath, depose and state as follows:

1. I am currently a Hydrogeologist with the Idaho Department of Water Resources (IDWR). At the relevant time for purposes of this affidavit, I was employed as a Senior Water Resource Agent with IDWR.

2. My work address is Idaho Department of Water Resources (IDWR), 1301 N. Orchard, Boise, ID 83706. I reside in Boise, Idaho.

3. My educational background and work history both outside and within IDWR are detailed in my Affidavit of Helen Thornton as to the Investigation of Claims in the

AFFIDAVIT OF HELEN THORNTON REGARDING CLAIM NO. 36-00108b, Page 1

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DEC 03 1996

Hagerman Area.

4. As part of my duties as a senior water agent, I investigated the acreage claimed as irrigated pursuant to claim no. 36-00108B. The pertinent details of that investigation are as follows:

A. On July 26, 1990, IDWR water agent Steve Clelland and I conducted a field examination for the purpose of determining the irrigated acreage claimed pursuant to claim no. 36-00108B.

B. During that field examination, I observed that within the claimant's property boundary there were three parcels. The two westernmost and lower parcels were irrigated. However, I observed that the easternmost and upper parcel was not irrigated and that no system existed to deliver water to that parcel. This easternmost parcel contained buildings, equipment, storage areas, and rocky areas and did not contain a lawn or garden.

DATED this 1st day of July, 1996.

Helen L. Harrington-Thornton
HELEN L. HARRINGTON-THORNTON

SUBSCRIBED AND SWORN to before me this 1st day of July, 1996.

Barbara M. McCarthy
Notary Public for the State of Idaho
Residing at: Boise ID
My commission expires: 5-16-2007

R PROOF

CVR

MAPS

PHOTOS

MISC

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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 the Rights to the Use of Water)
from the Snake River Basin)
Water System)

Case No. 36-00108B -0001

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

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

Respondents.)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

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OCT 12 1994

2. Person who filed objection:

Name: ALMA BLASTOCK
Address: ROUTE 1 BOX 442
HAGERMAN ID 83332

3. If this response is filed by an attorney:

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. ☒ Quantity: I respond to the objection concerning:
- 3a. ☒ The total quantity of water used in cubic feet per second.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
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.
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. ☒ 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 items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402); (3) the recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right; and (4) the eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

In response to Statement of the Objection item 7, and all allegations of the objection regarding that item, IDWR responds that it recommended the same purpose or purposes of use that were identified on the notice of claim and that were found when the claim was investigated. By identifying in the objection an additional use or uses that the claimant did not list on the 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 after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection item 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 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

(Over)

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 in the notice of claim. By now seeking a longer season of use than claimed, 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 after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court.

In response to Statement of the Objection item 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 for 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:

	No. of Pages
Notice of Claim No. A36-00108B	4
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4

(Over)

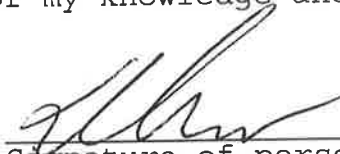
VERIFICATION (Must be Completed)

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 10th day of September,
1993.


Notary Public for Idaho
Residing at: _____
My Commission expires _____

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

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of SEPTEMBER, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

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

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

See No. 3

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

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

4. One copy to:

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


Signature of Respondent or attorney
mailing on Respondent's behalf

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00108B
Date Received: 6/20/1988
Receipt No: S000464
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALMA BLASTOCK 208-837-4758
Address: RT 1 BOX 442
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	SE	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	04/01	11/01	1.000		

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

8. Total consumptive use is 180.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	13E	14	SW	NW		IRR	20.0

Section Acres 20.0

Total Acres 20.0

A36-00108B

Page 1

Date: 06/20/88

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OCT 25 1983
JAN 2 1994

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:
NA

14. Remarks:
SPLIT WR# 36-0108 DECREED TO ED THOMPSON.

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

Decree Plaintiff

vs

Decree Defendant

MICROFILMED
OCT 25 1988
JAN 2 1994

16. Signature(s)

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

Number of attachments: _____

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): Gina Blasted Date: June 20, 1988

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 20th day

of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding, Id
My Commission Expires 10-16-92

POOR ORIGINAL

10/11
15/14

A36-001PBB

T743

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OCT 12 1994

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

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

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

- 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

21-Jan-1993

ALMA BLASTOCK
RT 1 BOX 442
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00108B

Dear Ms. Blastock:

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:

\$4.77

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

RECEIVED

JAN 15 1993
Department of Water Resources
Southern Region Office

1/14/93
(Date)

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in my file as it relates to water right number 36-00108B.

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,

Anna Blasted
(Name)

RT. 1 Box 442
(Address)

Hagerman, Id. 83332
(City, State, Zip Code)

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

MICROFILMED

OCT 12 1994

RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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

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

Case No. A36-00108B
(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.

36-00108B -0001/
93-04-0102

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

Respondents.

INSTRUCTIONS

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

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

(Over)

OBJECTION - 1

MICROFILMED

OCT 12 1994

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

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: Alma Blastock

Address: Route #1, Box 442

Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Decreed water right with priority date of

9/10/1884. Rights decreed in Buckeye

Ranch Company v. Thompson, et al.,

"Decree 1409" dated 12/1/1919; and New

International Mortgage Bank v. Idaho

Power Co., dated 3/22/32.

2. Owner of the water right:

Name: Alma Blastock

Address: Route #1, Box 442

Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown or 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.

Maximum quantity: as decreed and/or beneficially used; purpose
of use: irrigation and stockwater; period of use: 01/01 to
12/31; remarks: strike all statements after "water delivered
through 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

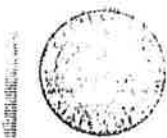
Alma Blastock, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

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.

X Alma Blastock
Signature of person filing objection

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

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



LINDA M. ROUSSEAU
NOTARY PUBLIC - STATE OF IDAHO
Residing at _____, Idaho
My Commission Expires: 9-11-93

(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Owner name: Alma Blastock
Owner's address: Route #1, Box 442
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 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 7 - Beneficially used for purposes set forth in notice of claim, and for stock watering.

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 11 - This is beyond the statutory authority vested in the Director.

CHANGES TO DIRECTOR'S REPORT, page 4

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

Question 14., page 4, Other

I.

GENERAL RESPONSE

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

II.

DESCRIPTIVE SUMMARY

(DIRECTOR'S REPORT PART I)

(hereinafter DRP-I)

(DRP-I at first unnumbered page)

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

III.

TABLE OF CONTENTS

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

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

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

IV.

INTRODUCTION

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

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

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

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

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

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

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

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

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

V.

DESCRIPTION OF THE WATER SYSTEM: BASIN 36

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

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

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

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

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

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

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

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

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

VI.

GENERAL PROVISIONS

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

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

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

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

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

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

The objectors admit paragraphs a. and b.

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

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

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

The objectors deny the averments within this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(DIRECTOR'S REPORT PART II)

I.

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

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

(DIRECTOR'S REPORT PART III)

I.

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

VIII.

AFFIRMATIVE DEFENSES

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

AFFIRMATIVE DEFENSE NO. 1

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

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

AFFIRMATIVE DEFENSE NO. 22

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

AFFIRMATIVE DEFENSE NO. 23

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

AFFIRMATIVE DEFENSE NO. 24

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

AFFIRMATIVE DEFENSE NO. 25

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

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

AFFIRMATIVE DEFENSE NO. 26

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

AFFIRMATIVE DEFENSE NO. 27

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

WHEREFORE, the objectors pray for judgment as follows:

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

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

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

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

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

(WATER\21530ANS)

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



MICROFILMED
JAN 25 1993

NOTICE OF ERROR FORM

AUG-24-1992

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

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

RECEIVED

SEP 22 1992

Department of Water Resources

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

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

1. Water right number: 36-00108B
2. Name: Alma Blastock
Address: Rt. 1, Box 442
Hagerman, Id. 83332
Weekday Telephone Number: (208) 837-4758

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

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

- a. Maximum Quantity .51 CFS
- b. Acres Total 11.0
- c. Consumptive Use 33.0 AFY

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

- a. Restore Maximum Quantity to 1.00 CFS
- b. Correct Total Acres to 12.5 Acres
- c. Restore Consumptive Use to 60.0 AFY

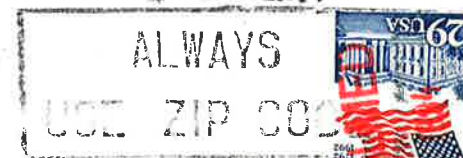
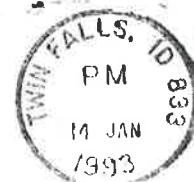
5. Describe why you disagree with the proposed recommendation:

It is physically impossible to irrigate this acreage with less than the current 1.00 CFS due to soil conditions.

6. Date: September 21, 1992

SIGNATURE Alma Blastock

ALMA E. BLASTOCK
RT1 Box 442
Ha. rman, Id.
83332



RECEIVED

JAN 15 1993
Department of Water Resources
Southern Region Office

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

83301

A36 00108B





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Oct-1992

ALMA BLASTOCK
RT 1 BOX 442
HAGERMAN ID 83332

RE: RESPONSE TO NOTICE OF ERROR FOR CLAIM 36-00108B.

Dear Ms Blastock

The acre recommendation was primarily based upon ASCS calculations of your irrigated ground and a field examination of your place. Based upon current information, I am unable to change the number of acres recommended at this time.

Your NOE also questions the basis for recommendation of an amount that is less than the amount shown in a previous decree.

Under Idaho law, a water right is limited to the amount of water beneficially used for the purposes for which the water right was established. The amount of water beneficially used is limited to the amount that is actually used and is reasonably required. For irrigation purposes, a reasonable amount is the amount required using irrigation methods that are reasonably efficient under current circumstances. If the amount of a water right shown in a decree is greater than the amount that is beneficially used, then the portion that is not beneficially used is forfeited.

The amount proposed to be recommended for your claim is based on the amount of water determined to be beneficially used for the recommended uses, based on available data and current methods of analysis. To support recommendation of a greater amount, you will need to submit evidence of beneficial use of a greater amount to IDWR.

MICROFILMED
JAN 25 1993

BLASTOCK
PAGE 2
18-Oct-1992

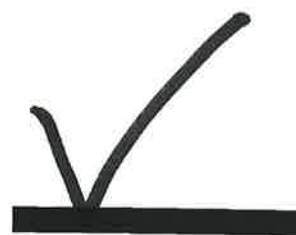
If you still disagree with IDWR's recommendations, you will have an opportunity to file an objection to the Director's Report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process. As part of the objection process, IDWR will work with the claimants to resolve disputed issues, including efforts to obtain additional data which will be shared with the water users.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

MICROFILMED
JAN 25 1993

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED
JAN 2 1993

Water Right Number - R36-001088 Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***
BLASTOCK ALMA 1 - RT 1 BOX 442
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-4758

+ - - 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 0.510

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.510 33.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 14 SW NW 11.0 01 IRRIGATION (47) GOODING

Total Acres: 11.0

+ - - 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 0.50 CFS AT THE FIELD HEADGATE IS
RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.
0.01 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.

+ - - - - Old Water Right Numbers - - - - - +
3600108

MICROFILMED
JAN 25 1993

Water right number - R36-001088

Prefix Translation: RESEARCH

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

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

+ - - - - 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	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/06/1992	Old Judicial District	-
Claim Received Date	- 06/20/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S000464	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:16
06/30/90

PAGE: 15
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00108B

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	N			N		HHT 8/5/92	DB	
POINT OF DIV	Y N			N				
SOURCE	N			N				
PLACE OF USE	Y (Y)	Called Blackrock 8-1-90 SCC	7-26-90 SCC/HHT	(Y)	1,2,4,5,6. Decree			
DIV. AMOUNT CFS/VOLUME	Y *			(Y)				
CONSUMPTIVE USE	- N			(Y)				
PURPOSES	N			N				
PERIOD OF USE	Y N			N				
BASIS OF CLAIM	Y N			N				
REMARKS	N			(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.

**Needs further review*
Irrigation Analysis done
HHT
7/92

MICHOE MED
JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:16
06/30/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00108B

LAST: BLASTOCK
ADDRESS: RT. 1 BOX 442
CITY: HAGERMAN
PHONE NUMBER: 208-837-4758

FIRST: ALMA
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE FIELD
N EXAMINER

FIELD EXAMINATION INFORMATION

CONTACT PERSON: None - Drive By

PHONE NUMBER: () -

DATE OF FIELD EXAM: 7/36/90

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Leave house, barn, well —

irrigation found - see plat map @ A36-00066A - Blastock does not
own 20 acres — field invest. found approx 14 acres of land belonging
to Blastock — other land owned by Bruhn (66A) and small plot on
road owned by Lyle.

MICROFILMED
JAN 25 1993

A. AJ CLAIM: # A36-00108B PRIORITY DATE: 09-10-1884 STAGE: D
B. WR RECORD: # 36-00108 PRIORITY DATE: 09-10-1884 STAGE: D

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

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

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:
09-10-1884

REVIEWED BY hht

DATE 7-17-90

=====

MICROFILMED
JAN 25 1991

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00108B	07S	13E	11	SE	SE	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

A36-10223 NONE

A36-00103A

A36-00003B

A36-00003C

A36-00003E

A36-00003F

A36-00003J

A36-00039G

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
36-00103
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

RECEIVED
JAN 2 1993

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
36-00108	07S	13E	11		SE	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

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

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

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

MICROFILMED
JAN 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

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

as claimed

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY: hnt DATE: 7-17-10

VIA BUCKEYE DITCH W/FLUMES

MICROFILMED
JAN 15 1993

A. ROOT WATER RIGHT NUMBERS:

A36-00108A
A36-00108B
A36-00108C
A36-00108D
A36-00108E
A36-00108F
A36-00108G
A36-00108H

MICROFILMED
JAN 25 1993

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	14	SW	NW		BLASTOCK , ALMA	A36-00108B / 20.0	- /	40.0		
						MYERS , ROSELLA	A36-10188 /	- /		11.0	11.0
						BRUHN , MARLENE M.	A36-00066A / 4.0	- /			
						CITY OF HAGERMAN	A36-02465 /	- /			
						BEUTLER , DAVID E.	A36-00125A /	- /			
						VEENENDAAL , DICK J.	A36-00108A / 5.0	- /			
						MYERS , ROSELLA F.	A36-00108C / 5.0	- /			
						GRIDLEY , DORIS M.	A36-00108E / 9.0	- /			
						WARREN , STEVEN D.	A36-00108H /	- /			
						THOMPSON , T. E.		- /			
							43	36-00108			
TOTAL ACRES						A36-00108B	20.00		40.00		11.0

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

4 acres claimed by Bruhn are also claimed in the 20 Ac. by Blastock.

PRESUMPTION FLAG:

REMARKS:

NAPP photo shows irrigation, however there appear to be some areas which would not be irrigated (ditches) + Rock Croppings, Houses, MARSH AREAS. Acres confirmed by 2 different ASCS photos with measurements given.

MICROFILMED
JAN 25 1993

RECOMMENDATIONS:

TOTAL ACRES: 11.0
REVIEWED BY: SCC

DATE: 10-2-90

see 8-1-90 - Need to resolve ownership of the NE SW NW.

11am PHONE CONV. To: ALMA BLASTOCK 837-4758

- she says she has 20 Acres but does not own the cattail area behind her house; does not know who owns it. She reminded me she is entitled to the 50" claimed because they have paid the Buckeye Ditch Co. for 50" since at least 1953.

10-2-90 phone convs. w/ Mrs. Bruhn confirmed her ownership of the parcel.
(see A36-00066A)

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00108B IRRIGATION	FROM 04-01 TO 11-01	1.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00108 IRRIGATION	FROM TO	5.400 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		5.400 CFS

MICROFILMED
JAN 25 1983

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>Y</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	<u>N</u>

Excessive water ok per Irrig. Analysis

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

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

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

Can't change recommend more than is claimed.

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(~~X~~)

AJ TOTAL CLAIMED DIVERSION RATE: 1.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 5.400 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

~~N~~

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

*need policy decision
re: excessive flow done
7/92*

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00108B	BILLINGSLEY CREEK	BLASTOCK , ALMA	1.000	0.050		
A36-00066A	BILLINGSLEY CREEK	BRUHN , MARLENE M.	0.240	0.030		
A36-00108A	BILLINGSLEY CREEK	VEENENDAAL , DICK J.	0.300	0.060		
A36-00108C	BILLINGSLEY CREEK	MYERS , ROSELLA F.	0.300	0.060		
A36-00108E	BILLINGSLEY CREEK	GRIDLEY , DORIS M.	4.500	0.050		
A36-00108H	BILLINGSLEY CREEK	WARREN , STEVEN D.	0.120	0.040		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-10188	DOMESTIC	MYERS , ROSELLA	FROM 01-01 TO 12-31	.040 CFS	
A36-02465	MUNICIPAL	CITY OF HAGERMAN	FROM 01-01 TO 12-31	4.000 CFS	
A36-00125A	DOMESTIC	BEUTLER , DAVID E.	FROM 01-01 TO 12-31	.120 CFS	
A36-00108H	STOCKWATER	WARREN , STEVEN D.	FROM 01-01 TO 12-31	.020 CFS	

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JUL 25 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 11 x 0.02 CFS/ACRE = 0.22 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 = 60.0 AF/A

ACRES 11 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =

TOTAL CONSUMPTIVE USE 33 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 11 x DIVERSION VOL. AF/A FOR AREA 4.0 =

TOTAL DIVERSION VOLUME 44 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

proportional rate of diversion:
5.4 cfs / 120 Ac. = 0.045 cfs/ac

see irrigation analysis sheet dated 7-8-92
see

Rec. Div. Rate: 0.50
Conveyance Loss 0.01
Total Rec. 0.51

HAT
8/6/92

NOT RECORDED
JAN 25 1992

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 <u>10-31</u> ~~11-01~~	DATABASE EXAMINER ~~1.000~~ <u>0.495</u> 0.51	DATABASE EXAMINER ~~44~~ <u>44</u>	DATABASE EXAMINER ~~60.0~~ <u>33</u>
TOTAL FOR THIS RIGHT		~~1.000~~ 0.51		~~60.0~~

REVIEWED BY: SCC

DATE: 10-2-90

N/A

Recommended based on proportional decree rate, per Hubble Report.

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JAN 25 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED

NEEDS
REVIEW

ok
HTT 8/10/92

POU - correct as Recommended. 10-2-92
Excessive legal Reviews

MICROFILMED
JAN 25 1993

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00108

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
5.400

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-00108	A36-00108A	0.300	-		36-00108	5.400
A36-00108	A36-00108B	1.000	-		36-00108	5.400
A36-00108	A36-00108C	0.300	-		36-00108	5.400
A36-00108	A36-00108D	0.140	-		36-00108	5.400
A36-00108	A36-00108E	4.500	-		36-00108	5.400
A36-00108	A36-00108F	0.020	-		36-00108	5.400
A36-00108	A36-00108G	0.020	-		36-00108	5.400
A36-00108	A36-00108H	0.120	-		36-00108	5.400
TOTAL CFS		6.400				5.400

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 "SPLIT RIGHT" A36-00108 attached.

=====

AUTHENTICATION:

SIGNATURE: _____

Steve Celli

DATE: _____

10-2-90

NAME OF FIELD EXAMINER: _____

TITLE: _____

=====

MICROFILMED
JAN 25 1991

REMARK AND CONDITION CODE WORKSHEET

SYSTEM CLAIM NUMBERS

R36 00108B

AGENT

INITIALS HHT

DATE

8/5/92

CLAIM NO.

OR ENTRY
ORDERREMARK
CODE

ENTRY DATA

CONDITION
CODESTAGE
OR
STATUSPRESUMPTION
CODEF01Buckeye DitchD020.01 cfsS4R0.50 cfsAdd Water District 36AMICROFILMED
JAN 25 1993

R 13 E

1987
ASCS
PHOTO

10 11
15 14

T 7 S

2
7.6

1.9

13 16 23 20

499
T-593

77

5
T-
10.9

1.3

5.0

2.6

4.7

5.
T-

24.8

57.7

93

T660

10/11
15/14

POU
OWNED
BY OTHERS

A36-00108B

T743

MICROFILMED
JAN 25 1995

440 000
FEET

T
T



DECREED RIGHT SPLIT ANALYSIS

PARENT RIGHT NO. 36-00108 TOTAL DIVERSION RATE 5.4 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	0.30	0.30	Y	- (0.01)	NA	0.30
B	1.0	0.50	N	0.01	N	0.51
C	0.30	0.06	N	0.01	N	0.07
D	0.14	0.14	Y	- (0.01)	NA	0.14
E	4.50	3.12	N	0.16	N	3.28
F	renumbered to 36-00103 F		F	-	-	-
G	0.02	0.02	Y	- (0.01)	NA	0.02
H	0.12	0.12	Y	- (0.01)	NA	0.12
J	0.50	0.50	Y	- (0.06)	NA	0.50

4.94

MICROFILMED
JAN 25 1993

Water Right Number - A36-00108

Adj. Flag Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
SPLIT RIGHT1 -
2 -
3 -City- X
Phone - 208-000-0000

State- ID Zip- 0

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
09/10/1884 17 Error in Region Z - SEE REMARKS+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
SPLIT RIGHT+ - - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County (Blank if no Index Code)
07S 13E 11 SE NE (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
5.400+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 13E 14 SW NW 01 IRRIGATION (47) GOODING
07S 13E 14 NW SW 01 IRRIGATION (47) GOODING
07S 13E 14 SW SW 01 IRRIGATION (47) GOODING

Total Acres:

+ - - Diversion Means - VIA BUCKEYE DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

THIS WR IS SPLIT AS FOLLOWS: R-RECORDS:
A36-00108A FOR 0.30 CFS DICK J. VEENENDAAL 0.23 CFS 5.0 AC
A36-00108B FOR 1.00 CFS ALMA BLASTOCK 0.495 11.0
A36-00108C FOR 0.30 CFS ROSELLA F. MYERS 0.09 2.0
A36-00108D FOR 0.14 CFS CARL BLANDFORD 0.09 2.0
A36-00108E FOR 4.50 CFS DORIS M. GRIDLEY 2.66 59.0
A36-00108F FOR 0.02 CFS BASIL LESTER ZINK *RENUMBERED*
A36-00108G FOR 0.02 CFS WILLIAM H. MURRAY 0.02 1.0

MICROFILMED
JAN 25 1993

MICROFILMED
JAN 25 1993

Water right number - A36-00108

Adj. flag translation: ADJUDICATION CLAIM

+ - - - - - Remarks - - - - - +	
A36-00108H FOR 0.12 CFS STEVEN D. WARREN	0.12 3.0
=====	=====
6.40 CFS	TOTALS 3.705 83.0

CLAIMANT NAMED HARMAN FAILED TO CLAIM HIS PORTION OF THIS WR.
WATER RIGHT PROPORTIONAL RATE 5.4 CFS/120 ACRE = 0.045 CFS/AC.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

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

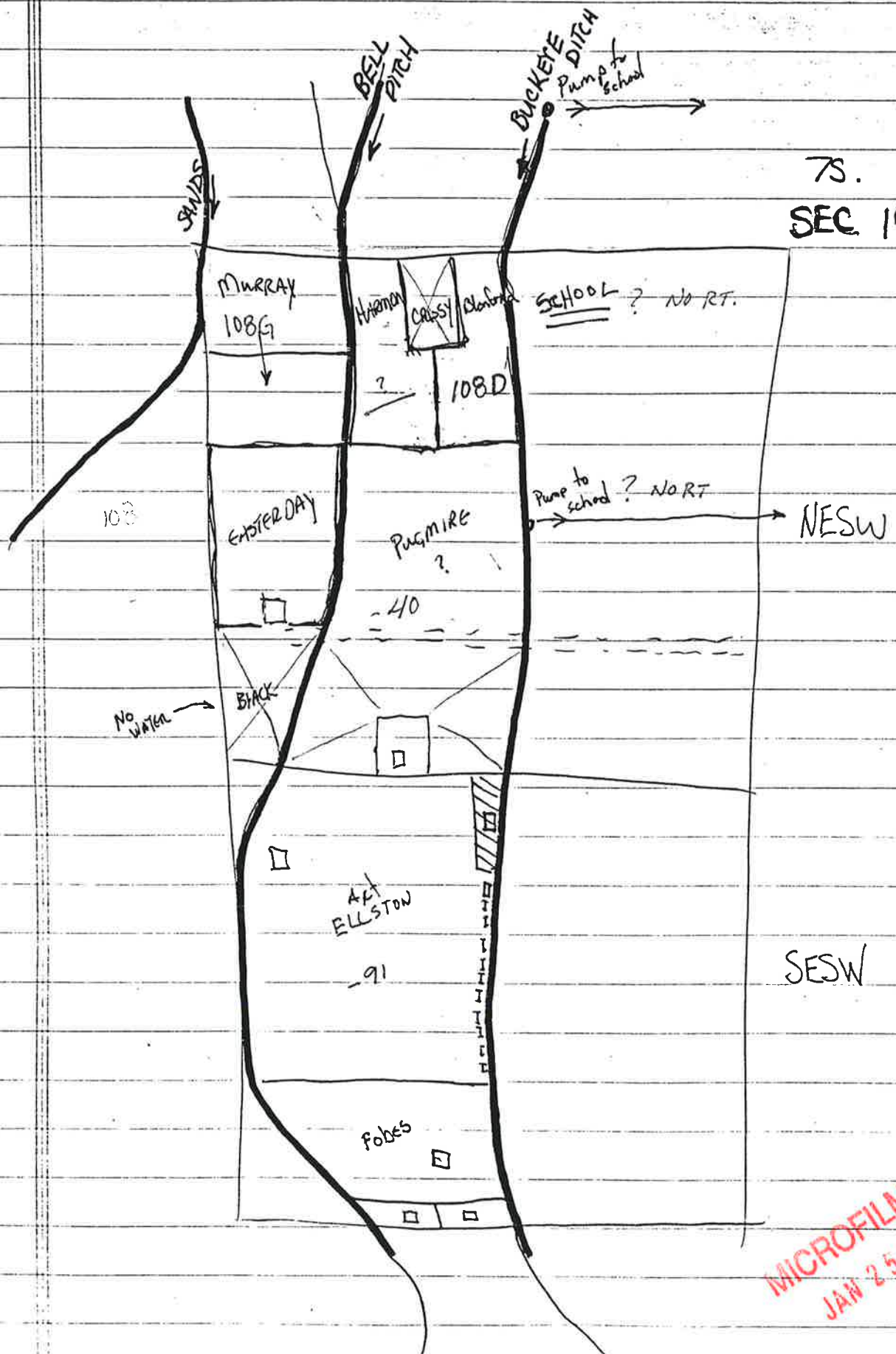
+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +	+ - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK	IDAHO POWER COMPANY	00/00/0000

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

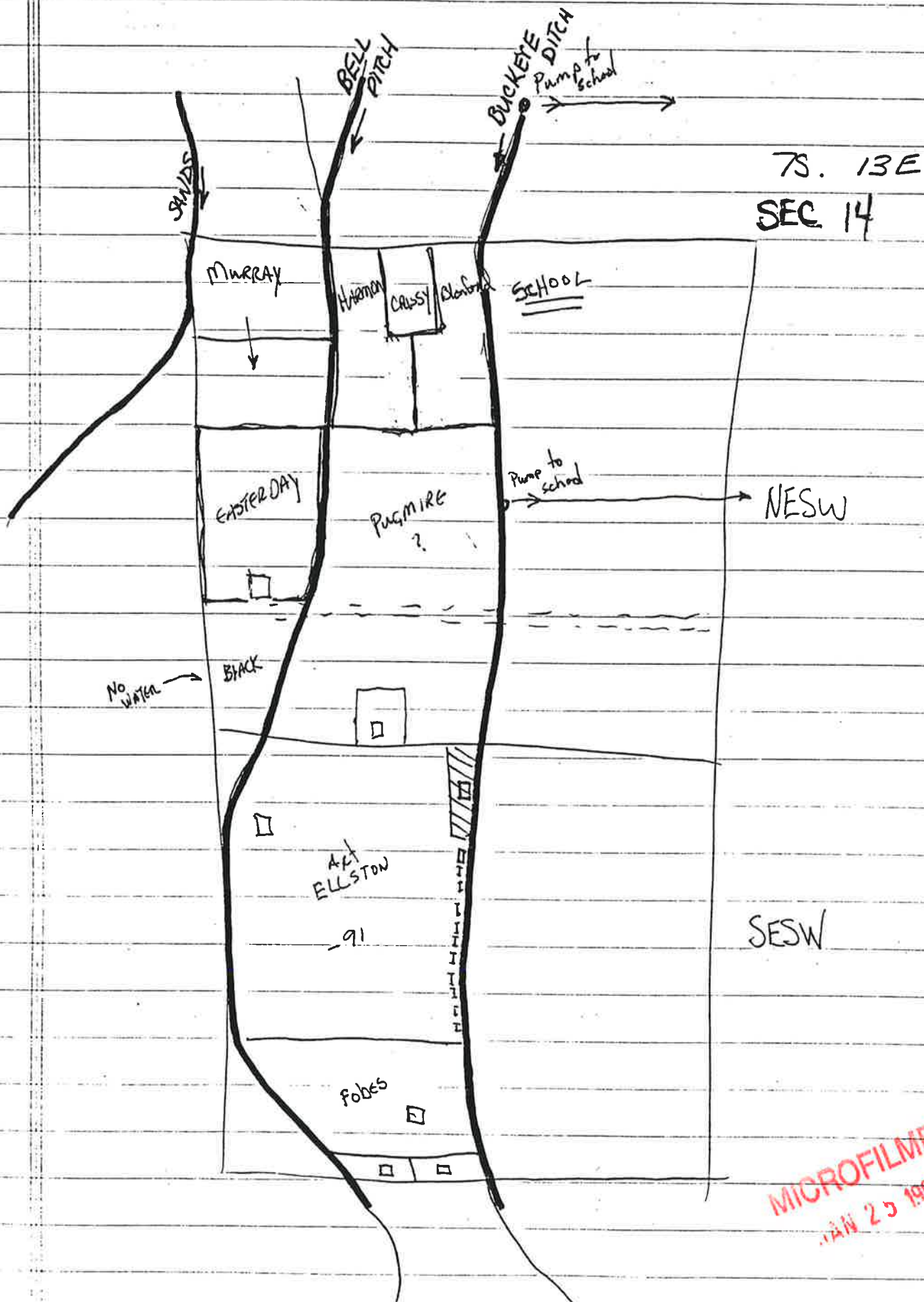
+ - - Audit Fields - - +
CLELLAND

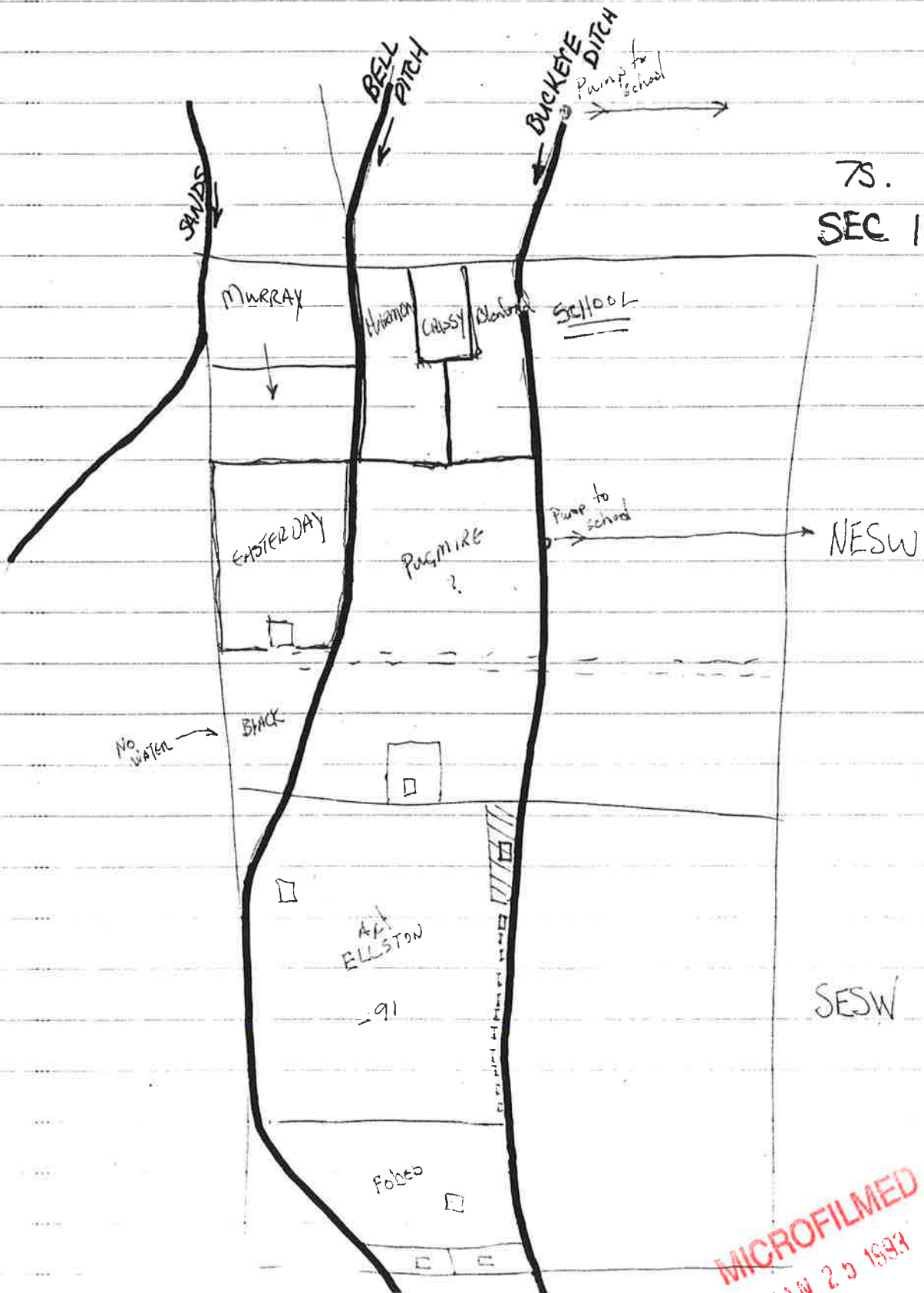
+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing - 00/00/0000	Field Inspection Made - 00/00/0000	Civil Case Number - 39576
Objection Filed Date - 00/00/0000	Field Inspection Flag -	Old Case Number -
Response Filed Date - 00/00/0000	Verified Date - 00/00/0000	Old Judicial District -
Claim Received Date - 06/20/1988	Last Amended Date - 00/00/0000	Temporary Right - P
	Receipt Number - X777777	Water District - 36A
	POU Ownership Flag - Y	Federal/State Indicator - S
	Name Connector -	Presumption Flag -



MICROFILMED
JAN 25 1993





TS. 13E
SEC 14

NESW

SESW

MICROFILMED
JAN 20 1983

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

8 rts. @ 0.01 each

A36-00108
A
B
C
H

allowance for B & C only.

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 1999

IRRIGATION ANALYSIS WORKSHEET

CLAIM NO. A36-00108 B
 DATE 7-8-92
 AGENT SCC

CLAIMANT/SYSTEM DESCRIPTION BLASTOCK
 IRRIGATION SYSTEM ----- GRAVITY
 ANALYSIS METHOD ----- BORDER FURROW
 TYPE OF CROP ----- PASTURE
 MAXIMUM PROFILE DEPTH ----- 36 INCHES
 INTAKE FAMILY ----- 0.70

SOIL TYPE FAB ----- SYSTEM TOTAL
 ACRES PER TYPE 8 ----- (3 acres part 2) ----- 11 ACRES
 SOIL PROFILE WHC 3.42 -----
 DESIGN IRR $\frac{1}{2}$ WHC 1.71 -----

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 ----- DAYS

DRY DAY ROTATION ----- IRR DAY ROTATION -----

THEORETICAL ROTATION:

1.71 DESIGN IRR / 0.25 CROP REQ = 6.84 DAYS

DESCRIPTION OF FIELD:

AVERAGE LENGTH RUN ----- 600TOTAL WIDTH OF FIELD ----- 600CHECK 600 L * 600 W / 43,560 = 8.26 ACRES% SLOPE ----- < 1%~~BORDER WIDTH~~ ----- N/A

N/A WIDTH OF FIELD / N/A DAYS OF ROTATION

FURROW / CORRUGATION WIDTH -----

SET TIME -----

MICROFILMED
 JAN 25 1993

A36-00108 B

BLASTOCK

(Part 1 of 2)

Buckeye Ditch

7-23-92
SC

INTAKE FAMILY <If> = 0.70
 DESIGN APPLICATION <Fn> = 1.71 INCHES
 FURROW SLOPE <S> = 0.010 FEET/FOOT
 FURROW SPACING <W> = 2.33 FEET
 FURROW LENGTH <L> = 600 FEET
 INFLOW RATE <Q> = 6 GPM/FURROW
 APPLICATION TIME <Ti> = 12 HOURS

ADVANCE TIME <TT> = 103.5 MINUTES; OR 1.7 HOURS
 GROSS APPLICATION <FG> = 4.96 INCHES
 NET APPLICATION <Fx> = 4.56 INCHES
 RUNOFF <RO> = 0.02 INCHES
 DEEP PERCOLATION <DP> = 3.23 INCHES
 EFFICIENCY <E> = 34.50 %

TO CHANGE: PRESS (EXISTING)
 Design Application <1> 1.71 in
 Furrow Slope <2> 0.010 ft/ft
 Furrow Spacing <3> 2.33 ft
 Furrow Length <4> 600 ft
 Furrow Intake Family <5> 0.70
 Inflow Rate <6> 6 gpm/furrow
 Inflow Time <7> 12 hours <ANALYSIS MODE>

TO PRINT: DATA/WITH HEADING PRESS:<8/9>

NEW DESIGN PRESS <10>, NEW ANALYSIS PRESS <11>, QUIT PRESS <12>?

INTAKE FAMILY	DESIGN APPLIC. Inches	FURROW SLOPE Ft/Ft	FURROW SPACING Feet	FURROW LENGTH Feet	INFLOW RATE Gpm	APPROXIMATE INFLOW TIME Hours	ADVANCE TIME Minutes	GROSS IRRIGATION APPLICATION Inches	NET IRRIGATION APPLICATION Inches	RUNOFF Inches	DEEP PERC. In.	IRRIGATION EFFICIENCY %
0.70	1.71	.005	2.33	600	10	12	81.8	8.26	5.57	2.34	4.21	20.70
0.70	1.71	.005	2.33	600	9	12	94.7	7.44	5.36	1.67	4.05	23.00
0.70	1.71	.005	2.33	600	8	12	113.7	6.61	5.11	1.02	3.88	25.87
0.70	1.71	.005	2.33	600	7	12	143.8	5.78	4.78	0.39	3.69	29.57
0.70	1.71	.005	2.33	600	6	12	196.8	4.96	4.78	0.39	3.69	29.57 ←
0.70	1.71	.010	2.33	600	6	12	103.5	4.96	4.56	0.02	3.23	34.50
0.70	1.71	.010	2.33	600	5	12	141.1	4.13 <	4.56	0.02	3.23	34.50

$$F.I.R. = 4.2 \frac{0.25}{29.57}$$

$$= 0.036 \text{ cfs/Ac.}$$

$$8 \text{ Ac} \times 0.036 \text{ cfs/Ac} = 0.29 \text{ cfs}$$

 MICROFILMED
 JAN 25 1993

IRRIGATION ANALYSIS WORKSHEET

CLAIM NO. A36-00108B
 DATE 7-8-92
 AGENT SC

CLAIMANT/SYSTEM DESCRIPTION BLASTOCK
 IRRIGATION SYSTEM ----- GRAVITY
 ANALYSIS METHOD ----- BORDER / FURROW
 TYPE OF CROP ----- PASTURE
 MAXIMUM PROFILE DEPTH ----- 36" INCHES
 INTAKE FAMILY ----- 3.0

 SOIL TYPE FAB ----- SYSTEM TOTAL
 ACRES PER TYPE 3 ----- (8 Acres part 1) ----- 11 ACRES
 SOIL PROFILE WHC 3.42 -----
 DESIGN IRR $\frac{1}{2}$ WHC 1.71 -----

 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 ----- 12-14 DAYS
 DRY DAY ROTATION 8-10 IRR DAY ROTATION 4
 THEORETICAL ROTATION:
1.71 DESIGN IRR / 0.25 CROP REQ = 6.84 DAYS
allowed 14 days

 DESCRIPTION OF FIELD:

AVERAGE LENGTH RUN ----- 260'
 TOTAL WIDTH OF FIELD ----- 500'
 CHECK 260 L * 500 W / 43,560 = 2.98 ACRES
 % SLOPE ----- 5%
 BORDER WIDTH ----- 12'
500 WIDTH OF FIELD / 14 DAYS OF ROTATION ~~(36)~~
~~FURROW / CORRUGATION WIDTH~~ ----- N/A
 SET TIME ----- 24 hr

12' @ 8 hr sets

MICROFILMED
 JAN 25 1993

GRADED BORDER EVALUATION

Job name: BLASTOCK
By: SCC (2 OF 2)

Location: A36-00108B BUCKEYE
Date: Jul 23, 1992

Roughness coefficient (n)= 0.250 Intake family (If)=3.00
Slope (S)= 0.0500 ft/ft Border width (W)= 12 ft
Net application (Fn)= 1.71 inches Border length (L)= 260 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
0.09	Gross depth is less than required	gross application depth				
0.10	Gross depth is less than required	gross application depth				
0.11	Gross depth is less than required	gross application depth				
0.12	Gross depth is less than required	gross application depth				
0.13	Gross depth is less than required	gross application depth				
0.14	Gross depth is less than required	gross application depth				
0.15	Gross depth is less than required	gross application depth				
0.16	Gross depth is less than required	gross application depth				
0.17	Gross depth is less than required	gross application depth				
0.18	Gross depth is less than required	gross application depth				
0.19	Gross depth is less than required	gross application depth				
0.20	Gross depth is less than required	gross application depth				
0.21	0.018	23.26	20.84	0.71	7.4	
0.22	0.018	24.37	20.84	1.82	7.0	(2)
0.23	0.019	25.48	20.84	2.93	6.7	(2)
0.24	0.020	26.58	20.84	4.03	6.4	(2)
0.25	0.021	27.69	20.84	5.14	6.2	(2)
0.26	0.022	28.80	20.84	6.25	5.9	(2)
0.27	0.023	29.91	20.84	7.36	5.7	(2)
0.28	0.023	31.02	20.84	8.46	5.5	(2)

(2) Erosive stream-- non-sod forming crops.

MICROFILMED

JAN 25 1993

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A36 -00108 B

RE: IRRIGATION METHODS

BLASTOCK

DATE 7-17-92

NAME OF PARTY

ALMA BLASTOCK

837-4758

She has had a Stroke and said WALTER "BUTCH" BONNING does all the irrigating. She suggested I call him after I told her the information I needed to ask.

→ BUTCH BONNING - 837-4578 @ WORK 837-4793

11:25 AM left message w/ machine. see

7-21-92 8:40 AM left message w/ machine. see

Butch called & left work #; I called back: (1:35 PM)

He said the lower field is corrugated, 28-30" spacing. Takes about 8-10 days to cover the field using 24 Hr sets. He runs 1 1/2 - 2 sections of gated pipe per day.

After the lower field is irrigated, all the water is diverted onto the upper pasture into a flood system. Takes 4 days to cover this field; 2 days down each side of the center ditch. 24 hour sets are used here.

Total 14 day rotation - 24 Hr sets

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JAN 25 1993