

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: A36-00110C
Date Received: 10/ 7/1991
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WILLIAM E FLINT
Address: 7745 ROPALT ST
LA MESA CA 91942
619-465-4208

2. Date of Priority: APR 1, 1885

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

4. Point of Diversion:

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

5. Description of diverting works:
VIA SANDS DITCH. STOCK DRINK FROM SANDS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.390		
STOCKWATER	03/15	11/15	0.010		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 15 RANGE CATTLE OR HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	13E	11	NE	SW		IRR	3.0
Section Acres							3.0

10. Place of Use: Continued

Total Acres 3.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
36-0111C

14. Remarks:

AMOUNT CLAIMED IS BASED ON PROPORTIONAL SHARE OF RT. AERIAL PHOTO SHOWS 22 AC. OF ORIGINAL FARM UNDER SANDS DITCH. I OWN 17 AC. OF THE 2 AC., SO AM CLAIMING 17/22 OF THE RIGHT. MY DEEDS SHOW 60" OF WATER FOR THIS LAND, BUT THERE IS NO INFORMATION AVAILABLE TO SHOW HOW THIS 60" IS SPLIT BETWEEN 36-0110 & 36-0111. SO I AM CLAIMING THE PROPORTIONAL SHARE OF BOTH RIGHTS; THE COURT CAN DECIDE WHAT IS CORRECT. THERE HAS BEEN ENOUGH WATER IN THE VALLEY UP TO NOW SO THAT PRIORITY DATE HAS NOT BEEN IMPORTANT.

AMEND NOTE

ADDED 2 ACRES TO POU - SCC 10-07-91.

PER OBJECTION, CHANGED ADDRESS. SF 9/7/93.

OWNERSHIP SPLIT ON ORIGINAL CLAIM A36-00110A: 11/26/97 SCC

AMENDED CLAIM: .39 CFS AS AWARDED BY THE SRBA COURT. 7/31/98 SCC.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER CO.
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): *[Signature]* Date: _____
_____ Date: _____

State of Idaho)
County of TWIN FALLS) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of July 19 98 *[Signature]*
Notary Public

Seal

Residing at Twin Falls, ID
My Commission Expires 12/7/2000

Aug. 4. 1998

RECEIVED

AUG 07 1998

Department of Water Resources

IDWR. Depository
P.O. Box 83720
Boise, Idaho 83720-0098

Sirs:
Enclosed is copy of Delayed.
Revised, amended notice of
claim for Surcease. # 3600110e

Yours Truly
Wm E. Flint

7745 Rapalt. St.
La Mesa. Calif.
91942

RECEIVED
SEP 09 1998
Department of Water Resources
Southern Region

RECEIVED
AUG 07 1998
Department of Water Resources

SOUTH
SC

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

In Re SRBA

Subcase 36-00110C^W
(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it 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 is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is

My address is

7745 - Ropolt Street.
La Mesa, Calif. 91942

My phone number is:

Work

Home 1-619-465-4208

I am an attorney representing

My name is

My address is

My phone number is

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information.

This motion will be heard on _____

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

*To allow for full amount of
my water right. as awarded by
the court.*

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Gooding TWIN FALLS

William E. Flout, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

William E. Flout
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on July 31st 1998
(Insert Date)

Steve Collins
Notary Public for STATE OF IDAHO
Residing at: Twin Falls, ID
My Commission expires: 12/7/2000

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

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

1. Original to:

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

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Signature of person or attorney mailing the form

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: A36-00110C

Date Received: 10/ 7/1991

Receipt No: X777777

Received By: Sw

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

1. Name: WILLIAM E FLINT
Address: 7745 ROPALT ST
LA MESA CA

91942

AND/OR

Name: VERA C FLINT
Address: 7745 ROPALT ST
LA MESA CA

91942

2. Date of Priority: APR 1, 1885

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

4. Point of Diversion:

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

5. Description of diverting works:
VIA SANDS DITCH. STOCK DRINK FROM SANDS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.170		
STOCKWATER	03/15	11/15	0.010		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 15 RANGE CATTLE OR HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	NE	SW		IRR	3.0
Section Acres							3.0
Total Acres							3.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
36-0111C

14. Remarks:

AMOUNT CLAIMED IS BASED ON PROPORTIONAL SHARE OF RT. AERIAL PHOTO SHOWS 22 AC. OF ORIGINAL FARM UNDER SANDS DITCH. I OWN 17 AC. OF THE 2 AC., SO AM CLAIMING 17/22 OF THE RIGHT. MY DEEDS SHOW 60" OF WATER FOR THIS LAND, BUT THERE IS NO INFORMATIN AVAIL ABLE TO SHOW HOW THIS 60" IS SPLIT BETWEEN 36-0110 & 36-0111. SO I AM CLAIMING THE PROPORTIONAL SHARE OF BOTH RIGHTS; THE COURT CAN DECIDE WHAT IS CORRECT.
THERE HAS BEEN ENOUGH WATER IN THE VALLEY UP TO NOW SO THAT PRIORITY DATE HAS NOT BEEN IMPORTANT.

AMEND NOTE

ADDED 2 ACRES TO POU - SCC 10-07-91.

PER OBJECTION, CHANGED ADDRESS. SF 9/7/93.

OWNERSHIP SPLIT ON ORIGINAL CLAIM A36-00110A: 11/26/97 SCC

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER CO.
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



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

November 26, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM E FLINT
7745 ROPALT ST
LA MESA CA 91942

RE: CHANGE OF OWNERSHIP SRBA CLAIM NOS. 36-00110C & 36-00111C

DEAR MR. FLINT,

Pursuant to a request for a change in ownership by J3G Holdings and/or the notification that you presently own the property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owners as requested. Please find enclosed a copy of your adjudication claims, as they now appear in our records.

J3G Holdings, an Idaho Partnership, has been listed as the owners of record for 36-00110D, 36-00111D, & 36-00112A.

Please refer to the above SRBA claim number in future correspondence.

If you have any further corrections or questions please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Clelland'.

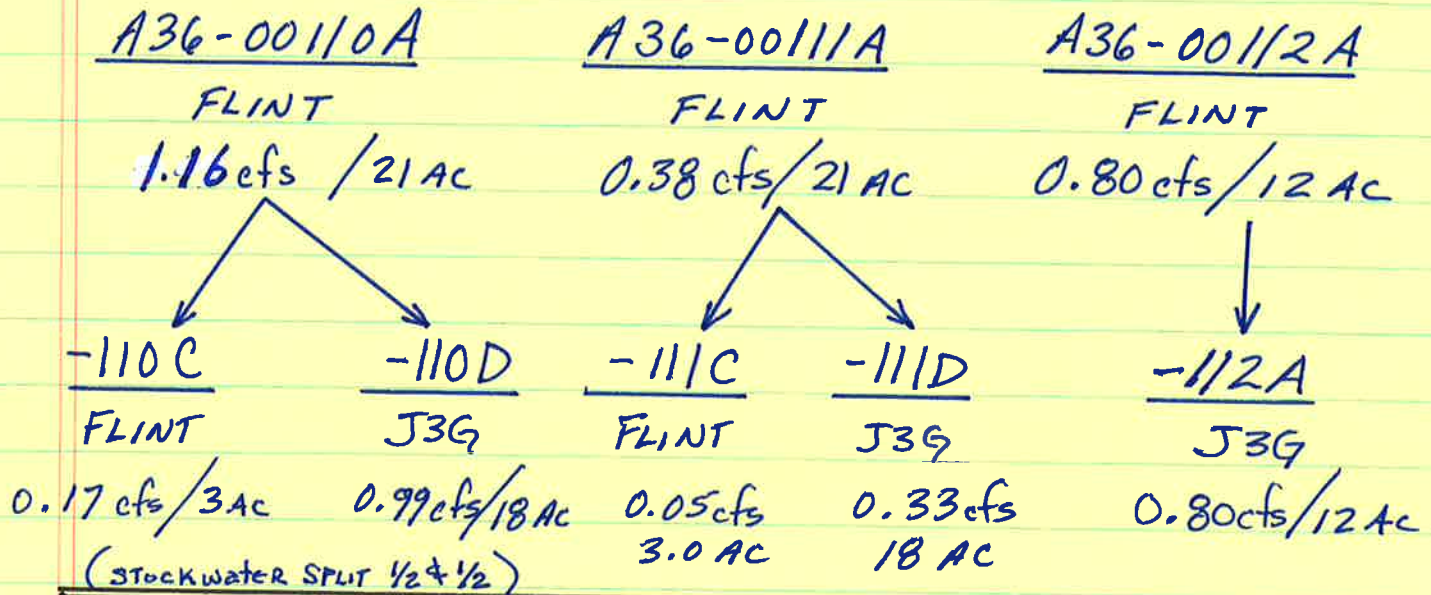
STEVE CLELLAND
Sr. Water Resource Agent

ENC:

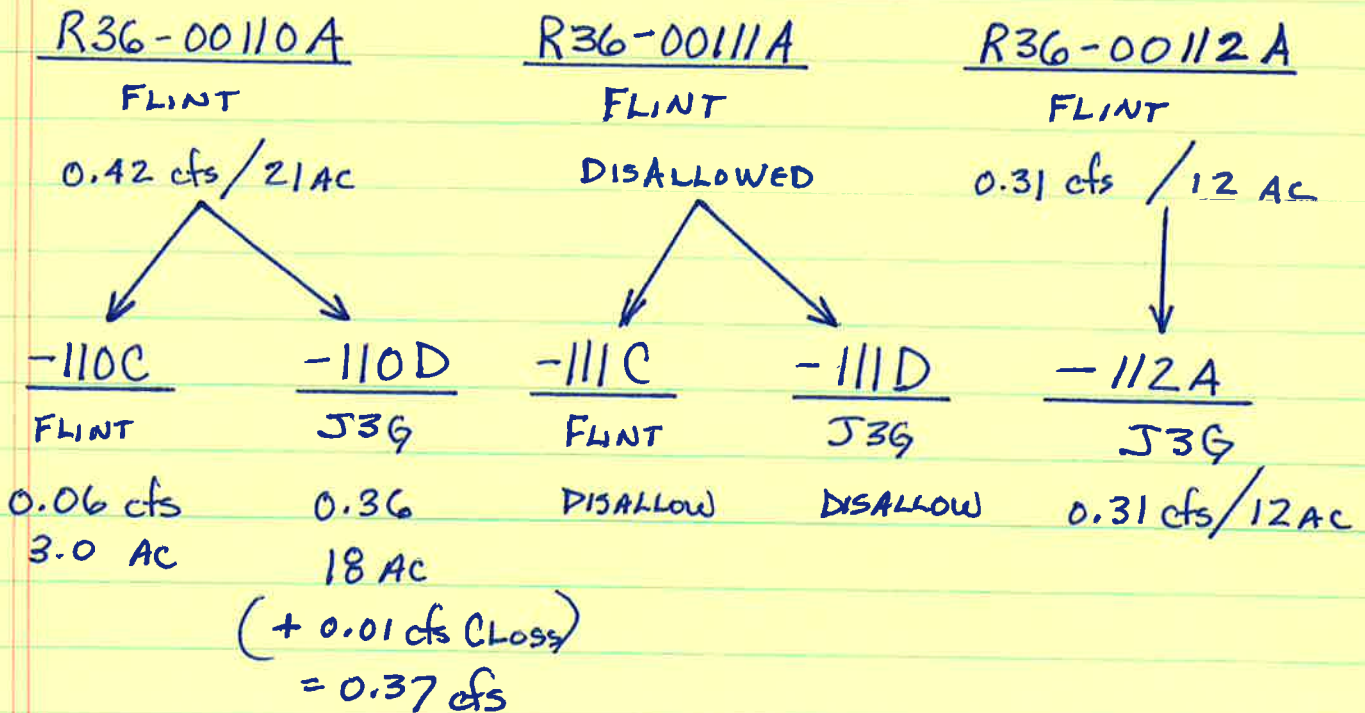
Ownership Split Review:

11/26/97
see

CLAIMS:



RECOMMENDATIONS:



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY

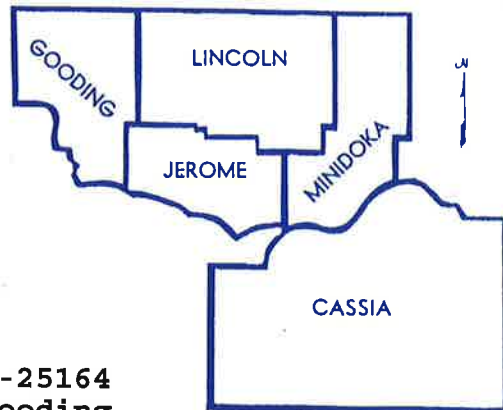
(REGULATED)

JUL 09 1997

Department of Water
Southern Region

REFER TO:
OFFICE:

G-25164
Gooding



July 7, 1997

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE #200
TWIN FALLS, ID 83301-3380

RE: J3G HOLDINGS/FLINT

Dear Sirs:

Enclosed please find copies of Notice of Change of Water Right Ownership and two Adjudication Claim Profile Reports.

We appreciate the opportunity to serve you. If you have any questions regarding the above or any other matter, please do not hesitate to contact our office.

Very Truly Yours,

LAND TITLE AND ESCROW, INC.

Rachelle Novinger

Rachelle Novinger
(208) 934-8477

P.O. Box 473, 546 Main Street
Gooding, Idaho 83330

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED
JUL 09 1997
Department of Water Resources
Southern Region

1. Water Right Number(s) 36-00112A 36-00110A

Adjudication Claim Number(s) also 36-00111A overlaps.

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

(see 11/26/97)

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Vera C. Flint and William E. Flint

4. New Owner/Claimant(s) JG Holdings, an Idaho Partnership

Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR

New Mailing Address Box 416, Hagerman, Idaho 83332

City, State and ZIP Code Hagerman, Idaho 83332

New Telephone Number () - -

5. Date you acquired the property 7-2-97

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

See attached split analysis
see 11/26/97

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) GREGORY G. GARATEA, PARTNER JAMES E. HERBERT, PARTNER Date 7-1-97

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney. Data Entry & Splits: 11/26/97 see

ADJ5809NP
No. 36-00112A

IDAH0 DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/06/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VERA C FLINT	01/02/1891	IRRIGATION	03-15 11-15	0.31 CFS	
C	WILLIAM E FLINT					
	7745 ROPALT ST			TOTAL DIVERSION:	0.31 CFS	
	LA MESA CA 91942			CONSUMPTIVE USE:		36.00 AFA

* Water Source: BILLINGSLEY CREEK Tributary to: SNAKE RIVER Stage: DECREED
Point(s) of Diversion: T07S R13E S11 SESENE GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S		NENE	NWNE	SUNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NNSW	SNSW	SESW	:	NESE	NWSE	SWSE	SESE	SUM		
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
07S	13E	11	:					:					:					:							
																					12				
																					TOTAL ACRES				12.0

POU County: GOODING

Other Rights: NONE

Remarks: GEN WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
A DIVERSION RATE OF 0.31 CFS AT THE FIELD HEADGATE IS
RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.

Dates: Exam Made Date: Verified Date: Objection Filed Date: 04/29/1993

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

DATE: 05/06/97
PAGE: 1

Post-it® Fax Note	7671	Date	5/6	# of pages	3
To • Silver Sage		From	Bar		
Co./Dept.		Co.	HR		
Phone #		Phone #			
Fax # 837-6405		Fax #	736-3137		

WARRANTY DEED

RECEIVED
#G-25164
JUL 09 1997
Department of Lands
Sawtooth National Forest

For Value Received

WILLIAM E. FLINT, TRUSTEE OF THE FLINT TRUST DATED JULY 23, 1992,
(LIVING REVOCABLE TRUST)

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

J3G HOLDINGS, AN IDAHO PARTNERSHIP
Address: P.O. BOX 416, HAGERMAN, ID 83332

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

SEE EXHIBIT "A" ATTACHED

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1997 and subsequent years, which are a lien, but not yet due and payable.

Assessments of any local irrigation district.

Reservations set forth in Patent from United States of America to Ralf C. Smith dated March 27, 1890, recorded March 30, 1891, Gooding County records.

Easement given by Charles C. Cary and Ruth E. Cary, his wife, Grantors, to State of Idaho, Grantee, dated June 28, 1962, recorded September 10, 1962 as Instrument Number 5583, Gooding County records.

We note a survey of record of the subject property. See instrument recorded March 17, 1980 as Instrument Number 82082, Gooding County records for full particulars.

Protective Covenants and Restrictions for pioneer Sand Estates dated July 12, 1993, recorded July 13, 1993 as Instrument Number 153332, Gooding County records.

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

July 2, 1997 WEF
Dated: June 30, 1997

William E. Flint
WILLIAM E. FLINT, TRUSTEE

STATE OF CALIFORNIA)
COUNTY OF _____) ss.

On this _____ day of JULY, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM E. FLINT, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee for FLINT TRUST DATED JULY 23, 1992, (LIVING REVOCABLE TRUST), and acknowledged to me that HE executed the same as such Trustee.

Notary Public
Residing at:
My Commission expires:

171511
STATE OF IDAHO COUNTY OF GOODING
Land Title & Escrow Inc.
Filed for record at the request of _____
16 min. past 2 o'clock P.m. this 3rd
of July, 1997. 9.00
By Penny Watson Deputy

SCHEDULE A

Order Number: G-25164

A parcel of land located in Lots 3 and 4 and part of Parcel C of Robert L. Justice Ranch, Gooding County, Idaho, as the same is platted in the official plat thereof, now of record in the office of the Recorder of said County, described as follows:

Commencing at the Southeast corner of said Parcel C;

Thence North $89^{\circ}33'37''$ West, 1083.89 feet (1075 feet recorded) along the South line of Parcel C to a point on said line, which is THE TRUE POINT OF BEGINNING;

Thence North $89^{\circ}33'37''$ West, 904.70 feet along said line and South lines of Lot 4 and Lot 3 to the Southwest corner of Lot 3;

Thence North $0^{\circ}08'51''$ East, 1314.44 feet along the West line of Lot 3 to the Northwest corner of Lot 3;

Thence South $89^{\circ}38'27''$ East, 659.89 feet along the North lines of Lot 3 and Lot 4 to the Northwest corner of Parcel C and center point of Section 11;

Thence South $81^{\circ}40'14''$ East, 730.81 feet (South $81^{\circ}26'$ East 740 feet recorded) along the North line of Parcel C to a point on said line;

Thence South $25^{\circ}13'55''$ West, 450.00 feet (South $24^{\circ}34'$ West 450 feet recorded) to a point;

Thence South $19^{\circ}49'06''$ West, 854.95 feet (South $20^{\circ}49'$ West 820 feet recorded) to the TRUE POINT OF BEGINNING.

SUBJECT TO existing irrigation and county road easements.

EXCEPTING THEREFROM a parcel of land located in Lot 4 and part of Parcel C of Robert L. Justice Ranch, described as follows:

Commencing at the Southeast corner of said Parcel C;

Thence North $89^{\circ}33'37''$ West, 1326.89 feet along the South line of Parcel C to the Southeast corner of Lot 4;

Thence North $89^{\circ}33'37''$ West 97.40 feet along the South line of Lot 4 to a point on said line which is THE TRUE POINT OF BEGINNING;

Thence North $89^{\circ}33'37''$ West 220.00 feet along the South line of Lot 4 to a point on said line;

Thence North $0^{\circ}08'51''$ East, 447.50 feet along a line parallel with the West line of Lot 4 to a point;

Thence South $89^{\circ}33'37''$ East, 347.20 feet to a point on the edge of existing ditch;

Thence South $13^{\circ}43'20''$ West, 408.63 feet along ditch line to a point on said line;

Thence South $32^{\circ}22'27''$ West, 58.68 feet along the center line of ditch to THE TRUE POINT OF BEGINNING.

Retained
by Flint
per [signature]

04926594TJ5

Recording Requested by:
LAW OFFICES OF JOHN M. PRESTON
Mail Tax Statements to:
Mr. and Mrs. William E. Flint
7745 Ropalt Street
La Mesa, California 91942
When Recorded Mail to:
Mr. and Mrs. William E. Flint
7745 Ropalt Street
La Mesa, California 91942

149664

STATE OF IDAHO COUNTY OF GOODING
Recorded for record at the request of John M. Preston
24 min. sec. 1 of 1200 p.m. this 7
August, 1992 149.00
JOHN A. MYERS Recorder
Carole Sells Deputy

Space Above For Recorder's Use

QUITCLAIM DEED

The undersigned declares that the documentary transfer tax is
\$ 0 and is a family transfer without consideration.

Unincorporated Area _____ City of _____
Tax Parcel _____

FOR A VALUABLE CONSIDERATION, WILLIAM FLINT and VERA C. FLINT,
husband and wife, hereby quitclaim to WILLIAM E. FLINT and VERA C.
FLINT, Trustees of the Flint Trust dated July 23, 1992
(Living Revocable Trust), the real property in the County of
Gooding, State of Idaho, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Dated: July 23, 1992

William E. Flint
WILLIAM FLINT

Vera C. Flint
VERA C. FLINT

04926594TJS

149664

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

) SS

On July 23/1992, before me Douglas Reuschenberger
personally appeared WILLIAM FLINT and VERA C. FLINT, personally
known to me (or proved to me on the basis of satisfactory evidence)
to be the persons whose names are subscribed to the within
instrument and acknowledged to me that they executed the same in
their authorized capacities, and that by their signatures on the
instrument the persons, or the entity upon behalf of which the
persons acted, executed the instrument.

WITNESS my hand and official seal.



Douglas Reuschenberger
Notary Signature

EXHIBIT "A"

Lots 3 and 4 and part of Parcel C. of Robert L. Justice Ranch according to the Plat thereof on file in the office of the County Recorder of Gooding County, Idaho, described as follows:

Beginning at the Southeast corner of said Parcel C;
thence West along the South line of Parcel C, 1075 feet to the true point of beginning;
thence North $20^{\circ} 49'$ East 820 feet;
thence North $24^{\circ} 34'$ East 450 feet more or less to the North line of Parcel C;
thence North $81^{\circ} 26'$ West 740 feet more or less to the Northwest corner of Parcel C;
thence South along the West line of Parcel C to the Southwest corner of said Parcel C;
thence East along the South line of Parcel C, 248.3 feet more or less to the point of beginning.
Said Subdivision is located in Section 11, Township 7 South, Range 13 East of the Boise Meridian.

Together with all appurtenances thereto including well to well carpeting in living room, drapes, well and pump, basement furnace, and refrigerator; together also with water rights consisting of 2 second feet of water from Billingsley Creek.

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: A36-00110A
Date Received: 7/ 7/1988
Receipt No: S000776
Received By: Sc

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WILLIAM E. FLINT 208-837-4884
Address: RT. 1 BOX 414
HAGERMAN ID 83332

AND/OR

Name: VERA C. FLINT 208-837-4884
Address: RT. 1 BOX 414
HAGERMAN ID 83332

2. Date of Priority: APR 1, 1885

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

4. Point of Diversion:

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

5. Description of diverting works:
VIA SANDS DITCH. STOCK DRINK FROM SANDS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.160		
STOCKWATER	03/15	11/15	0.020		

7. Total Quantity Appropriated is:
1.160 C.F.S. (and/or) 76.00 A.F.A.

8. Total consumptive use is 57.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 15 RANGE CATTLE OR HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	NE	SW		IRR	19.0
			NW	SE		IRR	2.0
Section Acres							21.0
Total Acres							21.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

36-0111 PART

14. Remarks:

AMOUNT CLAIMED IS BASED ON PROPORTIONAL SHARE OF RT. AERIAL PHOTO SHOWS 22 AC. OF ORIGINAL FARM UNDER SANDS DITCH. I OWN 17 AC. OF THE 2 AC., SO AM CLAIMING 17/22 OF THE RIGHT. MY DEEDS SHOW 60" OF WATER FOR THIS LAND, BUT THERE IS NO INFORMATIN AVAIL ABLE TO SHOW HOW THIS 60" IS SPLIT BETWEEN 36-0110 & 36-0111. SO I AM CLAIMING THE PROPORTIONAL SHARE OF BOTH RIGHTS; THE COURT CAN DECIDE WHAT IS CORRECT. THERE HAS BEEN ENOUGH WATER IN THE VALLEY UP TO NOW SO THAT PRIORITY DATE HAS NOT BEEN IMPORTANT.

AMEND NOTE

ADDED 2 ACRES TO POU - SCC 10-07-91.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER CO.
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): *William E. Flint* Date: 10/7/91
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of October 19 91 *Steve Caldwell*
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 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	A36-00039N
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



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Nungester,
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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
16	Norwood Subdivision/	A36-15240
	Ruby Springs Water Company	A36-07092A
	Potter, Mark B. & Susan H.	A36-00039J
17	Rawson, Frank S. & Carol A.	A36-00123A
	Reese, Bruce W. & LaRose A.	A36-04091
18	Reese, Bruce W. & LaRose A.	A36-10231
	Rue, James O. & Beverly Jane	A36-07142A
19	Shaffer, Roger	A36-00034B
	Simcoe, Doyt H. & Roxie J.	A36-00003F
20	Simpson, Michael, on behalf of	A36-0123E
	Josephine Simpson Estate	
	Simpson, Michael, on behalf of	A36-0096A
21	Josephine Simpson Estate	
	Strange, Wm. (Penelope Turner-remainder man)	A36-00006
22	Strange, Wm. (Penelope Turner-remainder man)	A36-00007
	Strange, Wm. (Penelope Turner-remainder man)	A36-00008
23	Veenendaal, Dick J.	A36-00108A
	Veenendaal, Dick J.	A36-00039C



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CT 12 1994

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

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

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

14
 15 By 
 16 PATRICK D. BROWN
 Attorneys for Respondents

17
 18 CERTIFICATE OF MAILING

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



Hepworth,
 Nungester,
 & Lezamiz

MICROFILMED
OCT 12 1994

1 February, 1993, to:

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

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

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

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

21 
22 Patrick D. Brown
23



Hepworth,
Nungester,
& Lezamiz

MICROFILMED
OCT 12 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

MICROFILMED

OCT 12 1994

Mr. Patrick D. Brown
March 1, 1993
Page 2

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

Mr. Patrick D. Brown
 March 1, 1993
 Page 3

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

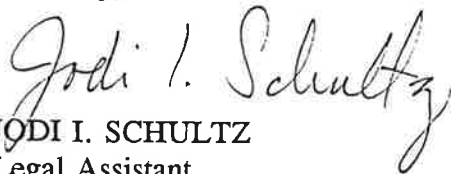
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

SD-0602-2 Last Name: FLINT
S Basin Number: 36

First Name	Role Code	Objection Number	Issue Number	Next Event	Next Event Date
FLINT					
WILLIAM E &	OC	✓ 36-00110A ✓	-	RSPI	09/01/1993
WILLIAM E &	OC	✓ 36-00111A ✓	-	RSPI	09/01/1993
WILLIAM E &	OC	✓ 36-00112A ✓	-	RSPI	09/01/1993
WILLIAM E &	OC	✓ 36-10168 ✓	-	RSPI	09/01/1993

7745 ROYAL ST
LA MESA CA 91942

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

9-7-93 A + " " Records
changed. af

SAL

PLZ Δ ADDRESS ON
"A" & " " RECORDS -
COMMENTS IN " " - PER
OBJECTION.

THANKX

MICROFILMED

OCT 12 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00110A
Date Received: 7/07/1988
Receipt No: S000776
Received By: JS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM E. FLINT 208-837-4884
Address: RT. 1 BOX 414
HAGERMAN, ID 83332

AND/OR

Name: VERA C. FLINT 208-837-4884
Address: RT. 1 BOX 414
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1885

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

4. Point of Diversion:

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

5. Description of diverting works:
VIA SANDS DITCH. STOCK DRINK FROM SANDS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.160		
STOCKWATER	03/15	11/15	0.020		

7. Total Quantity Appropriated is:
1.160 C.F.S. (and/or) 76.00 A.F.A.

8. Total consumptive use is 57.0 Acre Feet Per Annum.

9. Non-irrigation uses:
LIVESTOCK/10-15 RANGE OR HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	NE	SW		IRR	17.0
			NW	SE		IRR	2.0
Section Acres							19.0
Total Acres							19.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
36-0111 PART

14. Remarks:

AMOUNT CLAIMED IS BASED ON PROPORTIONAL SHARE OF RT. AERIAL PHOTO SHOWS 22 AC. OF ORIGINAL FARM UNDER SANDS DITCH. I OWN 17 AC. OF THE 2 AC., SO AM CLAIMING 17/22 OF THE RIGHT. MY DEEDS SHOW 60" OF WATER FOR THIS LAND, BUT THERE IS NO INFORMATION AVAILABLE TO SHOW HOW THIS 60" IS SPLIT BETWEEN 36-0110 & 36-0111. SO I AM CLAIMING THE PROPORTIONAL SHARE OF BOTH RIGHTS; THE COURT CAN DECIDE WHAT IS CORRECT.
THERE HAS BEEN ENOUGH WATER IN THE VALLEY UP TO NOW SO THAT PRIORITY DATE HAS NOT BEEN IMPORTANT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

IDAHO POWER CO.
Decree Defendant

vs

MICROFILMED
JAN 25 1999

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 X 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): William E. Eli Date: July 7-1988
Date:

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day

of July 19 88

Seal

Mary A. Baldwin
Notary Public

Residing at Gooding Id

My Commission Expires 10/16/1992

This is a black and white aerial photograph of a coastal region, likely a military installation or a large estate, with numerous plots and buildings outlined. The map is heavily annotated with handwritten labels in various colors and styles. Key labels include:

- Top Center:** C 35 (5190) B 12.4
- Top Right:** C 49 (5780)
- Middle Left:** C 50 (6900)
- Middle Right:** D 4.5, B 6.3, I 3.1, H 2.7
- Bottom Left:** C 60 (6010)
- Bottom Center:** B 108 (6020), C 62 (5610), J 4.9, D 4.6, 7.2
- Bottom Right:** C 262 (6400) B 13.0
- Far Bottom Left:** C 72 (6050)
- Far Bottom Center:** A 7.3, D 5.4, E 18.0

A prominent blue line, possibly representing a road or a boundary, runs diagonally through the lower-middle section of the map. A red rectangular stamp is located in the bottom right corner, containing the text:

NOT FILMED
JAN 25 1993

At the very bottom of the image, there is a handwritten note in red ink that reads: "NOT TO SCALE".

POOR ORIGINAL

REFILMED
JAN 25 1993

"NOT TO SCALE"

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-00110C

2ND JUL 31 PM 3:38
DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: VERA FLINT
WILLIAM E FLINT
7745 ROPALT ST
LA MESA, CA 91942

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.39 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
OF THE TOTAL QUANTITY, 0.28 CFS IS FOR CONVEYANCE LOSS. THE
SAME CONVEYANCE LOSS IS SHARED AND USED IN COMBINATION WITH OTHER
RIGHTS ON THE SANDS DITCH.

PRIORITY DATE: 04/01/1885

POINT OF DIVERSION: T07S R13E S11 NWSWE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	0.39 CFS
	Stockwater	02-15 TO 11-30	0.01 CFS

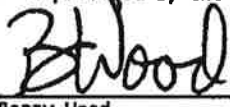
PLACE OF USE: Irrigation T07S R13E S11 NESW 3.0 Within Gooding County
3.0 Acres Total
Stockwater T07S R13E S11 NESW Within Gooding County

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

THE QUANTITY OF WATER DECREED FOR THIS RIGHT FOR STOCKWATER
USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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


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

1999 APR 21 PM 1:20

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	)	SPECIAL MASTER'S REPORT AND
	)	RECOMMENDATION
Case No. 39576	)	
	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHTS 36-00110A,
	)	and 36-00110D

I. FINDINGS OF FACT

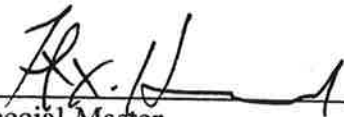
A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

Water right 36-00110A was split into C and D portions. All objections to water right 36-00110D were resolved by stipulation of the parties with a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water right 36-00110A **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water rights 36-00110D be **decreed** with the elements as set forth in the attached *Partial Decree Pursuant to I.R.C.P 54(b) for Water Right 36-00110D*.

DATED: April 21, 1999.



Special Master
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 36-00110D

1999 APR 21 PM 1:20
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: J3G HOLDINGS
AN IDAHO PARTNERHSIP
P O BOX 416
HAGERMAN, ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.99 CFS

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

PRIORITY DATE: 04/01/1985

POINT OF DIVERSION: T07S R13E S11 NWSWNE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-15	0.99 CFS
	Stockwater	02-15 TO 11-15	0.01 CFS

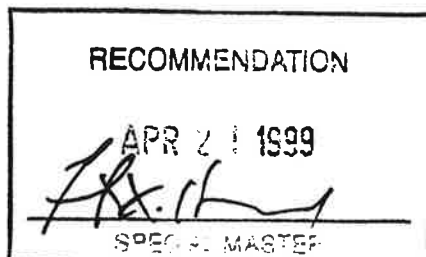
PLACE OF USE:	Irrigation		
	T07S R13E S11	NESW 16.0	Within Gooding County
	18.0 Acres Total		NWSE 2.0
	Stockwater		
	T07S R13E S11	NESW	Within Gooding County
			NWSE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

RULE 54(b) CERTIFICATE

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



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

1999 APR 21 PM 1:20

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	Subcase 36-00110C
	)	
Case No. 39576	)	SPECIAL MASTER'S REPORT
	)	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

On May 4, 1998, this right was tried before court. The court found that the actual quantity of water, including the proper conveyance loss, was 0.39 cfs. *See Amended Findings of Fact and Conclusions of Law* (May 19, 1998) (Subcases 36-00110C and 36-00111C). This amount exceeded the claim. Therefore, the claimant amended his claim to the quantity determined by the court.

The Director investigated the amended claim, and determined the same on-field requirement as that found by the court. However, the total quantity found by the Director was different than that determined by court. The court is not bound by the Director's findings, and the court may evaluate the accuracy of the Director's findings. *In Re SRBA, Case No. 39576 (Basin-Wide Issue 3)*, 128 Idaho 246, 258, 912 P.2d 614 (1995). Having already tried water right

36-00110C, the findings of the court remain the same. The quantity should be reported as follows:

Quantity: 0.39 cfs

Of the total quantity, 0.28 is for conveyance loss. The same conveyance loss is shared and used in combination with other water right owners along the Sands Ditch.

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

Therefore, IT IS RECOMMENDED that subcase 36-00110C be decreed as recommended as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 36-00110C*.

DATED April 21, 1999.



FRITZ X. HAEMMERLE
Special Master, Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 36-00110C

1999 APR 21 PM 1:20

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: VERA FLINT
WILLIAM E FLINT
7745 ROPALT ST
LA MESA, CA 91942

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.39 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
OF THE TOTAL QUANTITY, 0.28 CFS IS FOR CONVEYANCE LOSS. THE
SAME CONVEYANCE LOSS IS SHARED AND USED IN COMBINATION WITH OTHER
RIGHTS ON THE SANDS DITCH.

PRIORITY DATE: 04/01/1885

POINT OF DIVERSION: T07S R13E S11 NWSWNE Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	02-15 TO 11-30	0.39 CFS
	Stockwater	02-15 TO 11-30	0.01 CFS

PLACE OF USE: Irrigation Within Gooding County
T07S R13E S11 NESW 3.0
3.0 Acres Total

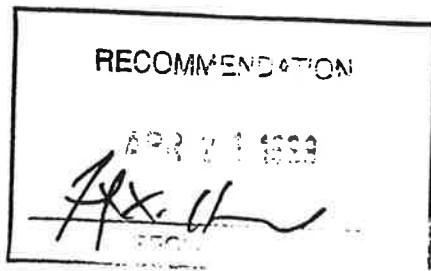
Stockwater Within Gooding County
T07S R13E S11 NESW

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

THE QUANTITY OF WATER DECREED FOR THIS RIGHT FOR STOCKWATER
USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

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



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

1999 APR 21 PM 1:20

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-00110A
36-00110C 36-00110D

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 21, 1999, with sufficient first-class postage prepaid to the following:

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

STATE OF IDAHO

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

J3G HOLDINGS
AN IDAHO PARTNERHSIP
P O BOX 416
HAGERMAN, ID 83332
Phone: 208-837-6154

CERTIFICATE OF MAILING

PAGE 1
04/21/99

VERA FLINT
WILLIAM E FLINT
7745 ROPALT ST
LA MESA, CA 91942

WILLIAM E FLINT
7745 ROPALT STREET *WA*
LA MESA, CA 91942



TERI HRANAC
Deputy Clerk

RECEIVED

MAR 08 1999

Department of Water Resources
Southern Region

RECEIVED

JAN 29 1999

Department of Water Resources

Edw H
DJ # 5C

1999 JAN 27 AM 11:56

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

Subcases: 36-00110C

ORDER GRANTING MOTION TO
AMEND CLAIM AND SETTING
SUBCASE DEADLINES

On August 3, 1998, a *Motion to File Amended Notice of Claim* was filed by the claimants, William and Vera Flint, seeking to include conveyance loss in the quantity element. A hearing on the *Motion* was held January 29, 1999. For good cause shown, the *Motion to File Amended Notice of Claim* is granted. IT IS ORDERED that the following deadlines shall govern proceedings in this subcase.

→ February 12, 1999 5:00 pm

Amended Director's Report Due.

March 25, 1999 5:00 pm

Objections to Amended Director's Reports due.

IT IS SO ORDERED.

DATED January 27, 1999.

FRITZ X. HAEMMERLE

Special Master

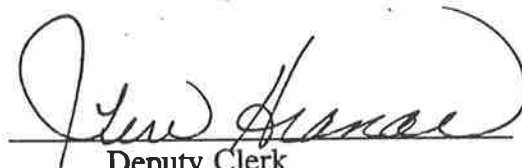
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND CLAIM AND SETTING SUBCASE DEADLINES was mailed on January 27, 1999, with sufficient first-class postage prepaid to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

William & Vera Flint
7745 Ropalt Street
La Mesa, CA 91942



Deputy Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866DIRK KEMPTHORNE
GOVERNORKARL J. DREHER
DIRECTORTRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 2-19-99TO: STEVE CLELLAND
@ SOUTHERN

FROM:

NICK SPENCERDOCUMENT DESCRIPTION: FLINT RECOMMENDATIONCOVER SHEET + PAGESCONTACT: 327-7930 IF YOU DO NOT RECEIVE ALL THE PAGES

THANK YOU

HERE IS WHAT WAS FINALLY DECIDED RE
CONVEYANCE LOSS. DRT ROUNDED THE
DE MINIMIS PRO RATA UP TO 0.01 CFS.

NBS

DIRECTOR'S REPORT ON AMENDED CLAIM

Subcase No. 36-00110C

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

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

February 19, 1999

DIRECTOR'S REPORT ON AMENDED CLAIM

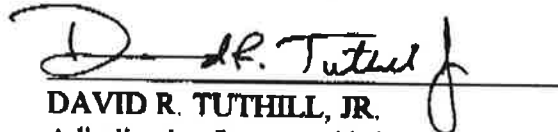
DESCRIPTIVE SUMMARY

This is a Director's Report on Amended Claim submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the Special Master's January 27, 1999 Order Granting Motion to Amend Claim and Setting Subcase Deadlines, the Director submits for filing with the Court, a Director's Report on Amended Claim in SRBA Subcase No. 36-00110C.

Respectfully submitted this 19th day of February, 1999.


DAVID R. TUTHILL, JR.
Adjudication Bureau Chief

AJ5856NP

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

DATE: FEB-19-1999
PAGE: A-1

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00110C

NAME AND ADDRESS: VERA C FLINT
WILLIAM E FLINT
7745 ROPALT ST
LA MESA CA 91942

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.12 CFS
0.12 CFS

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

THIS QUANTITY IS COMPRISED OF 0.11 CFS AT THE FIELD HEADGATE
PLUS 0.01 CFS FOR CONVEYANCE LOSS. A REASONABLE QUANTITY MAY BE
DIVERTED FOR TOTAL CONVEYANCE LOSSES INCURRED WHEN DELIVERING
WATER THROUGH THE SANDS DITCH. TOTAL DIVERSION FOR CONVEYANCE
LOSSES SHALL NOT EXCEED 3.36 CFS WHEN DELIVERING WATER TO ALL
RIGHT HOLDERS USING THE SANDS DITCH.

PRIORITY DATE: 04/01/1885

POINT OF DIVERSION: T07S R13E S11 NWSWNE Within GOODING County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
02-15 11-30

QUANTITY
0.12 CFS

03/17 11/17
02-15 11-30

0.12 CFS
0.01 CFS

STOCKWATER

PLACE OF USE:

IRRIGATION

Within GOODING County

T07S R13E S11

NESW 3

NWSE 2

NESW 29

3 ACRES TOTAL

21 ACRES TOTAL

STOCKWATER

Within GOODING County

T07S R13E S11

NESW

CONSUMPTIVE USE:

03/10 APY

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR

AJ5856NP

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

DATE: FEB-19-1999

PAGE: A-2

36-00110C (CONT.)

STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

WATER IS DELIVERED THROUGH THE SANDS DITCH.
9101 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
KNOWN IN DELIVERY OF THIS RIGHT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

WATER IS DELIVERED THROUGH THE SANDS DITCH.
STOCKWATER, CATTLE AND HORSES.

CERTIFICATE OF MAILING

I certify that on 2-19, 1999, I mailed and/or delivered the original and copies of this form, including all attachments, to the following interested parties, by placing them in sealed envelopes, 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, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☒ Facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Gooding County Clerk
624 Main St.
Gooding, ID 83330

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

William Flint
Vera Flint
7745 Ropalt Street
La Mesa, CA 91942

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person delivering form

RECEIVED

DEC 16 1998

Department of Water Resources
Southern Region

RECEIVED

DEC 09 1998

Department of Water Resources
Adjudication Bureau

1998 DEC 02 PM 03:14
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 HEARING

)
)
) SUBCASE NO: 36-00110C

Please be advised that Special Master FRITZ X. HAEMMERLE
has set for hearing the MOTION TO AMEND CLAIM TO INCLUDE CONVEYANCE
LOSS.

WEDNESDAY, JANUARY 27, 1999 at 10:00 AM

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Option: Parties may participate by phone if they contact the
clerk at (208) 736-3011 prior to JANUARY 25, 1999.

Dated: DECEMBER 02, 1998

/S/ TERI HRANAC

Deputy Clerk

Snake River Basin Adjudication

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

Page 1 12/02/98

ROUTE
SECTION

1978 MAY 13 PM 2:25 THEN

FILED IN SRBA SOUTHER
IDAHO SSC I

IN THE DISTRICT
STATE OF ID

FIFTH JUDICIAL DISTRICT OF THE
THE COUNTY OF TWIN FALLS

In Re SRBA

Subcases: 36-00110C and 36-00111C

Case No. 39576

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

I. PROCEDURAL BACKGROUND

The water rights before the court were originally claimed and designated as 36-00110A and 36-00111A. Subsequently, these water rights were split into 36-00110C and 36-00110D and 36-00111C and 36-00111D. Water rights 36-00110C and 36-00111C are currently before the court.¹ Both water rights are claimed by William Flint (Claimant). Quantity is the only disputed element for water right 36-00110C. For water right 36-00110C, 0.17 cfs was claimed; the Idaho Department of Water Resources (IDWR) recommended 0.06 cfs. Water right 36-00111C was recommended as disallowed because the same use was recommended under water right 36-00110C. The Claimant alleges that 36-00111C should be recommended as claimed.

II. FINDINGS OF FACT

1. The Claimant admits that he owns 3 acres of land. The Claimant introduced a quitclaim deed, dated July 23, 1992, purporting to be evidence of the water rights for that 3 acres. The deed purports to covey "water rights consisting of 2 second feet of water from Billingsley Creek" for 33 acres. Exhibit 1 at 3. The deed does not pertain to the 3 acres currently owned by the Claimant.

2. The 3 acres of land in use have been continuously irrigated since 1964. The method of irrigation has been, at all times, gravity (furrow) irrigation. Sprinklers have never been used to

¹ Water rights 36-00110D and 36-00111D are claimed by J3G Holding.

use. IDWR conceded that the conveyance necessary to deliver water right 36-00110C is 0.28 cfs. The same conveyance loss also delivers certain other rights located between the headgate for water right 36-00110C and the point of diversion out of Billingsley Creek. Water rights 36-00036, 36-00110B, and 36-00110D share a portion of the conveyance loss of 0.28 cfs.

8. Water right 36-00111C was recommended as disallowed because it represents a use identical to water right 36-00110C which was recommended.

9. The water rights before the court were originally decreed as water rights 36-00110 and 36-00111 in *New International Mortgage Bank v. Idaho Power Company*, in Equity No. 1602 (S.D. Idaho, Mar. 22, 1932) (International Mortgage Decree). That case was a private adjudication. A prior decree entered in a private adjudication "evidences a legal right to the use of water." *In Re SRBA Case No. 39576* (24 Hagerman Subcases), __ Idaho __, 947 P.2d 409, 414 (1997). However, a prior decree entered in a private adjudication is not conclusive as to that right. *Id.* In this case, the original rights were appurtenant to 78 acres of land. There is insufficient evidence before the court to determine what, if any, portion of the original 78 acres of decreed rights applied to the 3 acres claimed. Therefore, the court finds that the *International Mortgage Decree* is not probative of the quantities claimed for water rights 36-00110C and 36-00111C.

III. CONCLUSIONS OF LAW

1. 36-00110C

The only element in dispute for water right 36-00110C is quantity. In measuring quantity, the rule is "waters appropriated will be measured for their sufficiency from the point of diversion, not at the place of use." *Glenn Dale Ranches, Inc. v. Shaub*, 94 Idaho 585, 588, 494 P.2d 1029 (1972); see also, *Hidden Springs Trout Ranch v. Hagerman Water Right Users, Inc.*, 101 Idaho, 677, 681, 619 P.2d 1130 (1980). Since the right is measured from the point of diversion, the quantity decreed must include two distinct components. The first component is the amount of water necessary for the purpose of use. For irrigation purposes, this amount is the quantity necessary to actually grow crops. The second component is called conveyance loss, which is the amount of water necessary to deliver the right from the point of diversion to the place of use.

There is no dispute as to the amount of water necessary to irrigate the 3 acres. IDWR originally recommended 0.06 cfs using the Hubble method of quantification. That method used less precise weather data taken from the Bliss weather station. The MAD method used weather data

Furthermore, the court is concerned about the accuracy of any decree entered in the SRBA if a water right along a ditch is abandoned or forfeited. If one right is abandoned or forfeited on a ditch system, then the total conveyance loss in a ditch will not be sufficient to deliver the remaining water rights. Under these circumstances, the court would have to continuously update its decree to ensure that conveyance loss is accurately reflected and sufficient for any given ditch system. Determining and including the conveyance loss for each single right in a ditch system cures the problem. Using this method, any rights that remain in a ditch system after one or more rights are abandoned or forfeited will always reflect the correct conveyance loss independent of other rights.

Another problem with IDWR's method of allocating conveyance loss is the potential result in case of a call made on water. In times of scarcity, water rights are delivered "first in time, first in right." IDAHO CONST., art XV, § 3. Since the quantity of the water right is measured from the "point of diversion, not place of use," *Glenn Dale Ranches, Inc. v. Shaub*, any user making a call has a right to that amount of water necessary to deliver the right from the point of diversion to the place of use. Because IDWR does not factor in a full conveyance loss for every single right on a ditch, a user making a call may not be able to deliver the right to its place of use.⁴ The right holders' ability to make an effective call would require all rights up ditch being in use and valid.

For these reasons, the court finds that the full conveyance loss should be included in the quantity for any given right. The quantity element shall include a remark indicating the total amount of conveyance loss and the rights which share in the conveyance loss. In this case, the quantity used for irrigation is 0.11 cfs. The conveyance loss is 0.28 cfs. The total quantity for this right should be 0.39 cfs. Quantity for water right 36-00110C should be reported as follows:

Quantity: 0.39 cfs

Of the total quantity, 0.28 cfs is for conveyance loss. The same conveyance loss is shared and used in combination with water rights 36-00036, 36-00110B, and 36-00110D.

⁴

To be sure, "the public policy against wasting water prohibits . . . unreasonable [conveyance] loss." *Glenn Dale Ranches, Inc. v. Shaub* at 588. Taking this principle into consideration, a conveyance loss shared between a number of different rights may constitute a reasonable use of water. However, a single right being diverted down a ditch may constitute an unreasonable loss of water when that conveyance loss exceeds a certain percentage of the water actually used to carry out the purpose of use for that single water right. In this case, IDWR considers a conveyance loss of over 50 percent to be an unreasonable loss of water. According to IDWR, this is a "rule of thumb."

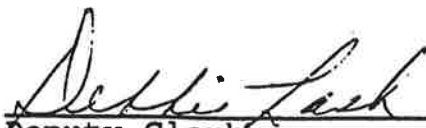
CERTIFICATE OF MAILING

I certify that a true and correct copy of the FINDINGS OF FACT AND CONCLUSIONS OF LAW was mailed on May 13, 1998, with sufficient first-class postage to the following:

WILLIAM FLINT
FLINT, VERA
7745 ROPALT ST
LA MESA, CA 91942

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

WILLIAM & VERA FLINT
7745 ROPALT ST
LA MESA, CA 91942



Post-It® Fax Note	7671	Date	5/14/98	Pages	2
To	John Marshall	From	Debbie		
Co/Dept.		Co.	SRBA		
Phone #		Phone #			
Fax #		Fax #			

1998 MAY 13 PM 2:25

T-383A
JANUIN THE DISTRICT COURT
STATE OF IDAHOTH JUDICIAL DISTRICT OF THE
E COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcases: 36-00110C and 36-00111C

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

MAY 14 1998

Department of Water Resources
Southern Region

I. PROCEDURAL BACKGROUND

The water rights before the court were originally claimed and designated as 36-00110A and 36-00111A. Subsequently, these water rights were split into 36-00110C and 36-00110D and 36-00111C and 36-00111D. Water rights 36-00110C and 36-00111C are currently before the court.¹ Both water rights are claimed by William Flint (Claimant). Quantity is the only disputed element for water right 36-00110C. For water right 36-00110C, 0.17 cfs was claimed; the Idaho Department of Water Resources (IDWR) recommended 0.06 cfs. Water right 36-00111C was recommended as disallowed because the same use was recommended under water right 36-00110C. The Claimant alleges that 36-00111C should be recommended as claimed.

II. FINDINGS OF FACT

1. The Claimant admits that he owns 3 acres of land. The Claimant introduced a quitclaim deed, dated July 23, 1992, purporting to be evidence of the water rights for that 3 acres. The deed purports to convey "water rights consisting of 2 second feet of water from Billingsley Creek" for 33 acres. Exhibit 1 at 3. The deed does not pertain to the 3 acres currently owned by the Claimant.

2. The 3 acres of land in use have been continuously irrigated since 1964. The method of irrigation has been, at all times, gravity (furrow) irrigation. Sprinklers have never been used to

¹ Water rights 36-00110D and 36-00111D are claimed by J3G Holding.

FLINT

.41 FIR

.28 CL

.39 OF

(0.17 110C)
(0.05 111C)

Claim

J E C E W E I I

COPY

FLINT

irrigate the land. IDWR conceded that the irrigation method actually used by the Claimant is a reasonable use.

3. The Claimant never actually measured the use of his water and, therefore, could not verify his claim to 0.17 cfs of water.

4. IDWR originally recommend 0.06 cfs for water right 36-00110C. IDWR used a technique of measurement know as the "Hubble" analysis to arrive at this recommendation. Under this analysis, a number of different variables including weather data, soil type, type of crop irrigated, and method of irrigation are considered. The weather data used for the Hubble analysis was taken from the Bliss weather station.

5. IDWR conducted a second analysis under a different technique known as the "Marginal Allowed Deficit" (MAD) analysis. The variables used under MAD are similar to those in Hubble. IDWR testified that the only material difference between the two methods, as applied to water right 36-00110C, is that the MAD analysis used weather data taken from the Hagerman area where the water right at issue is actually used. Under this approach, IDWR's recommendation for water right 36-00110C increased to 0.11 cfs. IDWR concedes that the weather data used under the MAD analysis is more reliable because it utilizes weather data from the actual place of use. For this reason, the court finds that the MAD analysis and the recommendation of 0.11 cfs is more probative and reliable than the Hubble analysis and the recommendation of 0.06 cfs.²

6. IDWR testified that the 0.11 cfs did not take into account a measurable amount of water used to convey the water right from the point where the water is diverted to where the water right is used. IDWR conceded that the *de minimis* amount of conveyance loss which was factored into the recommendation would not deliver water right 36-00110C from the point of diversion to its place of use, assuming water right 36-00110C was the only right along the ditch.

7. Water right 36-00110C is diverted out of Billingsley Creek and into the Sands Ditch. It then runs 1,100 feet to a headgate where it is again diverted from the Sands Ditch to its place of

² IDWR's conclusions under the Hubble and MAD methods of determining quantity are admissible in these subcases. However, the court is making no determination whether IDWR's conclusions would be admissible when those opinions are subjected to cross-examination or scrutiny. IDWR's conclusions under both the Hubble and MAD methods are the type of scientific or technical evidence that is subject to the test of admissibility announced in *Ryan v. Beisner*, 123 Idaho 42, 46, 844 P.2d 24 (Ct. App. 1992), citing *Landrigan v. Celotex Corp.*, 605 A.2d 1079, 1084 (N.J. 1992). See also, *Daubert v. Merrell Dow Pharmaceuticals Inc.*, 509 U.S. 579 (1993).

use. IDWR conceded that the conveyance necessary to deliver water right 36-00110C is 0.28 cfs. The same conveyance loss also delivers certain other rights located between the headgate for water right 36-00110C and the point of diversion out of Billingsley Creek. Water rights 36-00036, 36-00110B, and 36-00110D share a portion of the conveyance loss of 0.28 cfs.

8. Water right 36-00111C was recommended as disallowed because it represents a use identical to water right 36-00110C which was recommended.

9. The water rights before the court were originally decreed as water rights 36-00110 and 36-00111 in *New International Mortgage Bank v. Idaho Power Company*, in Equity No. 1602 (S.D. Idaho, Mar. 22, 1932) (International Mortgage Decree). That case was a private adjudication. A prior decree entered in a private adjudication "evidences a legal right to the use of water." *In Re SRBA Case No. 39576* (24 Hagerman Subcases), __ Idaho __, 947 P.2d 409, 414 (1997). However, a prior decree entered in a private adjudication is not conclusive as to that right. *Id.* In this case, the original rights were appurtenant to 78 acres of land. There is insufficient evidence before the court to determine what, if any, portion of the original 78 acres of decreed rights applied to the 3 acres claimed. Therefore, the court finds that the *International Mortgage Decree* is not probative of the quantities claimed for water rights 36-00110C and 36-00111C.

III. CONCLUSIONS OF LAW

1. 36-00110C

The only element in dispute for water right 36-00110C is quantity. In measuring quantity, the rule is "waters appropriated will be measured for their sufficiency from the point of diversion, not at the place of use." *Glenn Dale Ranches, Inc. v. Shaub*, 94 Idaho 585, 588, 494 P.2d 1029 (1972); *see also, Hidden Springs Trout Ranch v. Hagerman Water Right Users, Inc.*, 101 Idaho, 677, 681, 619 P.2d 1130 (1980). Since the right is measured from the point of diversion, the quantity decreed must include two distinct components. The first component is the amount of water necessary for the purpose of use. For irrigation purposes, this amount is the quantity necessary to actually grow crops. The second component is called conveyance loss, which is the amount of water necessary to deliver the right from the point of diversion to the place of use.

There is no dispute as to the amount of water necessary to irrigate the 3 acres. IDWR originally recommended 0.06 cfs using the Hubble method of quantification. That method used less precise weather data taken from the Bliss weather station. The MAD method used weather data

taken from the Hagerman area where the water right is actually used. Under the MAD method, the quantity necessary to irrigate the 3 acres was 0.11 cfs. IDWR concedes that a recommendation of 0.11 cfs more correctly describes the amount of water necessary to irrigate for this water right. Therefore, the court finds that the amount necessary to irrigate the 3 acres is 0.11 cfs.

The only real dispute is the amount of water necessary to convey the water right from the point of diversion to the place of use. IDWR employs a so-called weighted pro rata method of determining conveyance loss in the Hagerman area.³ On any ditch, there may be a number of rights. For any water right along the ditch, that water right must share a portion of the total conveyance loss with other rights "up ditch." Notwithstanding this fact, all rights on the ditch will have a fixed conveyance loss necessary to deliver a single right, independent of other rights along the ditch. For example, assuming that the last water right on a ditch required a conveyance loss of 1.00 cfs, this loss would be the amount necessary to deliver that water right without regard to any other rights existing on the ditch. IDWR, employing the weighted pro rata method, would distribute the 1.00 cfs conveyance loss required for the last water right and assign a portion of the 1.00 cfs to all water rights on the ditch.

In this case, there is no dispute that it takes 0.28 cfs of conveyance loss to deliver water rights 36-00110C and 36-00110D down the Sands Ditch to the headgate where both rights are diverted to their place of use. Water right 36-00110D allegedly irrigates 30 acres of land. Water right 36-00110C, the right currently before the court, irrigates 3 acres of land. Using the weighted pro rata method to allocate conveyance loss, 0.24 cfs would be assigned to water right 36-00110D and 0.04 cfs would be assigned to 36-00110C. Even under this method, IDWR did not, as previously stated, factor any conveyance loss into water right 36-00110C.

The result of the weighted pro rata method is that the recommendation for each right along the ditch includes a conveyance loss less than the amount of water actually necessary to deliver each particular water right on the ditch. One problem with IDWR's method is that it requires that all rights along a ditch are fully used and never abandoned or forfeited. If any single right along the ditch is not in use or is abandoned or forfeited, then there will not be enough conveyance loss in the ditch system to deliver all the rights.

³

The court is not aware if IDWR employs the weighted pro rata method of allocating conveyance loss in other parts of the state.

Furthermore, the court is concerned about the accuracy of any decree entered in the SRBA if a water right along a ditch is abandoned or forfeited. If one right is abandoned or forfeited on a ditch system, then the total conveyance loss in a ditch will not be sufficient to deliver the remaining water rights. Under these circumstances, the court would have to continuously update its decree to ensure that conveyance loss is accurately reflected and sufficient for any given ditch system. Determining and including the conveyance loss for each single right in a ditch system cures the problem. Using this method, any rights that remain in a ditch system after one or more rights are abandoned or forfeited will always reflect the correct conveyance loss independent of other rights.

Another problem with IDWR's method of allocating conveyance loss is the potential result in case of a call made on water. In times of scarcity, water rights are delivered "first in time, first in right." IDAHO CONST., art XV, § 3. Since the quantity of the water right is measured from the "point of diversion, not place of use," *Glenn Dale Ranches, Inc. v. Shaub*, any user making a call has a right to that amount of water necessary to deliver the right from the point of diversion to the place of use. Because IDWR does not factor in a full conveyance loss for every single right on a ditch, a user making a call may not be able to deliver the right to its place of use.⁴ The right holders' ability to make an effective call would require all rights up ditch being in use and valid.

For these reasons, the court finds that the full conveyance loss should be included in the quantity for any given right. The quantity element shall include a remark indicating the total amount of conveyance loss and the rights which share in the conveyance loss. In this case, the quantity used for irrigation is 0.11 cfs. The conveyance loss is 0.28 cfs. The total quantity for this right should be 0.39 cfs. Quantity for water right 36-00110C should be reported as follows

72% c. l.

Quantity: 0.39 cfs

Of the total quantity, 0.28 cfs is for conveyance loss. The same conveyance loss is shared and used in combination with water rights 36-00036, 36-00110B, and 36-00110D.

To be sure, "the public policy against wasting water prohibits . . . unreasonable [conveyance] loss." *Glenn Dale Ranches, Inc. v. Shaub* at 588. Taking this principle into consideration, a conveyance loss shared between a number of different rights may constitute a reasonable use of water. However, a single right being divided down a ditch may constitute an unreasonable loss of water when that conveyance loss exceeds a certain percentage of the water actually used to carry out the purpose of use for that single water right. In this case, IDWR considers a conveyance loss of over 50 percent to be an unreasonable loss of water. According to IDWR, this is a "rule of thumb."

Although the court finds that water right 36-00110C should be reported for a total quantity of 0.39 cfs, the court notes that the amount claimed is only 0.17 cfs. Before the court enters a recommendation for this right, the Claimant will have an opportunity to amend his claim. If the claim is amended, the court will allow an additional objection period for water right 36-00110C. If the claim is not amended by June 30, 1998 by 5 p.m., the court will recommend water right 36-00110C as follows:

Quantity: 0.17 CFS

Of the total quantity, 0.06 cfs is for conveyance loss. The same conveyance loss is shared and used in combination with water rights 36-00036, 36-00110B, and 36-00110D.

2. 36-00111C

Water right 36-00111C was recommended as disallowed. IDWR's recommendation constitutes *prima facie* evidence of the water right. I.C. § 42-1411(4). The Claimant has the burden of moving forward with evidence if the claim is different than IDWR's recommendation. I.C. § 42-1411(5). In this case, the Claimant did not present any evidence why 36-00111C was required. Therefore, 36-00111C will be recommended "disallowed."

IV. CONCLUSION

In reviewing these subcases, it is clear that IDWR is not following the rule that "waters appropriated will be measured for their sufficiency from the point of diversion, not at the place of use." *Glenn Dale Ranches, Inc. v. Shaub* at 588. Each water right shall describe the full conveyance loss for that particular right irrespective of whether other rights are diverted down a ditch.

IT IS SO RECOMMENDED.

DATED this 13 day of May, 1998.


Fritz X. Hammerle, Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the FINDINGS OF FACT AND CONCLUSIONS OF LAW was mailed on May 13, 1998, with sufficient first-class postage to the following:

WILLIAM FLINT
FLINT, VERA
7745 ROPALT ST
LA MESA, CA 91942

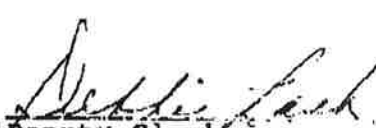
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

WILLIAM & VERA FLINT
7745 ROPALT ST
LA MESA, CA 91942

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Page 7 5/13/98

FILE COPY FOR 0011 Deputy Clerk





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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

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— Celebrating Our Centennial Year of Service to Idaho 1895-1995 —

Not Sent

Memorandum

Not Filed

To: Files 36-00110B, 36-00111B & 36-00112B

From: Fritz Haemmerle

By: Steve Clelland

Date: 09/17/98

Re: Conveyance Loss for Woodhead Rights

At the request of the SRBA court, the conveyance loss to deliver a water right in the Buckeye Ditch, 1400 feet to the headgate diversion for 36-00112B and associated split portions, can be calculated to be 0.35 cfs.

The conveyance loss to deliver a water right in the Sands Ditch, 200 feet to the headgate diversion for 36-00110B & 36-00111B, can be calculated to be 0.05 cfs.

This quantity does not accurately account for the ditch conditions at extremely low flows.

See also the attached complete analysis of the Buckeye Ditch and Sands Ditch losses.

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 - 00048B (1.01)
2	600	10.0	2.00	0.15	1.02	18.77	0.0081	0.02	26.55 - 00112A, 00112B, (00039 series) ^{conveyance insignificant}
3	1400	10.0	2.00	0.35	0.24	17.75	0.0199	0.01	25.38 - 00082A
4	800	10.0	2.00	0.20	0.44	17.51	0.0115	0.02	24.79 - 00082B, 00082C, 00039K @ 0.01 cfs each
5	1100	10.0	2.00	0.28	0.17	17.07	0.0163	0.01	24.14 - 00065
6	1200	10.0	2.00	0.30	0.10	16.90	0.0179	0.01	23.70 - 00103C, 00103E, 00103F @ 0.01 each
7	300	10.0	2.00	0.08	1.22	16.80	0.0045	0.11	23.29 - 00108A, B, C, H; 00103B, 00085A, B, 00125A @ 0.01 each
8	1000	10.0	2.00	0.25	0.16	15.58	0.0162	0.02	22.00 - 00108D, G @ 0.01 each
9	500	10.0	2.00	0.13	0.50	15.42	0.0082	0.06	21.58 - 00108J
10	2200	10.0	2.00	0.56	4.13	14.92	0.0373	0.62	20.96 - 00091A, B; 00108E, 00064B @ 0.16 each
11	5500	10.0	2.00	1.39	0.20	10.79	0.1288	0.06	16.27 - 00003E
12	1700	10.0	2.00	0.43	0.09	10.59	0.0406	0.03	14.68 - 00003G
13	3900	10.0	2.00	0.99	0.34	10.50	0.0938	0.14	14.16 - 00035J
14	600	10.0	2.00	0.15	0.27	10.16	0.0149	0.12	12.84 - 00035E, G; 35B @ 0.04
15	1500	10.0	2.00	0.38	0.62	9.89	0.0383	0.29	12.42 - 00035H, 00003A @ 0.15 each
16	1600	10.0	2.00	0.40	1.00	9.27	0.0436	0.51	11.42 - 00003C, F @ 0.26 each
17	600	10.0	2.00	0.15	0.30	8.27	0.0183	0.16	10.01 - 00003T
18	300	10.0	2.00	0.08	3.25	7.97	0.0095	1.75	9.56 - 00003B
19	3000	10.0	2.00	0.76	0.24	4.72	0.1606	0.17	6.24 - 00003D
20	3000	10.0	2.00	0.76	4.48	4.48	0.1692	3.89	5.24 - 00003H
TOTALS	31600			7.98	18.83			7.98	

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

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	200	10.0	2.00	0.05	0.61	11.93	0.0042	0.00	15.29 - 00036, 00110B, 00111B
2	900	10.0	2.00	0.23	0.44	11.32	0.0201	0.01	14.63 - 00110A, 00111A disabled
3	1300	10.0	2.00	0.33	0.21	10.88	0.0302	0.01	13.96 - 00079
4	200	10.0	2.00	0.05	0.34	10.67	0.0047	0.02	13.42 - 00030B
5	700	10.0	2.00	0.18	0.22	10.33	0.0171	0.02	13.03 - 00080C
6	600	10.0	2.00	0.15	0.84	10.11	0.0150	0.08	12.64 - 00006
7	600	10.0	2.00	0.15	0.55	9.27	0.0164	0.06	11.65 - 00066
8	1400	10.0	2.00	0.35	0.24	8.72	0.0406	0.04	10.94 - 00066A
9	2900	10.0	2.00	0.73	1.06	8.48	0.0864	0.25	10.35 - 00099
10	4500	10.0	2.00	1.14	7.42	7.42	0.1532	2.88	8.56 - 00098, 00141
11				0.00		0.00	0.0000	0.00	-0.00
12				0.00		0.00	0.0000	0.00	-0.00
13				0.00		0.00	0.0000	0.00	-0.00
14				0.00		0.00	0.0000	0.00	-0.00
15				0.00		0.00	0.0000	0.00	-0.00
16				0.00		0.00	0.0000	0.00	-0.00
17				0.00		0.00	0.0000	0.00	-0.00
18				0.00		0.00	0.0000	0.00	-0.00
19				0.00		0.00	0.0000	0.00	-0.00
20				0.00		0.00	0.0000	0.00	-0.00
TOTALS	13300			3.36	11.93			3.36	

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

1997 DEC 22 PM 2: 46

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO

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

In Re SRBA

Case No. 39576

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS**

SUB CASE NO. 36-00110A

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):

Vera C Flint
William E Flint
7745 Ropalt St
LaMesa CA 91942

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

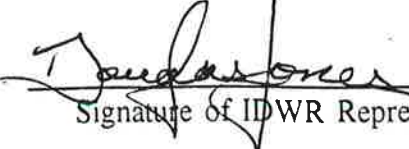
Vera C Flint
William E Flint
7745 Ropalt St
LaMesa CA 91942

J3G Holdings
An Idaho Partnership
PO Box 416
Hagerman ID 83332

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: 12/22/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 12-22, 1997, 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:
Vera C Flint
William E Flint
7745 Ropalt St
LaMesa CA 91942
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
J3G Holdings
An Idaho Partnership
PO Box 416
Hagerman ID 83332
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

AJ5859NP

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

DATE: DEC-19-1997

PAGE: A-1

RIGHT NUMBER: 36-00110A

SEE NOS. 36-00110C & 36-00110D.

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

DATE: DEC-19-1997

PAGE: A-1

RIGHTS FROM:	SOURCE: BILLINGSLEY CREEK	TRIBUTARY: SNAKE RIVER
--------------	---------------------------	------------------------

RIGHT NUMBER:	36-00110C
---------------	-----------

NAME & ADDRESS:	VERA C FLINT WILLIAM E FLINT 7745 ROPALT ST LA MESA CA 91942
-----------------	---

SOURCE:	BILLINGSLEY CREEK	TRIBUTARY: SNAKE RIVER
---------	-------------------	------------------------

QUANTITY:	0.06 CFS
-----------	----------

PRIORITY DATE:	04/01/1885
----------------	------------

POINT OF DIVERSION:	T07S R13E S11	NWSWNE	Within GOODING County
---------------------	---------------	--------	-----------------------

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE IRRIGATION	PERIOD OF USE Irrigation Season	QUANTITY 0.06 CFS
----------------------------	------------------------------	------------------------------------	----------------------

PLACE OF USE:	IRRIGATION T07S R13E S11 3 ACRES TOTAL	Within GOODING County NESW 3
---------------	--	---------------------------------

EXPLANATORY MATERIAL:	BASIS OF CLAIM - DECREE WATER IS DELIVERED THROUGH THE SANDS DITCH.
-----------------------	--

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

DATE: DEC-19-1997

PAGE: A-2

RIGHTS FROM:	SOURCE: BILLINGSLEY CREEK	TRIBUTARY: SNAKE RIVER
--------------	---------------------------	------------------------

RIGHT NUMBER:	36-00110D
---------------	-----------

NAME & ADDRESS:	J3G HOLDINGS AN IDAHO PARTNERSHIP PO BOX 416 HAGERMAN ID 83332
-----------------	---

SOURCE:	BILLINGSLEY CREEK	TRIBUTARY: SNAKE RIVER
---------	-------------------	------------------------

QUANTITY:	0.37 CFS
-----------	----------

PRIORITY DATE:	04/01/1885
----------------	------------

POINT OF DIVERSION:	T07S R13E S11	NWSWNE	Within GOODING County
---------------------	---------------	--------	-----------------------

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE IRRIGATION	PERIOD OF USE Irrigation Season	QUANTITY 0.37 CFS
-------------------------------	------------------------------	------------------------------------	----------------------

PLACE OF USE:	IRRIGATION	Within GOODING County
	T07S R13E S11	NESW 16 NWSE 2
	18 ACRES TOTAL	

EXPLANATORY MATERIAL:	BASIS OF CLAIM - DECREE WATER IS DELIVERED THROUGH THE SANDS DITCH.
-----------------------	--



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 22, 1997

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

J3G HOLDINGS
AN IDAHO PARTNERSHIP
PO BOX 416
HAGERMAN ID 83332

RE: SRBA Claim(s) 36-00110A, 36-00111A, 36-00112A

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: William E. and Vera C. Flint

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: WILLIAM FLINT

619-448-1571

TOTAL PAGES SENT: 1 + cover

DOCUMENT DESCRIPTION: TRIAL Schedule

FROM: **IDAHO DEPARTMENT OF WATER RESOURCES**
1341 Fillmore Street, Suite 200
Twin Falls ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

SENDER: Steve Clelland

CHARGES:

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

Please consider this document as a billing statement.

The charge for your fax copies is: _____
Please remit to the above address.

COMMENTS: Notice: the DATE OF YOUR TRIAL IS
FEB. 24th 1998 2 p.m.

A36-00110c

New Text Document

January 21, 1998

I-Waters schedule from SRBA:
(copy from Internet by scc)

For William Flint

2/24/1998 11:00 36-00110D TRIAL DATE SET
* * PARTIES INVOLVED * *
J3G HOLDINGS PRO SE

2/24/1998 11:00 36-00111D TRIAL DATE SET
* * PARTIES INVOLVED * *
J3G HOLDINGS PRO SE

2/24/1998 11:00 36-00112A TRIAL DATE SET
* * PARTIES INVOLVED * *
J3G HOLDINGS PRO SE
WILLIAM E. FLINT PRO SE
IDWR ATTY: CLIVE STRONG

2/24/1998 2:00 36-00110C TRIAL DATE SET
* * PARTIES INVOLVED * *
WILLIAM FLINT PRO SE

2/24/1998 2:00 36-00111C TRIAL DATE SET
* * PARTIES INVOLVED * *
WILLIAM & VERA FLINT PRO SE

01/21 12:14
916194481571-540044
00:00:32
02
OK
STANDARD
ECM

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

TIME : 01/21/1998 12:15
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT

A36-00111C

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00110C &
A36-00111C

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

IDWR Employee/Agent Steve Clelland

January 13, 1998 8:56am

NAME:

RE:

WILLIAM FLINT

MESSAGE

COPIES OF RIGHTS BY FAX

HE CALLED TO REMIND ME TO FAX HIM COPIES OF THE RIGHTS 36-00110C & 36-00111C AS RECOMMENDED. HE OFFERED THE FAX NUMBER: 619-448-1517

I REVISED THE RECOMMENDATION OF -110C TO INCLUDE STOCKWATER AS CLAIMED AND AS AGREED AT THE INITIAL HEARING. FAXED ONE RIGHT AS A PROOF REPORT AND ONE AS PROFILE REPORT TO HIM AS REQUESTED.

*unable to complete fax
mailed info this day instead.*

*sc
1/13/98*

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: WILLIAM E FLINT
619-448-1517

TOTAL PAGES SENT: _____

DOCUMENT DESCRIPTION: REPORTS ON Recommendations
FOR IRRIGATION/STOCKWATER RIGHTS
36-00110C & 36-00111C

FROM: IDAHO DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

SENDER: Steve Clelland

CHARGES:

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

Please consider this document as a billing statement.

The charge for your fax copies is: _____
Please remit to the above address.

COMMENTS: You should have the claims for these
Rights; I sent them to you to show the
change of ownership before the last hearing.
Steve

AJ0749NP
No. R36-00110C

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

DATE: 01/13/98
PAGE: 1

```
=====
OWNER      PRIORITY  USE PERIOD  DIVERSION  DIVERSION
CODE       DATE       FROM TO     RATE      VOLUME
-----
C VERA C FLINT      04/01/1885  03-15 11-15  0.06 CFS
C WILLIAM E FLINT   03-15 11-15  0.01 CFS
7745 ROPALT ST
LA MESA CA 91942
TOTAL DIVERSION:  0.06 CFS

Water Source:  BILLINGSLEY CREEK      Tributary to:  SNAKE RIVER      Stage:  DECREED

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

Place of use Legal Description for:  IRRIGATION

      NE      NW      SW      SE
      NENE  NWNE  SWNE  SENE  :  NENW  NWNW  SWNW  SENW  :  NESW  NWSW  SWSW  SESW  :  NESE  NWSE  SWSE  SESE  :
T   R   S   :  Lt Ac  Lt Ac  Lt Ac  Lt Ac  :  Lt Ac  Lt Ac  Lt Ac  Lt Ac  :  Lt Ac  Lt Ac  Lt Ac  Lt Ac  :  Lt Ac  Lt Ac  Lt Ac  Lt Ac  :  SUM
-----
07S 13E 11 :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :
TOTAL ACRES      3.0

```

```
Place of use Legal Description for:  STOCKWATER

      NE      NW      SW      SE
      NENE  NWNE  SWNE  SENE  :  NENW  NWNW  SWNW  SENW  :  NESW  NWSW  SWSW  SESW  :  NESE  NWSE  SWSE  SESE  :
T   R   S   :  Lt Ac  Lt Ac  Lt Ac  Lt Ac  :  Lt Ac  Lt Ac  Lt Ac  Lt Ac  :  Lt Ac  Lt Ac  Lt Ac  Lt Ac  :  Lt Ac  Lt Ac  Lt Ac  Lt Ac  :
-----
07S 13E 11 :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :

```

POU County: GOODING

Other Rights: NONE

Conditions of Approval:

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

Remarks: EXP WATER IS DELIVERED THROUGH THE SANDS DITCH.
STOCKWATER, CATTLE AND HORSES.

Dates: Exam Made Date: Verified Date: 01/13/1998 Objection Filed Date:

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

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

Date: 08/04/1992 User-ID: WORSTELL Subject: COPIED FROM REMARKS

=====

Comments: Date: 08/04/1992 User-ID: WORSTELL Subject: COPIED FROM REMARKS
AMOUNT CLAIMED IS BASED ON PROPORTIONAL SHARE OF RT. AERIAL
PHOTO SHOWS 22 AC. OF ORIGINAL FARM UNDER SANDS DITCH. I OWN
17 AC. OF THE 2 AC., SO AM CLAIMING 17/22 OF THE RIGHT. MY DEEDS
SHOW 60" OF WATER FOR THIS LAND, BUT THERE IS NO INFORMATIN AVAIL
ABLE TO SHOW HOW THIS 60" IS SPLIT BETWEEN 36-0110 & 36-0111. SO
I AM CLAIMING THE PROPORTIONAL SHARE OF BOTH RIGHTS; THE COURT
CAN DECIDE WHAT IS CORRECT.
THERE HAS BEEN ENOUGH WATER IN THE VALLEY UP TO NOW SO THAT
PRIORITY DATE HAS NOT BEEN IMPORTANT.

Date: 09/21/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/18/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 8/17/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/15/1992 User-ID: CHRISTEN Subject: RESPONSE TO NOE
THE CLAIMANT'S NOE WAS A GENERIC RESPONSE TO ALL CLAIMS WITHIN
HIS NAME. NO INFORMATION WAS PRESENTED TO INDICATE A CHANGE IS
NECESSARY FOR THE RECOMMENDATION. I RESPONDED WITH FORM LETTER
((MULTIPLE RIGHTS, DECREED RIGHT DISALLOWED)). NO CHANGES
RECOMMENDED AT THIS TIME. KKC 10-15-92.

Date: 02/19/1993 User-ID: SCHULTZ Subject: ADDED NEW ATTRONEY
RECEIVED NOTICE OF APPEARANCE FROM HEPWORTH NUNGESTER LEZAMIZ
2/10/93.
CLAIM VERIFIED 10/15/92--DID NOT REVERIFY CLAIM.

Date: 09/07/1993 User-ID: FRAZEE Subject: ADDRESS CHANGE
PER OBJECTION, CHANGED ADDRESS.

Date: 11/26/1997 User-ID: SCLELLAN Subject: COPIED FROM REMARKS
WATER IS DELIVERED THROUGH THE SANDS DITCH.
0.01 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.

Date: 11/26/1997 User-ID: SCLELLAN Subject: REFORMAT UPDATE & SPLIT OWNERSHIP
REFORMAT UPDATE & SPLIT OWNERSHIP
SPLIT FROM CLAIM A36-00110A.

Date: 01/13/1998 User-ID: SCLELLAN Subject: ADDED STOCKWATER USE
ADDED STOCKWATER USE AS CLAIMED. BELIEVED TO BE PART OF THE
RESPONSE TO OBJECTION, BUT CAN STAND A SETTLEMENT RESOLUTION AT
THE INITIAL HEARING. I TOLD MR. FLINT THE USE COULD BE ALLOWED.

Audit: 01/13/98 SCLELLAN

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-00110C &
A36-00111C

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

IDWR Employee/Agent Steve Clelland

December 15, 1997 4:10pm

NAME:

BILL FLINT

RE:

CALLBACK 619-448-1551 TRIAL STATUS

I TOLD HIM I HAD NOTED HE WAS SET FOR A TRIAL ON FRIDAY THE 19TH OF DECEMBER, HE AGREED AND SAID HE HAD THE NOTICE. I TOLD HIM THE CURRENT RECOMMENDATION OF THE RIGHT (-00110C FOR 0.06 CFS ON 3 ACRES, -00111C IS DISALLOWED). I MENTIONED WE HAVE BEEN ABLE TO INCREASE THESE AMOUNTS SLIGHTLY USING UPDATE WEATHER INFO FOR HAGERMAN VALLEY. I WILL HAVE THE NEW REVISION AVAILABLE FOR THE HEARING ON FRIDAY. HE TOLD ME HE DOUBTS ANYTHING LESS THAN THE 1932 DECREE WILL BE ACCEPTABLE. HE SAID HE WILL BE HERE FOR THE TRIAL.

****IDWR NOTE**** I TALKED WITH C. HONSINGER TO GET THE REVISED HUBBLE NUMBERS FOR THIS RIGHT AND HE TOLD ME THIS IS NOT A TRIAL BUT A INITIAL HEARING.

CLAIMS: A36-00110C -00111C

RECEIVED

DEC 19 1997

Department of Water Resources
Southern Region

HAGERMAN

Surface Irrigation Diversion Rate Analysis Sheet

WR#'s 36-00110C

111C

100% Row

100% FOR

SOIL	SOIL AC.	% ROW	ROW AC.	FIR ROW	CFS ROW	% FOR.	FOR. AC.	FIR FOR.	CFS FOR.
KOB	.2	100	.2	.037	.007	100	.2	.027	.005
EPB	2.9	100	2.9	.038	0.110	100	2.9	.028	.081
TOTALS	3.10		3.10		.117		3.10		.086

REC. FIR $\begin{matrix} 0.11 \\ 0.08 \end{matrix}$ *
CFS
FOR

SUM
Row = $\begin{matrix} .117 \\ .086 \end{matrix}$ FOR

CFS X $\begin{matrix} 3 \\ 3.10 \end{matrix}$

REC. AC.
GIS AC.

DATE 12/17/97

INIT. [Signature]

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

DIVERSION CAPACITY OR LIC./DEC. AMOUNT MAY LIMIT

Positive Fax Note 71

To Kellie From Jeff P. Date 12/19 # of Pages 1

Co./Dept. IDWR Co. S.O.

Phone # 327-7940 Phone # 327-7940

Fax # 736-3037 Fax #

CLAIM NUMBERS 36-00110ADATE 10-3-97

TRANSFER NUMBER _____

OBJECTION FILED _____

AGENT KHCTOTAL ACRES FROM RECOMMENDATION 21GEOGRAPHIC INFO SYSTEM 19

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>11</u>									<u>19</u>				<u>2</u>			<u>21</u>
GIS												<u>17.2</u>				<u>1.48</u>			<u>18.8</u>
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF

10/3

POLYGON CREATED ON 604 () _____

ATTRIBUTES OF B36-POU.SHP 516 10-3

B36-DBPOD.DBF

ATTRIBUTES OF B36-POD.SHP 456

Delivered from Sands Ditch
36-00111A - Recom. for disallowal
(claimed for additional water for
the same P/U)

P/U CONFLICT yes () no ()P/D CONFLICT yes () no ()READY FOR DECREE yes () no ()SENT FOR DECREE yes () no ()

IDAHO DEPARTMENT OF WATER RESOURCES

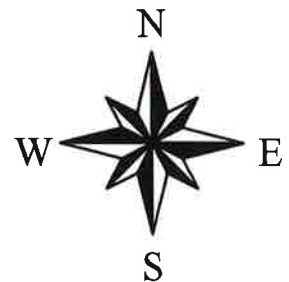
36-00110A, 36-00111A, 36-00112A

OWNERSHIP SPLIT PLACE OF USE



660 0 660 Feet

TNS 7S, RNG 13E
SEC 11, NESW, NWSE



⊙ 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 NOVEMBER 26, 1997
BY STEVE CLELLAND

sw

A36-00110C

Water Right Number - A36-00110A

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

+ - First Name - - +

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

*** C - CURRENT OWNER ***
SPLIT CLAIM

1 -
2 -
3 -

City- X
Phone - 208-000-0000

State- ID Zip- 0

*** 0 - ORIGINAL OWNER ***
FLINT

WILLIAM E

1 - 7745 ROPALT ST
2 -
3 -

City- LA MESA
Phone - 208-000-0000

State- CA Zip- 91942

FLINT

VERA C

1 - 7745 ROPALT ST
2 -
3 -

City- LA MESA
Phone - 208-000-0000

State- CA Zip- 91942

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

+ - - Priority Date - - +
04/01/1885

+ - - - Region - - - +
ERROR IN REGION

+ - - - Stage - - - +

+ - - - Status - - - - +
Z - SEE REMARKS

+ - - - - Source - - - - - +
BILLINGSLEY CREEK
SPLIT CLAIM

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

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

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15		1.160	
04 - STOCKWATER		03/15	11/15		0.020	
+ - Total Div. Rate - +					1.160	
		+ - Total Div. Volume - +				76.00
				+ - Total Consumptive Use - +		

+ - Total Consumptive Use - + + - KW Usage - +
57.0

Tw	Rng	Sec	Tract	Lot	Place	of Use	Description	County
07S	13E	11	NE SW		19.0	01	IRRIGATION	(47) GOODING
07S	13E	11	NW SE		2.0	01	IRRIGATION	(47) GOODING
Total Acres:					21.0			

“DO NOT FILM”

Water right number - A36-00110A

Prefix Translation: ADJUDICATION CLAIM

+ - - Diversion Means - VIA SANDS DITCH. STOCK DRINK FROM SANDS DITCH

+ - - Non-Irrigation Use - STOCKWATER, 15 RANGE CATTLE OR HORSES

+ - - Other Rights for Same Use - 36-0111 PART

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

GEN AMOUNT CLAIMED IS BASED ON PROPORTIONAL SHARE OF RT. AERIAL
PHOTO SHOWS 22 AC. OF ORIGINAL FARM UNDER SANDS DITCH. I OWN
17 AC. OF THE 2 AC., SO AM CLAIMING 17/22 OF THE RIGHT. MY DEEDS
SHOW 60" OF WATER FOR THIS LAND, BUT THERE IS NO INFORMATIN AVAIL
ABLE TO SHOW HOW THIS 60" IS SPLIT BETWEEN 36-0110 & 36-0111. SO
I AM CLAIMING THE PROPORTIONAL SHARE OF BOTH RIGHTS; THE COURT
CAN DECIDE WHAT IS CORRECT.
THERE HAS BEEN ENOUGH WATER IN THE VALLEY UP TO NOW SO THAT
PRIORITY DATE HAS NOT BEEN IMPORTANT.

AMEND NOTE

ADDED 2 ACRES TO POU - SCC 10-07-91.

PER OBJECTION, CHANGED ADDRESS. SF 9/7/93.

*** CLAIM IS SPLIT BY CHANGE OF OWNERSHIP *** 11/26/97 SCC.

SEE NOS. A36-00110C & A36-00110D.

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

A3600110

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

No Conditions of Approval found.

+ - - - Decree Plaintiff - - - +

NEW INTERNATIONAL MORTGAGE BANK

+ - - - Decree Defendant - - - +

IDAHO POWER CO.

+ - Decree Date - +

03/22/1932

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

No Comments Found

+ - - Audit Fields - - +

11/26/97 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 - 10/07/1991

Field Inspection Made - 00/00/0000
Field Inspection Flag -
Verified Date - 00/00/0000
Last Amended Date - 10/07/1991
Receipt Number - S000776
POU Ownership Flag - Y
Name Connector - AND/OR

Civil Case Number - 39576
Old Case Number -
Old Judicial District -
Temporary Right - P
Water District -
Federal/State Indicator - S
Presumption Flag -
Notice of Error Flag -

"DO NOT FILM"

SUBCASE NO. 36-00110A

	CLAIM (7/7/88)	AMENDED CLAIM (10/7/91)	RECOMMENDATION	OBJECTION (4/28/93)
NAME	William & Vera Flint	William & Vera Flint	William & Vera Flint	William & Vera Flint. XX - change of address.
BASIS OF CLAIM	Decree	Decree	Decree	
SOURCE	Billingsley Creek	Billingsley Creek	Billingsley Creek	
QUANTITY	1.160 cfs	1.160 cfs	.43 cfs	XX - requests 1.50 cfs
PRIORITY DATE	4/1/1885	4/1/1885	4/1/1885	
PURPOSE OF USE	Irrigation Stockwater	Irrigation Stockwater	Irrigation	XX - requests stockwater and wildlife be included.
PERIOD OF USE	Irr.: 3/15 - 11/15 S.W.: 3/15 - 11/15	Irr.: 3/15 - 11/5 S.W.: 3/15 - 11/15	3/15 - 11/5	XX - year round for all uses.
POINT OF DIVERSION	T07S R13E S11	T07S R13E S11	T07S R13E S11	
PLACE OF USE	T07S R13E S11 19.0 acres	T07S R13E S11 21.0 acres	T07S R13E S11 21.0 acres	

Remarks	"Amount claimed is based on proportional share of right. Aerial photo shows 22 acres of original farm under Sands Ditch. I own 17 acres of the 2 acres, so am claiming 12/22 of the right. My deeds show 60" of water for this land, but there is no information available to show how this 60" is split between 36-00110 and 36-00111. So I am claiming the proportional share of both rights; the court can decide what is correct. There has been enough water in the valley up to now so that priority date has not been important."	same remarks as in original claim.	"Water is delivered through the Sands Ditch. 0.01 cfs of this right is limited to use for conveyance losses in delivery of this right."	XX - requests that remarks regarding conveyance losses be deleted.

* "The appropriator is entitled to the amount of water described above for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described above.

The portion of this right for stockwater purposes may be diverted so long as the amount of water diverted at the point of diversion for stockwater purposes does not constitute unreasonable waste and does not conflict with the public interest, as determined by the Director.

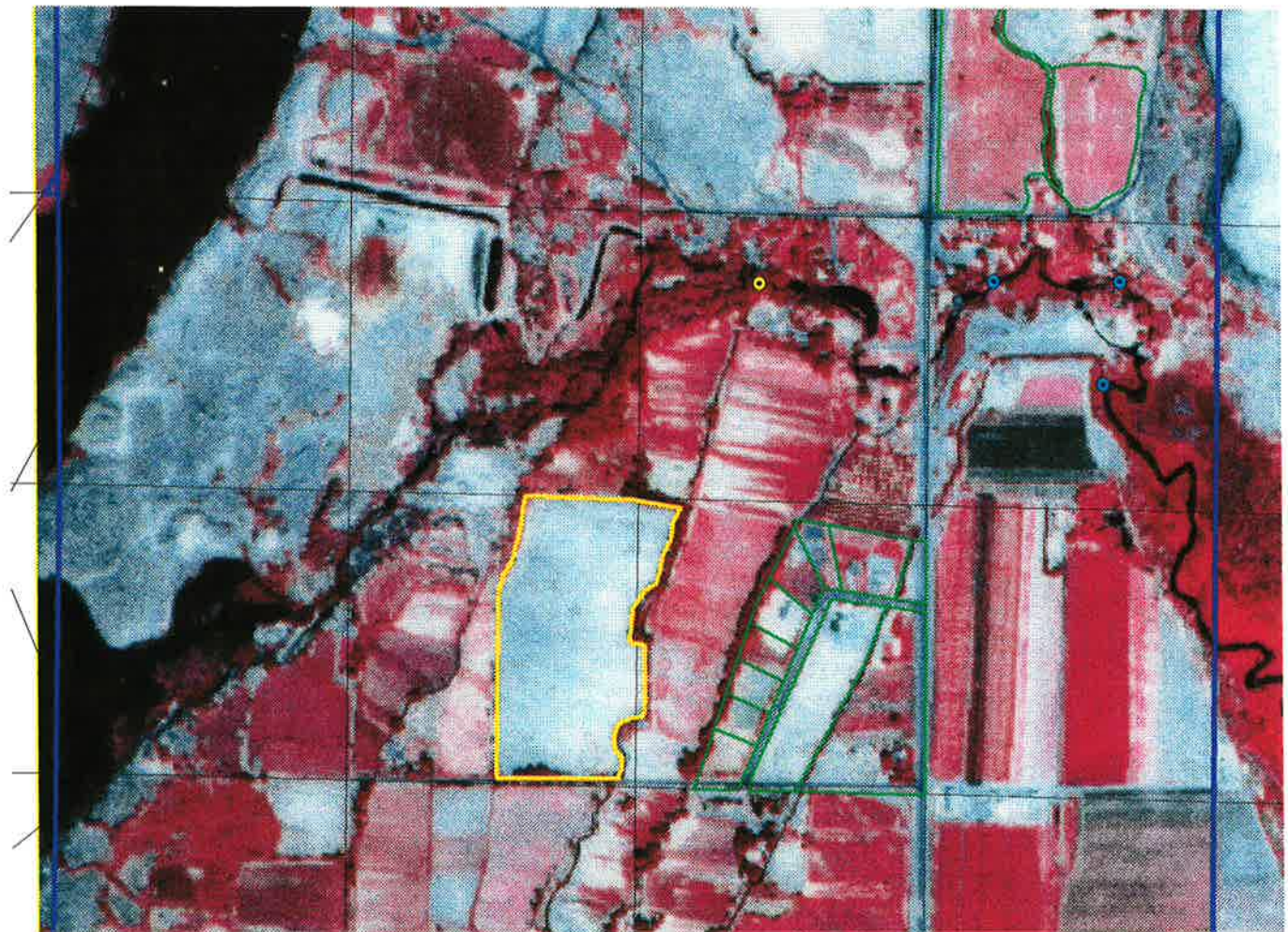
A diversion rate of 0.56 cfs at the field headgate is recommended for the place of use described above.

0.08 cfs of this right is limited to use for conveyance losses in delivery of this right.

Water is delivered through the Barlogi Ditch.

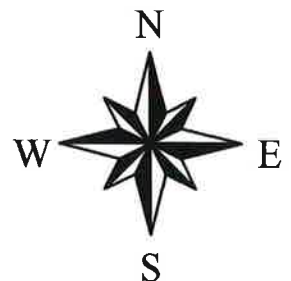
IDAHO DEPARTMENT OF WATER RESOURCES

36-00110A
WILLIAM & VERA FLINT



660 0 660 1320 1980 2640 3300 Feet

**TNS 7S, RNG 13E, SEC 11,
NE1/4SW1/4 & NW1/4SE1/4**



⊙ 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 3, 1997
BY KELLY K CHRISTENSEN

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

04

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. A36-00110A
(You must insert the
water right number you
are objecting to)

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

OBJECTION

Petitioner,

vs.

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

36-00110A -0001/
93-04-0103

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)

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: William E. and/or Vera C. Flint

Address: 7745 Ropalt Street

La Mesa, CA 91942

Briefly describe your interest in this water right:

Decreed water right pursuant to New

International Mortgage Bank v. Idaho Power

Co. dated 3/22/32 with a priority date of

April 1, 1885

2. Owner of the water right:

Name: William E. and/or Vera C. Flint

Address: 7745 Ropalt Street

La Mesa, CA 91942

3. If this objection is filed by an attorney:

Attorney Name: Patrick D. Brown & Penelope Parker

Attorney Address: Hepworth, Nungester & Lezamiz

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

Attorney Phone No.: (208) 734-7510

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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: William E. and/or Vera C. Flint

Owner's address: 7745 Ropalt Street

La Mesa, CA 91942

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

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

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

Box 7 - Beneficially used for purposes set forth in notice of claim. Additionally used for stock water and wildlife.

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)

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. 36-00110A -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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2. Person who filed objection:

Name: WILLIAM E & VERA C FLINT
Address: 7745 ROPALT STREET
LA MESA CA 91942

3. If this response is filed by an attorney:

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

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

1. |☒| Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
3. |☒| Quantity: I respond to the objection concerning:
- 3a. |☒| The total quantity of water used in cubic feet per second.
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 CLAIMANTS' ANSWER,
AFFIRMATIVE DEFENSES, AND PRAYER FOR RELIEF.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 1, IDWR responds that it will change the claimants' address on its records to that shown on the objection. This, however, may not change the claimants' address on the records of the SRBA Court. The Court has developed its "Standard Form 3" to be used for reporting matters such as address changes and changes in ownership. The claimants may need to file this form with the SRBA Court.

In response to Statement of the Objection item 3, 3.a, 7 and 8, and all allegations about these items, IDWR responds there is an error in the description of the purposes of use, period of use, and quantity of this right in the director's report. The recommendation should be corrected as shown in the attachment entitled "Recommended Water Rights Acquired Under State Law."

In further response to Statement of the Objection items 3 and 3.a, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used for irrigation; (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 further response to Statement of the Objection item 7, IDWR responds that by now seeking to include wildlife as an additional purpose of use not listed 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 further response to Statement of the Objection item 8, 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

(Over)

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GET IT DONE
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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 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.

In further response to this objection item, IDWR responds that it recommended the irrigation season of use as claimed. By now seeking a year-round season of use, 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 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. IDWR further responds that it recommended a higher consumptive use volume than was claimed.

In response to Statement of the Objection item 11 and all allegations of the objection regarding this item, IDWR responds that it has authority pursuant to Idaho Code sec. 42-1411(2)(j) to include in its recommendation 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

See attached List of Recommended Water Rights Acquired under State Law.

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

(Over)

UNRECORDED

No. of
Pages

Notice of Claim No. A36-00110A	3
Recommended Water Rights Acquired Under State Law	1
IDWR's Response to Answer, Affirmative Defenses and Prayer for Relief of Claimant	4

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

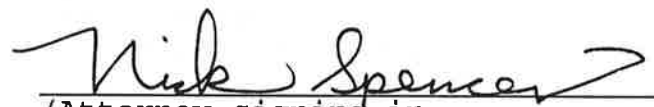
David B. Shaw, being first duly sworn, upon oath, deposes and says:

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



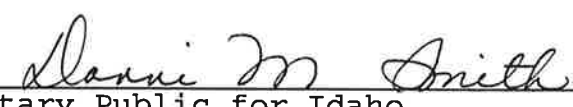
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 10th day of September,
1993.



Notary Public for Idaho

Residing at: _____

My Commission, ~~expired~~ ^{Notary Public} _____

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

(Over)

NOTED
RECORDED

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:

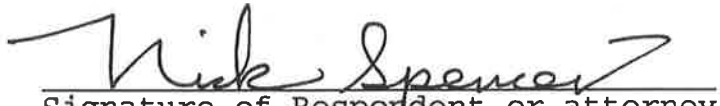
See No. 3

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: A36-00110A
Date Received: 7/ 7/1988
Receipt No: S000776
Received By: Sc

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WILLIAM E. FLINT 208-837-4884
Address: RT. 1 BOX 414
HAGERMAN ID 83332

AND/OR

Name: VERA C. FLINT 208-837-4884
Address: RT. 1 BOX 414
HAGERMAN ID 83332

2. Date of Priority: APR 1, 1885

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

4. Point of Diversion:

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

5. Description of diverting works:
VIA SANDS DITCH. STOCK DRINK FROM SANDS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.160		
STOCKWATER	03/15	11/15	0.020		

7. Total Quantity Appropriated is:
1.160 C.F.S. (and/or) 76.00 A.F.A.

8. Total consumptive use is 57.0 Acre Feet Per Annum

9. Non-irrigation uses:
STOCKWATER, 15 RANGE CATTLE OR HORSES

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	NE	SW		IRR	19.0
			NW	SE		IRR	2.0
Section Acres							21.0
Total Acres							21.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
36-0111 PART

14. Remarks:

AMOUNT CLAIMED IS BASED ON PROPORTIONAL SHARE OF RT. AERIAL PHOTO SHOWS 22 AC. OF ORIGINAL FARM UNDER SANDS DITCH. I OWN 17 AC. OF THE 2 AC., SO AM CLAIMING 17/22 OF THE RIGHT. MY DEEDS SHOW 60" OF WATER FOR THIS LAND, BUT THERE IS NO INFORMATION AVAILABLE TO SHOW HOW THIS 60" IS SPLIT BETWEEN 36-0110 & 36-0111. SO I AM CLAIMING THE PROPORTIONAL SHARE OF BOTH RIGHTS; THE COURT CAN DECIDE WHAT IS CORRECT. THERE HAS BEEN ENOUGH WATER IN THE VALLEY UP TO NOW SO THAT PRIORITY DATE HAS NOT BEEN IMPORTANT.

AMEND NOTE

ADDED 2 ACRES TO POU - SCC 10-07-91.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/22/1932

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER CO.
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s):

William E. Flint

Date:

10/7/91

Date:

State of Idaho

County of

Twin Falls

)
)
) SS.

Subscribed and sworn (or affirmed) before me this

7th

day

of

October

19

91

Steve Caldwell

Notary Public

Seal

Residing at

Twin Falls

My Commission Expires

Dec 7, 1994

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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.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: AUG-31-1993
PAGE: A-1

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
		SOURCE: BILLINGSLEY CREEK		TRIBUTARY: SNAKE RIVER		
36-00110A	VERA C FLINT WILLIAM E FLINT RT 1 BOX 414 HAGERMAN ID 83332	04/01/1885	IRRIGATION	03-15 11-15	.43	CFS DECEED
			STOCKWATER	03-15 11-15	.02	CFS

TOTAL QUANTITY: .43 CFS
CONSUMPTIVE USE: 63.0 AFY

NON-IRRIGATION USES:

STOCKWATER, 15 RANGE CATTLE OR HORSES

POINT OF DIVERSION:

T07S R13E S11 NWSWNE

PLACE OF USE: IRRIGATION

T07S R13E S11
21.0 ACRES TOTAL

NESW 19.0

NWSE 2.0

PLACE OF USE: STOCKWATER

SAME AS OTHER USE

REMARKS:

WATER IS DELIVERED THROUGH THE SANDS DITCH.

0.01 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.MICROFILMED
OCT 12 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

01-Feb-1993

RON STROUD
WARM SPRINGS REALTY
BRANCH OFFICE
246 MAIN STREET
GOODING ID 83330

RE: Copy of SRBA File(s): 36-00110A, 36-00111A, 36-00112A, 36-10168

Dear Mr. Stroud:

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:

\$9.97

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

Stroud (Flint)
40
44
43
12
137 x 5 = 6.85
post. 2.90
env. .22
9.97

MICROFILMED

OCT 12 1994



warm springs Realty
branch office
246 main street
gooding, idaho 83330

208 • 934 • 5888
FAX 208 • 934 • 8567

January 21, 1993

Idaho Department of Water
Resources
220 Shoshone East
Twin Falls, Idaho 83301

Reference: William E & Vera C. Flint

Attention Bob:

I am requesting a copy of their history of water rights on the Flint's property located in a tract of land being part of Parcel C of the Robert L. Justice Ranch as shown in plat records of Gooding County, Idaho Lot 3,4 Northwest Quarter Southeast Quarter and Northwest Quarter Southwest Quarter of Section II, Township 7 South Range 13 East Boise Meridan in Gooding County.

Please send to Warm Springs Realty, 246 Main, Gooding, Idaho.
Attention: Ron Stroud, Agent for Flints.

Thank you,

Ron Stroud
Sales Associate

sun valley office • box 1426 • sun valley, idaho 83353
condominiums • acreage • residential

MICROFILMED
OCT 12 1994

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No:

5015307

RECEIVED

JAN 25 1993

Department of Water Resources
Southern Region Office

Date:
Time:

1/25/1993
11:32:48

Received
From:

FLINT VERA

Type of Payment

Program Acct Class

Amount

FEE FOR COPY OF ADJUDICATION CLAIM

64100

229 21 1760

11.81

Total

CHECK

106

\$11.81

Region: SOUTHERN

Signature:

R. Foster

MICROFILMED
OCT 12 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

08-Jan-1993

WILLIAM E FLINT
7745 ROPALT STREET
LA MESA CA 91942

RECEIVED

JAN 25 1993

Department of Water Resources
Southern Region Office

RE: Copy of SRBA File(s): 36-00110A, 36-000111A, 36-10168

Dear Mr. Flint:

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

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

\$7.57

Sincerely,

plus

Jeanie
Jeanie Robertson
Records Clerk

4.24

(15 Jan 93)
Additional
copies

Encl:

\$ 11.81 total
AMT.

R106
enclosed
1-22-93

MICROFILMED

OCT 12 1994

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

William Flint
7745 Repalt St
La Mesa Ca 91942

2. SUBJECT OF INQUIRY:

619-465-4208

Wants copies of the following claims:

A36-00110A

-00111A

-10168

00112A

ASAP.

3. RESPONSE TO INQUIRY:

I told him that I would let the
Sec know & get them mailed out to him.

4. IDWR STAFF AND DATE:

Kelly K. Christensen 1-13-93

Print name and initial

WATER RIGHT CLAIM (Nos.):

File in 00110A

MICROFILMED

OCT 12 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

08-Jan-1993

WILLIAM E FLINT
7745 ROPALT STREET
LA MESA CA 91942

RE: Copy of SRBA File(s): 36-00110A, 36-000111A, 36-10168

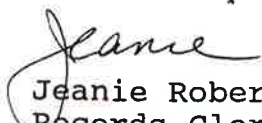
Dear Mr. Flint:

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

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

\$7.57

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

Handwritten on a yellow sticky note:

7 Flint	
37	
41	
11	
89 x 5 =	4.45
post.	2.90
env.	.22
	7.57

MICROFILMED

OCT 12 1994

RECEIVED

JAN 07 1993

Department of Water Resources
Southern Region Office

William E. Flint
7745 Ropalt Street
La Mesa, Calif 91942

Jan 2, 1993

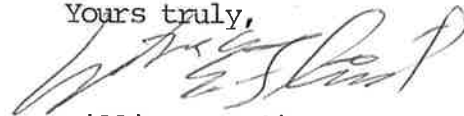
Att. Kelly K. Christensen,

Dear Sir:

Will you please send me the Std. forms as indicated on enclosed Case No. 39576. The ones I need to cover are all in red felt pencil.

Also when I was in your office last summer I got a complete file on Claim No A36-00112A. I need a complete copy of the other 3 Claims No! now.

Yours truly,



William E. Flint

MICROFILMED

OCT 12 1994

RECEIVED

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

JAN 07 1993

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

Case No. 39576

Department of Water Resources
Southern Region Office

SRBA ADMINISTRATIVE ORDER:

USE OF STANDARD FORMS
FOR FILING OBJECTIONS AND
RESPONSES TO OBJECTIONS
TO A DIRECTOR'S REPORT

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

Petitioner,

vs.

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

I.D.#2 A36-00112A
" A36-0011A
" A36-0010A
" A36-10168

This order is issued to cover the use of standard Objection and Response forms for all reporting areas in the Snake River Basin Adjudication except Reporting Area 34, which is subject to a prior order issued June 18, 1992.

I. USE OF STANDARD OBJECTION AND RESPONSE FORMS REQUIRED

I.C. § 42-1412 requires any party desiring to file an objection, or response to an objection, to a water right recommended in a Director's Report to follow certain statutory requirements. In addition to those requirements, under the Idaho Rules of Civil Procedure, Orders of this court and the court's inherent power to manage this litigation,

IT IS ORDERED that all objections and responses be filed on standard forms¹.

II. THE FORMS

The standard forms shall be obtained from IDWR. A party may copy or reproduce the standard form, as long as it is identical to the court's form. The text of the forms must be on the front and back of each page. No other form of objection or response will be accepted by the court for filing.

III. TIME FOR FILING

The statutory time period for filing objections and responses begins on the date the Director's Report is filed with the court and includes holidays and weekends. The Notice of Filing a Director's Report, filed by IDWR, will set out the exact dates objections and responses are due. The objection or response must be received by the court by the deadline specified. If a party

¹The Objection and Response forms contain identical instructions for their use. When the Court refers to filing an Objection, the filing of a Response is also included in this discussion.

MICROFILMED

OCT 12 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00112A
Date Received: 7/07/1988
Receipt No: S000776
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM E. FLINT 208-837-4884
Address: RT. 1 BOX 414
HAGERMAN, ID 83332

AND/OR

Name: VERA C. FLINT 208-837-4884
Address: RT. 1 BOX 414
HAGERMAN, ID 83332

2. Date of Priority: JAN 02, 1891

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	NE			GOODING

5. Description of diverting works:
VIA BUCKEYE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) 48.00 A.F.A.

8. Total consumptive use is 36.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A36-00112A

Page 1

Date: 07/07/88

MICROFILMED

OCT 12 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00111A
Date Received: 7/07/1988
Receipt No: 5006776
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM E. FLINT 208-837-4884
Address: RT. 1 BOX 414
HAGERMAN, ID 83332

AND/OR

Name: VERA C. FLINT 208-837-4884
Address: RT. 1 BOX 414
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1910

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

4. Point of Diversion:

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

5. Description of diverting works:
VIA SANDS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.380		
STOCKWATER	03/15	11/15	0.020		

7. Total Quantity Appropriated is:
0.380 C.F.S. (and/or) 76.00 A.F.A.

8. Total consumptive use is 57.0 Acre Feet Per Annum.

9. Non-irrigation uses:
LIVESTOCK/10-15 RANGE OR HORSES

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: A36-00110A
Date Received: 7/07/1988
Receipt No: S000776
Received By: JS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM E. FLINT 208-837-4884
Address: RT. 1 BOX 414
HAGERMAN, ID 83332

AND/OR

Name: VERA C. FLINT 208-837-4884
Address: RT. 1 BOX 414
HAGERMAN, ID 83332

2. Date of Priority: APR 01, 1885

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

4. Point of Diversion:

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

5. Description of diverting works:
VIA SANDS DITCH. STOCK DRINK FROM SANDS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.160		
STOCKWATER	03/15	11/15	0.020		

7. Total Quantity Appropriated is:
1.160 C.F.S. (and/or) 76.00 A.F.A.

8. Total consumptive use is 57.0 Acre Feet Per Annum.

9. Non-irrigation uses:
LIVESTOCK/10-15 RANGE OR HORSES

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: A36-10168
Date Received: 7/07/1988
Receipt No: S000776
Received By: *[Signature]*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM E. FLINT 208-837-4884
Address: RT. 1 BOX 414
HAGERMAN, ID 83332

AND/OR

Name: VERA C. FLINT 208-837-4884
Address: RT. 1 BOX 414
HAGERMAN, ID 83332

2. Date of Priority: JAN 01, 1936

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC/1 HOME WITH LAWN

DIRECTOR'S REPORT CONVERSATION MEMO

1. PERSON(S) MAKING THE ENQUIRY:

Include address and phone no.
in case follow-up is needed.

W.M. E. Flint
Vera C. Flint

2. SUBJECT OF INQUIRY:

He requested Objection Forms for the following claims

36-00110A

36-00111A

36-00112A

36-1016B

mailing address 7745 Ropalt St.
La Mesa, Ca.
91942

3. RESPONSE TO INQUIRY:

I told him that the forms had to be sent from the state office at this time.

Copies made of files for 36-00110A \$3.60
36-00111A charges for
copies

I receipted \$7.50 for docket sheet.

4. IDWR STAFF AND DATE:

Print name and initial

WATER RIGHT CLAIM (Nos.):

11-13-92 KELLY K. CHRISTENSEN
Kelly K. Christensen KKC

MICROFILMED
OCT 12 1994

OCTOBER 29, 1992

RECEIVED

OCT 30 1992

Department of Water Resources
Southern Region Office

R. KEITH HIGGINSON, DIRECTOR
STATE OF IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

222 SHOSHONE ST, EAST
TWIN FALLS, IDAHO 83301

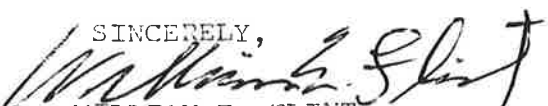
SUBJECT: Reply your letter 15 OCT 92
(Re: Response to Notice of Errors for
Claims 36-00111A, 36-00110A, 36-00112A,
and 36-10168)

DEAR MR. HIGGINSON:

IN THE LETTER I JUST RECEIVED FROM YOUR OFFICE YOU STATE THAT YOU CANNOT ADEQUATELY ANSWER MY REQUEST FOR INFORMATION CONCERNING MY WATER RIGHTS. YOU ARE SAYING THE DWR WANTS TO CONFISCATE MY WATER RIGHT TO THE TUNE OF 75% AND YOU SAY YOU CANNOT GIVE ME THE SPECIFIC REASONS. WHO IN YOUR DEPARTMENT IS QUALIFIED TO MAKE THESE DECISIONS? YOU ARE TELLING ME TO CONTACT THE LEGAL DEPARTMENT OF THE IDAHO WATER RESOURCES BOARD IN BOISE FOR THE INFORMATION I REQUESTED. I SEE NO REASON FOR YOUR SENDING ME TO YOUR LEGAL DEPARTMENT WHEN YOU ALREADY HAVE ACCESS TO THE INFORMATION I REQUESTED.

YOU STATED IN YOUR LETTER MY WATER RIGHTS ARE LIMITED BY "THE AMOUNT OF WATER 'BENEFICIALLY' USED AND 'REASONABLY REQUIRED'". THIS WATER RIGHT HAS FURNISHED FLOOD IRRIGATION TO THIS PROPERTY FOR MANY, MANY YEARS - and there has been no surplus water. CWING TO THE SANDY SOIL AND BLOW-SAND of this property (and Hagerman Valley) A GREATER AMOUNT OF WATER IS REQUIRED FOR SUCCESSFUL IRRIGATION AND PRODUCTION OF ORDINARY AGRICULTURAL CROPS. (THERE ARE GOVT. ENTITIES THAT CONFIRM THIS INFORMATION) EVEN YOUR OFFICE IS INVITED FOR AN ON-SITE INSPECTION. I WOULD LIKE TO MEET YOUR "EXPERTS" on soil and irrigation WHO SO FLAGRANTLY PLAN THE CONFISCATION OF WATER RIGHTS AND TOTALLY DISREGARD THE DECREED RIGHTS OF MARCH 1932. YOUR LETTER TO ME ALUDES TO MY "OVERLAPPING CLAIM"--I REMIND YOU I HAVE TWO SEPARATE WATER RIGHTS---THE LOWER ACREAGE IRRIGATED FROM THE SANDS Ditch, and THE HIGH GROUND FROM THE BUCKEYE Ditch. AGAIN, I DISAGREE WITH IDWR'S RECOMMENDATIONS ON WATER ALLOCATIONS ON MY HAGERMAN FARM.

SINCERELY,


WILLIAM E. FLINT
RT #1, BOX 414 (PIONEER RD.)
HAGERMAN, IDAHO 83332

PERMANENT MAILING ADDRESS:

William E. Flint
7745 Ropalt St.
La Mesa, California 91942

MICROFILMED

OCT 12 1994

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



no

MICROFILMED
JAN 25 1993

RECEIVED

SEP 18 1992

Department of Water Resources

NOTICE OF ERROR FORM

AUG-24-1992

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

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

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

1. Water right number: **36-00110A**
2. Name: William E. Flint & Vera C Flint
Address: 7745 Ropalt Street La Mesa Calif. 91942.

Weekday Telephone Number: 619 448 1551 .

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

MICROFILMED
JAN 25 1993

(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:
There is no portion of this recommendation with which I agree.
4. Describe the changes you wish to have made in the proposed recommendation:
There is to be no change or tampering with my original water right.
5. Describe why you disagree with the proposed recommendation:
I see no explanation as to how these figures were arrived at Nordo I see who is to be the recipient. Why?
How can I possibly accept these figures as being correct. I do no they are are not correct because the very sandy(blow) my farm consists of requires my present water right in total.
6. Date: Sept. 19, 1992

Water Right Number
36-00110A

SIGNATURE William E. Flint

Further I need a copy of all the laws, with which you are promoting this highgrading of all these state water rights, and along with all lobbying and political interests. NAMES

I am sure you have set aflame the whole Snake River Valley aflame on This
issue,

W.E.F.

MICROFILMED
JAN 25 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

15-Oct-1992

WILLIAM E FLINT
7745 ROPALT ST
LA MESA CA 91942

RE: RESPONSE TO NOTICE OF ERRORS FOR CLAIMS 36-00111A,
36-00110A, 36-00112A, AND 36-10168.

Dear Mr Flint

I am unable to adequately answer your request for information concerning the Snake River Basin Adjudication within the format of this reply to your notice of errors. Also, a detailed explanation of the analysis method used to determine the recommendation for your claims is beyond the scope of this letter. Please contact the legal department of the Idaho Department of Water Resources state office in Boise for this information. You may either write them at;

Idaho Department of Water Resources
State Office
1301 N Orchard St
Boise ID 83720

or call them at (208) 327-7900.

Your NOE questions the basis for recommending disallowal of a claim to a previously decreed water right and the method of analysis to determine the reduction of a right.

Under Idaho law, water rights are limited to the amount of water beneficially used for the purposes for which the water rights were 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 water right shown in a decree is no longer beneficially used, then the water right is forfeited.

In your case, you filed multiple overlapping claims. IDWR determined the amount of water reasonably required for the

RECEIVED
JAN 25 1993

FLINT
PAGE 2
15-Oct-1992

recommended uses, based on available data and current methods of analysis, and proposed to recommend the most senior claims that were within this total. To support recommendation of the notice of claim listed above, you will need to submit evidence of beneficial use of an amount of water greater than the total of the rights proposed to be recommended.

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 made available to the water users.

Claim 36-10168 is a domestic claim that is being recommended as claimed.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

MICROFILMED
JAN 25 1993

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED
JAN 21 1993

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

VERIFIED BY HHT

Water Right Number - R36-00110A Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***

FLINT WILLIAM E 1 - RT 1 BOX 414
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-4884
1 - RT 1 BOX 414
2 -
3 -
City- HAGERMAN State- ID Zip- 83332
Phone - 208-837-4884

FLINT VERA C

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

04/01/1885 ERROR IN REGION D - DECREED

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

BILLINGSLEY CREEK SNAKE RIVER

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

Twn	Rng	Sec	Tract	Lot	RFlg	County
07S	13E	11	NW SW NE		(47)	GOODING

+ - - - - Water Use - - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	0.430	

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

0.430 63.0

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

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	11	NE SW		19.0	01	IRRIGATION	(47) GOODING
07S	13E	11	NW SE		2.0	01	IRRIGATION	(47) GOODING

Total Acres: 21.0

+ - - Diversion Means - VIA SANDS DITCH. STOCK DRINK FROM SANDS DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

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

WATER IS DELIVERED THROUGH THE SANDS DITCH.
0.01 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.

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

Water right number - R36-00110A

Prefix Translation: RESEARCH

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

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

3600110

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

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

NEW INTERNATIONAL MORTGAGE BANK

+ - - - - Decree Defendant - - - +

IDAHO POWER CO.

+ - Decree Date - +

03/22/1932

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

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

Date: 08/04/1992 User Id: WORSTELL Subject: COPIED FROM REMARKS

AMOUNT CLAIMED IS BASED ON PROPORTIONAL SHARE OF RT. AERIAL PHOTO SHOWS 22 AC. OF ORIGINAL FARM UNDER SANDS DITCH. I OWN
17 AC. OF THE 2 AC., SO AM CLAIMING 17/22 OF THE RIGHT. MY DEEDS SHOW 60" OF WATER FOR THIS LAND, BUT THERE IS NO INFORMATIN AVAIL
ABLE TO SHOW HOW THIS 60" IS SPLIT BETWEEN 36-0110 & 36-0111. SO I AM CLAIMING THE PROPORTIONAL SHARE OF BOTH RIGHTS; THE COURT
CAN DECIDE WHAT IS CORRECT. THERE HAS BEEN ENOUGH WATER IN THE VALLEY UP TO NOW SO THAT
PRIORITY DATE HAS NOT BEEN IMPORTANT.

+ - - Audit Fields - - +

08/17/92 THORNTON

+ - - - - 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	- 08/17/1992	Old Judicial District	-
Claim Received Date	- 07/07/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S000776	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:28:51
06/30/90

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00110A

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 8/3/92	DB	
POINT OF DIV	Y N			N				
SOURCE	N			N				
PLACE OF USE	Y Y		7-24-90 SLC/HHT	N	1,4,5			
DIV. AMOUNT CFS/VOLUME	Y Y			(Y)	6. Degree			
CONSUMPTIVE USE	- N			N				
PURPOSES	Y Y			N				
PERIOD OF USE	Y N			N				
BASIS OF CLAIM	Y N			N				
REMARKS	Y N			N				

HHT
7-12-90

"VERIFIED BY" CODES

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

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

RECEIVED

JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:28:51
06/30/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00110A

LAST: FLINT
ADDRESS: RT. 1 BOX 414
CITY: HAGERMAN
PHONE NUMBER: 208-837-4884

FIRST: WILLIAM E.
STATE: ID ZIP: 83332

OWNER CODE: C

LAST: FLINT
ADDRESS: RT. 1 BOX 414
CITY: HAGERMAN
PHONE NUMBER: 208-837-4884

FIRST: VERA C.
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: AMOUNT CLAIMED IS BASED ON PROPORTIONAL SHARE OF RT. AERIAL
PHOTO SHOWS 22 AC. OF ORIGINAL FARM UNDER SANDS DITCH. I OWN
17 AC. OF THE 2 AC., SO AM CLAIMING 17/22 OF THE RIGHT. MY DEEDS
SHOW 60" OF WATER FOR THIS LAND, BUT THERE IS NO INFORMATIN AVAIL
ABLE TO SHOW HOW THIS 60" IS SPLIT BETWEEN 36-0110 & 36-0111. SO
I AM CLAIMING THE PROPORTIONAL SHARE OF BOTH RIGHTS; THE COURT
CAN DECIDE WHAT IS CORRECT.
THERE HAS BEEN ENOUGH WATER IN THE VALLEY UP TO NOW SO THAT
PRIORITY DATE HAS NOT BEEN IMPORTANT.

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JAN 25 1993

CONTACT PERSON: Mr. Flint

PHONE NUMBER: () -

DATE OF FIELD EXAM: 7/24/90

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Spoke w/ Mr. Flint. He stated that the acres claimed had been irrigated in the preceding 5 years, however, they are not being irrigated at this time.

DEMILITIZED
3094 5 2 NA

A. AJ CLAIM: # A36-00110A PRIORITY DATE: 04-01-1885 STAGE: D
B. WR RECORD: # 36-00110 PRIORITY DATE: 04-01-1885 STAGE: D

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

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

REMARKS:

RECOMMENDED PRIORITY DATE:
04-01-1885

REVIEWED BY

Lat

DATE

7-11-90

MICROFILMED
JUL 5 2 1990

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00110A	07S	13E	11	NW	SW	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

A36-00036 NONE

A36-10566

A36-07233

A36-07271

A36-00006

A36-00007

A36-00081A

A36-07172

A36-00037C

A36-00080A

A36-00099

A36-00100

A36-00111A

A36-00113G

WR RECORDS IN SAME 40 ACRE TRACT

36-00006
36-00007
36-00036
36-00037
36-00066
36-00079
36-00080
36-00081
36-00097
36-00098
36-00099
36-00100
36-00101
36-00111
36-00113B
36-00113D
36-00140
36-00141
36-00142
36-00143
36-00144
36-00145
36-00146
36-00147
36-00148
36-00150
36-00151
36-02082
36-07081
36-07172
36-07229
36-07233
36-07271
36-07565
36-07838

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
36-00110	07S	13E	11		SW	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

MICROFILMED
JAN 25 1991

36-00006	A36-10080	NONE
36-00007	A36-07229	
36-00036	A36-00113E	
36-00037	A36-00141	
36-00066	A36-00066	
36-00079	A36-00066A	
36-00080	A36-00079	
36-00081	A36-07081	
36-00097	A36-07565	
36-00098	A36-10543	
36-00099	A36-00021A	
36-00100	A36-00021B	
36-00101	A36-00037A	
36-00111	A36-00036	
36-00113B	A36-10566	
36-00113D	A36-07233	
36-00140	A36-07271	
36-00141	A36-00006	
36-00142	A36-00007	
36-00143	A36-00081A	
36-00144	A36-07172	
36-00145	A36-00037C	
36-00146	A36-00080A	
36-00147	A36-00099	
36-00148	A36-00100	
36-00150	A36-00111A	
36-00151	A36-00113G	
36-02082		
36-07081		
36-07172		
36-07229		
36-07233		
36-07271		
36-07565		
36-07838		

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 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	FIELD EXAMINER
	Y	N		<u>✓</u>
				<u>N</u>

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>NW</u>	<u>SW</u>	<u>NE</u>	<u> </u>	<u>Gooding</u>

same as claim.

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY: kat

DATE: 7-11-90

RECEIVED
7-11-90

A. ROOT WATER RIGHT NUMBERS: A36-00110
A36-00110A

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	11	NW	SE		FLINT , WILLIAM E.	A36-00110A / 2.0	- /	38.0	2	
						VEENENDAAL , SIGRID E.	A36-10071 /	- /			
						WALMSLEY , FRED J.	A36-10083 /	- /			
						BOTHWELL , BRUCE	A36-10673 /	- /			
						MC FADDAN , MATTHEW D.	A36-00039G / 1.3	- /			
						BOTHWELL , BRUCE	A36-00040A / 1.0	- /			
						SHOKAL , RUTH C.	A36-00039B / 0.9	36-00039B / 2.0			
						VEENENDAAL , DICK J.	A36-00039C / 2.0	- /			
						WALMSLEY , SUSAN K.	A36-00039D / 2.0	- /			
						BOTHWELL , BRUCE	A36-00039F / 1.0	- /			
						JOHNSON , MILDRED A.	A36-00039H / 2.0	- /			
						POTTER , MARK B.	A36-00039J / 2.0	- /			
						EASTERDAY , RAY R.	A36-00039K /	- /			
						PUGMIRE , E. MARION	A36-00039L / 1.0	- /			
						CARY , RUTH E.	A36-02169 /	36-02169 / 8.0			
						MCFADDAN , MATTHEW D.	A36-00050A /	- /			
						FLINT , WILLIAM E.	A36-00112A /12.0	36-00112A /13.0			
						FLINT , WILLIAM E.	A36-00111A / 2.0	- /			
						DILATUSH , E. W.		36-00039A /14.0			
						DILATUSH , E. W.		36-00040 /			
						TROVILLO , D. C.		36-00110 /			
						TROVILLO , D. C.		36-00111 /			
						POPE , J. L.		36-00112B /			
07S	13E	11	NE	SW		FLINT , WILLIAM E.	A36-00110A /17.0	- /	40.0	19, 17	19
						FLINT , WILLIAM E.	A36-10168 /	- /			
						BOYER , DALE E.	A36-10289 /	- /			
						BOYER , DALE E.	A36-00079 /20.0	36-00079 /			
						BOYER , DALE E.	A36-07129 /	36-07129 /			
						FLINT , WILLIAM E.	A36-00111A /17.0	- /			
						TROVILLO , D. C.		36-00110 /			
						TROVILLO , D. C.		36-00111 /			
						PRINCE , CLEAMANT		36-00112A /21.0			
						DILATUSH , CHARLES N.		36-00143 /			
TOTAL ACRES							A36-00110A	19.00	78.00		21

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

PRESUMPTION FLAG:

REMARKS:

need to field exam to confirm # of acres — done

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JAN 25 1993

RECOMMENDATIONS:

TOTAL ACRES:

~~19~~ 21

REVIEWED BY:

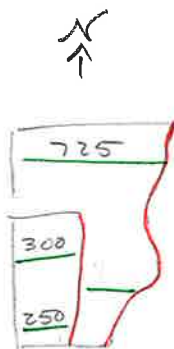
kat

DATE:

8-15-90

same as claim.

amended claims to 21 acres. okay per Landsat



Information used for irrigation analysis worksheet
There are two fields.
measured lengths from orthophotogquad shown in red
measured runs were averaged (see green lines)

See attached irrigation analysis sheet

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00110A IRRIGATION	FROM 03-15 TO 11-15	1.160 CFS
A36-00110A STOCKWATER	FROM 03-15 TO 11-15	.020 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.160 CFS 76.00 AF/A

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00110 IRRIGATION	FROM TO	1.500 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.500 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

Stockwater: expansion of nature of use? No.

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JAN 25 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 1.160 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.500 CFS

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

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

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

Y

N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: 36-0111 PART

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00110A	BILLINGSLEY CREEK	FLINT , WILLIAM E.	1.160	0.061	76.00	4.00
A36-00039G	BILLINGSLEY CREEK	MC FADDAN , MATTHEW D.	0.100	0.076		
A36-00039B	BILLINGSLEY CREEK	SHOKAL , RUTH C.	0.120	0.133		
A36-00039C	BILLINGSLEY CREEK	VEENENDAAL , DICK J.	0.280	0.140		
A36-00039D	BILLINGSLEY CREEK	WALMSLEY , SUSAN K.	0.260	0.130		
A36-00039F	BILLINGSLEY CREEK	BOTHWELL , BRUCE	0.120	0.120		
A36-00039H	BILLINGSLEY CREEK	JOHNSON , MILDRED A.	0.280	0.140		
A36-00039J	BILLINGSLEY CREEK	POTTER , MARK B.	0.280	0.140		
A36-00039K	BILLINGSLEY CREEK	EASTERDAY , RAY R.	0.200	0.015	50.80	3.90
A36-00039L	BILLINGSLEY CREEK	PUGMIRE , E. MARION	0.120	0.120	4.00	4.00
A36-02169	SPRING	CARY , RUTH E.	0.205	0.037		
A36-00112A	BILLINGSLEY CREEK	FLINT , WILLIAM E.	0.800	0.066	48.00	4.00
A36-00111A	BILLINGSLEY CREEK	FLINT , WILLIAM E.	0.380	0.020	76.00	4.00
A36-00079	BILLINGSLEY CREEK	BOYER , DALE E.	1.400	0.070		

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JAN 25 1993

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-00110A	STOCKWATER	FLINT, WILLIAM E.	FROM 03-15 TO 11-15	.020 CFS	
A36-10071	DOMESTIC	VEENENDAAL, SIGRID E.	FROM 01-01 TO 12-31	.040 CFS	
A36-10083	DOMESTIC	WALMSLEY, FRED J.	FROM 01-01 TO 12-31	.040 CFS	
A36-10673	DOMESTIC	BOTHWELL, BRUCE	FROM 01-01 TO 12-31	.040 CFS	
A36-00039J	STOCKWATER	POTTER, MARK B.	FROM 01-01 TO 12-31	.020 CFS	
A36-00039J	AESTHETIC	POTTER, MARK B.	FROM 01-01 TO 12-31	.200 CFS	
A36-00039K	STOCKWATER	EASTERDAY, RAY R.	FROM 01-01 TO 12-31	.020 CFS	
A36-02169	DOMESTIC	CARY, RUTH E.	FROM 01-01 TO 12-31	.040 CFS	
A36-00050A	DOMESTIC	MCFADDAN, MATTHEW D.	FROM 01-01 TO 12-31	.040 CFS	
A36-10168	DOMESTIC	FLINT, WILLIAM E.	FROM 01-01 TO 12-31	.040 CFS	
A36-10289	DOMESTIC	BOYER, DALE E.	FROM 01-01 TO 12-31	.040 CFS	
A36-07129	FISH PROPAGATION	BOYER, DALE E.	FROM 01-01 TO 12-31	11.570 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 19 x 0.02 CFS/ACRE = 0.38 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 = ~~76~~ 57.0 AF/A

ACRES 19 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =

TOTAL CONSUMPTIVE USE 57 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = ~~76~~ 76.00 AF/A

ACRES 19 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 76 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(X)

1b. CALCULATIONS

*See attached Hubble
Irrigation Analysis
Sheet for
basis of recommendation.*

0.42

+ 0.01 C.L

0.43

MICROFILMED

JAN 25 1993

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

See attached irrigation analysis worksheet for basis of recommendation
Recommend 1" / ac = 21 ac x 0.02 = 0.42 cfs - ~~recommended~~
~~unauthorized recommendation~~ Conveyance loss = 0.0

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
<u>Irrigation</u>	<u>3/15</u>	<u>11/15</u>		~~0.36~~ 0.43		76		57.0
				<u>—</u>		<u>—</u>		<u>—</u>
				~~0.36~~ 0.43		76		57

TOTAL FOR THIS RIGHT

REVIEWED BY: Rest

DATE: 7-11-90

~~WR proportional Rate = $\frac{1.5 \text{ cfs}}{78 \text{ Ac}} = 0.0192$ (alluvial Rate)~~
(per Remarks of 78 Ac.) (see 1-14-91)

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JAN 25 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	(X) Excess Water

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00110

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 1.500	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-00110	1.500	-		36-00110	1.500
A36-00110	A36-00110A	1.160	-		36-00110	1.500
TOTAL CFS		2.660				1.500

DIVERSION RATE REVIEW

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

DATABASE	FIELD EXAMINER
N	<u>N</u>

REMARKS:

attached split review.
See ~~A36-00110~~ for split review

AUTHENTICATION:

SIGNATURE: _____

DATE: 1-14-91

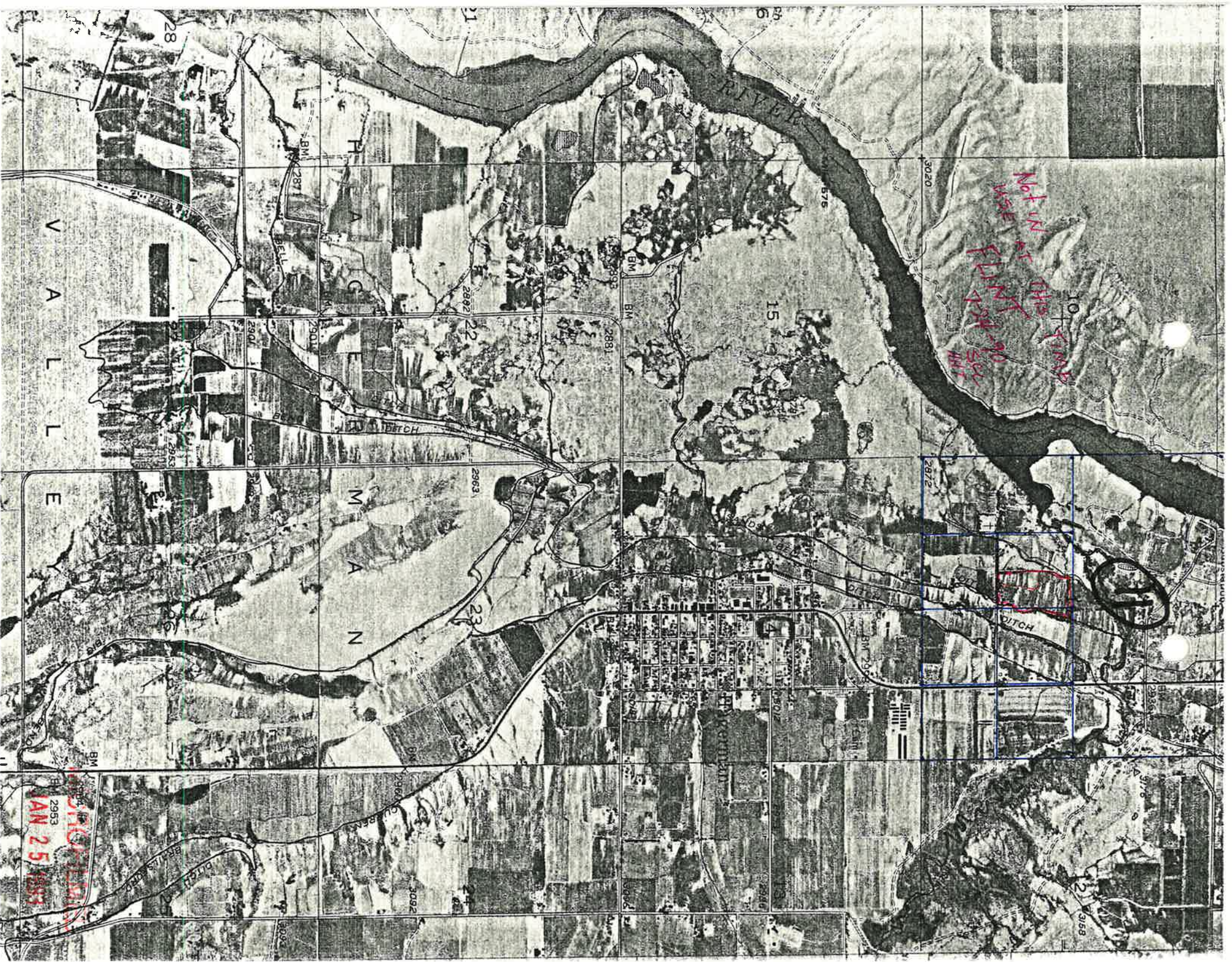
NAME OF FIELD EXAMINER: _____

TITLE: _____

AGENT
INITIALS HHT
DATE 8/3/92

Add Water District 36A.

MICROFILMED
JAN 25 1993



Not in this plan
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

VALLUE

MAN

10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28
JAN 25 1953

(6-92 306)

overlap w/ 00110A
Sands.

IRRIGATION ANALYSIS WORKSHEET

CLAIM NO. A36 00110A / 00111A Disallowed
DATE 7/14/92
AGENT HAT

CLAIMANT/SYSTEM DESCRIPTION Flint

IRRIGATION SYSTEM ----- Gravity
ANALYSIS METHOD ----- BORDER / FURROW
TYPE OF CROP ----- Alfalfa
MAXIMUM PROFILE DEPTH ----- 60" INCHES
INTAKE FAMILY ----- 0.70

SOIL TYPE FAB ----- SYSTEM TOTAL
ACRES PER TYPE 21 ----- 21 ACRES
SOIL PROFILE WHC 5.70 -----
DESIGN IRR $\frac{1}{2}$ WHC 2.85 -----

CROP REQUIREMENT:

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

DAILY CROP REQUIREMENT:

6.79 (MM/DAY) / 25.4 (FACTOR IN MM/IN) ----- 0.267 IN/DAY

ACTUAL ROTATION PRACTICED ----- 7 DAYS

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

THEORETICAL ROTATION:

2.85 DESIGN IRR / 0.267 CROP REQ = 10.67 DAYS

DESCRIPTION OF FIELD:

AVERAGE LENGTH RUN ----- 450 609
TOTAL WIDTH OF FIELD ----- 1500
CHECK 450 L * 1500 W / 43,560 = 15.5 ACRES
% SLOPE ----- 3%
BORDER WIDTH ----- NA
----- WIDTH OF FIELD / ----- DAYS OF ROTATION
FURROW / CORRUGATION WIDTH ----- 30"
SET TIME ----- 12

MICROFILMED

JUN 25 1993

A36-00110A/00111A
Flint
Sands Ditch

7-28-92
HHT

INTAKE FAMILY <If> = 0.70
DESIGN APPLICATION <Fn> = 2.85 INCHES
FURROW SLOPE <S> = 0.030 FEET/FOOT
FURROW SPACING <W> = 2.50 FEET
FURROW LENGTH <L> = 609 FEET
INFLOW RATE <Q> = 6 GPM/FURROW
APPLICATION TIME <Ti> = 12 HOURS

ADVANCE TIME <Tt> = 55.3 MINUTES; OR 0.9 HOURS
GROSS APPLICATION <FG> = 4.55 INCHES
NET APPLICATION <Fx> = 4.09 INCHES
RUNOFF <RO> = 0.31 INCHES
DEEP PERCOLATION <DP> = 1.39 INCHES
EFFICIENCY <E> = 62.62 %

TO CHANGE: PRESS (EXISTING)
Design Application <1> 2.85 in
Furrow Slope <2> 0.030 ft/ft
Furrow Spacing <3> 2.50 ft
Furrow Length <4> 609 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	2.85	.030	2.50	609	5	12	66.3	3.79	0.00	0.00	0.00	0.00
→ 0.70	2.85	.030	2.50	609	6	12	55.3	4.55	4.09	0.31	1.39	62.62

$$FIR = 4.2 \left(\frac{cu}{EFF\%} \right)$$

$$= 4.2 \left(\frac{0.267}{62.62} \right)$$

$$= 0.018 \sim 0.02/ac$$

$$21 ac. \times 0.02 cfs = 0.42 cfs$$

2 claims (100% overlap)
A36-00110A claimed
1.16

~~A36-00111A~~

~~0.12~~

recommended Div. Rate
0.42 + C.D.
0.01
0.002 = 0.43
~~0.43~~

0.08 sufficient water supplied
by earlier priority WR (00110A)

MICROFILMED
JAN 25 1993

CONVERSATION MEMO

A36-00110A
A36-00111A
A36-00112A

FILE:

AGENT: HHT

DATE:

RE:

irrigation methods

NAME OF PARTY: Flint 837-4884

7/17/92, 9:35am - no answer

7-20-92 2:25pm No answer - see

7-21-92 8:05am No answer - see

7-27-92 7:07pm No answer HHT

7-27-92 8:53pm No answer HHT

7-28-92

Unable to contact claimant. Therefore, assumed similar irrigation practices w/ other portions of water rights (Dick Pope).

- 7 day rotation

- 12³ 24 hr. sets

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[illegible]

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JAN 25 1999

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	200	10.0	2.00	0.05	0.61	11.93	0.0042	0.00	15.29
2	900	10.0	2.00	0.23	0.44	11.32	0.0201	0.01	14.63 - 0.01 10A
3	1300	10.0	2.00	0.33	0.21	10.88	0.0302	0.01	13.96
4	200	10.0	2.00	0.05	0.34	10.67	0.0047	0.02	13.42
5	700	10.0	2.00	0.18	0.22	10.33	0.0171	0.02	13.03
6	600	10.0	2.00	0.15	0.84	10.11	0.0150	0.08	12.64
7	600	10.0	2.00	0.15	0.55	9.27	0.0164	0.06	11.65
8	1400	10.0	2.00	0.35	0.24	8.72	0.0406	0.04	10.94
9	2900	10.0	2.00	0.73	1.06	8.48	0.0864	0.25	10.35
10	4500	10.0	2.00	1.14	7.42	7.42	0.1532	2.88	8.56
11				0.00		0.00	0.0000	0.00	-0.00
12				0.00		0.00	0.0000	0.00	-0.00
13				0.00		0.00	0.0000	0.00	-0.00
14				0.00		0.00	0.0000	0.00	-0.00
15				0.00		0.00	0.0000	0.00	-0.00
16				0.00		0.00	0.0000	0.00	-0.00
17				0.00		0.00	0.0000	0.00	-0.00
18				0.00		0.00	0.0000	0.00	-0.00
19				0.00		0.00	0.0000	0.00	-0.00
20				0.00		0.00	0.0000	0.00	-0.00
TOTALS	13300			3.36	11.93			3.36	

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

SANDS DITCH
 MICROFILMED
 JAN 25 1971

warm springs realty
246 main street
gooding, idaho 83330

RECEIVED
JAN 25 1993

Department of Water Resources
Southern Region Office



Idaho Department of Water
Resources
220 Shoshone East
Twin Falls, Idaho 83301

Attention: Bob

MR. WILLIAM FLINT
7745 ROPALT ST.
LA MESA, CA. 92041

91942



RECEIVED
JAN 25 1993

Department of Water Resources
Southern Region Office

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

Mr. E. Flint
7745 Ropalt St.
La Mesa, Calif 91942

cert #
P138693550



RETURN RECEIPT
REQUESTED

RECEIVED

JAN 07 1993

Department of Water Resources
Southern Region Office

Department of Water Resources
222 Shoshone St East
Twin Falls, Idaho 83301
Att. Kelly K. Christensen

Name _____
1st Notice _____
2nd Notice _____
Return _____