

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: A36-00112B
Date Received: 7/28/1988
Receipt No: S001150
Received By: tw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN L. POPE 208-837-4477
Address: 17951 US HWY 30
HAGERMAN, ID 83332
AND/OR
Name: LOLA POPE 208-837-4477
Address: 17951 US HWY 30
HAGERMAN, ID 83332
AND/OR
Name: J. L. POPE
Address: 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	04/01	10/01	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 BEEF CATTLE

A36-00112B

Page 1

Date: 07/28/88

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	13E	11	SW NE		IRR	40.0
Section Acres						40.0
Total Acres						40.0

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:
A36-00110, A36-00111, A36-00113C

14. Remarks:
P/U INCOMPLETE. SEE FILE & TRANS. 193.
P/U GIVEN INCORRECTLY IN TRANS. 195.
FARM = 40 AC.

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

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

16. Signature(s)

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

Number of attachments:

For Individuals:

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

Signature of Claimant(s): John J. Pope Date: 7/28/88
Date:

State of Idaho)
County of Blaine Falls) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of July 19 88 Lon White
Notary Public

Seal

Residing at Blaine Falls, Id.
My Commission Expires 5/95

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

TOTAL RECORDS IN SELECTION FILE: 116

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RECEIVED
FEB 10 1993
Department of Water Resources

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

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

* * * * *

10 In Re the General Adjudication)
11 of Rights to the Use of Water) Case No. 39576
12 from the Snake River Basin)
13 Water System)

12
13 The State of Idaho, ex rel.)
14 R. Keith Higginson in his)
15 official capacity as director) NOTICE OF APPEARANCE
16 of the Idaho Department of)
17 Water Resources,)

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23
Petitioner,

vs.

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

21
22
23
Respondents.

* * * * *

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



Hepworth,
Nungester,
& Lezamiz

NOTICE OF APPEARANCE - 1

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



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



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

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

12 DATED This 9 day of February, 1993.

13 HEPWORTH, NUNGESTER & LEZAMIZ

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

17
 18 CERTIFICATE OF MAILING

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



Hepworth,
 Nungester,
 & Lezamiz

NOTICE OF APPEARANCE - 4

MICROFILMED

OCT 12 1994

1 February, 1993, to:

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

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

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

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

12
13 
14 Patrick D. Brown



Hepworth,
Nungester,
& Lezamiz

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OCT 12 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1993

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

Re: Notice of Appearance

Dear Mr. Brown:

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

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

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

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OCT 12 1994

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

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

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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

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OCT 12 1994

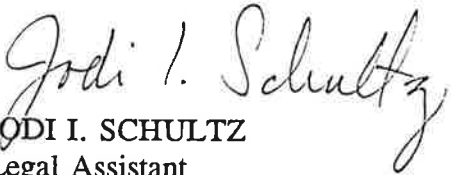
Mr. Patrick D. Brown
March 1, 1993
Page 4

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

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

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

Sincerely,


JODI I. SCHULTZ
Legal Assistant
Idaho Department of Water Resources

cc: IDWR Southern Region

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: A36-00112B

Date Received: 7/28/1988

Receipt No: S001150

Received By: R.V. 24

Owner Change

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROGER C. CRANDLEMIRE 208-939-1400
Address: 1400 FLOATING FEATHER RD
EAGLE, ID 83616

AND/OR

Name: GEORGE C. CRANDLEMIRE 208-939-1400
Address: 1400 FLOATING FEATHER RD.
EAGLE, ID 83616

2. Date of Priority: JAN 2, 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	04/01	10/01	1.200		

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

8. Total consumptive use is 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 100 RANGE CATTLE

MICROFILMED
JAN 25 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	SW	NE		IRR	40.0
Section Acres							40.0
Total Acres							40.0

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:

A36-00110, A36-00111, A36-00113C

14. Remarks:

P/U INCOMPLETE. SEE FILE & TRANS. 193.

P/U GIVEN INCORRECTLY IN TRANS. 195.

FARM = 40 AC.

THIS PROPERTY WAS SOLD BY THE POPES TO THE CRANDLEMIRES
ON 4/12/91. RVW 4/30/91

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER COMPANY
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

MICROFILMED
JAN 25 1993

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 _____

MICROFILMED
JAN 25 1993



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: April 12, 1991

LEGAL DESCRIPTION OF PROPERTY: Township 7 South Range 13 EBM
Section 11, Pt. SW 1/4 of NE 1/4 of 1/4 Govt. Lot, BM.
Lot , Block , Subdivision/Townsite , and pt. NW1/4SE1/4

If you have additional legal descriptions, please attach separate sheet.
(see attached legal)

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

☒ Water Right Number(s) A36-00113H; A36-00111B; A36-00110B; A36-00112B; A36-10061
Assigned by IDWR:

☐ Name and Address of Former Owner/Claimant(s)(Seller): John L. and Lola Pope
17951 U.S. Highway 30, Hagerman, ID 83332

☐ New Owner/Claimant (Purchaser): Roger C. Crandlemire and George C. Crandlemire

☐ New Mailing Address: 1400 Floating Feather Road, Eagle, ID 83616

☐ New Telephone Number: (208) 939 -1400

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

☐ Attach proof of ownership, describe proof attached: copy of Warranty Deed

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

☐ Signature of New Owner/Claimant(s) *Roger C. Crandlemire* Date 4-12-91
 Date

☐ Signature of Former Owner/Claimant(s): Date
 Date

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

MICROFILMED
JAN 25 1994

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

LAW OFFICE OF JAMES ANNEST
James Annest Attorney
1742 Overland Avenue
P.O. Box 686
Burley, Idaho 83318
Telephone: (208) 678-7783

Attorney for Plaintiffs/Counterdefendants.

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE STATE OF IDAHO

In Re:

POPE, JOHN L.
SSAN: 518-09-5608
POPE, LOLA S.
SSAN: 519-46-4306

Debtors.

JOHN L. POPE and LOLA S.
POPE, husband and wife,

Plaintiffs,

vs.

RONALD J. SALT, RODNEY BAKER
and LORI BAKER, husband and
wife, and KEY BANK OF IDAHO.

Defendants.

RONALD J. SALT,

Counterclaimant.

vs.

JOHN L. POPE and LOLA S.
POPE, husband and wife,

Counterdefendants.

CASE NO. 90-00598 H-11

WARRANTY DEED OF DEBTOR
IN POSSESSION

Adversary No. 90-6123

144492

STATE OF IDAHO, COUNTY OF GOODING

Filed for record at the request of FIRST AMERICAN FTI

30 min. past 11 o'clock A. M. this 18th

of April, 1991.

JOHN A. MYERS, Recorder

Alberta Sides

WARRANTY DEED - 1

MICROFILMED
134 43 85 4

RONALD J. SALL,

Defendant/Third
Party Plaintiff.

vs.

HOPKINS FINANCIAL SERVICES,
INC., an Idaho Corporation.

Third Party
Defendant.

WHEREAS, on the 27th day of February, 1990, the undersigned filed in the above entitled court and cause their voluntary petition for reorganization under Chapter 11 of the United States Bankruptcy Code.

WHEREAS, on or about the 15th day of March, 1991, the undersigned duly filed their Motion to Sell Real Property Free and Clear of any Liens or Encumbrances pursuant to Title 11, Section 363, subparagraph b, subparagraph f, and subparagraph 1, 4, and 5 of the Bankruptcy code, a copy of which said Motion is attached as Exhibit A, and incorporated by reference, haec verba herein.

WHEREAS, on or about the 15th day of March, 1991, the undersigned gave Notice of Intent to Sell and Notice of their Motion to Sell Free and Clear of all Liens upon the United States Trustee and all creditors and parties in interest, a copy of which said Notice of Intent to Sell and Notice of Motion is attached as Exhibit B, and incorporated by reference haec verba herein.

MICROFILMED
JAN 25 1993

WHEREAS, said Motion to Sell Free and Clear of Any Liens, Notice of Intent to Sell and Notice of Motion were duly served upon all interested parties as shown by the Affidavit of Mailing attached hereto as Exhibit C and by reference incorporated, haec verba, herein.

WHEREAS, on the 4th day of April, 1991, the Honorable James Pappas, Judge of the above entitled Court, entered an Order authorizing the sale of said property free and clear of any liens or encumbrances, a copy of which said Order is attached hereto, marked Exhibit D, and by reference incorporated, haec verba, herein.

NOW THEREFORE, for and inconsideration of the payment by the grantee herein of the sum of Three Hundred Thirty-Five Thousand Dollars (\$335,000.00) as follows, One Hundred Fifty Thousand Dollars (\$150,000.00) in cash lawful money of the United States, and the execution and delivery of their certain promissory note in the sum of One Hundred Eighty-Five Thousand Dollars (\$185,000.00) made payable to the grantors, John L. Pope and Lola S. Pope, husband and wife, debtors in possession of Hagerman, Gooding County, Idaho, which said note shall be secured by a mortgage against the property hereinafter described, the grantors, do hereby grant, bargain, sell, and convey unto Roger C. Crandlemire, a married man dealing with his sole and separate property, and George C. Crandlemire, a single man, herein referred to as grantees, the following described property to wit: (See Exhibit E attached which said Exhibit is incorporated haec verba by reference.)

MICROFILMED
JAN 25 1993

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said grantees, Roger C. Crandlemire and George C. Crandlemire, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said grantees that they are the owners of fee simple of said premises; that said premises are being sold free from all encumbrances referred to in the Motion, Notice, and Order attached hereto as Exhibits A, B, and D and any and all other encumbrances except easements or rights-of-way, utility easements and other easements or restrictions appearing of Record in the office of the county recorder of Gooding County, Idaho, or Order except as referred to in Exhibits A, B, and D above. The grantors warrant that they will defend the same from all lawful claims except as reserved herein, provided however, that the grantors shall have the option of remaining in the residence house and of retaining use of the sheds and storage facilities located on the premises for up to six (6) months after closing.

DATED this 16th day of April, 1991.

John L. Pope
John L. Pope
Debtor in Possession

Lola S. Pope
Lola S. Pope
Debtor in Possession

MICROFILMED
JAN 25 1993

STATE OF IDAHO)
)ss.
County of Gooding)

On this 16th day of April, 1991, before me, a notary public in and for said State, personally appeared JOHN L. POPE and LOLA S. POPE, husband and wife, known to me to be the person whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



Susan M Bolton
Notary Public for Idaho
Residing at: *Gooding, ID*
My Commission Expires: 10-16-92

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

DATE: SEP-21-1998

PAGE: A-1

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-00112B

NAME AND ADDRESS: ROGER E BRANDVEMIRE
GEORGE E BRANDVEMIRE
1400 FLOATING FEATHER RD
EAGLE ID 83616

TERRY G WOODHEAD
FRAN M WOODHEAD
15465 DAVID ST
CALDWELL ID 83605

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.2 CFS
0.143 CFS

PRIORITY DATE: 01/02/1891

POINT OF DIVERSION: T07S R13E S11 SESENE Within GOODING County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 03-15 11-15 1.2 CFS
0.143 CFS

PLACE OF USE: IRRIGATION Within GOODING County
T07S R13E S11 SWNE 24 NWSE 3
SWNE 18
27 ACRES TOTAL
18 ACRES TOTAL

CONSUMPTIVE USE: 3410 AFY

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
OF THE TOTAL QUANTITY, 0.35 CFS IS FOR CONVEYANCE LOSS. THIS
CONVEYANCE LOSS IS SHARED AND USED IN COMBINATION WITH ALL OTHER
WATER RIGHTS DIVERTED OUT OF THE BUCKEYE DITCH.

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
A DIVERSION RATE OF 0.143 CFS AT THE FIELD HEADGATE IS
RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE



CERTIFICATE OF MAILING

I certify that on SEPT. 22, 1998, I caused to be served true and correct copies of IDWR's Standard Form 5, to the following persons, the manner indicated 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

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

2. Copies to:

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

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

Patrick Brown
Parker, Warr & Brown LLP
812 Shoshone St. East
Twin Falls, ID 83301

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



Signature of person or attorney mailing the form

RECEIVED

MAR 30 1998

Department of Water Resources
Eastern Region

RECEIVED

MAR 23 1998

Department of Water Resources
Adjudication Bureau

RECEIVED

APR 01 1998

Department of Water Resources

1998 MAR 19 10:08 AM
Snake River Basin

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 36-00110B, 36-00111B, 36-
00112B, and 36-00113H

ORDER DENYING
AMENDMENT OF CLAIMS

On December 23, 1997, Special Master Haemmerle entered an *Order Granting Motion for Enlargement of Time to File Amended Claims*. On January 8, 1998, the court received a letter from the claimants attorney, Patrick D. Brown, indicating that he would not be filing amended claims for the above mentioned water rights. Therefore, it is hereby ordered that there will be no amended claims for the above mentioned claims.

DATED March 19, 1998.



FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DENYING AMENDMENT OF CLAIMS was mailed on March 19, 1998, with sufficient first-class postage to the following:

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

Patrick D. Brown
P O Box 389
Twin Falls, Idaho 83301-0389

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098


Deputy Clerk

RECEIVED

APR 21 1998

Department of Water Resources
Adjudication Bureau

RECEIVED

APR 16 1998

OFFICE OF THE
ATTORNEY GENERAL

RECEIVED

MAY 01 1998

Department of Water Resources
Southern Region

Terry Woodhead

PARKER, WARR & BROWN, LLP
Patrick D. Brown
812 Shoshone St. East
Twin Falls, ID 83301
Telephone: (208)735-8812

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

***** *re blank prefix records*
modified 04-24-98, ss

In Re SRBA

Case No. 39576

)
) Subcase Nos. 36-00110B, 36-00111B,
) 36-00112B and 36-00113H
)

) **NOTICE OF SUBSTITUTION**
) **OF COUNSEL**
)

TO: The above-entitled court and to the parties and their counsel:

YOU ARE HEREBY NOTIFIED that pursuant to the Rule 11(b)(1), I.R.C.P.,
Parker, Warr & Brown, LLP, 812 Shoshone Street East, Twin Falls, ID 83301, are hereby
substituted as counsel for Claimants, Terry and Fran Woodhead, in place of the firm of
Hepworth, Lezamiz & Hohnhorst, Chtd.

MAIL13633



Dated this 14 day of April, 1998.

PARKER, WARR & BROWN, LLP

By: 
Patrick D. Brown
Attorneys for claimant

CERTIFICATE OF SERVICE

The undersigned, a resident attorney of the State of Idaho, with offices at 812 Shoshone St. East, Twin Falls, Idaho 83301, and one of the attorneys for the claimant in this matter, certifies that on the 4 day of April, 1998, he served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

U.S. Dept. of Justice
Environment & Natural
Resources Division
550 W. Fort, MSC 033
Boise, ID 83724

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

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

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Director of IDWR
P. O. Box 83720
Boise, ID 83701-2139

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)


Patrick D. Brown

(water/woodheadsubcounsel)

PARKER, WARR & BROWN, LLP
ATTORNEYS AT LAW

PENELOPE PARKER
JEFFREY A. WARR
PATRICK D. BROWN

812 Shoshone Street East
Twin Falls, Idaho 83301
phone (208) 735-8812
facsimile (208) 735-8820

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Chief, Natural Resources	Patrick D. Brown
COMPANY:	DATE:
Attorney General's Office	April 16, 1998
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(209)334-2690	10
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
(208)334-2400	58-001
RE:	YOUR REFERENCE NUMBER:
Deposition Notices	

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

SUBCASE NO. 36-00112B

	CLAIM (7/28/1988)	AMENDED CLAIM	RECOMMENDATION	OBJECTION
NAME	John & Lola Pope *	N/A	Roger & George Crandlemire	Roger and George Crandlemire **
BASIS OF CLAIM	Decree		Decree	
SOURCE	Billingsley Creek		Billingsley Creek	
QUANTITY	1.20 cfs		0.43 cfs	XX - requests as decreed.
PRIORITY DATE	1/2/1891		1/2/1891	
PURPOSE OF USE	Irrigation		Irrigation	see below +
PERIOD OF USE	4/1 - 10/1		3/15 - 11/15	XX - requests year round for all uses.
POINT OF DIVERSION	T07S R13E S11		T07S R13E S11	
PLACE OF USE	T07S R13E S11 40.0 acres		T07S R13E S11 18.0 acres	XX - requests 20 acres for irrigation. Place of use "inaccurate".
Remarks			"Water is delivered through the Buckeye Ditch. A diversion rate of 0.43 cfs at the field headgate is recommended for the place of use described above."	XX - no explanation.

* Change of Ownership filed 4/12/1991 - Pope to Roger and George Crandlemire.

+ No objection to purpose of use contended in objection - however objector states in explanatory remarks that stockwater, aesthetic and subdivision development should be included.

** NCAP filed 10/4/96 - Crandlemire to Terry and Fran Woodhead.

CLAIM NUMBERS 36-001128DATE 10/7/97

TRANSFER NUMBER _____

OBJECTION FILED _____

AGENT JRTOTAL ACRES FROM RECOMMENDATION 18GEOGRAPHIC INFO SYSTEM 17

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	07S	13E	11			15											3		18
GIS						14											3		17
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF 541, 542 ✓
B36-DBPOD.DBF 454 ✓

POLYGON CREATED ON 604 () _____
ATTRIBUTES OF B36-POU.SHP 541, 542
ATTRIBUTES OF B36-POD.SHP 454 SESENE-11
(Buckeye Ditch)

#541 = 13 Ac

#542 = 4 Ac

P/U CONFLICT yes () no (✓)

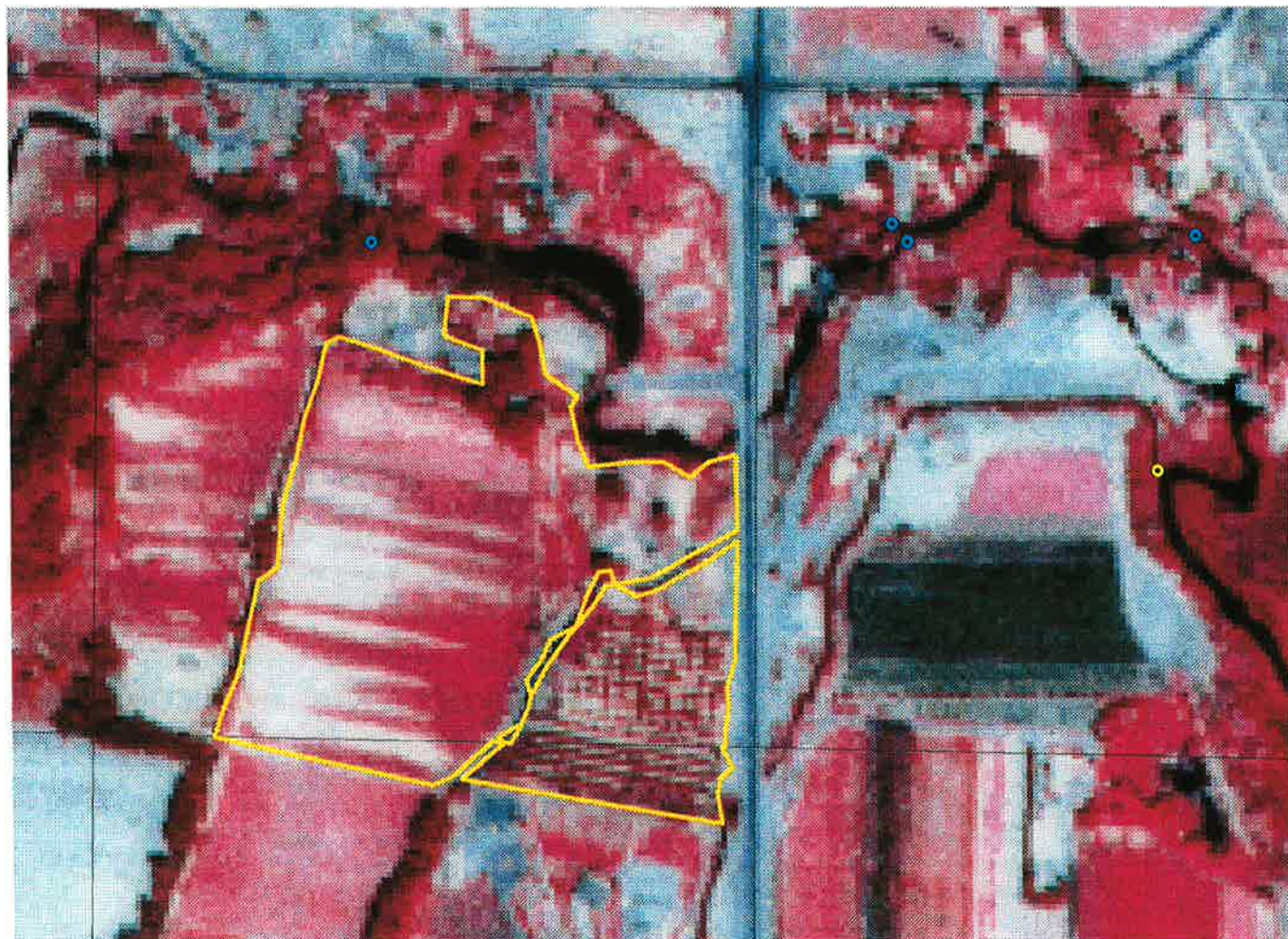
P/D CONFLICT yes () no (✓)

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

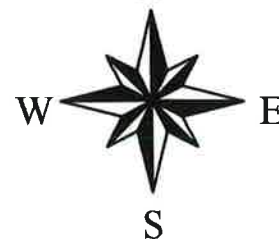
IDAHO DEPARTMENT OF WATER RESOURCES

36- 00112B
JOHN & LOLA POPE



660 0 660 1320 Feet

TNS 7S, RNG 13E, SEC 11



⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES

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

COPY

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. 36-00112B

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):

Roger C and George C Crandlemire
1400 Floating Feather Rd
Eagle ID 83616

Phone: 939-1400

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

Terry G and Fran M Woodhead
15465 David St
Caldwell ID 83605

Phone: 454-2390

The Claimant has filed Objections or Responses to the following water rights: 36-00110B, 36-00111B, 36-00112B, 36-00113H, 36-00134C, 36-00135C, 36-10141

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: 10/4/96

T Douglas Jones
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 10-4, 1996, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Pat Brown
Hepworth Lezamiz & Hohnhorst
PO Box 389
Twin Falls ID 83303-0389
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Pat Brown
Hepworth Lezamiz & Hohnhorst
PO Box 389
Twin Falls ID 83303-0389
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

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

DATE: OCT-3-1996

PAGE: A-4

RIGHTS FROM: SOURCE: BILLINGSLEY CREEK

TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-001128

NAME & ADDRESS: TERRY G WOODHEAD
FRAN M WOODHEAD
15465 DAVID ST
CALDWELL ID 83605

SOURCE: BILLINGSLEY CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.43 CFS

PRIORITY DATE: 01/02/1891

POINT OF DIVERSION: T07S R13E S11

SESENE

Within GOODING County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATIONPERIOD OF USE
Irrigation SeasonQUANTITY
0.43 CFS

PLACE OF USE:

IRRIGATION

Within GOODING County

T07S R13E S11
18.0 ACRES TOTAL

SWNE 15.0 NWSE 3.0

CONSUMPTIVE USE: 54.0 AFY

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

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.

A DIVERSION RATE OF 0.43 CFS AT THE FIELD HEADGATE IS
RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: May 20, 1996

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

See attached Exhibit A

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

☐ Water Right Number(s) A36-00113H A36-00110B
A36-00111B A36-00112B
Assigned by IDWR: A36-10061 A36-00113J

☐ Name and Address of Former Owner/Claimant(s)(Seller): Roger C. Crandlemire and George C. Crandlemire

☐ New Owner/Claimant (Purchaser): Terry G. & Fran M. Woodhead

☐ New Mailing Address:

☐ New Telephone Number: () _____ - _____

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

☐ Attach proof of ownership, describe Warranty Deed
proof attached:

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

☐ Signature of New Owner/Claimant(s) Terry G. Woodhead Date 5/20/96
Fran M. Woodhead Date 5/20/96

☐ Signature of Former Owner/Claimant(s) Roger C. Crandlemire Date _____
George C. Crandlemire Date 5/20/96

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

112B = "D" Rog + Geo
 111B D Rog + Geo
 113J D Rog + Geo
 113H D Rog + Geo
 110F D Geo + Rog
 10061D Rog + Geo

RECEIVED

MAY 31 1996

OBJECTIONS
 No CHANGES Made
 Proc. As A.O. 11
 5-31-96

Department of Water Resources

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

In Re SRBA)
)
 Case No. 39576)
)
 _____)

STANDARD FORM 3
 (Check Appropriate Box)
☐ NOTICE OF CHANGE IN ADDRESS
 OR
☒ CONSENT TO SUBSTITUTION OF
 PARTY

36-00112B 36-00113J
 36-00111B 36-00110B
 36-00113H 36-10061

INSTRUCTIONS FOR USE

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. *The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled.* If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

This form has been adopted by the court in Re SRBA, Twin Falls County Case 39576, *SRBA Administrative Order 1 Rules of Procedure* (amended 6/21/93), Section 4Ac(3), which may be consulted for further information.

A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here. Follow the instructions on the form or it will not be accepted for filing. The Verification and the Certificate of Mailing must be completed.

Standard forms may be obtained from the Idaho Department of Water Resources or the SRBA Court.

CHANGE IN ADDRESS

You must use this form to advise the court and parties of any change in your address during the pendency of the SRBA.

You must provide a copy of the completed form to each party or if the party is represented by an attorney you must serve the attorney in every subcase in which you are a party.

No hearing will be held and no further order will issue from this court.

My name is Roger C. Crandlemire and George C. Crandlemire
A36-00113H A36-00110B A36-00111B
I am the claimant of A36-00112B A36-10061 A-36-00113J
(Insert each water right number)

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

(Insert each water right number)

My new mailing address is _____

My phone number is: Work _____ Home _____
(Go to Page 4)

CONSENT TO SUBSTITUTION OF PARTY

This form may only be used if a water right number is included as a "recommendation" in a director's report. *This form cannot be used for water rights that are not in a director's report or when portions of a water right are involved (i.e. where a water right is split).* You must use this form to substitute a new party into the SRBA.

You are to provide a copy of the completed form to every party in each subcase in which the new party is to be substituted. If the party is represented by an attorney you must serve the attorney. Because this is a "consent" form, it is a stipulation that there is no disagreement between the prior claimant/seller and the new claimant/purchaser that the prior claimant/seller has transferred all interests in the water right. No hearing will be held and no further order will issue.

"Prior claimant/seller" means any person who, pursuant to I.C. §§ 42-1409(2), (3) and (6) (1986), filed a notice of claim asserting the right to the use of water or on whose behalf the

right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of the "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

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

A36-00113H

A36-00110B

A36-00111B

A36-00112B

A36-10061

A36-00113J

I am the new claimant/purchaser of _____

(Insert each water right number)

My name is Terry G. Woodhead and Fran M. Woodhead

My address is 15465 DAVID ST CALDWELL ID 83605

My phone number is: Work _____ Home 208/454-2390

The name and address of the prior claimant/seller who I wish to be substituted for are:

Roger C. Crandlemire and George C. Crandlemire

Roger C. Crandlemire

Roger C. Crandlemire

Signature of prior claimant/seller

George C. Crandlemire

George C. Crandlemire

Terry G. Woodhead

Terry G. Woodhead

Signature of new claimant/purchaser

Fran M. Woodhead

Fran M. Woodhead

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

P. BROWN WILL CONTINUE AS ATTY FOR WOODHEADS. PHONE CONV. 5/31/96

Attorney name _____

Attorney of record for _____

(Identify party/claimant)

Attorney address and phone number: _____

- ☐ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.
- ☐ A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

VERIFICATION

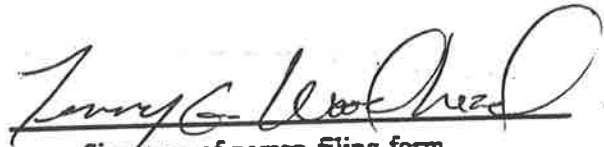
(To be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of IDAHO

County of GOODING

Terry G. Woodhead, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10) (1986); that the water right number I am asking the court to substitute a party on is a water right in a director's report filed with the court and that I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.



Signature of person filing form
Terry G. Woodhead

BY: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on



May 20, 1996

(Insert Date)

Susan M. Bolton
Notary Public for Idaho

Residing at: Gooding, ID

My Commission expires: 10-16-98

INSTRUCTIONS FOR MAILING

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

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

CERTIFICATE OF MAILING

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

1. Original to:

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

2. A *Change of Address* was served on each party, or if they are represented by an attorney you must serve the attorney, in each subcase in which you are a party, at the following address(es):

3. A *Consent to Substitution of Party* was served on the prior claimant/seller, or if they are represented by an attorney you must serve the attorney, at the following address(es):

4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):

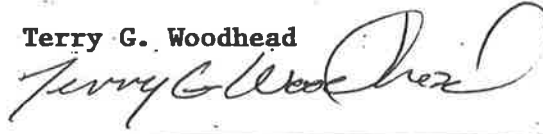
5. One copy to:

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

6. One copy to:

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

Terry G. Woodhead



Signature of person or attorney mailing the form

WARRANTY DEED

For Value Received

ROGER C. CRANDLEMIRE, a married man dealing with his sole and separate property and GEORGE C. CRANDLEMIRE, a married man dealing with his sole and separate property.

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

Terry G. Woodhead And Fran M. Woodhead,
Husband And Wife.

the grantee(s), whose current address is

15465 David Street, Caldwell, ID 83605

the following described premises, to-wit:

See Attached Exhibit "A"

165570

STATE OF IDAHO COUNTY OF GOODING

FIRST AMERICAN TITLE
Filed for record at the request of

25 min. past 1 o'clock P. m. this 20th

of May, 1996 18:00

By Penny Watson Deputy

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

Dated: May 9, 1996

Roger C. Crandlemire
Roger C. Crandlemire

George C. Crandlemire
George C. Crandlemire

STATE OF IDAHO

: ss

COUNTY OF GOODING

On This 20th Day of May, in the year 1996, before me, a Notary Public in and for said State, personally appeared Roger C. Crandlemire, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Susan M. Bolton
Notary Public of Idaho
Residing at Gooding, Idaho
Commission Expires: 10/16/98



First American Title Company of Idaho

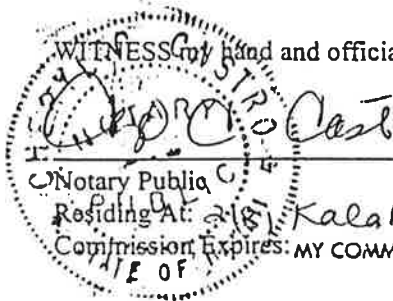


State of Hawaii }
City of Honolulu } ss.
County of Honolulu }

On this 15th day of May, in the year 1996
before me, _____ a Notary Public

personally appeared George C. Crandlemire, known or identified to me to be the
person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that
he/she/they executed the same.

WITNESS my hand and official seal.



Residing At: 2181 Kalakaua Ave
Commission Expires: MY COMMISSION EXPIRES 7/11/97



EXHIBIT "A"

PARCEL 1:

A part of the Southwest Quarter of the Northeast Quarter of Section 11, Township 7 South, Range 13 East of the Boise Meridian, County of Gooding, State of Idaho more particularly described as follows:

The TRUE POINT OF BEGINNING is located from the Northeast corner of Section 11 South $89^{\circ}58'36''$ West, 1314.96 feet to the Northwest corner of the Northeast Quarter of the Northeast Quarter;
Thence South $0^{\circ}06'15''$ East, 1314.15 feet to the Northeast corner of the Southwest Quarter of the Northeast Quarter;
Thence North $89^{\circ}49'24''$ West, 60.48 feet along the North line of the Southwest Quarter of the Northeast Quarter of Section 11 to the TRUE POINT OF BEGINNING.
Thence North $89^{\circ}49'24''$ West, 264.01 feet along the North line of the Southwest Quarter of the Northeast Quarter (recorded distance of 273.32 feet);
Thence South $0^{\circ}31'46''$ West, 389.58 feet to a point in Billingsley Creek (recorded distance of 381.64 feet);
Thence South $21^{\circ}10'36''$ East, 232.97 feet;
Thence North $85^{\circ}52'57''$ East, 176.32 feet to a point on the West Right of Way of Highway 30;
Thence continuing along Highway 30 Right of Way along a curve to the right with a central angle of $1^{\circ}58'20''$, a radius of 17,238.74 feet, an arc length of 593.40 feet, and a chord distance of 593.38 feet with a bearing of North $0^{\circ}43'58''$ East to the TRUE POINT OF BEGINNING.

CONTINUED



EXHIBIT "A" CONTINUED

PARCEL 2:

A Tract of land being part of Parcels "A" and "B" of the ROBERT L. JUSTICE RANCH, located in the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 11, Township 7 South, Range 13, East of the Boise Meridian, Gooding County, Idaho, more particularly described as follows:

BEGINNING at the Northeast corner of said Section 11;
Thence South $89^{\circ}59'36''$ West a distance of 1314.98 feet along
the Northerly boundary of said Section 11 to the Northeast corner of the
Northwest Quarter of the Northeast Quarter of said Section 11;
Thence South $0^{\circ}06'15''$ East a distance of 2824.21 feet along
the Easterly boundary of said Northwest Quarter of the Northeast Quarter,
Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the
Southeast Quarter to the Southeast corner of Parcel "A" of said Robert L.
Justice Ranch;
Thence North $80^{\circ}46'01''$ West a distance of 53.66 feet along
the Southerly boundary of said Parcel "A" to the Westerly right of way of
Highway No. 30 and the TRUE POINT OF BEGINNING;
Thence North $80^{\circ}46'01''$ West a distance of 554.36 feet along
the Southerly boundary of said Parcel "A";
Thence North $81^{\circ}40'17''$ West a distance of 730.81 feet to
the Southwest corner of said Parcel "B";
Thence North $0^{\circ}04'07''$ East a distance of 482.02 feet along
the Westerly boundary of said Parcel "B";
Thence North $82^{\circ}43'32''$ East a distance of 981.73 feet to
the approximate center of Billingsley Creek;
Thence South $49^{\circ}31'53''$ East a distance of 104.54 feet along
the approximate center of said Billingsley Creek;
Thence North $74^{\circ}23'45''$ East a distance of 130.00 feet along
the approximate center of said Billingsley Creek;
Thence North $46^{\circ}53'45''$ East a distance of 100.00 feet along
the approximate center of said Billingsley Creek to a point on a curve on the
Westerly right of way boundary of said Highway No. 30;
Thence Southerly along said right of way 320.01 feet on the
arc of a curve to the left with a radius of 17,238.74 feet, a central angle of
 $1^{\circ}03'49''$ and a chord which bears South $0^{\circ}59'49''$ East a distance of 320.00
feet to a point of tangency;
Thence South $1^{\circ}31'43''$ East a distance of 192.18 feet along
said right of way boundary to the point of curvature;
Thence Southerly along said Westerly right of way boundary
324.61 feet on the arc of a curve to the right with a radius of 42,971.85 feet,
a central angle of $0^{\circ}25'88''$ and a chord which bears South $1^{\circ}18'44''$ East a
distance of 324.61 feet to the TRUE POINT OF BEGINNING.

CONTINUED



EXHIBIT "A" CONTINUED

PARCEL 3:

A tract of land being part of Parcels "A" and "B" of the ROBERT L. JUSTICE RANCH, located in the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 11, Township 7 South, Range 13, East of the Boise Meridian, Gooding County, Idaho, more particularly described as follows:

BEGINNING at the Northeast corner of said Section 11;
Thence South $89^{\circ}59'36''$ West a distance of 1314.98 feet along
the Northerly boundary of said Section 11 to the Northeast corner of the
Northwest Quarter of the Northeast Quarter of said Section 11;
Thence South $0^{\circ}06'15''$ East a distance of 1314.54 feet along
the Easterly boundary of said Northwest Quarter of the Northeast Quarter to
the Northeast corner of said Southwest Quarter of the Northeast Quarter;
Thence North $89^{\circ}49'24''$ West a distance of 60.93 feet to the
Westerly right of way boundary of Highway No. 30 and the TRUE POINT OF
BEGINNING;
Thence Southerly along said right of way boundary 664.73 feet
on the arc of a curve to the left with a radius of 17,238.74 feet, a central
angle of $2^{\circ}12'34''$ and a chord which bears South $0^{\circ}38'23''$ West a distance
of 664.69 feet to a point on a curve in the approximate center of Billingsley
Creek;
Thence South $46^{\circ}53'45''$ West a distance of 100.00 feet along
the approximate center of said Billingsley Creek;
Thence South $74^{\circ}23'45''$ West a distance of 130.00 feet along
the approximate center of said Billingsley Creek;
Thence North $49^{\circ}31'53''$ West a distance of 104.54 feet along
the approximate center of said Billingsley Creek;
Thence leaving the approximate center of said Billingsley
Creek South $82^{\circ}43'32''$ West a distance of 981.73 feet to the Westerly
boundary of said Parcel "B";
Thence North $0^{\circ}04'07''$ East a distance of 468.30 feet along
the Westerly boundary of said Parcel "B";
Thence South $89^{\circ}49'24''$ East a distance of 752.46 feet;
Thence North $0^{\circ}10'36''$ East a distance of 5.00 feet;
Thence South $86^{\circ}19'25''$ East a distance of 121.23 feet;
Thence South $79^{\circ}59'23''$ East a distance of 112.66 feet;
Thence North $0^{\circ}10'36''$ East a distance of 381.64 feet to the
Northerly boundary of said Parcel "A";
Thence South $89^{\circ}49'24''$ East a distance of 272.87 feet along
said Northerly boundary to the TRUE POINT OF BEGINNING.

CONTINUED

R PROOF

CVR

MAPS

PHOTOS

MISC

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OCT 12 1994

RECEIVED

APR 30 1993

Department of Water Resources
Adjudication Bureau

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

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

Case No. A36-00112B
(You must insert the
water right number you
are objecting to)

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

OBJECTION

Petitioner,

vs.

36-00112B -0001/
93-04-0108

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

Respondents.

INSTRUCTIONS

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

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

(Over)

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: Roger C. Crandlemire or George C. Crandlemire

Address: 1400 Floating Feather Road
Eagle, Idaho 83616

Briefly describe your interest in this water right:

Decreed water right pursuant to New Inter-
national Mortgage Bank vs. Idaho Power Co.
dated 3-22-32 with a priority date of 1-2-1891

2. Owner of the water right:

Name: Roger C. Crandlemire or George C. Crandlemire

Address: 1400 Floating Feather Road
Eagle, Idaho 83616

3. If this objection is filed by an attorney:

Attorney Name: Hepworth, Nungester & Lezamiz

Attorney Address: P. Parker & Patrick D. Brown
P.O. Box 389, Twin Falls, ID 83303

Attorney Phone No.: (208)734-7510; Fax: (208)734-4115

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

II. STATEMENT OF THE OBJECTION

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

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

(Over)

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

REASONS SUPPORTING EACH BOX CHECKED

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

See page 7

CHANGES TO THE DIRECTOR'S REPORT

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

The report should be changed to recommend 20 acres under
irrigation; purpose of use: include irrigation, stockwater,
aesthetic and subdivision development; maximum quantity: 1.20
cfs with consumptive use changed accordingly; period of use:
1/1 to 12/31.

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

☒

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

Right Owners, Inc.'s compendium "A".

VERIFICATION (Must be Completed)

State of Idaho

County of Gooding

Roger C. Crandall

(Name of person filing objection)

, being first duly sworn, upon oath, deposes and says:

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

Roger C. Crandall
Signature of person filing objection

By: [Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me this 21st day of April, 1993.

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

(Over)

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

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

1. Original to:

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

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

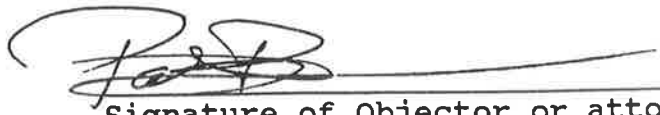
Owner name: Roger C. or George C. Crandlemire
Owner's address: 1400 Floating Feather Road
Eagle, Idaho 83616

3. One copy to:

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

4. One copy to:

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



Signature of Objector or attorney
mailing on Objector's behalf

REASONS SUPPORTING EACH BOX CHECKED, page 4

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

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

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

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.

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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

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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.

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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,

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

AFFIRMATIVE DEFENSE NO. 2

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

AFFIRMATIVE DEFENSE NO. 3

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

AFFIRMATIVE DEFENSE NO. 4

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

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

AFFIRMATIVE DEFENSE NO. 5

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

AFFIRMATIVE DEFENSE NO. 6

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

AFFIRMATIVE DEFENSE NO. 7

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

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AFFIRMATIVE DEFENSE NO. 8

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

AFFIRMATIVE DEFENSE NO. 9

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

AFFIRMATIVE DEFENSE NO. 10

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

AFFIRMATIVE DEFENSE NO. 11

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

AFFIRMATIVE DEFENSE NO. 12

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

AFFIRMATIVE DEFENSE NO. 13

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

AFFIRMATIVE DEFENSE NO. 14

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

AFFIRMATIVE DEFENSE NO. 15

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

AFFIRMATIVE DEFENSE NO. 16

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

AFFIRMATIVE DEFENSE NO. 17

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

AFFIRMATIVE DEFENSE NO. 18

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

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

AFFIRMATIVE DEFENSE NO. 19

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

AFFIRMATIVE DEFENSE NO. 20

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

AFFIRMATIVE DEFENSE NO. 21

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

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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. 36-00112B -0001

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

RESPONSE TO OBJECTION

Petitioner,)

vs.)

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

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

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

Briefly describe your interest in this water right:

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

(Over)

2. Person who filed objection:

Name: ROGER C & GEORGE C CRANDLEMIRE
Address: 1400 FLOATING FEATHER ROAD
EAGLE ID 83616

3. If this response is filed by an attorney:

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

II. STATEMENT OF THE RESPONSE

3. |☒| Quantity: I respond to the objection concerning:
- 3a. |☒| The total quantity of water used in cubic feet per second.
8. |☒| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. |☒| Place of Use: I respond to the objection concerning:
- 9b. |☒| The number of irrigated acres within each forty (40) acre subdivision.
10. |☒| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. |☒| Remarks: I respond to the objection concerning the "remarks" listed with the water right.
14. |☒| Other: I respond to the objection concerning:

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

REASONS SUPPORTING EACH BOX CHECKED

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

In response to Statement of the Objection item 8, and all allegations of the objection regarding that item, IDWR responds as follows: (1) The decree asserted by the claimant does not contain a period of use decreed for this water right. (2) Idaho Code Sec. 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. (3) IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. (4) The irrigation season of use cannot exceed the period in which water may be beneficially used. (5) The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. (6) Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 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 a longer period of use than claimed based upon the above standards. By now seeking to include a year-round period of use the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to

(Over)

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 9 and 9.b, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the total number of acres within each 40 acre subdivision upon which IDWR found water was beneficially used for irrigation under this water right.

In response to Statement of the Objection item 10 and all allegations of the objection regarding that item, IDWR responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2) Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. (3) Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided for by Idaho Code Sec. 42-1401A(2). (5) The recommendation of the director to the SRBA Court as to how the right should be decreed does not constitute a taking because it is simply a recommendation and not a final determination of the right. (6) The eventual decree by the SRBA Court of the amount of water beneficially used, even if less than the amount previously decreed, will not constitute a taking because the right is limited to that amount beneficially used.

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

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

In response to the sentence listed in Changes to the Director's Report, whereby the claimant attempts to "reserve the right to claim all purposes of use and quantities of use as shown by the evidence at trial," IDWR responds as follows: Insofar as this purported reservation of rights may constitute an attempt to reserve the right to amend at trial the claimant's notice of claim, the claimant improperly seeks to use the objection process to amend the claim.

In further response to the changes sought in the director's report objection, IDWR responds as follows: It recommended the same purpose of use that was identified on the notice of claim and that was found when the claim was investigated. By identifying in the objection additional uses that the claimant did not list on the notice of claim, the claimant improperly seeks to use the objection process to amend the claim. A claimant must obtain leave of the court to amend a claim after a director's report is filed, just as a party must obtain leave of the court to file a late claim after the director's report is filed. Once leave of the court is granted, IDWR can investigate the amended claim and make an appropriate recommendation to the court. Purpose of use was not marked as an item in the Statement of Objection, and no reason was provided supporting an objection to purpose of use. The portion of the objection seeking changes in the purpose of use should therefore be stricken.

CHANGES TO THE DIRECTOR'S REPORT

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

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

(Over)

No. of
Pages

Notice of Claim No. A36-00112B

3

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

4

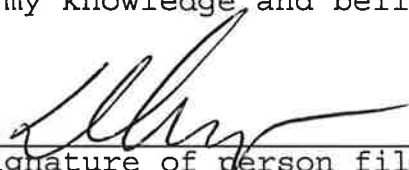
VERIFICATION (Must be Completed)

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 expires: _____

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

(Over)

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:

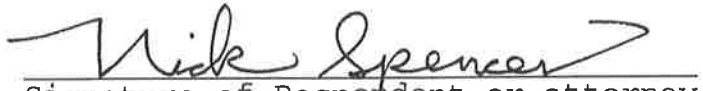
See No. 3

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: A36-00112B
Date Received: 7/28/1988
Receipt No: S001150
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN L. POPE 208-837-4477
Address: 17951 US HWY 30
HAGERMAN, ID 83332

AND/OR

Name: LOLA POPE 208-837-4477
Address: 17951 US HWY 30
HAGERMAN, ID 83332

AND/OR

Name: J. L. POPE
Address: 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	04/01	10/01	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 BEEF CATTLE

A36-00112B

Page 1

Date: 07/28/88

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OCT 12 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	11	SW	NE		IRR	40.0
Section Acres							40.0
Total Acres							40.0

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:
A36-00110, A36-00111, A36-00113C

14. Remarks:
P/U INCOMPLETE. SEE FILE & TRANS. 193.
P/U GIVEN INCORRECTLY IN TRANS. 195.
FARM = 40 AC.

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

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

MICROFILMED
OCT 12 1994

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not 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): John J. Pope Date: 7/28/88
Date:

State of Idaho)
County of Duria Falls) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of July 19 88 Toni White
Notary Public

Seal

Residing at Duria Falls, Id.
My Commission Expires 5/95

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

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

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

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

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

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

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

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

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

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

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

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

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

36-00112B

Receipt No:

5015349

Date:

Time:

2/ 2/1993

11:33:02

Received
From:

JENSEN, ET AL.

Type of Payment

Program Acct Class

Amount

COPIES/GISLER \$6.00; JENSEN \$9.80

64100

229 21 1760

17.80

COPIES/SIMPSON \$16.00; DEVRIES \$8.00

64100

229 21 1760

~~24.00~~

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

64100

229 21 1760

16.00

Total

CHECK

SIX

\$57.80

Region: SOUTHERN

Signature:

Jamie Robertson

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

*Thanks
CHH*

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OCT 12 1993

RECEIVED

JAN 20 1993

Department of Water Resources
Southern Region Office

1-11-93
(Date)

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in
my file as it relates to water right number A36-00112B.

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

Please bill me for the copy charge.

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

Roger L. Jundt
(Name)

1400 Floating Feather Road
(Address)

Eagle, Idaho 83616
(City, State, Zip Code)

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

VOID
(duplicate request)

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

19-Jan-1993

JENSEN REAL ESTATE
PO BOX 201
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-00110B, 36-00111B, 36-00112B,
36-00113H, 36-00113J, 36-00134C,
36-00135C, 36-10140, 36-10141

Dear Mr. Jensen:

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 however available for your review at c in some situations some water rights r which contain privileged information k council which has not been copied.

Please remit the following for the cost:

\$27.78

Sincerely,


Jeanie Robertson
Records Clerk

Encl:

cc: ROGER CRANDLEMIRE
1400 FLOATING FEATHER ROAD
EAGLE ID 83616

Crandlemire

55
45
52
55
49
54
38
44
50

$442 \times 5 = 22.10$
5.45

post.
env.

.23
27.78

MICROFILMED

OCT 12 1993

RECEIVED

JAN 13 1993

Department of Water Resources
Southern Region Office

1-11-93
(Date)

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

Dear Idaho Department of Water Resources:

Please provide me with a copy of all information included in
my file as it relates to water right number A36-00112B.

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

Please bill me for the copy charge.

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

Roger L. J. J. J. J.
(Name)

1400 Floating Feather Road
(Address)

Eagle, Idaho 83616
(City, State, Zip Code)

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

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DEC 12

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED

JAN 25 1993

AUG-24-1992

NOTICE OF ERROR FORM

F. C. D.

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

SEP 22 1992

Idaho Department of Water Resources

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: 36-00112B
2. Name: ROGER C. CRANDLEMIRE & GEORGE C. CRANDLEMIRE

Address: 1400 Floating Feather Road, Eagle, Idaho 83616

Weekday Telephone Number: 208-939-1400

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JAN 25 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

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

3. Describe the portion of proposed recommendation with which you disagree:
I disagree with the amount of water that is being proposed in the recommendation and the period of use. George C. Crandlemire's name needs to be added to the water right.
4. Describe the changes you wish to have made in the proposed recommendation:
I wish to have the amount of water that was decreed under the 1932 Federal Court Decree, which is 1.20 cfs, recommended and have the period of use changed to read from March 15th to November 15th of each year.
5. Describe why you disagree with the proposed recommendation:
The amount of water that was originally decreed is needed because of the very sandy soil, the terrain and the flexibility of using different methods of irrigation. The additional period of use is needed because of the climate, growing season, crops raised and potential of double cropping in the Hagerman Valley.
6. Date: September 21, 1992

SIGNATURE

Roger J. Crandlemire



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

19-Oct-1992

ROGER C CRANDLEMIRE
1400 FLOATING FEATHER RD
EAGLE ID 83616

RE: RESPONSE TO NOTICE OF ERROR FOR ADJUCICATION CLAIMS.

Dear Mr Crandlemire

RE: ALL CLAIMS IN COMMON

All of your NOEs indicate that you would like the recommendations to show a longer season of use for irrigation. The Director has approved extending the period of use for the Hagerman Valley to be 3/15 to 11/15.

The proposed recommendation is based on irrigation season of use standards adopted by the Director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost.

In addition, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for irrigation outside the irrigation season under certain conditions. The conditions are that the water is beneficially used, as determined by the director; that all water rights with a period of use outside the irrigation season, regardless of priority, are satisfied; and that the use does not conflict with the public interest as determined by the director. This proposed general provision will be included in the Director's Report.

For those rights that you requested a second owner be listed on the claim, I have added George's name.

RE: CLAIMS 36-00112B, 36-00110B, 36-113H, AND 36-113J

The field examination for these claims found fewer acres than claimed. That was partly the basis for the reduction in diversion rate recommendations. Also applicable is the method of analysis explained further on in this letter

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JAN 25 1993

CRANDLEMIRE
PAGE 2
19-Oct-1992

RE: CLAIMS 36-10141, 36-00110B, 36-00111B, 36-00135C, AND
36-00134C

During the review it was determined that 36-10141 was a duplicate filing of the use claimed in 36-00135C. As a duplicate filing it was removed as a claim and referenced to indicate that it was in reality claim 36-00135C.

Claims 36-00135C AND 36-00134C are from the same source and for the same place of use and were reviewed as a system.

Claims 36-00110B, AND 36-00111B are from the same source and for the same place of use and were reviewed as a system.

Your NOE also questions the basis for recommending disallowal of a claim and/or a reduction in the amount of a previously decreed water 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 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

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JAN 25 1993

CRANDLEMIRE
PAGE 3
20-Oct-1992

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.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

MICROFILMED

JAN 25 1993

Water Right Number - R36-00112B

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
CRANDLEMIRE

ROGER C.

1 - 1400 FLOATING FEATHER RD

2 -

3 -

City- EAGLE

State- ID Zip- 83616

Phone - 208-939-1400

CRANDLEMIRE

GEORGE C.

1 - 1400 FLOATING FEATHER RD

2 -

3 -

City- EAGLE

State- ID Zip- 83616

Phone - 208-939-1400

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/02/1891 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BILLINGSLEY CREEK SNAKE RIVER

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

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

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	0.430	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.430 54.0

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	11	SW NE		15.0	01	IRRIGATION	(47) GOODING
07S	13E	11	NW SE		3.0	01	IRRIGATION	(47) GOODING

Total Acres: 18.0

+ - - Diversion Means - VIA BUCKEYE DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

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

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
A DIVERSION RATE OF 0.43 CFS AT THE FIELD HEADGATE IS
RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.

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JAN 25 1993

Water right number - R36-00112B Prefix Translation: RESEARCH

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

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

3600112

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

No Conditions of Approval found.

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

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

Date: 08/06/1992 User Id: WORSTELL Subject: COPIED FROM REMARKS
P/U INCOMPLETE. SEE FILE & TRANS. 193.
FARM = 40 AC.

P/U GIVEN INCORRECTLY IN TRANS. 195.

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

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

Date: 10/19/1992 User Id: CHRISTEN Subject: RESPONSE TO NOE
I ADDED GEORGE'S NAME TO CLAIM. NO OTHER CHANGES MADE. CLAIMANT

WANTED POU AND AMT OF H2O CHANGED. KKC. 10-19-92.

+ - - Audit Fields - - +

10/19/92 CHRISTEN

+ - - - - - 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	- 10/19/1992	Old Judicial District	-
Claim Received Date	- 07/28/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S001150	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	- C

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JAN 25 1993

R PROOF

✓

CVR

✓

MAPS

✓

PHOTOS

MISC

✓

MICROFILMED

JAN 25 1993

Water Right Number - R36-00112B Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***

CRANDELMIRE ROGER C. 1 - 1400 FLOATING FEATHER RD
2 -
3 -
City- EAGLE State- ID Zip- 83616
Phone - 208-939-1400

CRANDELMIRE GEORGE C. 1 - 1400 FLOATING FEATHER RD
2 -
3 -
City- EAGLE State- ID Zip- 83616
Phone - 208-939-1400

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

01/02/1891 17 SOUTHERN D - DECREED

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

BILLINGSLEY CREEK SNAKE RIVER

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

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

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

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

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

0.430 54.0

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

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	11	SW NE		15.0	01	IRRIGATION	(47) GOODING
07S	13E	11	NW SE		3.0	01	IRRIGATION	(47) GOODING

Total Acres: 18.0

+ - - Diversion Means - VIA BUCKEYE DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

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

WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
A DIVERSION RATE OF 0.43 CFS AT THE FIELD HEADGATE IS
RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.

MICROFILMED

JAN 20 1993

Water right number - R36-00112B Prefix Translation: RESEARCH

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

+ - - - - Old Water Right Numbers - - - - - +
3600112

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

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

+ - - - - Comments - - - - - +
Date: 08/06/1992 User Id: WORSTELL Subject: COPIED FROM REMARKS
P/U INCOMPLETE. SEE FILE & TRANS. 193. P/U GIVEN INCORRECTLY IN TRANS. 195.
FARM = 40 AC.

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

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

Court Report Filing - 00/00/0000	Field Inspection Made - 00/00/0000	Civil Case Number - 39576
Objection Filed Date - 00/00/0000	Field Inspection Flag -	Old Case Number -
Response Filed Date - 00/00/0000	Verified Date - 08/06/1992	Old Judicial District -
Claim Received Date - 07/28/1988	Last Amended Date - 00/00/0000	Temporary Right - P
	Receipt Number - S001150	Water District - 36A
	POU Ownership Flag - Y	Federal/State Indicator - S
	Name Connector - AND/OR	Presumption Flag -
		Notice of Error Flag -

MICROFILMED

JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:28:51
06/30/90

PAGE: 15
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00112B

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		1-22-91 SCC	N		HHH 8/5/92	DB	
POINT OF DIV	Y N		1	(Y)	1,5			
SOURCE	N			N				
PLACE OF USE	Y (Y)		7-24-90 SCC/HHH	(Y)	1,4,5			
DIV. AMOUNT CFS/VOLUME	*			(Y)	6. Deane Toms			
CONSUMPTIVE USE	- N			(Y)				
PURPOSES	N			N				
PERIOD OF USE	Y N			N				
BASIS OF CLAIM	Y N			N				
REMARKS	Y N			N				

det
7-20-90

"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.

MICROFILMED
JAN 2 1993

* Further review OK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:28:51
06/30/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00112B

LAST: POPE
ADDRESS: 17951 U.S. HWY. 30
CITY: HAGERMAN
PHONE NUMBER: 208-837-4477

FIRST: LOLA
STATE: ID ZIP: 83332

OWNER CODE: C

LAST: POPE
ADDRESS: 17951 U.S. HWY. 30
CITY: HAGERMAN
PHONE NUMBER: 208-837-4477

FIRST: JOHN L.
STATE: ID ZIP: 83332

OWNER CODE: C

LAST: POPE
ADDRESS:
CITY: HAGERMAN
PHONE NUMBER: 208-000-0000

FIRST: J.L.
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: P/U INCOMPLETE. SEE FILE & TRANS. 193.
P/U GIVEN INCORRECTLY IN TRANS. 195.
FARM = 40 AC.

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JAN 25 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

*per conversation w/ Dick Pope: water is flumed across Bell ditch
but the source is from the Buckeye ditch.*

UNRECORDED
JAN 25 1993

A. AJ CLAIM: # A36-00112B PRIORITY DATE: 01-02-1891 STAGE: D
B. WR RECORD: # 36-00112B PRIORITY DATE: 01-02-1891 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(✓)
IF YES EXPLAIN.

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
01-02-1891

REVIEWED BY last

DATE 7-20-90

=====

MICROFILMED
JAN 25 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00112B	07S	13E	11		SE	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-00025	NONE
A36-00087	
A36-07658	
A36-10409	

WR RECORDS IN SAME 40 ACRE TRACT

36-00003
36-00005
36-00019
36-00021
36-00024
36-00025
36-00026
36-00027
36-00034
36-00035A
36-00035B
36-00039A
36-00039B
36-00040
36-00051
36-00052
36-00064
36-00065
36-00067
36-00071
36-00076
36-00077
36-00082
36-00083
36-00085
36-00087
36-00088
36-00089
36-00090
36-00091
36-00094
36-00095
36-00096
36-00103
36-00108
36-00112A
36-00113B
36-00113C
36-00113D
36-00125
36-04008
36-04115
36-04261
36-07271
36-07658
36-07739

MICROFILMED
JAN 25 1993

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

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-00112B	07S	13E	11		SE	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

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

RECEIVED

JAN 27 1990

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

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

WILSON
JAN 2 1993

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD
EXAMINER
N

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY: ART

DATE: 7-20-90

VIA Buckeye Ditch

MICROFILMED

JAN 25 1993

A. ROOT WATER RIGHT NUMBERS: A36-00112A
A36-00112B

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	SW	NE		POPE , LOLA	A36-00112B /40.0	36-00112B /	34.0	15.0	15.0
						STROM , ROBERT M.	A36-07565 /	36-07565 /			
						MERCER , MARNE L.	A36-10080 /	- /			
						UPPIANO , RICHARD F.	A36-10543 /	- /			
						REED , BILLEE	A36-10566 /	- /			
						POPE , JOHN L.	A36-10061 /	- /			
						POPE , LOLA	A36-00110 /40.0	36-00110 /			
						POPE , LOLA	A36-00111 /40.0	36-00111 /			
						STROM , ROBERT M.	A36-00113B / 1.0	36-00113B / 1.0			
						POPE , JOHN L.	A36-00113C /40.0	36-00113C /			
						MERCER , CECILE M.	A36-00113E / 3.2	- /			
						UPPIANO , RICHARD F.	A36-00113F / 1.0	- /			
						REED , COLE	A36-00113G / 2.2	- /			
						MOORE , DANIEL		36-00079 /			
						UPPIANO , RICHARD		36-00113D / 1.0			
						MOORE , JOHN		36-00150 /			
TOTAL ACRES							A36-00112B	40.00	34.00		15.0

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
Y

Add:

TRACTS

TS. 13E. Sec. 11 NW SE

3.0

3.0

TOTAL

18.0

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JAN 2 1993

PRESUMPTION FLAG:

REMARKS:

Water is flumed across the Bell ditch but does not flume across the Sands ditch
field exam confirms the property extends into the other tract next to Willow Brook.

RECOMMENDATIONS:

TOTAL ACRES: 18.0

REVIEWED BY: SCC

DATE: 2-12-91

MICROFILMED
JAN 25 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00112B IRRIGATION	FROM 04-01 TO 10-01	1.200 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.200 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00112B IRRIGATION	FROM TO	1.200 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.200 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

excess water ok per Irrigation Analysis.

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y(X) N()

Y(X) N(X)

Explain in remarks, below.

REMARKS:

MICROFILMED
JAN 25 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 1.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.200 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

MICROFILMED
JAN 25 1993

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: ~~A36-00110, A36-00111, A36-00113C~~

NONE

change claim

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00112B	BILLINGSLEY CREEK	POPE , LOLA	1.200	0.030		
A36-00110	BILLINGSLEY CREEK	POPE , LOLA	1.500	0.037		
A36-00113B	BILLINGSLEY CREEK	STROM , ROBERT M.	0.038	0.038		
A36-00113C	BILLINGSLEY CREEK	POPE , JOHN L.	0.520	0.013		
A36-00113E	BILLINGSLEY CREEK	MERCER , CECILE M.	0.130	0.040		
A36-00113F	BILLINGSLEY CREEK	UPPIANO , RICHARD F.	0.040	0.040		
A36-00113G	BILLINGSLEY CREEK	REED , COLE	0.120	0.054		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-07565	DOMESTIC	STROM , ROBERT M.	FROM 01-01 TO 12-31	.040 CFS	1.20 AF/A
A36-10080	DOMESTIC	MERCER , MARNE L.	FROM 01-01 TO 12-31	.040 CFS	
A36-10543	DOMESTIC	UPPIANO , RICHARD F.	FROM 01-01 TO 12-31	.040 CFS	
A36-10543	STOCKWATER	UPPIANO , RICHARD F.	FROM 01-01 TO 12-31	.020 CFS	
A36-10566	DOMESTIC	REED , BILLEE	FROM 01-01 TO 12-31	.040 CFS	
A36-10061	DOMESTIC	POPE , JOHN L.	FROM 01-01 TO 12-31	.100 CFS	
A36-00113F	STOCKWATER	UPPIANO , RICHARD F.	FROM 01-01 TO 12-31	.020 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 18 x 0.02 CFS/ACRE = 0.36 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 = 120.0 AF/A

ACRES 18 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 54 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 18 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 72 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

1b. CALCULATIONS

Upper field - orchard w/ covers
Lower field alfalfa furrows
calculated on analysis
worksheet for lower field
system design —
Current irrigation practice is
sprinkler as of 1992, so
analysis used for furrows
in alfalfa applied to entire
field.
HHT
7/8/92

Insignificant conveyance
loss.

UNRECORDED
JAN 25 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 10-01	DATABASE EXAMINER ~~1.200~~ ~~0.48~~ 0.43	DATABASE EXAMINER ~~72~~ 72	DATABASE EXAMINER ~~120.0~~ ~~54~~
TOTAL FOR THIS RIGHT		~~1.200~~ 0.43		~~120.0~~

REVIEWED BY:

See

DATE:

2-12-91

WR proportional Rate = $\frac{1.20 \text{ cfs}}{44 \text{ Ac.}} = 0.027 \text{ cfs/Ac.}$
(allowed rate)

RECORDED

JAN 25 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED
(X)
()
()

NEEDS
REVIEW
()
(X)
(X)

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00112

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.000

EXAMINER

N/A

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-00112	A36-00112A	0.800	-		36-00112	
A36-00112	A36-00112B	1.200	-		36-00112	
-	-		-		36-00112A	0.800
					36-00112B	1.200
TOTAL CFS		2.000				2.000

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER
OK

REMARKS:

No Split — per transfer in WR side.

AUTHENTICATION:

SIGNATURE: *John [Signature]*

DATE: *2-12-91*

NAME OF FIELD EXAMINER: _____

TITLE: _____

MICROFILMED
JAN 25 1993

REMARK AND CONDITION CODE WORKSHEET

SYSTEM CLAIM NUMBERS R36 00112B

AGENT

INITIALS

DATE _____

**CLAIM NO.
OR ENTRY
ORDER**

REMARK
CODE

ENTRY DATA

**CONDITION
CODE**

**STAGE
OR**

**PRESUMPTION
CODE**

FOI

SHR

Buckeye Ditch
0.43

0.43

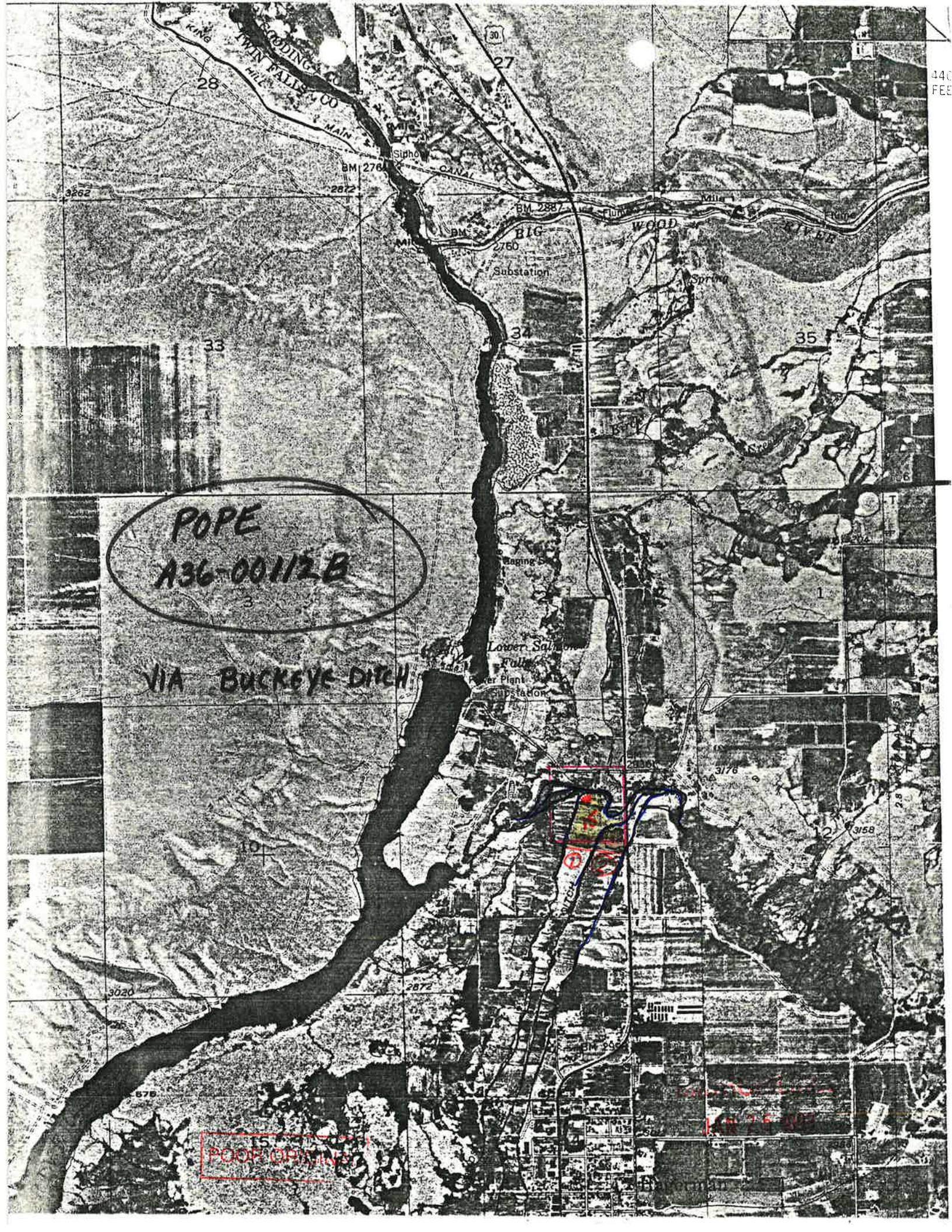
MICROFILMED

JAN 20 1983

POPE
A36-00112B

VIA BUCKEYE DITCH

POOR ORIGIN



DECREED RIGHT SPLIT ANALYSIS

PARENT RIGHT NO. 36-00112 TOTAL DIVERSION RATE see below

PREPARATION DATE 8/5/92

[illegible]

Split by transfer into A^2B

36-00112A 0.80

36-00112 B 1.20

8/5/92 - no actual splits have occurred in SRBA filings.

MICROFILMED

JAN 25 1993

see 8-3-92

CONVEYANCE LOSS - WORSTELL

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

9 rts.

Buckeye Ditch

Conveyance loss insignificant proportionally.

HHT
8/5/92

MICROFILMED
JAN 25 1993

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

IRRIGATION ANALYSIS WORKSHEET

CLAIM NO. A36-00112B
 DATE 7/8/92
 AGENT HHT

CLAIMANT/SYSTEM DESCRIPTION Pope @ Bucheye
 IRRIGATION SYSTEM ----- Corrugation
 ANALYSIS METHOD ----- BORDER / FURROW
 TYPE OF CROP ----- Alfalfa
 MAXIMUM PROFILE DEPTH ----- 60" INCHES
 INTAKE FAMILY ----- .55

SOIL TYPE	<u>EPC</u>	_____	_____	_____	_____	_____	SYSTEM TOTAL
ACRES PER TYPE	<u>18</u>	_____	_____	_____	_____	_____	<u>18</u> ACRES
SOIL PROFILE WHC	<u>3.665</u>	_____	_____	_____	_____	_____	
DESIGN IRR $\frac{1}{2}$ WHC	<u>1.83</u>	_____	_____	_____	_____	_____	

CROP REQUIREMENT:

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

DAILY CROP REQUIREMENT:

6.77 (MM/DAY) / 25.4 (FACTOR IN MM/IN) ----- 0.27 IN/DAY

ACTUAL ROTATION PRACTICED ----- 7 DAYS

DRY DAY ROTATION _____ IRR DAY ROTATION _____

THEORETICAL ROTATION:

1.83 DESIGN IRR / 0.27 CROP REQ = 6.78 DAYS

DESCRIPTION OF FIELD:

AVERAGE LENGTH RUN ----- 522TOTAL WIDTH OF FIELD ----- 1500CHECK 1500 L * 522 W / 43,560 = 18 ACRES% SLOPE ----- 3%~~BORDER WIDTH~~ ----- N/A

_____ WIDTH OF FIELD / _____ DAYS OF ROTATION

FURROW / CORRUGATION WIDTH ----- 28" ~ (2.33')SET TIME ----- 12-24 hrs

MICROFILMED

JAN 7 1993

A36-00112B

POPE

BUCKEYE DITCH

7-23-92
SC

INTAKE FAMILY <If> = 0.55
DESIGN APPLICATION <Fh> = 1.83 INCHES
FURROW SLOPE <S> = 0.030 FEET/FOOT
FURROW SPACING <W> = 2.33 FEET
FURROW LENGTH <L> = 522 FEET
INFLOW RATE <Q> = 4 GPM/FURROW
APPLICATION TIME <Ti> = 12 HOURS

ADVANCE TIME <TT> = 53.1 MINUTES; OR 0.9 HOURS
GROSS APPLICATION <FG> = 3.80 INCHES
NET APPLICATION <Fx> = 3.34 INCHES
RUNOFF <RO> = 0.34 INCHES
DEEP PERCOLATION <DP> = 1.63 INCHES
EFFICIENCY <E> = 48.18 %

TO CHANGE: PRESS (EXISTING)
Design Application <1> 1.83 in
Furrow Slope <2> 0.030 ft/ft
Furrow Spacing <3> 2.33 ft
Furrow Length <4> 522 ft
Furrow Intake Family <5> 0.55
Inflow Rate <6> 4 gpm/furrow
Inflow Time <7> 12 hours <ANALYSIS MODE>

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

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

INTAKE FAMILY	DESIGN APPLIC. Inches	FURROW SLOPE Ft/Ft	FURROW SPACING Feet	FURROW LENGTH Feet	INFLOW RATE Gpm	APPROXIMATE INFLOW TIME Hours	ADVANCE TIME Minutes	GROSS IRRIGATION APPLICATION Inches	NET IRRIGATION APPLICATION Inches	RUNOFF Inches	DEEP PERC. In.	IRRIGATION EFFICIENCY %
0.70	1.71	.020	2.33	335	3	12	41.7	4.44	4.13	0.18	2.55	38.52
0.55	1.83	.030	2.33	522	5	12	43.6	4.75	3.49	1.16	1.76	38.54
0.55	1.83	.030	2.33	522	4	12	53.1	3.80	3.34	0.34	1.63	48.18

$$FIR = 4.2 \frac{0.27}{48.18}$$

$$= 0.024 \text{ cfs/Ac}$$

MICROPILOT

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$$18 \text{ Ac} \times 0.024 \text{ cfs/Ac} = \underline{\underline{0.43 \text{ cfs}}}$$

A36-00113 J

A36-00112 B

A36-00113 H

CONVERSATION MEMORANDUM

A36-00110 B

EMPLOYEE: STEVE CLELLAND

FILE A36-00111 B

RE: SANDS DITCH DIVERSION
& BUCKEYE DITCH

DATE 7-20-92

NAME OF PARTY

DICK POPE

837-4477

NO FLUME ACROSS SANDS DITCH the 7 acres are from
Sands Ditch only.

Spoke to Dick Pope: He said they grew the crops hay,
grain, spuds, and 10 acres of orchards plus large vegetable
plot.

He said it was all under corrugation at 28" spacing.
He said he used the water continuously and every seven
days he would rotate back to the start.

On short runs the set time was 12 hours but on
long runs he ran a 24 hour set.

Set: 12-24 hrs

Rotate: 7 days (no dry days)

spacing: 28"

MICROFILMED

JAN 25 1993

(837-4477)

PHONE
CONVERSATION MEMORANDUM

A36-00112 B

NAME OF PARTY DICK POPE
EMPLOYEE: STEVE CLELLAND

DATE 2-11-91 11:20 Am
FILE A36-00110 B

RE: I returned his call and he was concerned about the rest of his claims. I informed him all we did at this point was renumber ^{some of} his claims and no change was made to any of his claims. They exist on our files just the way he filed them. He seemed to understand.

Then I ask him about the flumes across the Bell ditch. He agreed the Buckeye water is used below the Buckeye and also flumed across the Bell ditch to be used there. It is not flumed across the Sand Ditch. He estimates the area below the Bell ditch to be about 10-15 acres. None of the diverted water is pumped above the ditches.

MICROFILMED

JAN 25 1993